

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

Form #6

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

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

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: \_\_\_\_\_

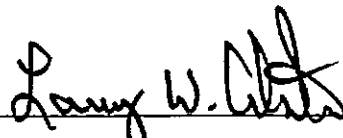
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 637

SECTION 64-9-5 (k), PASSED ON March 9, 1991

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

THE FOLLOWING DATE: 07/01/91

  
\_\_\_\_\_  
Larry W. Absten  
Executive Director

(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

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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

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

FILED

1990 DEC -7 AM 9:25

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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.

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 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 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 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 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 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 services.

3.10. Every barber or 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 or beautician 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 and student barber or 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 or 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 or beautician must have adequate cabinet space for storing tools and accessories only. Each barber or 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 practicing barbering or 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. 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 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. 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 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, 1992, UNLESS EXTENDED PRIOR TO THAT DATE BY AN ACT OF THE LEGISLATURE.