

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

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

Form #5

**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: 1

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

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

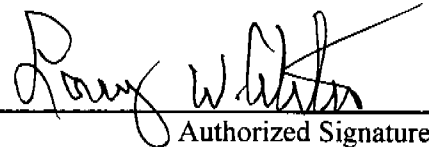
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 269

SECTION 64-9-13 (a) PASSED ON 03/12/99

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

THE FOLLOWING DATE: MARCH 26, 1999


Authorized Signature

\$5.00

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

MAR 23 12 23 PM '99
OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
STATE OF VIRGINIA

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.

1.2. **Authority** - W. Va. Code § 30-27-8 and § 30-27-1.

1.3. **Filing Date** - March 26, 1999

1.4. **Effective Date** - March 26, 1999

§ 3-1-2. Definition of Aesthetician

“Aesthetician” means any person who engages in the practice and use of cosmetic preparations, 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 that purpose from the Board.

3.2. Every person practicing barbering, beauty culture, manicuring or aesthetics and every student shall display his or her license or license renewal in a conspicuous place in the shop where he or she practices or is employed and whenever required, shall exhibit the license to the board or its authorized representative.

3.3. In addition to the license that must be displayed as provided for in Subsection 3.2, of this section, every person practicing barbering, beauty culture, manicuring or aesthetics in this state shall possess a pocket identification card containing the licensee’s photograph.

3.4. The licensee shall show the pocket identification card to the Board, or its authorized representative, upon request.

3.5 . The pocket identification card is valid for five years and renewable thereafter at five year increments.

3.6 . A licensee may obtain the pocket identification card at any Department of Motor Vehicles licensing bureau at a fee to be determined by the Department of Motor Vehicles.

3.7. To obtain the pocket identification card, the Licensee shall provide to the Department of Motor Vehicles evidence of a valid barber, cosmetologist, manicuring or aesthetician license and at least one other form of picture identification including but not limited to a driver's license.

§ 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;
- (c) Has completed at least the 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 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 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 desiring a license to perform permanent waving and hair coloring services who has completed one thousand eight hundred (1,800) hours of barber training, shall complete a course of study consisting 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 requirement 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 3-1H of this rule.

§ 3-1-11. Reciprocity

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, on 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 a total award of one thousand (1,000) hours.

§ 3-1-12. Administrative Due Process

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 Barber/Permanent Waving Licenses.

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	25 hours
10. Barber law and regulations, salesmanship	20 hours
11. Chemistry	<u>16 hours</u>
	406 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
9. First Aid	10 hours
10. Shop arrangement, display of merchandise	<u>10 hours</u>
	100 hours

SUPERVISED PRACTICE

1. Scalp treatments, shampooing	50 hours
2. Shaving	50 hours
3. Facials, massage, packs	50 hours
4. Haircutting	450 hours
5. Hair coloring, bleaching	135 hours
6. Hairstyling, methods	200 hours
7. Use of implements	20 hours
8. Desk	19 hours
9. Dispensary	<u>40 hours</u>
	1014 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	10 hours
8. Hairstyling, demonstrations	10 hours
9. Salesmanship	15 hours
10. Unassigned	<u>10 hours</u>
	105 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	<u>8</u>	<u>7</u>	<u>10</u>	<u>65</u>	<u>90</u>
	23	37	50	265	375

SUMMARY

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

A student 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	<u>8</u>	<u>7</u>	<u>10</u>	<u>65</u>	<u>90</u>
	28	47	60	240	375

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, Packs 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 (Contd.).

<u>SUPERVISED CLINIC PRACTICE</u>					
	<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	5		5	15
Hairstyling		13		400	413
Permanent Waving		20		200	220
Wiggery and Hair Pieces		2			2
Merchandising				20	20
Unassigned				7	7
Facials, Massage, Packs 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	68		1364	1437

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

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				18
Chemistry	15				15
Skin, Scalp and Hair Disorders/Structure	29				29
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>	—	—	5	15
SUB TOTAL	135	2		101	<u>253</u>
TOTAL					2000

SUMMARY

Scientific Subjects	253
Beginner's Demonstration	70
Beginner's Manikin Practice	106
Demonstrations' Clinic Manikin Practice	<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>
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 & Skin Disorders/Diseases	5			5
Nail & Nail Disorders/Diseases (Including Fungus and Mold)	5			5
Chemistry for the Manicurist, 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 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>MANIKIN 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>
TOTAL	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>MANIKIN 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>
TOTAL	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>MANIKIN 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>DEMONSTRATION</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 Aesthetician	15			15
Skin Structure and Function	8			8
Skin Disorders, Dermatology and Special Esthetic Procedures	6	2	4	12
Chemistry for the Aesthetician	15			15
Product Knowledge, Ingredient and Products 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 Law, Rules and Licensing Requirements	20			20

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

	<u>LECTURE</u>	<u>DEMONSTRATION</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

2513

3-1

1 Bill-Be

H. B. 2513

2

(By Delegates Hunt, Linch, Compton, Faircloth,
Jenkins and Riggs)

3

4

[Introduced February 1, 1999; referred to the
Committee on Government Organization then the
Judiciary.]

5

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 twenty-nine, relating to
14 authorizing the board of barbers and cosmetologists to
15 promulgate a legislative rule relating to procedures,
16 criteria and curricula for examination and licensure
17 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 twenty-nine, to read as follows:

2513

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

3 §64-9-29. Board of barbers and cosmetologists.

4 The legislative rule filed in the state register on
5 the twenty-ninth day of July, one thousand nine hundred
6 ninety-eight, 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-third day of October,
11 one thousand nine hundred ninety-eight, relating to the
12 board of barbers and cosmetologists (procedures, criteria
13 and curricula for examination and licensure of barbers,
14 cosmetologists, manicurists and aestheticians, 3 CSR 1), is
15 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 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.