

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

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

AGENCY: WV Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY W.Va. Code §30-27-10

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Operation of Barbers Shops and Schools of Barbering

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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.

[Handwritten signature of Larry W. Absten]

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 (3 CSR 3)

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.

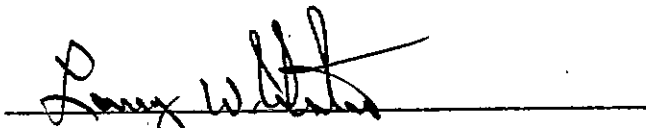
None

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

DATE: July 15, 1990

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Board of Barbers and Beauticians

LEGISLATIVE RULE TITLE: Operation of Barber Shops and Schools
of Barbering. (3 CSR 3)

1. Authorizing statute(s) citation W.Va. Code
§30-27-10

2. a. Date filed in State Register with Notice of Hearing:

June 6, 1990

b. What other notice, including advertising, did you
give of the hearing?

Notice was sent to schools of barbering and beauty
culture and was published in several newspapers.

c. Date of hearing (s): July 8, 1990

d. Attach list of persons who appeared at hearing, comments
received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved
proposed Legislative Rule following public hearing:
(be exact)

f. Name and phone number of agency person to contact
for additional information:

Larry W. Absten, Executive Director- 348-2924

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. 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.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

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 Rules
Public Comments Received
Discussion and Response

Title: "Operation of Barber Shops and Schools of Barbering", West
West Virginia Board of Barbers and Beauticians Legislative
Rules, 3 CSR 3.

A public hearing regarding this rule was held on July 8, 1990, and was attended by thirteen people. Copies of comments are attached. Ms. Nancy Smith representing Little French Beauty Academy of Bluefield and Mr. Albert Ciampanella representing the West Virginia Cosmetology Association (WVCA) were the speakers. For "proposed": 1) Strike-throughs indicate a deletion proposed for public hearing. 2) Underlining indicates new text which was proposed for public hearing. 3) Strike-throughs of underlined text indicate deletion of a proposed addition. 4) Double underlining indicates text added after the public hearing. 5) Restoration of text proposed to be deleted is shown by double underlining plus strike-throughs. 6) Deletion of existing text after the hearing is shown by strike-throughs enclosed in brackets.

(1) Comment (Nancy Smith): 3 CSR 3, §3-3-3, Subsection 3.1. Under State Law §30-27-8, third paragraph, quote: "The initial license fee for each school of barbering or beauty culture shall be five hundred dollars and the annual renewal fee shall be two hundred fifty dollars to be paid in such manner as the board may prescribe, on or before January first of each year." These fees should be put into the above statement of subsection 3.1.

Response: The Board agrees that this statement should be added to Series 3, Subsection 3.1.

(2) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.2. Bathrooms and toilets are both the same in meaning, delete toilets.

Response: This sentence is repetitious and toilet was deleted.

(3) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.2. Is this rule legal? With the passage of the partition law it would seem this rule cannot apply. With the law a beauty or barber shop could open a pet store in their business location.

Response: This is expressly prohibited in the Regulations of the Health Department and the Board of Barbers and Beauticians. Therefore, no change is proposed.

(4) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.3. Should be changed to "kept clean at all times".

Response: The Board believes this rule is correct as written and proposes no change to the rule.

(5) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.6. The words "hands" and "or" should be deleted.

Response: The Board believes the rule is correct as written and proposed no change to the rule.

(6) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.8. Delete except for last sentence. The proper term is sink or shampoo bowl. These rules should be made for 1990 not 1937. Subsection 3.12. Delete the word "needles". Subsection 3.19. Delete second sentence. Again, let us have rules for 1990. Who today has cuspidors for use? The law seems to be moving to stop even the use of cigarettes in public places.

Response: The Board has been informed by the health inspectors assigned to the Division of Barbers and Beauticians, that many of the existing shops utilize lavatories rather than shampoo bowls. Some barbers use a stylus needle to remove unwanted hair. Several of the older shops still use cuspidors. Therefore, no change is proposed to these sections of the rule.

(7) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.9. Does this mean that in a residence a shop or salon toilet is to be used only by the clients?

Response: Subsection 3.9 clearly states that the shop must have proper toilet facilities and must be contained to rooms used exclusively for barbering or beauty services. Therefore, no change in proposed to this section of the rule.

(8) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.13. Should be deleted. Hands are also used to apply setting lotions, foams, etc.

Response: The Board realizes that hands are used to distribute the various lotions, foams, etc., after they have been applied to the hair. However, the intent of this section was to protect the public from having said lotions, etc., applied from a common or contaminated source. Therefore, no change is proposed to this section of the rule.

(9) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.14. Words "after each use" should be deleted. Note, time is money. Let's hope the worker is too busy to waste this needless exercise.

Response: The Board believes this requirement "All rollers be cleaned and sterilized after each patron" is consistent with sanitary requirements regarding other implements and appliances. Therefore, no change is proposed to this section of the rule.

(10) Comment (Albert Ciampanella): 3 CSR 3, Subsection 3.15. Should be deleted. Note: Since this rule was established, schools have taught and Board have decreed the price of a perm must include a shampoo, haircut and finished set. The act of permanent waving is a chemical process that is completed with the cool water rinse. Fashion and habit dictate that most heads of hair are shampooed daily.

Consequently, many heads are not shampooed in the salon the day of the perm. Most styles are cut after the completed perm and many are not cut the day of the perm. Let us not have a mandated rule we cannot obey.

Response: The Board is not suggesting that a patron be forced to have a shampoo or haircut performed if she does not wish. However, the public is best protected from unscrupulous pricing practices if the price of the permanent wave includes all services necessary to complete the service to the customers satisfaction. Therefore, no change is proposed to this section of the rule.

(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 Filing with the Legislative
Rule-Making Review Committee

(PROPOSED)

LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

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

3 CSR 3

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(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 ~~[sheps-and-scheels-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 6, 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 August 6, 1990.

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 ~~sheps-and-scheels-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~~[,-er-scheel-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 (\$25.00) inspection fee. All barber/~~beauty~~ shops~~[/scheels]~~ or schools of barbering and beauty culture 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 CSR 3

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 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.

3.24. 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/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] individuals 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.**~~

PUBLIC HEARING

BARBERS AND BEAUTICIANS RULES

July 8, 1990

NAME ADDRESS GROUP REPRESENTED (IF ANY)

DO YOU WISH TO COMMENT (YES/NO)

Ronald E. Cushman Bay 126
Mallory rd 28334 Barber Association Board 1.

Ray R. Nichols Rt 21 Box 141
Bridgford W.V. Barber Association (Group) 2.
415 E. 1002nd St

Robert C. Longmire 125 E. 1002nd St
W. Va. 26801 W. Va. 3.
9311

Francis D. Harris 119 N. Centre St
339 S. Green St
Martinsburg W.V. INTERNATIONAL BY SCL 4.
4932 Democracy Dr
Cross Lanes, W.V.

James A. Allen 311 Elm St.
C. Gary, W. Va. B + Q Bd 6.
2024 - Arthur Ave.
Huntington - W. Va. B + B Bd. 7.

John B. Bunkle 205 Forest Rd
Huntington, W.V. 25705 B + B 8.
412 E. 19th St
Hunt. W. Va. 25701 H.S.B.C. 10.

Jim Chapman Little French Beauty Academy Bldg W.V. No 11.
4932 Democracy Dr. Cross Lanes

Janey Smith 1362 W.V. Yes 12.
4932 Democracy Dr. Cross Lanes

09/14 072 Barbers + Beauticians 13.



LITTLE FRENCH *Beauty Academy*

*Complete Training In All Lines
Of Beauty Culture*

3230 East Cumberland Road
Bluefield, West Virginia 24701
Phone 304-325-3696

NANCY F. SMITH
President and Director
FRED PARSONS, SR.
Vice President
NITA S. BATES
Manager
MARQUETTA DOWNARD
Asst. Manager

Larry W. Absten, Executive Director
WV State Board of Barbers and Beauticians
4860 Brenda Lane
Guthrie Center
Charleston, WV 25312

Dear Mr. Absten:

I have enclosed comments on the following proposed legislative rules,
Series 1,2,3,5, and 6, by the WV State Board of Barbers and Beauticians.

Sincerely,

Nancy F. Smith

Director

NFS/mts



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To: W V State Board of Barbers & Beauticians

When: Public Hearing - July 8, 1990

Where: Conference Room C, Conference Center - Bldg. 7
Capital Complex Charleston, W V 24305

SERIES 1

Page 4 subsection 4.2

Under (j) Four (40) manicure tables.

Comment: (j) should be (04)

Under (L) One dip sterilizer for each booth & work table
(m) Dry Sterilizer, etc.

Comment:

Put the words and/or at the end of paragraph (L). Our Beauty Schools in the state have students assigned to dispensary using wet sterilizers and dry sterilization.

Page 8 Table 3 - 1A Min. Curriculum For a Beauticians License.

Comment:

Trimming Beards and Mustaches needs to be added to Beauty Culture curriculum.

Page 4

In series 2 subsection 5.12 - No instructor shall teach any subject in any school of barber or beauty culture not listed by the board as required subject in the curriculum - etc.

Comment:

Mustaches and Beards is a subject in the professional Barbers-Styling textbook. Since beauticians can now trim mustaches & beards - then students must be taught this subject. See Series 3 subsection 3.25 page 4- left out of these series are Beauticians can now trim mustaches & beards.



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Series 2

Page 1, subsection 3-2-3

Age limit for Instructors-Student Instructors must be at least 19 years of age. For Regular Instructors, must be at least 21 years of age.

Comment:

If a Student Instructor teaches 3 years before licensed as a Senior Instructor, the age should be 22 years of age.

Page 2, subsection 4.6

No applicant may secure licensure and/or renewal for a gross period of more than 5 years.

Comment:

What is the minimum time for applicant to secure the required training? I believe it should be 3 years after licensed as a Student Instructor, except for licensed beautician or barber who has worked in the field for 5 years then they will only have to have 2 years training as a Student Instructor and this is covered in Series 2, subsection 5.4, page 3.

Page 5, subsection 6.1.2

Within each 2 year period, renew the certificate indicating proficiency in advance hairstyling, etc.

Comment:

This applies to Senior Instructors in beauty culture only. Since Senior Barber Instructors teach permanent waving they need to have advanced styling also.



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SERIES 3

S 3-3-3 Sanitation and Operation Requirements

Page 1 subsection 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 \$25.00 inspection fee, etc.

Comment:

Under State Law 30-27-8 3rd paragraph quote " The initial license fee for each school of barbering and each school of beauty culture shall be five hundred dollars and the annual renewal fee shall be two hundred fifty dollars to be paid in such manner as the board may prescribe, on or before January first of each year." These fees should be put into the above statement of subsection 3.1.

Page 3 Series 5 subsection 5.2 Time of filing-application for a licence shall be filed with the board at least 60 days prior to the board meeting at which the applicant is requested to be considered.

Page 3 subsection 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.

Comment:

If we are to give quality service, we need to include shampoo, cut and style in the permanent wave price. If the beauticians and barbers/permanent wavers of this state needs to make more money, they need to up the price of their perms.

We have been giving perms since the 30's with the shampoo, cut and style in the price of the perms-why change now?



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Series 5

S 3-5-6 Licenses

Page 4, subsection 6.3

Annual License Fee--~~Every~~ licensee shall annually upon or before the first day of January pay to the Board the sum of (\$250.00) two hundred fifty dollars as an annual license fee for the next succeeding fiscal year.

Comment:

Under State Law 30-27-8 3rd paragraph- The initial fee for each school of barbering and beauty culture is \$500.00. This fee should be included in this subsection 6.3 as Initial Fee and Annual License Fee.



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Series 6

Page 3, subsection 5.4

The use of questions and answer books in schools of barbering is strictly forbidden.

Comment:

We think they should delete this subsection because in the series I-curriculum for schools of beauty culture, we do not have this stipulation. We only use these question and answer books for the students to study by.

Page 4, subsection 5.12

No student enrolled in a school of barbering shall be permitted to work upon a patron who is paying for the service or materials, until such student has been in attendance for a period of (350) three hundred fifty hours.

Comment:

In the beauty schools, pre-clinic work is (300) three hundred hours. These hours should be equal with barber and beauty schools. We believe making it 300 hours with both types of schools would be best.

3 CSR 1

4.1 - page 3, - - line 4

The word "character" should be changed to read "competency."

Note: The Board of barbers & beauticians has the right and responsibility to judge competency of those they govern but certainly were not intended to have the right to judge character.

5.3 - pg 6 - para 3 - line 1

The word "demonstrator" should be defined so it does not allow for different meanings by sitting boards of the future.

Note: Rules and the Code that allow for different interpretations seem to be the trouble spots that need to be cleaned up!

ALBERT C. CAMPANELLA
41 ELKHORN ST
WELCH CO 24801

4.3 - pg 2

This rule is too weak. If instructors are to be allowed to teach a subject they should have a thorough background and knowledge base. 100 hours of training with only 46 of those hours dealing with permanent waving does not qualify an instructor to teach a class of 285 hours in permanent waving.

Note: The need for barbers to do permanent waving is a fact of life in this day of our industry - - the time has arrived and the Board should take all necessary action to put into the Code or Rule a curriculum for both the individuals who chose to practice barbering and the individuals who chose to do cosmetology. This curriculum should be the same. Barbers need to do the services to compete but have not wanted the title of beautician. Let the graduate select the title of their license to read either barber or cosmetologist.

4.5 - pg 2

If there is an advantage to securing a certificate from an advanced hairstyling school for the beautician instructor there surely is the same need for the barber instructor to secure the certificate now that they are required to teach 180 hours of hairstyling.

Note: Again this is proof that our industry should not be divided by curricula or education.

NOTE: This is the time to create ONE CURRICULUM FOR SCHOOLS OF BARBERING OR BEAUTY CULTURE TO BE ENTITLED SCHOOLS OF COSMETOLOGY, THUS THERE WILL BE NO NEED FOR SERIES 6.

3.1 - pg 1 - lines 4 and 5

CLEAN UP - beauty salons/schools should be added.

3.2 - line 1

Delete the word "toilets".

Note: The words bathrooms and toilets are now both the same in meaning.

3.2 - pg 2 - para 1

Is this rule legal?

Note: With the passage of the partition law it would seem this rule can not apply - with the law a beauty shop or barber shop could open a pet store in their business location.

3.3

Should be changed to read "hands should be kept clean at all times.

Note: A busy beautician shampoos the clients hair, rolls the hair with clean tools but is required by Rule/Code to cleanse their hands prior to washing the hair of the next client. During the winter months most busy hairdressers have clean, dry, cracked, bleeding hands and this rule mandates the hairdresser to wash those clean, dry, cracked, bleeding hands again before they shampoo the client. This Rule is not followed/obeyed.

3.6

The words "hands" and "or" should be deleted.

Note: When hairdressing or setting lotions are used the portion remaining on the hands is blotted on the towel. A towel, whose only purpose now is to catch any liquid from wet hair before it falls on the floor.

3.8

Delete - except last sentence.

Note: Now that barbers are doing perms the proper word is sink or shampoo bowl. These rules should be printed for 1990 not 1937.

3.9

QUESTION? Does this mean that in a residence a shop or salon toilet is to be used only by the clients?

3.12

Delete the word "needles".

3.13

Should be deleted.

Note: hands are also used to apply setting lotions, foams, etc.

3.14

Words "after each use" should be deleted.

Note: Time is money - lets hope the worker is to busy to waste this needless excercise.

3.15

Should be deleted.

Note: Since this Rule was established schools have taught and Boards have decreed the price of a perm must include a shampoo, haircut and finished set.

The act of Permanent waving is a chemical process that is completed with the cool water rinse.

Fashion and habit dicate that most heads of hair are shamp - oeed daily consquently many heads are not shampooed in the ssalon the day of the perm. Most styles are cut after the completed perm and many are not cut the day of the perm.

Let us not have a mandated Rule we can not obey.

3.19

Delète the second sentence.

Note: Agein let us have Rules for 1990 - who today have cuspidors for use. The law seems to be moving to even stop the use of cigarettes in public places.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Operation of Beauty Shops and Schools of Beauty Culture ^{FILED} (3-CSR 4)

1993 AUG 10 PM 1:53

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.

Administrative costs should decrease slightly due to reduction in size of overall regulations.

3. Objectives of these rules:

Rule is to be repealed and combined with Series 3.

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

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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 may 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.