

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

Form #4

Do Not Mark In this Box

FILED

1989 DEC -8 PM 3:30

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: 4

TITLE OF RULE BEING AMENDED: Operation of Beauty Shops and Schools  
of Beauty Culture

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 BEAUTY SHOPS AND SCHOOLS OF BEAUTY CULTURE

SERIES 4

198\_

---

Modifications Requested by the Legislative  
Rule-Making Review Committee

[PROPOSED]  
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

[PROPOSED]  
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 -- These legislative rules govern 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 -

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 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 - These legislative rules apply This rule applies to the owners and operators of beauty shops and schools of beauty culture.

2.2. Enforcement - Enforcement of these legislative rules 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 before opening its place of business, notify the board, in writing, at least ten days before the proposed opening date of such shop or school (a \$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 beauty 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 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 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, ~~junior-beautician,~~ 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 the ~~regulation,~~ 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. ~~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 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 student, and junior 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. ~~(Shorts-and-slacks-are-prohibited-)~~

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 State West Virginia Board of Barbers and Beauticians, or its agents, ~~shall be privileged to~~ 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 Rules and Regulations are rule is being violated, and to take any other action necessary to properly enforce the law.

3.21. A copy of ~~these rules and regulations~~ 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 ~~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.

3.23. All ~~license~~ 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.

#### **§3-4-4. 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 registered licensed beauticians, junior student beauticians, 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 beauty shop or school of beauty. 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.

**§3-4-5. 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.



FILED

1988 DEC 11 PM 10:58

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

OFFICE OF THE  
SECRETARY OF STATE

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 Beauty Shops and Schools of Beauty Culture

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 beauty shops and schools of beauty culture, Series IV

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

"§3-4-5. 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.