

HB 4607

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**ENROLLED**

**House Bill 4607**

BY DELEGATE HOWELL

[Passed March 7, 2020; in effect ninety days from  
passage.]

OFFICE OF THE CLERK  
LEGISLATIVE SERVICES  
STATE HOUSE

2020 MAR 25 2 30 19

FILED

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MAY 12 2020  
CLERK OF HOUSE OF DELEGATES  
MARTIN L. DUNN, CLERK

1 AN ACT to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact said code by adding thereto a new section, designated §30-27-17a,  
3 all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and  
4 aesthetics services; defining “mobile shop”; establishing prerequisites for operation of a  
5 mobile shop; removing antiquated language; specifying mandatory features and systems;  
6 setting the term of licenses; and requiring shop identification and display of license.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.**

**§30-27-3. Definitions.**

1 As used in this article, the following words and terms have the following meanings, unless  
2 the context clearly indicates otherwise:

3 (a) “Aesthetics” or “esthetics” means any one or any combination of the following acts  
4 when done on the human body for compensation and not for the treatment of disease:

5 (1) Administering cosmetic treatments to enhance or improve the appearance of the skin,  
6 including cleansing, toning, performing effleurage or other related movements, stimulating,  
7 exfoliating, or performing any other similar procedure on the skin of the human body or scalp;

8 (2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics,  
9 makeups, oils, powders, clays, antiseptics, tonics, lotions, creams, or chemical preparations  
10 necessary for the practice of aesthetics to another person’s face, neck, back, shoulders, hands,  
11 elbows and feet up to and including the knee;

12 (3) The rubbing, cleansing, exercising, beautifying, or grooming of another person’s face,  
13 neck, back, shoulders, hands, elbows, and feet, up to and including the knee;

14 (4) The waxing and tweezing of hair on another person’s body;

15 (5) The wrapping of another person’s body in a body wrap;

16 (6) Applying artificial eyelashes and eyebrows; and

17 (7) The lightening of hair on the body except the scalp.

18 (b) "Aesthetician" or "esthetician" means a person licensed under the provisions of this  
19 article who engages in the practice of aesthetics and has completed 600 clock hours of training.

20 (c) "Applicant" means a person making application for a professional license, license,  
21 certificate, registration, permit, or renewal under the provisions of this article.

22 (d) "Barber" means a person licensed under the provisions of this article who engages in  
23 the practice of barbering and has completed a 1,200 clock-hour barber training program without  
24 chemical services, or a 1,500 clock-hour barber training program with chemical services, or has  
25 successfully completed the barber apprenticeship program.

26 (e) "Barbering" means any one or any combination of the following acts when done on the  
27 head and neck for compensation and not for the treatment of disease:

28 (1) Shaving, shaping, and trimming the beard, or both;

29 (2) Cutting, singeing, arranging, dressing, tinting, bleaching, or applying lotions or tonics  
30 on human hair, or a wig or hairpiece; and

31 (3) Applications, treatments, or rubs of the scalp, face, or neck with oils, creams, lotions,  
32 cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting, or  
33 trimming of the hair or beard.

34 (f) "Barber crossover" is a person who has completed 1,200 or 1,500 clock hours of  
35 training, is licensed as a barber, and completed additional hours of training in nails, aesthetics,  
36 and/or chemical services, to the total amount of 2,100 hours, to perform cosmetology.

37 (g) "Barber permanent waving" means the following acts performed on the head and neck  
38 for compensation and not for the treatment of disease:

39 (1) The bleaching or tinting of hair; and

40 (2) The permanent waving of hair.

41 (h) "Barber permanent waviest" means a person who has completed 2,000 clock hours of  
42 training and was licensed to perform barbering and barber permanent waving enrolled by August  
43 28, 2012.

44 (i) "Board" means the West Virginia Board of Barbers and Cosmetologists.

45 (j) "Certificate" means an instructor certificate to teach in a school under the provisions of  
46 this article or a document issued by the board for certification obtained pursuant to §30-27-8b of  
47 this code.

48 (k) "Certificate holder" means a person certified as an instructor to teach in a school under  
49 the provisions of this article, or who has obtained a certification pursuant to §30-27-8b of this  
50 code.

51 (l) "Cosmetologist" means a person licensed under the provisions of this article who  
52 engages in the practice of cosmetology and who has completed 1,800 clock hours of training.

53 (m) "Cosmetology" means any one or any combination of the following acts when done on  
54 the human body for compensation and not for the treatment of disease:

55 (1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions,  
56 curling, waving, permanent waving, relaxing, straightening, cleansing, singeing, bleaching, tinting,  
57 coloring, waxing, tweezing, or similarly, work on human hair, or a wig or hairpiece, by any means,  
58 including hands, mechanical, or electrical devices or appliances;

59 (2) Nail care;

60 (3) Applying by hand or with a mechanical or electrical device or appliance, any cosmetics,  
61 makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations  
62 necessary for the practice of aesthetics to another person's face, neck, shoulders, hands, elbows,  
63 and feet, up to and including the knee;

64 (4) The rubbing, cleansing, exercising, beautifying, or grooming of another person's face,  
65 neck, shoulders, hands, elbows, and feet, up to and including the knee;

66 (5) The wrapping of another person's body in a body wrap; and

67 (6) Performing aesthetics.

68 (n) "Cosmetology crossover" is a person who has completed 1,800 clock hours of training,  
69 is licensed as a cosmetologist, and completes an additional 300 hours of training in clipper cuts  
70 and face shaving to perform barbering, for a total of 2,100 hours.

71 (o) "General supervision" means:

72 (1) For schools, a master or certified instructor is on the premises and is quickly and easily  
73 available; or

74 (2) For salons, a professional licensee is on the premises and is quickly and easily  
75 available.

76 (p) "Hair styling" means any one or any combination of the following acts when done on  
77 the head and neck for compensation and not for the treatment of disease:

78 Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions,  
79 curling, facial hair trimming, scalp treatments, waving, permanent waving, relaxing, straightening,  
80 singeing, bleaching, tinting, coloring, or similar, work on human hair, or a wig or hairpiece, by any  
81 means, including hands, mechanical or electrical devices, or appliances.

82 (q) "Hair stylist" means a person licensed under the provisions of this article who engages  
83 in the practice of hair styling and who has completed 1,000 clock hours of training, effective July  
84 1, 2016.

85 (r) "License" means a professional license, a salon license, or a school license.

86 (s) "Licensed school" means a facility which has been approved by the West Virginia  
87 Council for Community and Technical College Education (CCTCE), Department of Education in  
88 conjunction with CCTCE, or Department of Education in conjunction with the Department of  
89 Corrections pursuant to §18B-2B-9 of this code to educate persons to be licensed or issued  
90 certain permits under the provisions of this article.

91 (t) "Licensee" means a person, corporation, or firm holding a license issued under the  
92 provisions of this article.

93 (u) "Mobile shop" means any self-contained, self-supporting, enclosed unit which is  
94 constructed in either a motorized vehicle or a towable trailer as a portable facility for providing any  
95 of the professional services set forth in this article to the public.

96 (v) "Nail care" means any one or any combination of the following acts when done on the  
97 human body for compensation and not for the treatment of disease:

98 (1) The cleansing, dressing, or polishing of nails of a person;

99 (2) Performing artificial nail service; and

100 (3) The cosmetic treatment of the feet up to the knee and the hands up to the elbow.

101 (w) "Nail technician" or "manicurist" means a person licensed under the provisions of this  
102 article who engages in the practice of nail care and has completed 400 clock hours of training.

103 (x) "Permit" means a work permit.

104 (y) "Permitee" means a person holding a work permit.

105 (z) "Professional license" means a license to practice as an aesthetician, barber, barber  
106 crossover, barber permanent waviest, cosmetologist, cosmetologist crossover, hairstylist, or nail  
107 technician.

108 (aa) "Registration" means a registration issued by the board to a person who rents or  
109 leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued  
110 by the board to a person who is a student in a school.

111 (bb) "Registrant" means a person who holds a registration under the provisions of this  
112 article.

113 (cc) "Salon" means a shop or other facility where a person practices under a professional  
114 license.

115 (dd) "Salon license" means a license to own and operate a salon.

116 (ee) "Student registration" means a registration issued by the board to a student to study  
117 at a school licensed under the provisions of this article.

118 (ff) "Waxing specialist" means a person certified under the provisions of this article who  
119 engages in the practice of waxing and tweezing of hair on another person's body.

120 (gg) Hair braiding, threading, and any other item not spelled out are not regulated by the  
121 West Virginia Board of Barbers and Cosmetologists.

**§30-27-17a. Mobile shops.**

1 (a) Every mobile shop in this state offering services set forth in this article shall be operated  
2 under the supervision and management of a professional licensee or certificate holder licensed  
3 under this article.

4 (b) Prior to opening a mobile shop, any person, firm, or corporation owning and/or  
5 operating the mobile shop shall meet the following requirements to acquire a mobile shop license  
6 to do business:

7 (1) Provide to the board a physical description and photographs of the exterior of the  
8 mobile shop and, if applicable, its vehicle registration number to facilitate ready identification of  
9 the mobile shop;

10 (2) Meet all board requirements and qualifications for a place of business, not incompatible  
11 with a mobile facility, as are required by this article;

12 (3) Notify the board, in writing, at least 20 days before the proposed opening date, so there  
13 can be an inspection of the mobile shop: *Provided*, That if an inspection is not made within 10  
14 days of the opening of the mobile shop, or a mobile shop license to open has not been granted  
15 or refused, then the mobile shop may open provisionally subject to a later inspection and to all  
16 other provisions and rules provided in this article; and

17 (4) Pay all applicable fees.

18 (c) Every mobile shop shall be equipped with an electronic device, approved by the board,  
19 capable of transmitting its location, as well as an identifying label or call sign, to the board at all  
20 times. This device shall be in operation at all times that the mobile shop is open and at additional  
21 times specified by the board.

22           (d) If the mobile shop visits identified locations on a regular schedule, the managing  
23 licensee shall provide a copy of the schedule to the board and shall notify the board in writing of  
24 any changes to the regular schedule within five days of changing the schedule.

25           (e) Each mobile unit shall, at a minimum, be equipped with each of the following  
26 functioning systems:

27           (1) A self-contained, potable water supply of not less than 100 gallons, and waste water  
28 collection tanks shall be of adequate capacity;

29           (2) Continuous, on-demand hot water tanks which shall have not less than a six-gallon  
30 capacity; and

31           (3) A cooling and heating system sufficient to maintain a comfortable room temperature in  
32 the mobile shop during all hours of operation.

33           (f) All mobile shop licenses must be renewed annually on or before July 1 and pay a  
34 renewal fee.

35           (g) The mobile shop license shall be permanently displayed in the mobile shop, and a  
36 suitable sign shall be displayed at the entrance of the mobile shop which shall plainly indicate the  
37 business conducted therein.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Steve Caputo*  
.....  
Chairman, House Committee

*Mark Warner*  
.....  
Chairman, Senate Committee

FILED  
2020 MAR 25 12 48 19  
GEORGE EASTMAN  
REGISTER OF STATE

Originating in the House.

In effect ninety days from passage.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Joe Linn*  
.....  
Clerk of the Senate

*Casey Crouse*  
.....  
Speaker of the House of Delegates

*Mitch B. Cantrich*  
.....  
President of the Senate

The within *is approved* ..... this the *25th* .....  
day of *March* ..... , 2020.

*James R. Dewine*  
.....  
Governor

MAR 19 2020

Time 11:27am