



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/22/2025 9:50:11 AM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Barbers And Cosmetologists

TITLE-SERIES: 3-07

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: SCHEDULE OF FINES

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 369

Section SB Passed On 4/4/2025 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 22, 2025

This rule shall terminate and have no further force or effect from the following date:

August 01, 2035

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. -- May 22, 2025

1.4. Effective Date. -- May 22, 2025

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 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 license, certification, permit or other authorization in a publicly visible place within a salon or school.

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

2.2. 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 person to appear before the Board for the assessment of a fine and any other penalties allowed by law including the

3CSR7

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

2.3. Operating a salon without first filing a 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 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.

2.4. 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.

2.5. Performing services which the person is not authorized to perform.

- 1st offense: \$400.00
- 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 any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

2.6. Practicing barbering, cosmetology, nail technology, aesthetics, hair styling, or waxing without an individual authorization or with an individual authorization issued to another person.

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

2.7. Allowing a person without an individual authorization to practice in a salon or school.

3CSR7

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

2.8. Altering a license, 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 any other penalties allowed by law including the proposed revocation, suspension, or refusal to issue a license or other authorization.

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

- 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.

2.10. Failing to identify a 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.

2.11. Failing to have a separate entry for a salon located in a home or to properly separate the 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.

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

- 1st offense: \$300.00
- 2nd offense: \$500.00
- 3rd 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.

2.13. Failing to 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.

2.14. 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.

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

2.16. Failing to have adequate lighting in a salon or school.

3CSR7

- 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.

2.17. Failing to have a supply of both hot and cold running water on the premises of a 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.

2.18. Failing to have toilet facilities available which are reasonably accessible.

- 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.

2.19. Failing to keep a toilet facility located on the premises of a salon or school 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.

2.20. Having frayed electrical wiring or overloading the electrical circuits in a 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

3CSR7

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

2.21. Failing to use clean towels or linens for each client or store clean towels and linens in a 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.

2.22. Failing to deposit chemical waste materials in a closed container or deposit 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.

2.23. 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.

2.24. Failing to have sealable plastic bags and sealable rigid containers available for use of blood or other bodily fluids, and sharp-edged materials.

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.

2.25. Failing to discard a 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.

2.26. 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.

2.27. 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.

2.28. Failing to store disinfected or cleaned tools and implements separately from used tools and implements that have not yet been cleaned and disinfected.

- 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.

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

3CSR7

- 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.

2.30. 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.

2.31. Having animals in a salon or school other than certified service animals or 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.

2.32. 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.

2.33. Failing to keep equipment in a 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

3CSR7

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.

2.34. Failing to have washable, non-absorbent floor surfaces in the area(s) in which 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.

2.35. Failing to keep 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.

2.36. Treating any disease, knowingly serving 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 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 thoroughly cleanse one's hands with soap and water 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.

2.38. 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.

2.39. Failing to maintain a 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.

2.40. Working with an expired Booth/Chair Rental Registration Certificate.

- 1st offense: \$10.00
- 2nd offense: \$50.00
- 3rd 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. 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: \$50.00
- 2nd offense: \$100.00
- 3rd 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.

2.42. 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

3CSR7

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.