

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #8

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FILED
1991 AUG 13 AM 9:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: W. Va Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY 30-27-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

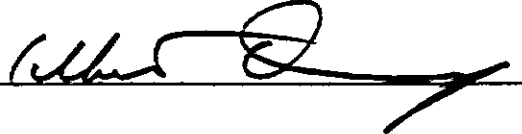
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Operation of Barber shops, and Schools
fo Barbering and Beauty Culture.

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.



TO: Legislative Rule Making Review Committee
FROM: West Virginia Board of Barbers and Beauticians

Summary of Rule:

This rule, series 5, establishes the various sanitary requirements for the operation of a beauty or barber school or shop. This rule provides for mandatory duties and reporting requirements.

Statements of Facts and Circumstances:

This series is prepared for the purpose of repealing and replacing the former rule. This rule was only effective for a one year period, expiring on July 1991, and was also in need of reorganization and rewriting.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: CURRICULUM AND MINIMUM REQUIREMENTS, SUBJECTS AND HOUR SCHEDULE, RULES AND REGULATIONS FOR SCHOOLS OF BEAUTY CULTURE OPERATING IN WV, JOINT BARBER AND BEAUTICIAN LICENSE

Type of Rule: Legislative Interpretive Procedural

Agency BOARD OF BARBERS AND 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					

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2. ~~Explanation of above estimates.~~
~~The proposed rule will not affect present or future budgets.~~

3. Objectives of these rules: ~~The proposed amendments~~ 1) delete curriculum and licensing information which will be consolidated along with similar information from all other series of our Legislative Rules. Said information will be included within a new Legislative Rule, series 4. 2) changes terminology from beautician and beauty culture to cosmetologist and cosmetology. 3) Changes title of senior instructor to master instructor and makes other minor "clean up" changes.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

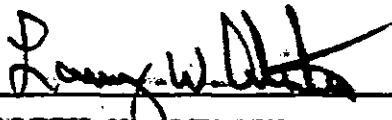
NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date 6/12/91

Signature of Agency Head or Authorized Representative



LARRY W. AESTEN, DIRECTOR
BOARD OF BARBERS AND BEAUTICIANS

DATE: Legislative rule making committee

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of BARbers and Beauticians

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LEGISLATIVE RULE TITLE: 3

1. Authorizing statute(s) citation 30-27-1 et seq

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

June 17, 1991

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

None

c. Date of hearing(s): June 22, 1991

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

Attached No comments received

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

August 13, 1991

f. ~~Name and phone number(s) of agency person(s) to contact for additional information:~~

Albert C. Dunn, Jr. 348-2522

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

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

SERIES 5
OPERATION OF BARBER, BEAUTY SHOPS,
AND SCHOOLS OF BARBERING AND BEAUTY CULTURE

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§ 3-5-1. General

1.1. **Scope** - This legislative rule governs the sanitary requirements of the operation of barber and beauty shops and schools of barbering and beauty culture as adopted by the Board of Barbers and Beauticians (hereinafter Board).

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. **Approval Date** - This rule was approved by the West Virginia Board of Barbers and Beauticians on

1.6. **Repeal and Replace Former Regulations** - This rule repeals and replaces the former rule titled "Operation of Barber and Beauty Shops and Schools of Barbering and Beauty Culture," 3 CSR 3, filed December 7, 1990, and effective July 1, 1991.

§ 3-5-2. Sanitation and Operation Requirements

2.1. All barber or beauty shops or schools of barbering and beauty culture must have cross, or approved, air ventilation before opening.

2.2. All shop's or school's respective 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.

2.3. Each barber, beautician, instructor and student shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron.

2.4. 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.

2.5. 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.

2.6. The wiping of hands or instruments of any kind on linen being used is prohibited.

2.7. 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.

2.8. 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 barber 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.

2.9. 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.

2.10. 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.

2.11. 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.

2.12. 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.

2.13. 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.

2.14. 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.

2.15. 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.

2.16. Each barber or beautician and student barber or beautician shall be held responsible for keeping his or her individual chair, work stand, 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.

2.17. 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.

2.18. No person practicing barbering or beauty culture, in any capacity, is permitted to remove warts, moles or skin blemishes. No person may 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.

2.19. 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.

2.20. Any member of the Board or its agents may enter and inspect any barber or beauty shop or school of barbering or beauty culture during business hours to check any part of the premises in order to ascertain whether or not any part of these rules are being

violated, and to take any other action necessary to properly enforce the law.

2.21. 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.

2.22. Failure on the part of the owner, manager or employees to comply with this rule is a violation of law and sufficient cause for the Board to revoke, or decide not to renew any applicable license.

2.23. For the purposes of this rule, an approved disinfectant means a one-thousandth (1/1000) solution of quaternary ammonium salts of high germicidal activity, or its equivalent.

§ 3-5-3. Duty to Carry Out Rules, Reporting and Complaints

3.1. 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 the provisions of this rule by reporting any violation to the Board or any of its duly authorized agents.

3.2. Complaints may be presented to an inspector at the time of inspection or may be mailed to the Board. Complaints will be investigated as promptly as possible.

§ 3-5-4. Administrative Due Process

4.1. 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 W. Va. Code § 29A-5-1 et seq.

§ 3-5-5. Severability

5.1. If any provision of this rule, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this rule which can be given effect without the invalid provision or application, and to this end, the provisions of this rule are severable.