

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1991 JUN 17 PM 1:57
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV BOARD OF BARBERS AND BEAUTICIANS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE; CITE AUTHORITY §30-27-10

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: OPERATION OF BARBER AND BEAUTY
SHOPS AND SCHOOLS OF BARBERING AND BEAUTY CULTURE

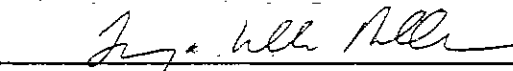
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 22, 1991 AT 4:30 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

BOARD OF BARBERS AND BEAUTICIANS
GUTHRIE CENTER
4860 BRENDA LANE
CHARLESTON, WV 25312

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Taunja Willis Miller, Secretary

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.90

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: OPERATION OF BARBER AND BEAUTY SHOPS AND SCHOOLS EST 301 17 PM 1:57
BARBERING AND BEAUTY CULTURE

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

Type of Rule: X Legislative Interpretive Procedural

Agency BOARD OF BARBERS & BEAUTICIANS Address 4860 BRENDA LANE, GUTHRIE
CENTER, CHARLESTON, WV 25312

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.
 The proposed rule will not affect current or future budgets.

3. Objectives of these rules: The proposed amendments 1) Change terminology from beauticians and beauty culture to cosmetologists and cosmetology 2) delete information pertaining to licensing requirements and services which may be performed by beauticians, which was included in series 4.

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.

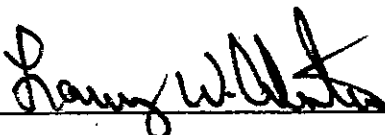
NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date 6/12/91

Signature of Agency Head or Authorized Representative



LARRY W. ABSTEN, DIRECTOR
BOARD OF BARBERS AND BEAUTICIANS

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WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

1991 JUN 17 PM 1:57

RULE ABSTRACT

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Operation of Barber and Beauty Shops and Schools of
Barbering and Beauty Culture

CSR Title & Series: 3 CSR 3

Type: Legislative

Summary: The proposed amendments: 1) changes terminology from "Beauty Culture" and "Beautician" to "Cosmetology" and "Cosmetologist". 2) deletes licensing requirements. 3) deletes services which may be performed by licensed beauticians. 3) delete repeal of rule clause.

For further information contact: West Virginia Board of Barbers and Beauticians, Guthrie Center, 4860 Brenda Lane, Charleston, West Virginia, 25312. Telephone: 348-2924.

(PROPOSED)

TITLE 3
WEST VIRGINIA LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

FILED

SERIES 3
OPERATION OF BARBER AND BEAUTY SHOPS AND
SCHOOLS OF BARBERING AND BEAUTY-CULTURE COSMETOLOGY
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1991 JUN 17 PM 1:57

§3-3-1. General

1.1. Scope - This legislative rule governs the operation of barber and beauty shops and the operation of schools of barbering and beauty-culture- cosmetology.

1.2. Authority - W. Va. Code §30-27-10. Related - W.Va. Code §30-27-1, et seq.

1.3. Filing Date -

1.4. Effective Date -

1.5. Approval Date - This rule was approved by the West Virginia Board of Barbers and Beauticians on

1.6. Supersession and Repeal of Former Regulations - This rule supersedes and repeals Operation of Barber and Beauty Shops and Schools of Barbering and Beauty Culture, West Virginia Legislative Rule, 3 CSR 3, filed December 7, 1990, and effective July 1, 1991.

§3-3-2. Application and Enforcement

2.1. Application - This rule applies to the owners and operators of barber and beauty shops and the operation of schools of barbering and beauty-culture- cosmetology.

2.2. Enforcement - Enforcement of this rule is vested in the West Virginia Board of Barbers and Beauticians.

§3-3-3. Sanitation and Operation Requirements

3.1. ~~Every-barber-or-beauty-shop-shall-at-least-ten-days-prior-to-opening-return-to-the-board-the-completed-shop-opening-application-and-twenty-five-dollar-(\$25.00)-inspection-fee. All barber or beauty shops or schools of barbering and beauty-culture cosmetology must have cross, or approved, ventilation before opening. The-initial-license-fee-for-each-school-of-barbering-or-beauty-culture-shall-be five-hundred-(500)-dollars-and-the-annual-renewal-fee-shall-be-two-hundred-fifty-(250)-dollars-to-be-paid-in-such-manner-as-the-Board may-prescribe, -on-or-before-January-first-of-each-year.~~

3.2. All such shops or schools, toilets and adjoining rooms used in connection therewith must be kept clean, sanitary, well lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any such shop or school is prohibited. No pets such as cats, dogs, birds, etc. shall be kept in or allowed to inhabit shops or the entrance to such shops or schools.

3.3. Each barber, ~~beautician~~, cosmetologist, instructor and student shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron.

3.4. Each patron must be served with clean, freshly laundered linen which is kept in a closed cabinet used for that purpose alone. All linens immediately after being used shall be placed in a receptacle used for that purpose alone.

3.5. A freshly laundered towel or paper neck strip must be placed around the neck of every patron so that the chair cloth or shampoo apron does not come in contact with the patron's skin.

3.6. The wiping of hands or instruments of any kind on linen being used is prohibited.

3.7. The headrests of all barber chairs must possess an attachment allowing a change of paper for each customer. Used shaving papers must be deposited in a receptacle used for that purpose alone.

3.8. All barber or beauty shops must be equipped with hot and cold running water piped to hot and cold water faucets of a lavatory. (For purposes of this rule, a lavatory is that plumbing fixture commonly used for hand washing.) An individual lavatory shall be provided for each barber chair in all such shops, and shall be located in the working area of each barber chair. Waste water must be drained through proper plumbing facilities into the public sewer system. The use of steamers, sterilizers, bowls or receptacles of any kind into which to put hot towels, or hot water, is prohibited.

3.9. All rooms used for barber or beauty shops must be equipped with all implements, supplies, sterilizers, linen and all other equipment and requisites necessary to perform any or all of the services usually rendered in barber or beauty shops. Shops located in residences must have a private entrance, proper toilet facilities and must be confined strictly to rooms used exclusively for barbering or ~~beauty-culture~~ cosmetology services.

3.10. Every barber or ~~beautician~~ cosmetologist who uses hair brushes must have at least six (6) in use. After each brush is used, it must be thoroughly washed and immersed in an approved disinfectant solution, dried and placed in a cabinet sterilizer until used again.

3.11. Every barber or ~~beautician~~ cosmetologist must have at least twelve (12) combs in use. Every comb must be washed and thoroughly sterilized after each use. Every barber must have at

least two (2) neck dusters in use, and each must be kept clean at all times.

3.12. All razors, scissors, tweezers, needles, blades and other instruments shall be thoroughly cleaned and disinfected by immersion in an approved disinfecting solution, after they have been in use, and such tools, instruments and appliances shall, when not in use, be kept in a dry cabinet sterilizer. Massage cups, glass applicators and metallic accessories must be detached after each use and thoroughly washed, disinfected and then placed in a dry sterilizer. The bottom blade of all clippers shall be sponged with a small pledget of cotton that has been dipped in an approved disinfectant before each use.

3.13. Waving fluid, or other liquid preparations, must be applied to the hair only through a sanitary dispenser, or by dripping, pouring, or spraying on the hair.

3.14. All rollers must be cleaned and sterilized after each patron and, when not in use, kept in a closed cabinet used for that purpose only.

3.15. The advertised price of a permanent wave must include a shampoo and all other preparations necessary prior to giving the wave, and every act necessary to complete the permanent wave. The manager of each shop will be held responsible for seeing that the shop has on hand at all times all supplies required to give each individual permanent wave advertised, by name, by that particular shop.

3.16. Each barber or beautician cosmetologist and student barber or beautician cosmetologist shall be held responsible for keeping his or her individual chair, workstand, mirror, drawers, individual sterilizers and entire booth or stand clean and neat during working hours. Each such barber or beautician cosmetologist practicing in any capacity must keep his or her entire personal appearance clean and neat, and above reproach at all times.

3.17. Every barber or beautician cosmetologist must have adequate cabinet space for storing tools and accessories only. Each barber or beautician cosmetologist must have an approved, compartment-type, individual dip sterilizer, which must be of sufficient size to allow combs to be completely submerged. Dip sterilizers may be made of glass, or other noncorrosive materials, and must contain, at all times, an adequate fresh supply of an approved disinfectant. Combs, brushes and other implements shall be washed in soap and water prior to being placed in the dip sterilizer, and shall be dried before being placed in the cabinet sterilizer.

3.18. No person practicing barbering or beauty-culture, cosmetology, in any capacity, is permitted to remove warts, moles or skin blemishes. Neither must they attempt to treat any disease of the skin or scalp. Persons desiring, or in need of treatment of any disease, must be referred to a licensed physician.

3.19. Floors must be kept clean and free from hair, and where possible, mopped each day. Where cuspidors are used, they must be cleaned at least once a day, and a disinfectant solution left in them at all times.

3.20. Any member of the West Virginia Board of Barbers and Beauticians or its agents may enter and inspect any barber or beauty shop or, school of barbering or beauty-culture cosmetology during business hours or check any part of the premises to ascertain whether or not any part of the law or any rule is being violated, and to take any other action necessary to properly enforce the law.

3.21. A copy of this rule must be framed and posted in a conspicuous place in every barber or beauty shop and school of barbering or beauty-culture; cosmetology. Licenses must be framed and posted near each barber and beauty chair or work stand.

3.22. Failure on the part of the owner, manager or employees to comply with this rule will be deemed a violation of the law and sufficient cause for the West Virginia Board of Barbers and Beauticians to revoke, or fail to renew any applicable license.

3.23. An approved disinfectant shall mean a one-thousandth (1/1000) solution of quarternary ammonium salts of high germicidal activity, or its equivalent.

~~3.24. Notwithstanding any law to the contrary or interpretation of law to the contrary, any licensed beautician may trim beards or mustaches.~~

§3-3-4. Duty to Carry Out Rules, Reporting and Complaints

4.1. It shall be the duty of the proprietors of all barber or beauty shops, barber or beauty cosmetology schools and all licensed barbers, beauticians, cosmetologists, students, and others to assist in carrying out this rule by reporting any violation to the West Virginia Board of Barbers and Beauticians, or any of its duly authorized agents.

4.2. Complaints may be presented to an inspector at the time of inspection or may be mailed to the West Virginia Board of Barbers and Beauticians. Complaints will be investigated as promptly as possible.

§3-3-5. Administrative Due Process - Those persons adversely affected by the enforcement of this rule shall have the right to request a contested case hearing in a manner pursuant to the provisions of Chapter 29A, Article 5 of the West Virginia Code.

§3-3-6. Severability - If any provision of this rule or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this rule which can be given effect without the

invalid provision or application, and to this end the provisions of this rule are declared to be severable.

~~§3-3-7. Repeal-of-Rule---This-rule-will-automatically-be-repealed on-July-1,-1992,-unless-extended-prior-to-that-date-by-an-act-of-the Legislature.~~