

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark in this Box

**FILED**

DEC 27 1 42 PM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: BOARD OF BARBERS & COSMETOLOGISTS TITLE NUMBER: 3

CITE AUTHORITY WV CODE 30-27-1 et seq

AMENDMENT TO AN EXISTING RULE: YES X NO     

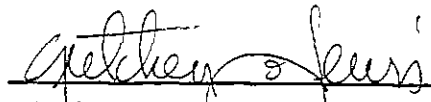
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: PROCEDURES, CRITERIA AND CURRICULA FOR  
EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS AND MANICURISTS

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED: PROCEDURES, CRITERIA AND CURRICULA FOR  
EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS, MANICURISTS AND  
AESTHETICIANS

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
\_\_\_\_\_  
Authorized Signature

Rule Title: PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND LICENSURE OF  
BARBERS, COSMETOLOGISTS, MANICURISTS AND AESTHETICIANS

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of Citizens.

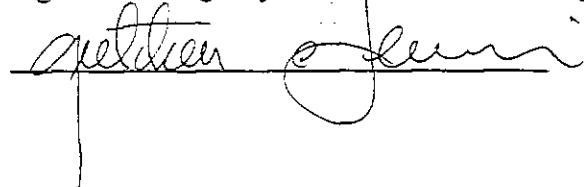
THIS RULE WILL ALLOW THOSE PERSONS TRAINED IN AESTHETICS FROM  
OTHER STATES TO WORK AND OPEN BUSINESSES RELATIVE THE AESTHETICS  
PROFESSION.

C. Economic Impact on Citizens/Public at Large.

THIS RULE WILL OFFER EXPANDED SERVICES IN SKIN CARE AND ADDITIONAL  
EDUCATIONAL AND EMPLOYMENT OPPORTUNITIES FOR OUR CITIZENS.

Date: 12/20/96

Signature of Agency Head or Authorized Representative



TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 1

PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND  
LICENSURE OF BARBERS, COSMETOLOGISTS, MANICURISTS AND AESTHETICIANS

§ 3-1-1.       General

1.1.       Scope - This legislative rule establishes the minimum licensing and curriculum requirements for barbers, cosmetologists, aestheticians, and manicurists. ~~as promulgated by the West Virginia Board of Barbers and Cosmetologists (hereinafter Board).~~

1.2.       Authority - W. Va. Code § 30-27-~~1~~ § ~~et seq.~~ Related -  
~~and W. Va. Code § 30-27-1 et seq.~~

1.3.       Filing Date -

1.4.       Effective Date -

§ 3-1-2.       Definition of Aesthetician

"Aesthetician" means any person who engages in the practice and use of cosmetic preparation, makeups, antiseptics, tonics, lotions, creams, chemical preparations, or otherwise with hands or mechanical or electrical apparatus or appliances or who massages, cleanses, stimulates, manipulates, exercises, beautifies, grooms or performs similar work to the face, neck, arms and hands.

§ 3-1-3.       License Requirement

3.1.       It is unlawful for any person to practice or offer to practice barbering, beauty culture, manicuring, or aesthetics in this state without first obtaining a license for ~~such~~ that purposes from the Board.

§ 3-1-4.       Qualification for Licensure

4.1.       An applicant for licensure as a barber, cosmetologist, manicurist, or aesthetician, shall present satisfactory evidence to the Board that he or she:

(a)       Is at least eighteen years of age;

(b)       Is of good moral character and temperate habits;

©       Has completed at least the ~~eight~~ twelfth grade of public school or its equivalent, or has passed an ability to benefit test approved by the U.S. Dept. of Education;

- (d) Has graduated from a school of barbering or beauty culture approved by the Board, or in the case of a manicurist or aesthetician, has successfully completed an approved course in manicuring or aesthetics in such a school of beauty culture;
- (e) Has passed the appropriate examination;
- (f) Has transmitted the appropriate application to the Board with the respective fee; and
- (g) Has presented a certificate of health from a licensed physician to the Board.

**§ 3-1-5. Minimum Curriculum for Barber Permanent Wave License**

5.1. Every student ~~wishing to receive~~ desiring a barber permanent wave license shall complete a course of study consisting of at least two thousand (2,000) clock hours divided as specified in Table 3-1A of this rule and subdivided at the discretion of the faculty of each school.

5.2. Every student ~~wishing to receive~~ desiring a license to perform permanent waving and hair coloring services ~~shall complete who has completed~~ one thousand eight hundred (1,800) hours of barber training, ~~shall complete a course of study consisting to acquire their barber permanent wave license. This course of study shall consist~~ of a minimum of three hundred seventy five (375) clock hours divided as specified in Table 3-1B of this rule. This course is designed to enable those persons who previously graduated to obtain their permanent wave license.

**§ 3-1-6. Minimum Curriculum for Cosmetologists**

6.1. Every student wishing to become licensed as a cosmetologist shall complete a course of study consisting of a minimum of two thousand (2,000) clock hours divided as specified in Table 3-1C of this rule. A licensed cosmetologist may also trim beards or mustaches.

6.2. Students wishing to become licensed cosmetologists shall perform practical work during the first three hundred (300) hours on manikins only.

**§ 3-1-7. Minimum Curriculum for Manicurists**

7.1. Every student wishing to become a licensed manicurist shall complete a course of study consisting of a minimum of four hundred (400) clock hours divided as specified in Table 3-1D of this rule.

**§ 3-1-8. Minimum Curriculum for Barbers to Obtain a Cross-Over Cosmetologist's License**

8.1. The curriculum for a barber to adequately pass the Beauty Culture examination in order to obtain a cross-over cosmetologist's license is specified in Table 3-1E of this rule. An individual must complete the two thousand (2,000) hours of barber's training prior to taking the three hundred (300) hours cosmetology cross-over training. An individual who has completed the barber's training may, however, take the cosmetology cross-over training prior to taking the barber examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours barber examination and the three hundred (300) hours cosmetologist examination. The Board may consider out-of-state applicants for licensure on an individual basis if the applicant's out-of-state licensure requirements are substantially equal to the requirements in this state. The Board may accept less than two thousand (2,000) hours barber's training if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

8.2. Barbers desiring a cross-over license and having graduated with the one thousand eight hundred (1,800) hours curriculum must take a cross-over curriculum of five hundred (500) hours as specified in Table 3-1F of this rule.

8.3. The cross-over curriculum from barbering to beauty culture shall be taught in all approved West Virginia schools of beauty culture.

**§ 3-1-9. Minimum Curriculum for Cosmetologists to Obtain a Cross-Over Barber License**

9.1. Every cosmetologist who wishes to pass the barber examination in order to obtain a cross-over barber license shall complete the courses as specified in Table 3-1G of this rule. Individuals must have completed two thousand (2,000) hours of cosmetologist's training prior to taking the three hundred (300) hours barber cross-over license training. An individual who has completed the cosmetologist's training may, however, take the barber cross-over training prior to taking the cosmetologist examination. Upon completing both sets of training requirements, the individual must then sit for both the two thousand (2,000) hours cosmetologist examination and the three hundred (300) hours barber examination. The Board may consider out-of-state applicants for licensure on an individual basis if the applicant's out-of-state licensure requirements are substantially equal to the requirements in this state. The Board may accept less than two thousand (2,000) hours cosmetologist's training if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

9.2. The cross-over curriculum from beauty culture to barbering shall be taught in all approved West Virginia schools of barbering.

**§ 3-1-10. Minimum Curriculum for Aestheticians**

10.1 Every student wishing to become a licensed aesthetician shall complete a course of study consisting of a minimum of six hundred (600) clock hours divided as specified in Table 3-1-H of this rule.

~~§ 3-1-9.~~ **§ 3-1-11. Reciprocity**

~~9.1.~~ 11.1 Students who have previously attended school, or who have graduated from a school of barbering or beauty culture in a state other than West Virginia, may receive credit towards the two thousand (2,000) hour requirement for graduation in this state if, ~~Upon entrance into a school in this state,~~ the student requests credit for hours obtained in another state and subsequently presents to the in-state school manager, credentials showing subjects studied and the hours of credit received, duly signed and certified by the manager of the school previously attended. The Board may also award credit to those applicants who can demonstrate work experience. The amount of credit awarded shall be twenty-five (25) hours credit for each month or three hundred (300) hours credit for one year, not to exceed ~~an~~ a total award of one thousand (1,000) hours. ~~total.~~

~~§ 3-1-10.~~ **§ 3-1-12. Administrative Due Process**

~~10.1.~~ 12.1. Those persons adversely affected by the enforcement of this rule have the right to request a contested case hearing consistent with the provisions of W. Va. Code § 29A-5-1 et seq.

TABLE 3-1A. Minimum Curriculum for a Barber/Permanent Waving License.

SCIENTIFIC STUDY

1.	Shop management, business law, ethics	100	hours
2.	Bacteriology, sanitation, disease of skin	125	hours
3.	Cells, anatomy	20	hours
4.	Skin and appendages, biochemistry of hair	60	hours
5.	Implements, honing, stropping, use and care	10	hours
6.	Haircutting procedures, history of barbering	20	hours
7.	Electricity, light therapy	5	hours
8.	Theory of massage, tonics	5	hours
9.	Hair coloring, effects on hair	<u>25</u>	<u>5</u> hours
10.	Barber law and regulations, salesmanship	<u>20</u>	<u>50</u> hours
<del>11.</del>	<del>Theory of hair styling, methods</del>	<del>75</del>	<del>hours</del>
11.	<u>Chemistry</u>	<u>16</u>	<u>hours</u>
		<u>406</u>	<u>475</u> hours

DEMONSTRATION AND LECTURE ON SCIENTIFIC STUDY  
(NO LECTURE ON SATURDAY)

1.	Shop management, business law, ethics, salesmanship	25	hours
2.	Bacteriology, sanitation, disease	10	hours
3.	Cells, skin and appendages, biochemistry of hair	10	hours
4.	Implements, honing, stropping, use and care	5	hours
5.	Haircutting procedures, history of barbering	10	hours
6.	Electricity, light therapy	5	hours
7.	Theory of massage, tonics	5	hours
8.	Hair coloring, effects on hair	10	hours
<del>9.</del>	<del>Use of audio visual aids for selling merchandise</del>	<del>10</del>	<del>hours</del>
<u>9.</u>	<u>First Aid</u>	<u>10</u>	<u>hours</u>
10.	Shop arrangement, display of merchandise	<u>10</u>	<u>hours</u>
		100	hours

SUPERVISED PRACTICE

1.	Scalp treatments, shampooing	50	hours
<del>2.</del>	<del>Honing and stropping</del>	<del>15</del>	<del>hours</del>
<del>3.</del> <u>2.</u>	<del>Shaving</del>	<u>50</u>	<del>100</del> hours
<del>4.</del> <u>3.</u>	<del>Facials, massage, packs</del>	50	hours
<del>5.</del> <u>4.</u>	<del>Haircutting</del>	450	hours
<del>6.</del>	<del>Hair tonics</del>	<del>10</del>	<del>hours</del>
<del>7.</del> <u>5.</u>	<del>Hair coloring, bleaching</del>	<u>135</u>	<del>30</del> hours
<del>8.</del> <u>6.</u>	<del>Hairstyling, methods</del>	200	hours
<del>9.</del> <u>7.</u>	<del>Use of implements</del>	20	hours
<u>8.</u>	<u>Desk</u>	<u>19</u>	<u>hours</u>
<u>9.</u>	<u>Dispensary</u>	<u>40</u>	<u>hours</u>
		<u>1014</u>	<u>950</u> hours

TABLE 3-1A. Minimum Curriculum for a Barber/Permanent Waving License, (Cont'd.).

ILLUSTRATED LECTURE AND DEMONSTRATION ON PRACTICAL WORK  
(NO DEMONSTRATION OR LECTURE ON SATURDAY)

1.	Scalp treatments, shampooing	20	hours
2.	Honing and stropping	5	hours
3.	Shaving	10	hours
4.	Facials, massage, packs	10	hours
5.	Haircutting	10	hours
6.	Hair tonics	5	hours
7.	Hair coloring, bleaching	10	hours
8.	Hairstyling, demonstrations	10	hours
9.	Salesmanship	<u>15</u>	<del>10</del> hours
10.	Unassigned	<u>10</u>	hours
		<u>105</u>	<del>100</del> hours

PERMANENT WAVING

		<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
1.	Permanent Waving	15	30	40	200	285
2.	Chemical Hair Relaxing and Hair Straightening	8	7	10	65	90
		<u>23</u>	<u>37</u>	<u>50</u>	<u>265</u>	<u>375</u>

SUMMARY

Scientific Study	575 hours
Supervised Practice	1050 hours
Permanent Waving	<u>375 hours</u>
	2000 hours

A student ~~must~~ shall perform a minimum of twenty-five (25) hairstyles before graduation.

TABLE 3-1B. Minimum Curriculum for Barber With One Thousand Eight Hundred (1,800) Hours Training to Acquire a Barber Permanent Waving License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
1. Permanent Waving	15	30	40	145	230
2. Hair coloring	5	10	10	30	55
3. Chemical Hair Relaxing and Hair Straightening	8	7	10	65	90
	<u>28</u>	<u>47</u>	<u>60</u>	<u>240</u>	<u>375</u>

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Ethics, Personal Hygiene, Visual Poise and Personality Development	10				10
Sanitation, Sterilization and Bacteriology	15	5			20
Shampooing and Rinsing	5	2	1		8
Hair and Scalp Treatment	6	1	3		10
Manicuring and First Aid	3	1			4
Haircutting	5	5	10		20
Hairstyling	10	10	30		50
Permanent Waving	15	10	40		65
Safety Precautions	10				10
Salesmanship and Merchandising	10				10
Wiggery and Hair Pieces	2	1	4		7
Review for Clinic Floor		5			5
Facials, Massage, Paks and Eyebrow Arching	5	3	3		11
Chemical Hair Relaxing and Hair Straightening	8	7	10		25
Hair Coloring and Lightening	<u>20</u>	<u>20</u>	<u>5</u>		<u>45</u>
SUB TOTAL First 300 Hours	124	70	106		300

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License  
(Cont'd.).

SUPERVISED CLINIC PRACTICE

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Sanitation, Sterilization and Bacteriology				60	60
Shampooing and Rinsing				37	37
Hair and Scalp Treatment				40	40
Manicuring and First Aid		2		31	33
Haircutting		13		300	313
Beard & Mustache Shaping	5	<del>5</del> 15		<del>5</del> 40	<del>15</del> 60
Hairstyling		13		400	413
Permanent Waving		20		200	220
Waggery and Hair Pieces		2			2
Merchandising				20	20
Unassigned				7	7
Facials, Massage, Paks and Eyebrow Arching				44	44
Chemical Hair Relaxing and Hair Straightening				65	65
Hair Coloring and Lightening		<u>13</u>		<u>155</u>	<u>168</u>
SUB TOTAL	5	<u>68</u> <del>78</del>		<u>1364</u> <del>1399</del>	<u>1437</u> <del>1482</del>

TABLE 3-1C. Minimum Curriculum for a Cosmetologist's License (Cont'd.).

LECTURE ON SCIENTIFIC SUBJECTS

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Nail Disorders/Structure	3				<u>18</u> <del>3</del>
Chemistry	15				15
Skin, Scalp and Hair Disorders/Structure	<u>29</u> <del>9</del>				<u>29</u> <del>9</del>
Electricity, Light Therapy	12				12
Anatomy and Cells	20				20
State Laws and Regulations	20				20
Beauty Salon Management	25				25
Dispensary				80	80
Appointment Desk	1	2		16	19
Job Placement	<u>10</u>			<u>5</u>	<u>15</u>
SUB TOTAL	<u>135</u> <del>115</del>	2		101	<u>253</u> <del>218</del>
TOTAL					2000

SUMMARY

Scientific Subjects	239	<u>253</u>
Beginner's Demonstration	70	
Beginner's Manikin Practice	106	
Demonstrations, Clinic Manikin Practice	<u>1585</u>	<u>1571</u>
TOTAL PRESCRIBED TRAINING PERIOD	2000	

TABLE 3 1D. Minimum Curriculum Requirements for a Manicuring License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Personal Hygiene				
Ethics	10	0	0	10
Visual Poise				
Personal Development				
Sanitation				
Sterilization	15	5	105	125
Bacteriology				
First Aid	1	1	4	6
Manicuring	3	3	90	96
Nail Disorders	3	0	0	3
State Law	20	0	0	20
Business and Salon				
Management	15	5	20	40
Advanced Nail	25	25	50	100
TOTAL	92	39	269	400

TABLE 3-1D. Minimum Curriculum Requirements for a Manicuring License.

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Professional Image, Ethics, Hygiene, Interpersonal Skills, Communication	10			10
Bacteriology, Decontamination, Sterilization, Personal Protection, Sanitation, Safety, OSHA	15	5	45	65
First Aid	1	1	4	6
Manicuring & Polish Techniques	4	6	70	80
Massage (Hand & Arm)	2	2	10	14
Physiology, Anatomy for the Manicurist	10			10
Skin and Skin Disorders/Diseases	5			5
Nail and Nail Disorders/Diseases (Including Fungus and Mold)	5			5
Chemistry for the Manicurists, Composition of Nail Products, Toxicity & Allergic Reactions	10	5		15
Electricity, Light Therapy, Machines Nail Equipment	4	2	5	11
Art of Nail Technology	5	10	65	80
West Virginia State Law, Rules and Regulations, and Licensing Requirements	20			20
Management, Salesmanship	15	5	20	40
1. Salon Operations				
2. Selling Techniques				
3. Job Opportunities (Resume, Employment Applications, Conduct, Payroll Deductions)				
Appointment Desk	1	1	10	12
Dispensary	1	1	5	7
Supplemental Techniques	<u>5</u>	<u>5</u>	<u>10</u>	<u>20</u>
TOTAL	113	43	244	400

TABLE 3-1E. Curriculum Requirements for Barbers With 2,000 Hours Barber/Permanent Wave Training to Obtain a Cross-Over Cosmetology License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Haircutting	10	10	20	40	80
Makeup	3	2		5	10
Hair coloring & Lightening	20	20		15	55
Dispensary	—	—	—	<u>15</u>	<u>15</u>
TOTALS	51	44	50	155	300

TABLE 3-1F. Curriculum Requirements for Barbers With 1,800 Hours to Obtain a Cross-Over Cosmetologist License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Permanent Waving & Haircutting	30	30	60	160	280
Makeup	3	2		5	10
Hair coloring & Lightening	20	20		15	55
Dispensary	—	—	—	<u>15</u>	<u>15</u>
TOTALS	71	64	90	275	500

TABLE 3-1G. Curriculum Requirements for a Cosmetologist to Obtain a Cross-Over Barber License.

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Mustaches & Beards	4	2		21	27
Haircutting	10	10		85	105
Hairstyling	10	15		65	90
Honing, Stropping & Shaving	8	8		37	53
Hair Pieces	<u>10</u>	<u>10</u>	<u>5</u>	—	<u>25</u>
TOTALS	42	45	5	208	300

TABLE 3-1H. Minimum Curriculum Requirements for an Aesthetician License

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Professional Image, Ethics, Interpersonal Skills Communication	10			10
Bacteriology, Decontamination, Sterilization, Personal Protection, Sanitation, Safety & OSHA	20	5	45	70
First Aid	5			5
Physiology, Anatomy for the Esthetician	15			15
Skin Structure and Function	8			8
Skin Disorders, Dermatology and Special Esthetic Procedures	6	2	4	12
Chemistry for the Esthetician	15			15
Product Knowledge, Ingredient and Product Analysis	5	21	6	10
Nutrition and Health of the Skin	5			5
Massage Theory and Techniques for Professional Massage	10	5	35	50
Facial and Skin Care Treatment Procedures, Packs and Masks	25	25	75	125
Professional Make-Up Techniques, Understanding Color Co-ordination	6	8	21	35
Theatrical/Photography Make-Up Techniques, Camouflage Make-Up, Corrective Make-Up	3	5	12	20
Electricity, Light Therapy, Machines and Professional Skin Care Equipment	10	5	65	80
West Virginia State Rules, Laws and Regulations 1. Licensing Requirements	20			20

TABLE 3-1H Minimum Curriculum Requirements for an Aesthetician License  
(continued)

	<u>LECTURE</u>	<u>DEMON- STRATION</u>	<u>CLINIC</u>	<u>TOTAL</u>
Management, Salesmanship, 1. Salon Operations 2. Selling Techniques 3. Job Opportunities (Resume, Employment Applications, Conduct, Payroll Deductions)	30			30
Hair Structure and Temporary Removal Methods	2	2	6	10
Eyebrow Arching, Tinting, Artificial Eye Lashes, Facial Hairpieces, Eyebrow Alternatives	2	2	6	10
Appointment Desk	1	1	18	20
Dispensary	1	1	18	20
Supplemental Techniques	<u>5</u>	<u>5</u>	<u>20</u>	<u>30</u>
	201	68	331	600

## ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** Board of Barbers and Cosmetologists

**Subject:** Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and (A) Aestheticians 3CSR1

---

### PERTINENT DATES

Filed for public comment: July 10, 1996  
Public comment period ended: August 9, 1996  
Filed following public comment period: August 29, 1996  
Filed LRMRC: August 29, 1996  
Filed as emergency:

Fiscal Impact: None

### ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Section 3 has been amended to add aestheticians to the list of applicants for licensure who must meet the specified qualifications. It has changed the requirement that an applicant has completed at least the eighth grade to the twelfth grade and substitution of passage of an ABT test approved by the US Department of Education.

Section 9 is new. It requires students who wish to be licensed as aestheticians to complete a course of study of a minimum of 600 hours as specified in Table 3-1H.

Table 3-1A relating to the minimum curriculum for a Barber/Permanent Waving License has been amended regarding required courses and the number of required hours.

Table 3-1C relating to the minimum curriculum for a cosmetologists license has been amended regarding the number of required hours.

Table 3-1D relating to the minimum curriculum for a manicuring license has been completely rewritten regarding required courses.

Table 3-1H relating to the minimum curriculum for an aesthetician license is new.

---

**AUTHORITY**

Statutory authority: W.Va. Code, §30-27-8 & 30-27-1, which provide, in part, as follows:

**W.Va. Code, §30-27-8, provides, in part, as follows.**

...Provided, That the term "aesthetician," used in this section, shall have no effect until and unless the provisions of section one of this article are amended to authorize issuance of rules and regulations relating to aestheticians...

**W.Va. Code, §30-27-1, provides, in part, as follows.**

...(g) The board shall have the power to promulgate rules generally regarding the practice and conduct of barbering and beauty culture, including, but not limited to, the procedures, criteria and curricula for examination and qualifications of applicants for licensure, and for the licensing of instructional personnel for schools of barbering and beauty culture.

The power of the board to promulgate such rules shall be concurrent with that of the board of health as authorized in article fourteen, chapter sixteen of this code: **Provided**, That in the case of conflicting provisions regarding requirements for health and sanitation, the rule or regulation of the board of health shall be deemed to apply. The board of health and the board of barbers and cosmetologists shall for a reasonable fee make available upon request to any licensee a copy of such rules.

---

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.



FILED

Nov 22 10 41 AM '96

**West Virginia Legislature**  
**Legislative Rule-Making Review Committee**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Room NB47-State Capitol  
Charleston, West Virginia 25305  
(304) 347-4840

Senator Mike Ross, Co-Chair  
Delegate Vicki Douglas, Co-Chair

Debra A. Graham, Counsel  
Joe Altizer, Associate Counsel  
Marie Nickarson, Adm. Assistant

November 20, 1996

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Larry Absten  
Board of Barbers & Cosmetologists  
1716 Pennsylvania Avenue  
Suite 7  
Charleston, WV 25302

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Procedures, Criteria and Curricula for Examination and Licensure  
of Barbers, Cosmetologists, Manicurists and (A) Estheticians

The Legislative Rule-Making Review Committee recommends that the West Virginia  
Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative  
rule; a statement of reasons for such recommendation is  
attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule  
with certain amendments; amendments and a statement of  
reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule  
as modified with certain amendments; amendments and a  
statement of reasons for such recommendation is attached. \_\_\_\_\_
5. Recommends that the rule be withdrawn; a statement of  
reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State  
Register and with the agency proposing the rule.

**Senate Bill No. 160**

1  
2 (By Senator(s) Ross, Anderson, Macnaughtan,  
Boley and Buckalew)

3 [Introduced March 3, 1997; referred to the  
4 Committee on Health and Human Resources; and  
5 then to the Committee on the Judiciary.]  
6  
7  
8  
9

10 A BILL to amend article nine, chapter sixty-four of the  
11 code of West Virginia, one thousand nine hundred  
12 thirty-one, as amended, by adding thereto a new  
13 section, designated section eight, relating to  
14 authorizing the board of barbers and cosmetologists to  
15 promulgate a legislative rule relating to procedures,  
16 criteria and curricula for the examination and  
17 licensure of barbers, cosmetologists, manicurists and  
18 aestheticians.

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

20 That article nine, chapter sixty-four of the code of  
21 West Virginia, one thousand nine hundred thirty-one, as  
22 amended, be amended by adding thereto a new section,  
23 designated section eight, to read as follows:

1 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND  
2 BOARDS TO PROMULGATE LEGISLATIVE RULES.

3 §64-9-8. Board of barbers and cosmetologists.

4 The legislative rule filed in the state register on  
5 the twenty-ninth day of August, one thousand nine hundred  
6 ninety-six, under the authority of section one, article  
7 twenty-seven, chapter thirty, of this code, modified by the  
8 board of barbers and cosmetologists to meet the objections  
9 of the legislative rule-making review committee and refiled  
10 in the state register on the twenty-seventh day of  
11 December, one thousand nine hundred ninety-six, relating to  
12 the board of barbers and cosmetologists (procedures,  
13 criteria and curricula for examination and licensure of  
14 barbers, cosmetologists, manicurists and aestheticians, 3  
15 CSR 1), is authorized.

16

17 NOTE: The purpose of this bill is to authorize the  
18 Board of Barbers and Cosmetologists to promulgate a  
19 legislative rule relating to Procedures, Criteria and  
20 Curricula for the Examination and Licensure of Barbers,  
21 Cosmetologists, Manicurists and Aestheticians.

22

23 This section is new; therefore, strike-throughs and  
24 underscoring have been omitted.

57E2

H. B. 2325

1 Bill-Barbers, Procedures  
2 (By Delegate(s) Douglas, Hunt, Compton,  
3 Faircloth, Linch and Riggs)

4  
5 [Introduced March 3, 1997; referred to the  
6 Committee on Government Organization then the  
7 Judiciary.]  
8  
9

10 A BILL to amend article nine, chapter sixty-four of the  
11 code of West Virginia, one thousand nine hundred  
12 thirty-one, as amended, by adding thereto a new  
13 section, designated section eight, relating to  
14 authorizing the board of barbers and cosmetologists to  
15 promulgate a legislative rule relating to procedures,  
16 criteria and curricula for the examination and  
17 licensure of barbers, cosmetologists, manicurists and  
18 aestheticians.

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

20 That article nine, chapter sixty-four of the code of  
21 West Virginia, one thousand nine hundred thirty-one, as  
22 amended, be amended by adding thereto a new section,  
23 designated section eight, to read as follows:

1 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND  
2 BOARDS TO PROMULGATE LEGISLATIVE RULES.

3 §64-9-8. Board of barbers and cosmetologists.

4 The legislative rule filed in the state register on  
5 the twenty-ninth day of August, one thousand nine hundred  
6 ninety-six, under the authority of section one, article  
7 twenty-seven, chapter thirty, of this code, modified by the  
8 board of barbers and cosmetologists to meet the objections  
9 of the legislative rule-making review committee and refiled  
10 in the state register on the twenty-seventh day of  
11 December, one thousand nine hundred ninety-six, relating to  
12 the board of barbers and cosmetologists (procedures,  
13 criteria and curricula for examination and licensure of  
14 barbers, cosmetologists, manicurists and aestheticians, 3  
15 CSR 1), is authorized.

16

17 NOTE: The purpose of this bill is to authorize the  
18 Board of Barbers and Cosmetologists to promulgate a  
19 legislative rule relating to Procedures, Criteria and  
20 Curricula for the Examination and Licensure of Barbers,  
21 Cosmetologists, Manicurists and Aestheticians;

22

23 This section is new; therefore, strike-throughs and  
24 underscoring have been omitted.