

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

Form #1

Do Not Mark In this Box

FILED  
1990 JUN -6 PM 4:00  
OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: WV State 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 Shops and Schools of  
Barbering

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

DATE OF PUBLIC HEARING: July 8, 1990 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: Conference Room C  
Conference Center - Building 7  
Capital Complex  
Charleston, WV 25305

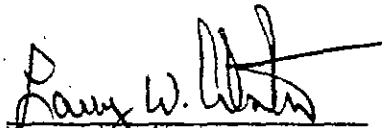
COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV State Board of  
Barbers and Beauticians  
4860 Brenda Lane  
Guthrie Center  
Charleston, WV 25312

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

  
Larry W. Absten,  
Executive Director

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule:  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.

There should be a reduction in future administrative costs by the elimination of Series 4.

3. Objectives of these rules:

The proposed amendments combine Series 3 and 4, thereby repealing Series 4 entirely and making other "clean up" changes.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Reduction in reproduction costs of legislative rules by condensation of existing regulations.

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

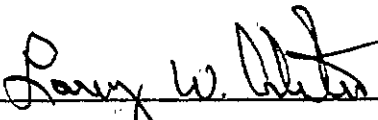
None

C. Economic Impact on Citizens/Public at Large.

None

Date 5/25/90

Signature of Agency Head or Authorized Representative

  
\_\_\_\_\_

Larry W. Absten, Director  
Board of Barbers and Beauticians

WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

RULE ABSTRACT

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) repeal legislative Rule 4, combines Rules 3 and 4; and make other minor "clean up" changes. 2) delete repeal of rule clause.

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

(PROPOSED)

TITLE 3

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER AND BEAUTY SHOPS AND SCHOOLS OF  
BARBERING AND BEAUTY CULTURE

SERIES 3

1990

---

For Public Hearing

July 8, 1990

(PROPOSED)

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER AND BEAUTY SHOPS AND SCHOOLS OF  
BARBERING AND BEAUTY CULTURE

3 CSR 3

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Sanitation and Operation Requirements	1
Section 4. Duty to Carry Out Rules, Reporting and Complaints	4
Section 5. Administrative Due Process	4

(PROPOSED)

TITLE 3  
WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

SERIES 3  
OPERATION OF BARBER AND BEAUTY SHOPS AND  
SCHOOLS OF BARBERING AND BEAUTY CULTURE

§3-3-1. General

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

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. Notice of Public Hearing - June 8, 1990

1.6. Public Hearing - July 8, 1990

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

1.8. Supersession and Repeal of Former Regulations - This rule supersedes and repeals Operation of Barber Shops and Schools of Barbering, West Virginia Legislative Rule, 3 CSR 3, filed June 27, 1989, and operation of Beauty Shops and Schools of Beauty Culture, Legislative Rule 3 CSR 4 filed June 27, 1989, and effective July 1, 1989.

§3-3-2. Application and Enforcement

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

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/beauty shop, or school of barbering/beauty culture, shall at least ten days prior to opening return to the board the completed shop opening application and twenty-five dollar inspection fee. All barber shops/schools must have cross, or approved, ventilation before opening.

3.2. All such shops or schools and bathrooms, 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

3 CSR 3

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, 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/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/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/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 services.

3.10. Every barber/beautician 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/beautician must have at least six (6) 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. ~~A barber who performs permanent waving shall have at least twelve (12)~~

~~combs in use.~~

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/beautician and student barber/beautician 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/beautician 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/beautician must have adequate cabinet space for storing tools and accessories only. Each barber/beautician 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~~ individual practicing barbering/beauty culture, 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~~ Individuals desiring, or in need of treatment of any disease, must be referred to a licensed physician.

3 CSR 3

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/beauty shop or, school of barbering/beauty culture 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 to enforce the law.

3.21. A copy of this rule must be framed and posted in a conspicuous place in every barber/beauty shop and school of barbering/beauty culture. Licenses must be framed and posted near each barber/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.

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

4.1. It shall be the duty of the proprietors of all barber/beauty shops, barber/beauty schools and all licensed barbers, beauticians, 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.-----Repeal of Rule-----This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature.~~

TITLE 3

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BEAUTY SHOPS AND SCHOOLS OF BEAUTY CULTURE

SERIES 4

1989

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BEAUTY SHOPS AND SCHOOLS OF BEAUTY CULTURE

3 CSR 4

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Sanitation Requirements	1
Section 4. Duty to Carry Out Rules, Reporting, or Complaints	4
Section 5. Administrative Due Process	4
Section 6. Repeal of Rule	4

TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

SERIES 4  
OPERATION OF BEAUTY SHOPS AND SCHOOLS OF BEAUTY CULTURE

§3-4-1. General

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

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

1.3. Filing Date - June 27, 1989.

1.4. Effective Date - July 1, 1989.

1.5. Notice of Public Hearing - September 25, 1987.

1.6. Public Hearing - October 26, 1987.

1.7. Approval Date - This rule was approved by the West Virginia Board of Barbers and Beauticians on May 22, 1988.

1.8. Supersession and Repeal of Former Regulations - This rule supersedes and repeals "Operation of Beauty Shops and Schools of Beauty Culture," West Virginia Legislative Rules, 3 CSR 4, 1964, filed July 21, 1964 and refiled December 30, 1982.

§3-4-2. Application and Enforcement

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

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

§3-4-3. Sanitation Requirements

3.1. Every beauty shop, or school of beauty culture, shall at least ten days prior to opening return to the Board the completed shop opening application and twenty-five dollar inspection fee. All beauty shops must have cross, or approved, ventilation before opening.

3.2. All such shops or schools and bathrooms, toilets and adjoining rooms used in connection therewith must be kept clean, sanitary, well lighted, and ventilated at all times. The use of 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 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.

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

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 on a patron is prohibited.

3.7. Shampoo bowls and boards must be cleansed after each shampoo.

3.8. All 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.) 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 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 beauty shops. Shops located in residences must have a private entrance, proper toilet facilities, and must be confined strictly to rooms used exclusively for beauty culture.

3.10. Every beautician 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 beautician must have at least twelve (12) combs in use. Every comb must be thoroughly washed and sterilized after each use.

3.12. 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.

3.13. 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.

3.14. 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.

3.15. All razors, scissors, tweezers, needles, blades and other instruments shall be thoroughly cleaned and then disinfected by immersion in an approved disinfecting solution after they have been in use, and such tools, instruments and appliances, when not in use, be kept in a dry storage cabinet.

3.16. Each beautician and student beautician shall be 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 operator practicing in any capacity must keep his entire personal appearance clean and neat, and above reproach at all times.

3.17. Every beauty operator must have adequate cabinet space for storing tools and accessories only. Each beautician must have an individual dip sterilizer which must be of sufficient size to allow combs to be completely submerged. Dip sterilizers may be made of glass or metal, and must contain, at all times, a fresh supply of an approved disinfectant. Combs and brushes shall be immersed in a dip sterilizer after washing, and prior to placing in a cabinet sterilizer.

3.18. No person practicing beauty culture, 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.

3.20. Any member of the West Virginia Board of Barbers and Beauticians, or its agents, may enter and inspect any beauty shop or beauty school 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 beauty shop and every school of beauty culture.

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. All licenses must be framed and posted in the booth or workstand.

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

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

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

4.1. It shall be the duty of the proprietor of all beauty shops, beauty schools and all licensed beauticians, student beauticians, 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.

**§3-4-5. 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.

**§3-4-6. Repeal of Rule** - This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature.



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Building 3, Capitol Complex  
Charleston, WV 25305

Gaston Caperton  
Governor

June 5, 1990

The Honorable Ken Hechler  
Secretary of State  
State Capitol Complex  
Building 1, Suite 157-K  
Charleston, West Virginia 25305

Re: Legislative Rules for the West Virginia Board of  
Barbers and Beauticians

Dear Secretary Hechler:

Enclosed are five separate amendments to existing legislative rules of the West Virginia Board of Barbers and Beauticians. I hereby approve these rules for filing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Taunja".

Taunja Willis Miller, Secretary  
Department of Health and Human  
Resources

TWM/mt

cc: Larry W. Absten, Director  
West Virginia Board of Barbers and Beauticians