

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF THE SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY §30-27-10, W.Va. Code

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: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

E. B. Roush
Edwin Roush, Executive Director

[PROPOSED]

TITLE 3

LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

SERIES 3

198_

Modifications Requested by the Legislative
Rule-Making Review Committee

[PROPOSED]
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING

3 CSR 3

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[PROPOSED]
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 barber shops 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 -

1.4. Effective Date -

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

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 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 barber shops 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,~~ 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 habite inhabit 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 West Virginia Board of Barbers and Beauticians or its agents ~~shall-be--privileged-to~~ may enter and inspect any barber shop or ~~barber--school,~~ school of barbering 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 rule is being violated, and to take any other action necessary properly to enforce the law.

~~3-18-~~ 3.21. A copy of ~~these-Rules-and-Regulations~~ this rule 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 West Virginia Board of Barbers and Beauticians to revoke, or fail to renew ~~any--certificate--of--registration;~~ any applicable license.

~~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.

§3-3-4. 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 licensed barbers, junior barbers, students, and others to assist in carrying out these ~~Rules-and-Regulations~~ this rule by reporting any violation to the State West Virginia 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.~~ 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.



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STATE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Larry A. Tucker, Co-Chairman
Delegate Thomas A. Knight, Co-Chairman

December 6, 1988

M. E. Mowery, Counsel
Debra A. Graham, Associate Counsel
Marie Nickerson, Receiving Clerk

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Edwin Roush, Executive Director
Board of Barbers and Beauticians
4860 Brenda Lane, Guthrie Center
Charleston, WV 25312

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Operation of Barber Shops and Schools of Barbering

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency _____
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Kay Howard, Dept. of Health
Nancy Smith, Little French Beauty Academy
Wayne Stonestreet, Esq.
Jerry Scott
Beauty by Shea

AMENDMENT TO RULE

Board of Barbers and Beauticians - Operation of barber shops and schools of barbering, Series III

On page 4, by inserting a new section, designated section 3-3-5 to read as follows:

"§3-3-5. 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."

The Committee adopted the proposed amendment due to the fact that the rule is in bad shape and needs to be completely rewritten. The Committee approved the rule temporarily giving the Board a deadline by which the revision must be made.