

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2011 JUN 13 PM 4:30

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

RULE TYPE: Legislative CITE AUTHORITY: 30-27-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: ^R_____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 8

TITLE OF RULE BEING PROPOSED: Shampoo Assistants

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 15th, 2011 AT July 18th, 2011 10:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Rule Response _____

1201 Dunbar Ave. _____

Dunbar, WV 25064 _____

adam.l.higginbotham@wv.gov _____

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

p: 304.558.2924
f: 304.558.3450
www.wvbbc.org

Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

MEMORANDUM

To: Natalie E. Tennant
 Secretary of State

From: Adam L. Higginbotham
 Director
 Board of Barbers and Cosmetologists

Date: June 13th, 2011

Subject: 3CSR8 Rule Submission

On behalf of the Board of Barbers and Cosmetologists, I submit 3CSR8, Shampoo Assistants.

This new rules establishes rules and requirements for shampoo assistants. This is a follow up rule to the shampoo assistant code addition passed by the Legislature in 2011.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Shampoo Assistants

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Barbers and Cosmetologists

Address: 1201 Dunbar Avenue
Dunbar, WV 25064

Phone Number: 304-558-2924 Email: adam.l.higginbotham@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule creation will develop nearly 500 jobs across the State.

The implementation costs consist of mailings, software upgrades, and public awareness and is estimated at \$2,000.

The generated revenue is estimated at \$7,500 per year for the Board.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	2,000.00	500.00	500.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	7,500.00	7,500.00	7,500.00

Rule Title: Shampoo Assistants

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The agency cost of \$2,000 in the initial year is for software upgrades, mailings, and public awareness campaign.

Once the initial year of implementation is complete, mailing and paper costs will average nearly \$500.00.

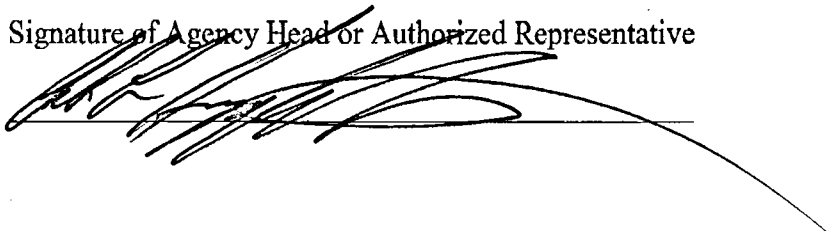
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule has potential to create nearly 500 jobs within 24 months.

Date: 6/13/2011

Signature of Agency Head or Authorized Representative

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

3CSR8

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 8

SHAMPOO ASSISTANTS

FILED
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OFFICE OF THE CLERK
SECRETARY OF STATE

§ 3.8.1. General

- 1.1. **Scope-** This legislative rule establishes the minimum requirements for shampoo assistants.
- 1.2. **Authority-** W. Va. Code 30-27-11a
- 1.3. **Filing Date-**
- 1.4. **Effective Date-**

§ 3.8.2. Definition of Shampoo Assistant

“Shampoo Assistant” means any person who engages in the practice of shampooing and rinsing hair, removing rollers or permanent rods, cleanses or performs other sink-related functions that do not require the skill of a licensee.

§ 3.8.3 Qualifications for Shampoo Assistants

- 3.1. Is at least sixteen years of age;
- 3.2. Is of good moral character;
- 3.3. Is in high school or has a high school diploma, a GED, or has passed the “ability to benefit test” approved by the United State Department of Education;
- 3.4. Has paid the applicable fee;
- 3.5. Has a certificate of health from a licensed physician;
- 3.6. Is a citizen of the United States or is eligible for employment in the United States;
- 3.7. Has passed a 3 clock hour board approved in-person or online sanitation course consisting of the purpose and importance of sanitation and the sanitation process;
- 3.8. Has submitted an application verifying the requirements within this section; and
- 3.9. Has fulfilled any other requirement specified by the board.

§ 3-8.4. Permit Requirements for Shampoo Assistants

4.1. Shampoo assistants can only perform services within the defined term of shampoo assistant in this rule.

4.2. It is unlawful for any person to shampoo or offer to shampoo without first obtaining a license or a permit from the Board.

4.3. Every shampoo assistant shall display his or her permit or permit renewal at the station the individual is currently working and shall exhibit the license to the board or its authorized representative.

4.4. In addition to the permit, each individual must possess a United States or state government issued photograph identification card and shall exhibit to the board or its authorized representative.

4.5. Shampoo permits are valid for one (1) year and must be renewed annually on or before July 1st of each year.

4.6. Shop owners and/or managers are responsible for ensuring that shampoo permit holders follow all provisions under the jurisdiction of the board.

§ 3-8-5. Revocation of Permit

5.1. The permit of a shampoo may be revoked or suspended by the Board for any reason specified in W. Va. Code § 30-27-1 et seq.

§ 3-8-6. Administrative Due Process

7.1. Those persons adversely affected by the enforcement of this rule have the right to request a hearing in a manner pursuant to the provisions of W. Va. Code § 30-27-1 et seq.