

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 8

TITLE OF RULE BEING PROPOSED: Shampoo Assistants

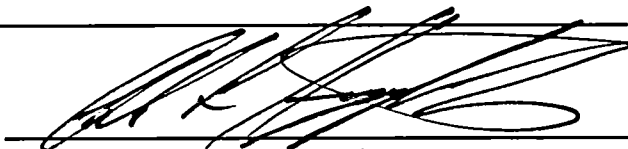
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4139

SECTION 64-9-8(b), PASSED ON March 10th, 2012

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE

FOLLOWING DATE: May 1st, 2012


Authorized Signature

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

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SERIES 8

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SHAMPOO ASSISTANTS

§ 3.8.1. General

- 1.1. **Scope-** This legislative rule establishes the minimum requirements for shampoo assistants.
- 1.2. **Authority-** W. Va. Code 30-27-11a
- 1.3. **Filing Date-** April 12th, 2012
- 1.4. **Effective Date-** May 1st, 2012

§ 3.8.2. Definition of Shampoo Assistant

“Shampoo Assistant” means any person who engages in the practice of shampooing and rinsing hair, removing rollers or permanent rods, cleanses or performs other sink-related functions that do not require the skill of a licensee.

§ 3.8.3 Qualifications for Shampoo Assistants

- 3.1. Is at least sixteen years of age;
- 3.2. Is of good moral character;
- 3.3. Is in high school or has a high school diploma, a GED, or has passed the “ability to benefit test” approved by the United State Department of Education;
- 3.4. Has paid the applicable fee;
- 3.5. Has a certificate of health from a licensed physician;
- 3.6. Is a citizen of the United States or is eligible for employment in the United States;
- 3.7. Has passed a 3 clock hour board approved in-person or online sanitation course consisting of the purpose and importance of sanitation and the sanitation process;
- 3.8. Has submitted an application verifying the requirements within this section; and
- 3.9. Has fulfilled any other requirement specified by the board.

§ 3-8.4. Permit Requirements for Shampoo Assistants

4.1. Shampoo assistants can only perform services within the defined term of shampoo assistant in this rule.

4.2. It is unlawful for any person to shampoo or offer to shampoo without first obtaining a license or a permit from the Board.

4.3. Every shampoo assistant shall display his or her permit or permit renewal at the station the individual is currently working and shall exhibit the license to the board or its authorized representative.

4.4. In addition to the permit, each individual must possess a United States or state government issued photograph identification card and shall exhibit to the board or its authorized representative.

4.5. Shampoo permits are valid for one (1) year and must be renewed annually on or before July 1st of each year.

4.6. Shop owners and/or managers are responsible for ensuring that shampoo permit holders follow all provisions under the jurisdiction of the board.

§ 3-8-5. Revocation of Permit

5.1. The permit of a shampoo may be revoked or suspended by the Board for any reason specified in W. Va. Code § 30-27-1 et seq.

§ 3-8-6. Administrative Due Process

6.1. Those persons adversely affected by the enforcement of this rule have the right to request a hearing in a manner pursuant to the provisions of W. Va. Code § 30-27-1 et seq.