



CONTINUATION SHEET

FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY RELATING TO THE FILING OF AN AMENDMENT TO WV 3 CSR 3, "Operation of Barber Shops and Schools of Barbering"

(Some "clean-up" amendments are also included.) All five rules are being filed on an emergency basis.

Traditionally, West Virginia schools of barbering have not offered instruction in permanent waving to their students. Failure to provide this instruction has led to serious economic difficulties on the part of the schools. Not only is this an impediment to the recruitment of students by limiting future employment opportunities, but West Virginia students are at a disadvantage in applying for reciprocity in neighboring states. Schools have suffered economic losses due to the inability to offer permanent waving in their curriculum.

It is in the public interest to encourage the overall economy of the State. Also, it is expected that as a result of changes to other rules related to the teaching of permanent waving in schools of barbering that there will be an increase in the amount of permanent waving conducted in barber shops. Therefore, there is a need to have in place for barber shops the same standards for permanent waving as those applicable for beauty shops for health and safety considerations. Therefore this rule is being filed on an emergency basis in order to protect the public health and safety as well as in order to prevent substantial harm to the public interest.

FILED

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OFFICE OF ASST. SUG. CL.  
SECRETARY OF STATE

[EMERGENCY]

TITLE 3

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

SERIES 3

1988

[EMERGENCY]  
LEGISLATIVE RULES  
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OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

3 CSR 3

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[EMERGENCY]  
TITLE 3  
WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

SERIES 3  
OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

**§3-3-1. General**

1.1. Scope - ~~These legislative rules govern~~ This legislative rule governs the operation of barbershops and schools of barbering.

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

1.3. Filing Date - June 10, 1988

1.4. Effective Date - June 10, 1988

~~1.5. Refiling Date --- December 30, 1982~~

1.5. 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, 1972.

**§3-3-2. Application and Enforcement**

2.1. Application - ~~These legislative rules apply~~ This rule applies to the owners and operators of barbershops and schools of barbering.

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

**§3-3-3. Sanitation and Operation Requirements**

3.1. ~~Every barber shop, or school of barbering, shall before opening its place of business notify the Board, in writing, at least ten (10) days before the proposed opening date of such shop, or school, (A twenty-five (\$25.00) opening inspection fee for new or change of location.)~~ 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 must have cross, or approved, ventilation before opening.

3.2. All such shops, schools, 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 habit shops or the entrance to such shops or schools.

3.3. Each barber, instructor ~~junior barber,~~ 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 shops must be equipped with hot and cold running water piped to hot and cold water faucets of a lavatory. (For purposes of this regulation, 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. ~~In places where there is no water under pressure, storage tanks to supply running water may be used, one for hot and one for cold water. Openings in storage tanks shall not exceed 2 inches in diameter. The dipping of any towels or cloths of any nature, or other articles, into water tanks is prohibited.~~ 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 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 shops. Shops located in residences must have a private entrance, proper toilet facilities and must be confined strictly to rooms used exclusively for barbering.

3.10. Every barber 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 must have at least six (6) 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.

~~3-13-~~ 3.16. Each barber student, and ~~junior student~~ barber 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 practicing in any capacity must keep his entire personal appearance clean and neat, and above reproach at all times.

~~3-14-~~ 3.17. Every barber must have adequate cabinet space for storing tools and accessories only. Each barber 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.

~~3-15-~~ 3.18. No person practicing barbering, 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.

~~3-16-~~ 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.

~~3-17-~~ 3.20. Any member of the State Board of Barbers and Beauticians, or its agents, shall be privileged to enter and inspect any barber shop, or barber school, during business hours, or check any part of the premises, to ascertain whether or not any part of the law, or any Rules and Regulations are is being violated, and to take any other action necessary properly to enforce the law.

~~3-18-~~ 3.21. A copy of these this Rules and-Regulations must be framed and posted in a conspicuous place in every barber shop and school of barbering. License must be framed and posted near barber chair or work stand.

~~3-19-~~ 3.22. Failure on the part of the owner, manager or employees to comply with the-foregoing-Rules-and-Regulations this rule will be deemed a violation of the law and sufficient cause for the State Board of Barbers and Beauticians to revoke, or fail to renew any certificate of registration.

~~3-20-~~ 3.23. An approved disinfectant shall mean a one-thousandth (1/1000) solution of quaternary ammonium salts of high germicidal activity, or its equivalent.

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

4.1. It shall be the duty of the proprietors of all barber shops, barber schools and all registered barbers, ~~junior barbers,~~ students, and others, to assist in carrying out these Rules-and-Regulations this rule by reporting any violation to the State Board of Barbers and Beauticians, or any of its duly authorized agents.

4.2. All complaints will please be handed to an inspector on his visit to your barber shop or school of barbering. Such complaints will immediately be investigated. Complaints sent to the office of the Division of Barbers and Beauticians cannot possibly receive prompt attention.