



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **3-14**

RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b: 30-27-6**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Monday, August 08, 2016 5:00 AM**

WRITTEN COMMENTS MAY BE MAILED TO  
**Amanda Cunningham, Executive Director  
WV Board for Barbers and Cosmetologists  
1201 Dunbar Ave.  
Dunbar, WV 25064**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-14



Rule Id: 10169



Document: 27700



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **3-14**

RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b: 30-27-6**

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

**To establish new rule setting forth minimum requirements for certification as a waxing specialist pursuant to recent changes in code.**

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **3-14**

RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b; 30-27-6**

**PRIMARY CONTACT**

Greg Foster  
S12 Quarrier St., 2nd Floor

Charleston, STATE ZIP

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.**

**The Board anticipates approximately 200-300 individuals to apply for certification as a waxing specialist. The fee for initial certification is \$35 and the certification must be renewed annually for \$35. Thus, the Board estimates this rule will increase revenue by approximately \$8,750 per year. This rule will not increase any costs.**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY **Barbers And Cosmetologists**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **3-14**  
RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b; 30-27-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
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ESTIMATED  
TOTAL COST

PERSONAL SERVICES

CURRENT EXPENSES

REPAIRS AND  
ALTERATIONS

ASSETS

OTHER

ESTIMATED TOTAL REVENUES	8,750	8,750	8,750
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Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **3-14**

RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b; 30-27-6**

**3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.**

**The Board anticipates approximately 200-300 individuals to apply for certification as a waxing specialist. The fee for initial certification is \$35 and the certification must be renewed annually for \$35. Thus, the Board estimates this rule will increase revenue by approximately \$8,750 per year.**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-14



Rule Id: 10169



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY **Barbers And Cosmetologists**

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RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b; 30-27-6**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**The Board's estimation of 200-300 is speculative. It could be more or less.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-14



Rule Id: 10169



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **3-14**

RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b: 30-27-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

This rule establishes the minimum requirements to obtain certification as a waxing specialist.

In the last legislative session the code was amended, pursuant to Senate Bill 524, to require certification for a waxing specialists.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-14



Rule Id: 10169



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TITLE 3  
LEGISLATIVE RULE  
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 14

WAXING SPECIALIST

**§ 3-14-1. General.**

- 1.1 Scope. -- This legislative rule establishes the minimum requirements for waxing specialist.
- 1.2 Authority. -- W. Va. Code § 30-27-8b; W. Va. Code § 30-27-6;
- 1.3 Filing Date. --
- 1.4 Effective Date --
- 1.5 Sunset Date. – Ten (10) years after effective date.

**§ 3-14-2. Definitions.**

2.1 “Waxing Specialist” is a certified individual who engages in the practicing of waxing and tweezing of hair on another person’s body.

**§ 3-14-3. Qualifications for Waxing Specialist.**

- 3.1. Is at least eighteen 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 completed a 100 hour class that consists of: professional requirements, safety and health, skin structure, disorders and diseases, removal of superfluous hair and 25 hours on the clinic floor, supervised, for a total of 125 hours;
- 3.8. Has passed the appropriate examinations (National Written, Practical, and WV State Law);
- 3.9. Has submitted an application verifying the requirements within this section; and
- 3.10 Possesses a United States or state government issued photograph identification card and shall exhibit to the board or its authorized representative.

**§ 3-14-4. Authorized Services by Waxing Specialist.**

4.1. Waxing specialists shall only perform services within the definition of waxing specialist in this rule.

4.2. It is unlawful for any person to wax or tweeze or offer to wax or tweeze without a license or certification from the Board.

**§ 3-14-5. Display of Certificate.**

5.1. Every waxing specialist shall display his or her certificate or certificate renewal at the station the individual is currently working and shall exhibit the certificate to the board or its authorized representative.

**§ 3-14-6. Renewal.**

6.1. Certifications are valid for one (1) year and must be renewed annually on or before January 1st of each year.

**§ 3-14-7. Duties of Shop Owners.**

7.1. Shop owners and/or managers are responsible for ensuring that waxing specialists follow all provisions under the jurisdiction of the board.

**§ 3-14-8. Revocation of Permit.**

8.1. The certification of a waxing specialist may be revoked or suspended by the Board for any reason specified herein or otherwise set forth in W. Va. Code § 30-27-1 et seq.

**§ 3-14-9. 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.