



WEST VIRGINIA SECRETARY OF STATE

KRIS 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: 3-02

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

RULE NAME: Qualifications, Training, Examination, and Certification of Instructors in Barbering, Hair Styling, Nail Technology, Aesthetics, Waxing, and Cosmetology

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §§ 30-27-6 and 30-27-16 et seq

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:

Pursuant to §30-27-6, the board is required to establish the training program and requirements for instructors licensed under article 27.

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: 6/17/2025

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/25/2025

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 requirements for initial instructor certifications and renewal. § 3-2-2.2.1.b. (Be of good moral character and of temperate habits) was removed; Amendments were made to section § 3-2-4 (Reciprocity) and § 3-2-3 (Renewal of Certification as an Instructor) in order to correspond with the provisions related to reciprocity and continuing education described in W.Va. Code § 30-27; and all other amendments were technical amendments.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Pursuant to §30-27-6, the board is required to establish the training program and requirements for instructors licensed under article 27.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The Board does not anticipate any sort of economic impact on revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The Board does not anticipate any sort of economic impact on special revenue accounts.

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

The Board does not anticipate any sort of economic impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 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 2
QUALIFICATIONS, TRAINING, EXAMINATION, AND
CERTIFICATION OF INSTRUCTORS IN BARBERING, HAIR STYLING, NAIL TECHNOLOGY, AESTHETICS, WAXING, AND
COSMETOLOGY

§ 3-2-1. General.

1.1. Scope. -- This legislative rule establishes the qualifications, training, examination, and certification of instructors in schools of barbering, hair styling, nail technology, aesthetics, waxing, or cosmetology.

1.2. Authority. -- §§ 30-27-6 and 30-27-16 *et seq.*

1.3. Filing Date. -- ~~May 12, 2017.~~

1.4. Effective Date. -- ~~May 12, 2017.~~

1.5. Sunset Provision: This rule shall terminate and have no further force or effect on ~~May 12, 2027~~ August 1, 2036.

§ 3-2-2. General Qualifications for Certification as an Instructor.

2.1. An individual seeking certification must:

2.1.a. Have successfully passed a “teaching techniques” course at a post-secondary education level;

~~2.1.b. Be of good moral character and of temperate habits;~~

~~2.1.c.~~ 2.1.b. Have a high school diploma, GED, or “ability to benefit” test approved by the United States Department of Education;

~~2.1.d.~~ 2.1.c. Have graduated from a recognized school of barbering, hair styling, aesthetics, nail technology, or cosmetology;

~~2.1.e.~~ 2.1.d. Have submitted an application to the Board with the appropriate fees;

~~2.1.f.~~ 2.1.e. Have passed an examination approved by the Board consisting of an NIC Instructor exam, ~~and WV State Law exam~~ with at least an 80% pass percentage; and

~~2.1.g. Submit an application to the Board;~~

~~2.1.h.~~ 2.1.f. Pay applicable certification, examination and registration fees.

§ 3-2-3. Renewal of Certification as an Instructor.

~~3.1. Continuing education requirements must be completed in order to receive certificate renewal.~~

~~3.2.~~ 3.1. The renewal requirements for instructors represent minimum standards for teacher training. In order to maintain well-trained teachers, the Board recommends that an "In-Service" training program be conducted in both the schools of barbering and ~~of beauty culture~~ cosmetology in the art of teaching.

~~3.3.~~ 3.2. The applicant for renewal must submit the appropriate fee as specified in 3 CSR 6.

§ 3-2-4. Reciprocity.

~~4.1. An applicant from another state seeking certification as an instructor is eligible for certification by reciprocity if the applicant has acquired training in another state equal to the requirements established in this rule for the respective certificate requested; and has passed an NIC Instructor exam and WV State law exam with at least 80% pass percentage. Provided, that the state in which said applicant is certified extends the same privilege to certified instructors from this state. An applicant seeking certification as an instructor who holds a valid instructor certification to teach barbering, cosmetology, nail technology, aesthetics, hair styling, or waxing in another state must:~~

4.1.a. Hold a valid instructor certification to teach barbering, cosmetology, nail technology, aesthetics, hair styling, or waxing in another state which was granted after completion of educational requirements required in another state;

4.1.b. Not have charges pending against his or her valid instructor certification to teach and has never had a valid instructor certification revoked;

4.1.c. Have a high school diploma, GED, or "ability to benefit" test approved by the United States Department of Education;

4.1.d. Be at least 18 years of age;

4.1.e. Be a citizen of the United States or is eligible for employment in the United States;

4.1.f. Present a certificate of health issued by a licensed physician; and

4.1.g. Have submitted an application to the Board with the appropriate fees.

§ 3-2-5. Revocation of Certificate.

5.1. The certificate of an instructor in barbering, ~~or beauty culture~~ cosmetology, nail technology, aesthetics, hair styling, or waxing may be revoked or suspended by the Board for any reason specified in W. Va. Code § 30-27-1 *et seq.*

5.2. Any person who is certified as an instructor and his or her certification has been suspended

or revoked may at the discretion of the Board, be entitled to continue to practice barbering, ~~or~~ cosmetology, nail technology, aesthetics, hair styling, or waxing.

§ 3-2-6. Administrative Due Process.

6.1. 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.*