



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: 3-07
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 3-07 Schedule of Fines

PRIMARY CONTACT

NAME: Danielle J Cordle
ADDRESS: 1201 Dunbar Avenue
Dunbar, WV 25064
EMAIL: danielle.j.cordle@wv.gov
PHONE NUMBER: 304-558-2924

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-8

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:

THIS RULE ESTABLISHES A SYSTEM OF ADMINISTRATIVE FINES

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: 6/28/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/31/2024

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:

THIS RULE ESTABLISHES A SYSTEM OF ADMINISTRATIVE FINES, AND THE CHANGES CONSIST OF THE REMOVAL OF UNNECESSARY CITATIONS, UPDATING THE LANGUAGE FOR CERTAIN CITATIONS, AND COMBINING CERTAIN CITATIONS WITH OTHERS

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:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

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

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 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.

TITLE 3
LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 7
SCHEDULE OF FINES

§3-7-1. General.

1.1. Scope. -- This legislative rule establishes a system of fines as adopted by the Board of Barbers and Cosmetologists.

1.2. Authority. -- W. Va. Code §30-1-8.

1.3. Filing Date. -- ~~April 13, 2010.~~

1.4. Effective Date. -- ~~July 1, 2010.~~

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, 2035.

§3-7-2. Schedule of Fines.

Any person ~~licensed or~~ holding a salon license or an individual authorization under the provisions of W. Va. Code §30-27-1 et seq. is subject to the fines specified in this section for the following conduct, practices or acts:

2.1. Failing to post a ~~shop license, practitioner license~~ license, certification, permit or booth certificate other authorization in a publicly visible place within a ~~shop salon or school. (posting of photocopies, reproductions and pocket identification cards will be cited as failure to post).~~

- 1st offense: Warning
- 2nd offense: \$50.00
- 3rd offense: The Board shall summon the ~~practitioner person or shop owner~~ to appear before the Board for the assessment of a fine and/or and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

2.2. Working with an expired individual license, certification, permit or other individual authorization.

- 1st offense: \$100.00
- 2nd offense: \$500.00
- 3rd offense: The Board shall summon the ~~practitioner person or shop owner~~ to appear before

the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.3. Practicing in a shop with an expired work permit/certificate.~~

- ~~1st offense: \$100.00 to the practitioner with the expired license and \$50.00 to the owner of the shop~~
- ~~2nd offense: \$500.00 to the practitioner with the expired license and \$500.00 to the owner of the shop~~
- ~~3rd offense: The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue their license.~~

~~2.4. Operating a shop with an expired shop license.~~

- ~~1st offense: \$200.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue a shop license.~~

~~2.5. 2.3. Operating a shop salon by a practitioner without first filing a shop salon application, paying the fee, and receiving a salon license.~~

- ~~1st offense: \$200.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner person or shop owner to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension or refusal to issue a license or other authorization.~~

~~2.6. Performing services as a practitioner while working in an unlicensed shop.~~

- ~~1st offense: \$200.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: \$1,000.00~~

~~2.7. 2.4. Performing services (when only temporary) in connection with an event such as, but not limited to, any fair, carnival bazaar, product or business promotion, weekend market or glamour photos without first obtaining a temporary license.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$200.00~~
- ~~3rd offense: \$500.00~~
- ~~4th offense: The Board shall summon the person to appear before the Board for the~~

assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.8. Practicing without Board authorization.~~

- ~~1st offense: \$300.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and/or the revocation, suspension or refusal to issue a license.~~

~~2.9. 2.5. Performing services which the practitioner and/or shop person is not licensed authorized to perform.~~

- ~~1st offense: \$400.00 to the practitioner and/or shop~~
- ~~2nd offense: \$1,000.00 to the practitioner and/or shop~~
- ~~3rd offense: The Board shall summon the practitioner person or shop owner to appear before the Board for the assessment of a fine and/or and any other penalties allowed by law including the proposed the revocation, suspension or refusal to issue their licenses a license or other authorization.~~

~~2.10. 2.6. Practicing barbering, cosmetology, facial technology or manieuring nail technology, aesthetics, hair styling, or waxing without a license an individual authorization or with a license an individual authorization issued to another person.~~

- ~~1st offense: \$500.00~~
- ~~2nd offense: \$1,000.00~~
- ~~3rd offense: The Board shall summon the practitioner person or shop owner to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.11. Operating a shop without a shop license by a person who is not licensed is a violation and shall incur the following penalties:~~

- ~~1st offense: \$500.00~~
- ~~2nd offense: \$1,000.00~~
- ~~3rd offense: The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a license.~~

~~2.12. 2.7. Allowing an unlicensed person a person without an individual authorization to practice in a licensed shop salon or school.~~

- ~~1st offense: \$500.00~~
- ~~2nd offense: \$1,000.00~~

3rd offense: The Board shall summon the ~~practitioner person or shop owner~~ to appear before the Board for the assessment of a fine ~~and/or~~ and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a shop license or other authorization.

~~2.13.~~ 2.8. Altering a license, ~~certificate~~ certification, permit or other authorization issued by the Board.

1st offense: \$500.00
2nd offense: \$1,000.00
3rd offense: The Board shall summon the person to appear before the Board for the assessment of a fine ~~and/or~~ and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license, ~~certificate~~ or other authorization.

~~2.14.~~ 2.9. Failing to meet the specifications relating to exits and fire standards in a ~~shop~~ salon located in the basement or above the first floor of a home.

~~Immediate suspension of the shop license until the violation is corrected~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$500.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.15.~~ 2.10. Failing to identify a ~~shop~~ salon located in a home by means of a house number or a sign easily visible from the street.

1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.16.~~ 2.11. Failing to have a separate entry for a ~~shop~~ salon located in a home or to properly separate the ~~shop~~ salon from the living area of the home.

1st offense: Warning
2nd offense: \$50.00 for each violation
3rd offense: \$100.00 for each violation
4th offense: The Board shall summon the person to appear before the Board for the

assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.17. Managing a shop in which cosmetology, barbering, manicuring or skin care is performed without a license.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$200.00~~

~~2.18. 2.12. Failing to submit to an inspection by the Board or refusing to allow the Board to inspect the premises when the a shop salon or school is open.~~

- ~~1st offense: \$300.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner person or shop owner to appear before the Board for the assessment of a fine and/or and any other penalties allowed by law including the proposed revocation, or suspension, of a certificate and/or shop license, or refusal to issue a license or other authorization.~~

~~2.19. 2.13. Failing as a booth renter to inform the Board apply for a Booth/Chair Rental Registration Certificate within 30 days of a change of work location.~~

- ~~1st offense: \$20.00~~
- ~~2nd offense: \$50.00~~
- ~~3rd offense: \$100.00~~
- ~~4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.20. 2.14. Failing to notify the Board of a change of home address within 30 days of the change.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$50.00~~
- ~~3rd offense: \$100.00~~
- ~~4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.21. 2.15. Failing to apply for a shop salon license prior to taking over the operation of an existing shop salon.~~

- ~~1st offense: Warning~~

- 2nd offense: \$100.00
- 3rd offense: \$200.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.22. Moving an existing shop from one location to another without first submitting to the Board an application and fee for the new location.~~

- ~~1st offense: \$200.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate and/or shop license.~~

~~2.23. Performing cosmetology, barbering, manicuring or skin care services by a student when not on the premises of the school in which he or she is enrolled.~~

- ~~1st offense: Warning and notify the school~~
- ~~2nd offense: \$150.00~~
- ~~3rd offense: \$300.00~~

~~2.24. 2.16. Failing to have adequate lighting in a licensed facility salon or school.~~

- 1st offense: Warning
- 2nd offense: \$50.00
- 3rd offense: \$100.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.25. 2.17. Failing to have a supply of both hot and cold running water on the premises of a licensed facility salon or school.~~

- 1st offense: Warning
- 2nd offense: \$100.00
- 3rd offense: \$300.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.26. 2.18. Failing to have toilet facilities available which are "reasonably accessible" reasonably accessible, for a licensed facility employees.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.27.~~ 2.19. Failing to keep a toilet facility located on the premises of a ~~licensed facility~~ salon or school clean ~~and sanitary.~~

1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.28.~~ 2.20. Having frayed electrical wiring or overloading the electrical circuits in a ~~licensed facility~~ salon or school.

1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.29.~~ Failing to use clean towels or linens for each client.

~~1st offense:~~ ~~Warning~~
~~2nd offense:~~ ~~\$100.00~~
~~3rd offense:~~ ~~\$300.00~~

~~2.30.~~ 2.21. Failing to use clean towels or linens for each client or store clean towels and linens in a clean area closed container.

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other

authorization.

~~2.31. Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.32. 2.22. Failing to immediately deposit chemical waste materials in a closed container or deposit all used towels, linens or other fabrics with chemical residue in a closed container after use.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~
- ~~4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.33. Failing to ensure that all articles which come in contact with a client are either disinfected, cleaned or disposed of.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.34. Failing to properly dispense powders, wave solutions, creams, semi-solid substances or other materials which come in contact with a client.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.35. Failing to deposit all chemical waste materials in a closed container at the close of each business day or having a closed container available.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.36. 2.23. Failing to immediately deposit all non-chemical waste and refuse in covered containers or failing to keep the covered containers clean.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$50.00~~

3rd offense: \$100.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.37. Failing to keep any shop waste disposal container clean.~~

~~1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00~~

~~2.38. 2.24. Failing to have sealable plastic bags and sealable rigid containers available for use of blood or other bodily fluids, and sharp-edged materials at all times services are being performed.~~

~~1st offense: Warning
2nd offense: \$300.00
3rd offense: \$500.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.39. Failing to keep disinfecting solutions at adequate strength for immediate use at all times a licensed facility is in operation and free of foreign material.~~

~~1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00~~

~~2.40. 2.25. Failing to discard a disposable emery board, sponge, buffer, or orangewood stick after use on a client or to give the emery board, sponge, buffer, or orangewood stick to the client single-use item after use on a client.~~

~~1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.41. Failing to cleanse and disinfect electrical or mechanical hair clipper blades after use on each client.~~

~~1st offense: Warning~~

2nd offense: \$100.00
3rd offense: \$300.00

~~2.42. 2.26. Failing in a shop or as a booth renter to provide one or more sanitizers adequate to the number of practitioners, usage requirements or volume of business. Failing to possess an approved EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.43. 2.27. Failing in a shop or as a booth renter to disinfect tools and implements. Failing to clean and disinfect tools and/or surfaces which come in contact with clients.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.44. 2.28. Failing to store disinfected or cleaned tools and implements separately from all others used tools and implements to be cleaned and disinfected after use.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.45. Failing to keep roller storage receptacles and their contents clean and free of foreign material.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00

~~2.46. Failing to keep storage drawers for clean tools and implements clean and to use such drawers only for clean tools and implements.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00

~~2.47. 2.29. Failing to keep storage cabinets, receptacles, drawers, work stations, vanities and the inside of microwave ovens or other such equipment clean.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.48. 2.30. Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale.~~

1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.49. 2.31. Having ~~pets~~ animals in ~~shops~~ a salon or school, other than fish in an aquarium.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$300.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.50. Failing to have washable, non-absorbent surfaces on all equipment in all areas of a shop in which hair design, facial technology or manieure services are performed.~~

1st offense: Warning
2nd offense: \$100.00
3rd offense: \$200.00

~~2.51. 2.32. Failing to keep a shop shampoo bowl or sink clean. Failing to clean and disinfect a piped or pipeless tub/sink or pedicure basin after each use.~~

- 1st offense: Warning
- 2nd offense: \$100.00
- 3rd offense: \$200.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.52.~~ 2.33. Failing to keep equipment in a ~~shop~~ salon or school, including upholstery fabrics, clean and in good repair.

- 1st offense: Warning
- 2nd offense: \$50.00
- 3rd offense: \$100.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.53.~~ 2.34. Failing to have washable, non-absorbent floor surfaces in the area(s) ~~of a shop~~ in which ~~hair design, facial technology or manieure~~ services are performed.

- 1st offense: Warning
- 2nd offense: \$100.00
- 3rd offense: \$200.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.54.~~ 2.35. ~~Allowing hair clippings to accumulate on a licensed facility floor or failing to dispose of hair clippings in a proper container.~~

- ~~1st offense:~~ ~~Warning~~
- ~~2nd offense:~~ ~~\$50.00~~
- ~~3rd offense:~~ ~~\$100.00~~

~~2.55.~~ 2.35. Failing to keep a ~~licensed facility's~~ walls, floors, base boards, and ceilings clean and free of excessive spots, mildew, scuff marks, gathered dirt, mold, condensation, hair clippings, or peeling paint.

- 1st offense: Warning
- 2nd offense: \$50.00
- 3rd offense: \$100.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the

proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.56. Performing barbering, cosmetology, aesthetics or manicure services while suffering from a diagnosed communicable disease or condition in a transmittable form:~~

~~Immediate suspension until the disease or condition is no longer communicable~~

~~2.57. 2.36. Treating any disease, or knowingly serving any a client suffering from a communicable disease or condition, or performing services while suffering from a communicable disease or condition.~~

- ~~1st offense: \$250.00~~
- ~~2nd offense: \$500.00~~
- ~~3rd offense: The Board shall summon the practitioner person to appear before the Board for the assessment of a fine and/or and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a certificate and/or shop license-license or other authorization.~~

~~2.58. 2.37. Performing barbering, cosmetology, facial technology or manicure services without washing one's hands prior to serving each client. Failing to thoroughly cleanse one's hands with soap and water or hand sanitizer before serving a client.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$25.00~~
- ~~3rd offense: \$50.00~~
- ~~4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.~~

~~2.59. Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and practitioners.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.60. Failing to mix chemicals in a dispensing area.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$100.00~~
- ~~3rd offense: \$300.00~~

~~2.61. 2.38. Mixing chemicals near a client or mixing or storing chemicals near an open flame or other potential source of ignition.~~

- ~~1st offense: Warning~~

- 2nd offense: \$100.00
- 3rd offense: \$300.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.62. 2.39. Failing to maintain a sanitary and clean facility salon or school free of insects and/or rodents.~~

- 1st offense: Warning
- 2nd offense: \$100.00
- 3rd offense: \$300.00
- 4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.63. Failing to provide continuing education documentation from an approved venue by the Board.~~

- 1st offense: License not renewed plus pay all applicable late fees
- 2nd offense: ~~License not renewed plus pay all applicable late fees and the board shall summon the practitioner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.~~

~~2.64. 2.40. Failing to renew Booth Rental Certificate annually. Working with an expired Booth/Chair Rental Registration Certificate.~~

- 1st offense: \$10.00 ~~for individual; \$50.00 for the establishment~~
- 2nd offense: \$50.00 ~~for individual; \$100.00 for the establishment~~
- 3rd offense: ~~The board~~ Board shall summon the ~~practitioner and/or shop owner~~ person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.65. Failing for a shop or shop owner to provide proper/required documentation of an electrical inspection 30 days after conditional shop opening approval pending certain documentation.~~

- Each Offense: Closure of shop until electrical certificate is provided

~~2.66. 2.41. Failing to provide a list of current booth renters to the Board office yearly with the shop renewal. Allowing a person without a Booth/Chair Rental Registration Certificate or with an expired Booth/Chair Rental Registration Certificate to practice in a salon.~~

- 1st offense: ~~Warning and license not renewed until list provided~~ \$50.00
- 2nd offense: \$100.00 ~~and license not renewed until list provided~~
- 3rd offense: ~~The board~~ Board shall summon the ~~practitioner and/or shop owner~~ person to

appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

~~2.67. Failing to post individual license and/or photo identification card at the work station the individual is currently working.~~

~~1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00~~

~~2.68. Failing to discard files after each use.~~

~~1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00~~

~~2.69. Failing to use clean towel (terry or paper) on manicare table for each client.~~

~~1st offense: Warning
2nd offense: \$50.00
3rd offense: \$100.00~~

2.42. Possessing a prohibited item or substance in a salon or school.

1st offense: \$100.00
2nd offense: \$300.00
3rd offense: \$500.00
4th offense: The Board shall summon the person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.