



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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: Barbers And Cosmetologists TITLE-SERIES: 3-01

RULE TYPE: Legislative Amendment to Existing Rule: Repeal of existing rule:

RULE NAME: 3-01 Procedures, Criteria and Curricula for Examination and License of Barbers,
Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-27-5 and 30-27-6.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

THE LANGUAGE IN THIS RULE HAS BEEN UPDATED AND AMENDED TO CORRESPOND WITH THE PROVISIONS OF W. VA. CODE 30-27

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Danielle J Cordle -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 1
PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND
LICENSURE OF BARBERS, COSMETOLOGISTS, NAIL TECHNICIANS, AESTHETICIANS, AND HAIR STYLISTS

§3-1-1. General.

1.1. Scope. -- This legislative rule establishes the minimum licensing and curriculum requirements for barbers, cosmetologists, hair stylists, aestheticians, and manicurists.

1.2. Authority. -- W. Va. Code §§ 30-27-5 and 30-27-6.

1.3. Filing Date. -- ~~May 16, 2013.~~

1.4. Effective Date. -- ~~June 1, 2013.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§3-1-2. License Requirement.

2.1. It is unlawful for any person to practice or offer to practice barbering, ~~beauty culture, cosmetology, hair styling,~~ manicuring, or aesthetics in this state without first obtaining a license for that purpose from the Board.

2.2. A person and student practicing barbering, cosmetology, hair styling, manicuring or aesthetics shall display his or her license or license renewal at the workstation the individual is currently working and shall exhibit the license to the board or its authorized representative.

2.3. In addition to the license that must be displayed ~~as provided for in Subsection 3.2, of this section,~~ every person practicing barbering, cosmetology, hair styling, manicuring or aesthetics in this state shall possess a ~~poCKET~~ government issued identification card containing the licensee's photograph.

§3-1-3. Qualification for Licensure.

3.1. An applicant for licensure shall present satisfactory evidence to the Board that he or she:

3.1.a. Is at least 18 years of age;

~~3.1.b. Is of good moral character and temperate habits;~~

3.1.b. Has completed at least the twelfth grade of public school or its equivalent, or has passed an ability to benefit test approved by the U.S. Dept. Of Education;

~~3.1.d c. Has graduated from a school of barbering, hair styling, or cosmetology approved by the Board, WV Council for Community & Technical college Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education in conjunction with the Department of Corrections;~~

3CSR1

or in the case of a manicurist or aesthetician, has successfully completed an approved course in manicuring or aesthetics in a school of cosmetology or graduated from a school of aesthetics or nail technology/manicuring;

3.1.e d. Has passed the appropriate examination;

3.1.f e. Has transmitted the appropriate application to the Board with the respective fee; and

3.1.g f. Has presented a certificate of health from a licensed physician to the Board.

3.1.h g. Is a citizen of the United State or is eligible for employment in the United States;

3.1.i h. Has fulfilled any other requirement specified by the board.

§3-1-4. Minimum Curriculum for Barbers.

4.1. A barber student shall complete a course of study consisting of 1200 clock hours ~~divided as specified in Table 3-1A of this rule to obtain a barber license.~~ of barbering as defined pursuant to W. Va. Code § 30-27-3.

~~4.2. All barber students shall have 250 clock hours before working on the general public in a licensed school.~~

§3-1-5. Minimum Curriculum for Cosmetologists.

5.1. A cosmetologist student shall complete a course of study consisting of a minimum of 1,800 clock hours ~~divided as specified in Table 3-1B of this rule to become licensed as a cosmetologist; and consisting of hair, aesthetics, and nail technology as defined pursuant to W. Va. Code § 30-27-3.~~

~~5.2. A cosmetology student shall have at least 300 clock hours before working on the general public in a licensed school.~~

§3-1-6. Minimum Curriculum for Manicurists.

6.1. A manicurist/nail technician student shall complete a course of study consisting of a minimum of 400 clock hours ~~divided as specified in Table 3-1C of this rule to become a licensed manicurist.~~ consisting of nail technology as defined pursuant to W. Va. Code § 30-27-3.

~~6.2. A manicuring student shall have at least 150 clock hours before working on the general public in a licensed school.~~

§3-1-7. Minimum Curriculum for Barbers to Obtain a Cross-Over Cosmetologist's License.

7.1. A barber student who has completed 1200 hours or a licensed barber, without chemical services, wishing to obtain a cross-over cosmetologist's license must complete 300 clock hours consisting of the nail technology, ~~(Table 3-1C)~~ and 500 clock hours consisting of aesthetics, ~~(Table 3-1E)~~ curriculums and 100 clock hours of the "chemicals" course of cosmetology as defined pursuant to W. Va. Code § 30-27-3. (Table 3-1B) in this rule.

~~7.2. The cross-over curriculum from barbering to cosmetology shall be taught in all approved West Virginia schools of cosmetology.~~

§3-1-8. Minimum Curriculum for Cosmetologists to Obtain a cross-Over Barber License.

8.1. A cosmetology student who has completed 1,800 hours of cosmetology or a licensed cosmetologist wishing to obtain a cross-over barber's license must complete a ~~100~~ 300 clock hour course specializing in just clipper cuts, shaving, and facial hair trimming.

~~8.2. The cross-over curriculum from cosmetology to barbering shall be taught in all approved West Virginia schools of barbering.~~

§3-1-9. Minimum Curriculum for Aestheticians.

9.1. A An aesthetician student shall complete a course of study consisting of a minimum of 600 clock hours ~~divided as specified in Table 3-1E of this rule to become a licensed aesthetician.~~ consisting of aesthetics as defined pursuant to W. Va. Code § 30-27-3.

~~9.2. An aesthetic student shall have at least 200 clock hours before working on the general public in a licensed school.~~

§3-1-10. Minimum Curriculum for Hair Stylist.

10.1. A hair stylist student shall complete a course of study consisting of a minimum of 1,000 clock hours ~~divided as specified in Table 3-1FG of this rule to become a licensed hair stylist.~~ of hair styling as defined pursuant to W. Va. Code § 30-27-3.

~~10.2. A hair stylist student shall have at least 250 clock hours before working on the general public in a licensed school.~~

§3-1-11. Reciprocity

11.1. A student who has previously attended school, or who has graduated from a school of barbering or cosmetology in another state, may receive credit towards the 1800 for cosmetologists, 1500 for barbering with chemical services, or 1200 for barbering clock requirement for graduation in this state if, on entrance into a school in this state, the student requests credit for hours obtained in another state and subsequently presents to the in-state school manager, credentials showing subjects studied and the hours of credit received, duly signed and certified by the manager of the school previously attended. The Board may also award credit to those applicants who can demonstrate work experience. The amount of credit awarded shall be 25 hours credit for each month or 300 hours credit for 1 year, not to exceed a total award of 50% of West Virginia's hour requirements.

11.2. The Board shall recognize reciprocity for military barbers with a DD214 and passage of the WV State Law exam.

§3-1-12. Administrative Due Process

12.1. A person adversely affected by the enforcement of this rule has the right to request a contested case hearing consistent with the provisions of W. Va. Code § 30-27-1 et seq. and § 29A-5-1 et seq.

Table 3-1A Minimum Curriculum for a Barber

General Professional Information	<u>Theory Work</u>	<u>Practical Work</u>
	100 clock hours	0 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Professional Development ● Effective Communication ● Human Relations ● Business Management/Ownership ● State Law ● Sanitation in the Licensed Facility ● Sanitation Processes and Guidelines ● First Aid ● General Infection Control 		
Introduction into Barbering	<u>Theory Work</u>	<u>Practical Work</u>
	3 clock hours	0 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Course Outlines ● History of Barbering ● Study Skills ● Professional Image as a Student and Future Licensee 		
The Science of Barbering	<u>Theory Work</u>	<u>Practical Work</u>
	200 clock hours	150 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Microbiology ● Infection Control Specifically to Barbering ● Implements, Tools, and Equipment ● Anatomy and Physiology ● Chemistry ● Electricity ● Properties and Disorders of the Skin, Hair and Scalp 		
Professional Barbering	<u>Theory Work</u>	<u>Practical Work</u>
	150 clock hours	597 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Treatment of the Hair and Scalp ● Shaving and Facial Hair Design ● Men's Haircutting and Styling 		

• ~~Men's Hair Replacements~~

Table 3-1B Minimum Curriculum for a 1500 Barber

<u>General Professional Information</u>	<u>Theory Work</u>	<u>Practical Work</u>
	<u>100 clock hours</u>	<u>0 clock hours</u>
<u>In this section, students will learn:</u>		
<ul style="list-style-type: none"> • <u>Professional Development</u> • <u>Effective Communication</u> • <u>Human Relations</u> • <u>Business Management/Ownership</u> • <u>State Law</u> • <u>Sanitation in the Licensed Facility</u> • <u>Sanitation Processes and Guidelines</u> • <u>First Aid</u> • <u>General Infection Control</u> 		
<u>Introduction into Barbering</u>	<u>Theory Work</u>	<u>Practical Work</u>
	<u>3 clock hours</u>	<u>0 clock hours</u>
<u>In this section, students will learn:</u>		
<ul style="list-style-type: none"> • <u>Course Outlines</u> • <u>History of Barbering</u> • <u>Study Skills</u> • <u>Professional Image as a Student and Future Licensee</u> 		
<u>The Science of Barbering</u>	<u>Theory Work</u>	<u>Practical Work</u>
	<u>200 clock hours</u>	<u>150 clock hours</u>
<u>In this section, students will learn:</u>		
<ul style="list-style-type: none"> • <u>Microbiology</u> • <u>Infection Control Specifically to Barbering</u> • <u>Implements, Tools, and Equipment</u> • <u>Anatomy and Physiology</u> • <u>Chemistry</u> • <u>Electricity</u> • <u>Properties and Disorders of the Skin, Hair and Scalp</u> 		
<u>Professional Barbering</u>	<u>Theory Work</u>	<u>Practical Work</u>
	<u>150 clock hours</u>	<u>597 clock hours</u>
<u>In this section, students will learn:</u>		
<ul style="list-style-type: none"> • <u>Treatment of the Hair and Scalp</u> • <u>Shaving and Facial Hair Design</u> • <u>Men's Haircutting and Styling</u> 		

- Men's Hair Replacements

Chemicals

Theory Work

Practical Work

100 clock hours

200 clock hours

In this section, students will learn:

- Chemical Texture Services
- Hair Coloring

Table 3-1B Minimum Curriculum for a Cosmetologist

General Professional Information	<u>Theory Work</u> 100 clock hours	<u>Practical Work</u> 0 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Professional Development ● Effective Communication ● Human Relations ● Business Management/Ownership ● State Law ● Sanitation in the Licensed Facility ● Sanitation Processes and Guidelines ● First Aid ● General Infection Control 		
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The Science of Cosmetology	<u>Theory Work</u> 200 clock hours	<u>Practical Work</u> 50 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Infection Control Specifically for Cosmetology ● General Anatomy and Physiology ● Skin Diseases and Disorders and Structure ● Properties of the Hair and Scalp ● Basics of Chemistry ● Basics of Electricity 		
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Professional Cosmetology	<u>Theory Work</u> 50 clock hours	<u>Practical Work</u> 400 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Principles of Hair Design ● Scalp Care, Shampooing, and Conditioning ● Haircutting ● Hairstyling ● Braiding and Extensions ● Wigs and Hair Additions 		
<hr/>		
Chemicals	<u>Theory Work</u> 100 clock hours	<u>Practical Work</u> 100 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Chemical Texture Services ● Hair Coloring 		

The Science of Aesthetics	<u>Theory Work</u> 117 clock hours	<u>Practical Work</u> 50 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Infection Control Specifically for Aesthetics ● General Anatomy and Physiology ● Basics of Chemistry ● Basics of Electricity ● Basics of Nutrition 		
Skin Sciences	<u>Theory Work</u> 40 clock hours	<u>Practical Work</u> 90 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Physiology and Histology of the Skin ● Disorders and Diseases of the Skin ● Skin Analysis ● Skin Care Products: Chemistry, Ingredients and Selection 		
General Aesthetics	<u>Theory Work</u> 36 clock hours	<u>Practical Work</u> 167 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● The Treatment Room ● Basic Facial ● Facial Massage ● Hair Removal ● Advance Topics and Treatments ● Makeup 		
The Science of Nail Technology	<u>Theory Work</u> 64 clock hours	<u>Practical Work</u> 10 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Infection Control Specifically for Nail Technicians ● General Anatomy and Physiology ● Skin Structure and Growth ● Nail Structure and Growth ● Nail Diseases and Disorders ● Basics of Chemistry ● Nail Product Chemistry ● Electricity 		

Basic Procedures	<u>Theory Work</u> 12 clock hours	<u>Practical Work</u> 80 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Pre and Post Service Procedures ● Handling and Exposure Incidents ● Performing Basic Manicures and Pedicures ● Hand, Arm, Foot, and Leg Massages ● Disinfecting Tools and Implements ● Wraps, Tips, Paraffin Wax Treatments ● Polishing, UV Gel, and Design 		

The Art of Nail Technology	<u>Theory Work</u> 21 clock hours	<u>Practical Work</u> 113 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Advanced Manicuring and Pedicuring ● Electric Filing ● Nail Tips and Wraps ● Monomer Liquid and Polymer Powder Nail Enhancements ● UV Gels ● Creative Design 		

Table 3-1C Minimum Curriculum for Manicurists/Nail Technicians

General Professional Information	<u>Theory Work</u>	<u>Practical Work</u>
	100 clock hours	0 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Professional Development ● Effective Communication ● Human Relations ● Business Management/Ownership ● State Law ● Sanitation in the Licensed Facility ● Sanitation Processes and Guidelines ● First Aid ● General Infection Control 		
The Science of Nail Technology	<u>Theory Work</u>	<u>Practical Work</u>
	64 clock hours	10 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Infection Control Specifically for Nail Technicians ● General Anatomy and Physiology ● Skin Structure and Growth ● Nail Structure and Growth ● Nail Diseases and Disorders ● Basics of Chemistry ● Nail Product Chemistry ● Electricity 		
Basic Procedures	<u>Theory Work</u>	<u>Practical Work</u>
	12 clock hours	80 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> ● Pre and Post Service Procedures ● Handling and Exposure Incidents ● Performing Basic Manicures and Pedicures ● Hand, Arm, Foot, and Leg Massages ● Disinfecting Tools and Implements ● Wraps, Tips, Paraffin Wax Treatments ● Polishing, UV Gel, and Design 		

The Art of Nail Technology	<u>Theory Work</u>	<u>Practical Work</u>
	21 clock hours	113 clock hours
In this section, students will learn:		
<ul style="list-style-type: none">● Advanced Manicuring and Pedicuring● Electric Filing● Nail Tips and Wraps● Monomer Liquid and Polymer Powder Nail Enhancements● UV Gels● Creative Design		

Table 3-1D Barber to Obtain Cosmetology Cross-Over

Chemicals	<u>Theory Work</u>	<u>Practical Work</u>
	<u>100 clock hours</u>	<u>100 clock hours</u>
In this section, students will learn:		
<ul style="list-style-type: none">• Chemical Texture Services• Hair Coloring		

Table 3-1E Minimum Curriculum Aestheticians

General Professional Information	<u>Theory Work</u>	<u>Practical Work</u>
	100 clock hours	0 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> • Professional Development • Effective Communication • Human Relations • Business Management/Ownership • State Law • Sanitation in the Licensed Facility • Sanitation Processes and Guidelines • First Aid • General Infection Control 		
The Science of Aesthetics	<u>Theory Work</u>	<u>Practical Work</u>
	117 clock hours	50 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> • Infection Control Specifically for Aesthetics • General Anatomy and Physiology • Basics of Chemistry • Basics of Electricity • Basics of Nutrition 		
Skin Sciences	<u>Theory Work</u>	<u>Practical Work</u>
	40 clock hours	90 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> • Physiology and Histology of the Skin • Disorders and Diseases of the Skin • Skin Analysis • Skin Care Products: Chemistry, Ingredients and Selection 		
General Aesthetics	<u>Theory Work</u>	<u>Practical Work</u>
	36 clock hours	167 clock hours
In this section, students will learn:		
<ul style="list-style-type: none"> • The Treatment Room • Basic Facial • Facial Massage • Makeup • Hair Removal 		

• ~~Advance Topics and Treatments~~

Table 3-1F Minimum Curriculum for Hair Stylists

General Professional Information	<u>Theory Work</u> 100 clock hours	<u>Practical Work</u> 0 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Professional Development • Effective Communication • Human Relations • Business Management/Ownership • State Law • Sanitation in the Licensed Facility • Sanitation Processes and Guidelines • First Aid • General Infection Control 		
The Science of Cosmetology	<u>Theory Work</u> 200 clock hours	<u>Practical Work</u> 50 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Infection Control Specifically for Cosmetology • General Anatomy and Physiology • Skin diseases and Disorders and Structure • Properties of the Hair and Scalp • Basics of Chemistry • Basics of Electricity 		
Professional Cosmetology	<u>Theory Work</u> 50 clock hours	<u>Practical Work</u> 400 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Principles of Hair Design • Scalp Care, Shampooing, and Conditioning • Haircutting • Hairstyling • Braiding and Extensions • Wigs and Hair Additions 		
Chemicals	<u>Theory Work</u> 100 clock hours	<u>Practical Work</u> 100 clock hours
<p>In this section, students will learn:</p> <ul style="list-style-type: none"> • Chemical Texture Services • Hair Coloring 		

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