



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/24/2016 8:36:33 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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**

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

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: 28851



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

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PRIMARY CONTACT

Greg Foster

812 Quarrier St., 2nd Floor

Charleston, STATE ZIP

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AUTHORIZING STATUTE(S) CITATION

30-27-8b; 30-27-6

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD

Wednesday, July 06, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED

Monday, August 08, 2016

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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ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

No comments received

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Friday, August 19, 2016

**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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IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

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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DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

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

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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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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)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	\$8,750	\$8,750	\$8,750

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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.



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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.

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

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

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.



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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.