

-BARBERING, BEAUTY CULTURE AND MANICURING.

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9). [1] **Division of Barbers and Beauticians; Committee; Certification.**—There is hereby created in the state department of under its jurisdiction, a division of barbers and beauticians. There by created a state committee of barbers and beauticians, herein the committee.

unlawful for any person to practice or offer to practice barbering, re or manicuring in this state without first obtaining a certificate on for such purpose from the committee.

10). [2] **Barbering, Beauty Culture and Manicuring Defined.**—pose of this article "barbering" shall mean any one or combination wing acts, when done on the human body, and not for the treat- sease, to-wit: Shaving, shaping and trimming the beard; cutting, ampooring or dyeing the hair, or applying tonics thereto; applica- ment or massages of the face, neck or scalp with oils, creams, iseptics, cosmetics, powders, clays or other preparations; and any hen done to encourage the use or sale of articles of trade, or for ds or other compensation, whether to be received directly or in-

culture" shall mean any one or combination of the following acts, : on the human body, and not for the treatment of disease, to-wit:

The care, preservation and beautification of the hands and nails, commonly called manicuring; the cleansing, curling, waving, permanent waving, straightening, arranging, dressing, bleaching, tinting, coloring and shaping the hair, including such cutting of the hair as is necessary for the purposes mentioned in this paragraph; the application to, or treatment and massage of, the scalp, face, neck, arms, hands, or upper part of the body with oils, creams, lotions, powders, clays, cosmetics, antiseptics, or other preparations; and any such acts when done to encourage the use or sale of articles of trade, or for pay, reward or other compensation, whether to be received directly or indirectly.

"Manicuring," when done on the human body and not for the treatment of disease, shall mean the care, preservation and beautification of the hands and nails only.

The performance of any of the acts enumerated in this section shall not be deemed barbering, beauty culture or manicuring when done by duly licensed physicians, surgeons, nurses, or morticians, in the proper discharge of their professional duties.

§ 1409(41). [3] **Committee; Chairman to Approve and Enforce Rules and Regulations; Secretary; Expenses of Members; Powers and Duties of Committee; Inspectors.**—The committee shall consist of the director of health, ex officio, and four other members to be appointed by the governor, by and with the advice and consent of the senate, to serve at the will and pleasure of the governor. Of the four members thus appointed, one shall be an employing barber, one an employee barber, one an employing beautician, and one an employee beautician. One of the four so appointed shall be a member of the Negro race. Each member of the committee so appointed shall have been engaged within this state in the practice of barbering or beauty culture, as the case may be, for a period of eight years immediately prior to his appointment, and not more than two of the four members of the committee so appointed shall belong to the same political party.

On or before the thirtieth day of June of each year the governor shall appoint one member of the committee to serve for a term of four years, to begin on the first day of July. Any member of the committee shall be eligible for reappointment.

The director of health shall be ex officio chairman of the committee, and the enforcement of all rules and regulations promulgated by the committee pertaining to sanitary conditions of barbering and beauty shops and pertaining to the registration and qualifications of barbers, beauticians and manicurists shall be under his supervision and direction; no order, rule or regulation promulgated by the committee shall be in force and effect until approved by the director of health. The committee shall designate one of its members, or some other person, to act as secretary of the committee, and it shall be the duty of the secretary to perform such duties as may be prescribed by the committee.

Each member of the committee, except the chairman, shall receive as compensation a per diem of fifteen dollars for each day he is in attendance upon the sessions of the committee, but such compensation for each member shall not exceed the sum of three hundred dollars in any calendar year. Each

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member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties, upon presentation of an itemized sworn statement thereof.

The committee shall examine all applicants for certificates of registration and shall issue certificates to those entitled thereto; collect examination and registration fees; promulgate rules and regulations governing the operation of barber shops, beauty shops, and schools of barbering and beauty culture, including the prescribing of curriculums and standards of instructions for such schools; promulgate rules and regulations for the physical examination of barbers, beauticians, manicurists, junior barbers and beauticians, and students, and fix the standard form of report of such examinations; establish and enforce sanitary regulations in barber shops, beauty shops, and schools of barbering and beauty culture; enforce all such rules and regulations as are herein authorized; and do all other things necessary to effectuate the purposes of this article in the interest and protection of public health.

The director of health shall appoint not to exceed six inspectors, who shall be registered barbers and beauticians of this state, as herein provided, and it shall be their duty to make frequent inspections of all barber and beauty shops, and all schools of barbering and beauty culture in this state, and to report all violations to the director of health. The salaries and allowances for expenses of such inspectors shall be that fixed and allowed by the director of health and approved by the director of the budget, pursuant to his power to classify employment in the state government and its agencies.

§ 1409(42). [4] General Regulations; Revocation of Certificate for Violation.—Every general regulation adopted by the committee shall state the day on which it takes effect, and a copy thereof, duly signed by the director of health, shall be filed in the office of the secretary of state, and shall be published in such manner as the committee may determine. For the violation of any reasonable regulation so promulgated, the committee may cancel and revoke the certificate of registration issued such violator, and may refuse to renew or reissue the same.

§ 1409(43). [5] Qualifications of Applicants; Fees; Examination; Registration Certificates.—An applicant for registration as a barber, beautician or manicurist shall present satisfactory evidence that he or she is at least eighteen years of age, of good moral character and temperate habits, has completed at least the eighth grade of school, or the equivalent thereof, and has been graduated from a school of barbering or beauty culture approved by the state committee of barbers and beauticians, or in the case of a manicurist has successfully completed an approved course in manicuring in such a school, and shall transmit with his application an examination fee of twenty dollars. The examination shall be of such character as to determine the qualifications and fitness of the applicant to practice barbering, beauty culture or manicuring as defined by this article, and shall cover such subjects germane to the inquiry as the committee may deem proper. If an applicant for registration as a barber or beautician successfully passes such examination and is otherwise duly qualified, as required by this section, the committee shall register the applicant as a duly qualified junior barber or beautician, for which certificate, or renewal thereof, the fee shall be five dollars. Upon proof that the holder of such a certificate has served as a junior barber or

beautician for a period of not less than twelve months from the original date of such certificate, accompanied by a certificate of health from a duly licensed physician, the committee shall issue to the applicant a certificate of registration authorizing the applicant to practice barbering or beauty culture in this state. Any person who is able to furnish satisfactory proof that he has practiced barbering or beauty culture for at least twelve months prior to examination, and any applicant for registration as a manicurist, may be registered as a duly qualified barber, beautician or manicurist immediately after he has passed the examination. The committee shall charge for every such certificate of registration, or renewal thereof, issued by it a fee of ten dollars.

Any person who meets the requirements of this section as to age, character and health, who is a graduate of a recognized school of barbering or beauty culture in another state, or has successfully completed an approved course in manicuring in such a school, and who holds a current certificate as a registered barber, beautician or manicurist in another state, may file with the committee an application for registration without examination, together with a fee of twenty dollars. If in the opinion of the committee such applicant has had a prescribed course of instruction in barbering, beauty culture or manicuring equivalent to that required in this state at the time such course was completed, or is otherwise properly qualified, the committee may without examination issue to such applicant a certificate of registration as a duly qualified barber, beautician or manicurist.

§ 1409(44). [6] **Renewal of Registration; Fee.**—Every registered barber, beautician or manicurist who desires to continue in active practice or service shall, annually on or before the first day of January, renew his certificate of registration and pay an annual renewal fee of ten dollars. For any renewal which is more than thirty days late, a penalty of two dollars shall be added to the regular renewal fee. Every registered barber, beautician or manicurist who does not desire to continue in active practice, shall notify the committee in writing and shall, during such period, be listed by the committee as being inactive, and shall not be required to renew his certificate until such time as he shall again become active, and during such inactive period he or she shall not be liable for any renewal fees.

§ 1409(45). [7] **Student's Permit; Qualifications; Fee.**—All students, before entering upon their studies in approved schools of barbering or beauty culture in this state, shall apply for and receive a student's permit from the committee. The application shall be upon forms provided by the committee and shall include a health certificate from a duly licensed physician. An applicant for registration as a student shall present satisfactory evidence that he or she is at least seventeen years of age, of good moral character and temperate habits, and has completed at least the eighth grade of school or the equivalent thereof. Upon receipt of a fee of five dollars, the committee shall register each qualified applicant as a student barber, beautician or manicurist and shall issue the appropriate student's permit, which shall be good during the prescribed period of study for such student. A student may perform any or all acts constituting barbering, beauty culture or manicuring in a school of barbering or beauty culture under the immediate supervision of a registered instructor, but not otherwise.

§ 1409(46). [8] **Display of Certificate of Registration.**—Every person practicing barbering, beauty culture or manicuring and every student and junior barber and beautician shall display his certificate of registration or renewal thereof in a conspicuous place in the shop wherein he practices or is employed and whenever required shall exhibit such certificate to the state committee of barbers and beauticians or its authorized representative.

§ 1409(47). [9] **Shop To Be Managed by Registered Barbers and Beauticians; Number of Junior Barbers or Beauticians Permitted; Restrictions on Buildings or Rooms Used as Shops and Businesses In; Advertising of Prices Prohibited.**—Every barber or beauty shop in this state shall be operated under the supervision and management of a barber or beautician who is registered as such in this state. Each barber or beauty shop in this state may employ at least one junior barber or beautician therein. However, in shops regularly employing more than three registered barbers or beauticians only one such junior barber or beautician may be employed for every three such registered barbers or beauticians, but in no event can more than three such junior barbers or beauticians be employed in any one barber or beauty shop. No business or trade other than that of barbering shall be conducted in a barber shop and no business or trade other than that of beauty culture shall be conducted in a beauty shop, except the display and/or sale of commodities or other articles used in connection with barbering or beauty culture, and no such barber or beauty shop shall be operated in a store, dwelling house, or other building or space used for any purpose other than barbering or beauty culture unless such barber or beauty shop is separated by stationary partitions extending from floor to ceiling: Provided, that nothing herein contained shall be construed as prohibiting a barber shop from carrying on the business of shoe shining or manicuring or both shoe shining and manicuring. A suitable sign shall be displayed at the main entrance of all barber and beauty shops, plainly indicating the business conducted therein: Provided, however, that no sign shall be displayed outside any barber or beauty shop or inside the same, so as to be clearly visible from the outside and for the ostensible purpose of attracting trade, which in any way advertises the prices to be charged in such barber or beauty shop for services to be therein performed.

§ 1409(48). [10] **Schools of Barbering or Beauty Culture; Qualifications of Instructors.**—No person, firm or corporation, public or private, whether organized for profit or not, shall own or operate a school of barbering or beauty culture in this state without first obtaining a license so to do from the committee. No such license shall be issued unless the person or persons teaching or instructing therein have been registered by the committee as duly qualified instructors. All applicants for a license to operate a school of barbering or beauty culture shall permit an inspection of such proposed school to determine whether it is properly fitted and equipped for instruction in barbering or beauty culture. No school shall be licensed unless in the opinion of the committee it is properly fitted and equipped. The committee may suspend, revoke, or refuse to renew the license of a school whenever it fails to meet the minimum standards and qualifications required for the issuance of an original license.

The license fee for each school of barbering and for each school of beauty culture shall be twenty-five dollars annually, to be paid in such manner as the

committee may prescribe, on or before January first of each year. The license shall be prominently displayed in the school, and a suitable sign shall be kept on the front of the school which shall plainly indicate that a school of barbering or beauty culture is operated therein.

The committee is hereby authorized to make reasonable rules and regulations prescribing the standards and requirements to be met by applicants for registration as duly qualified instructors in schools of barbering or beauty culture. Such rules and regulations may provide for the issuance of certificates for instructors, including temporary certificates, and shall prescribe minimum qualifications as to age, education and training for applicants for such certificates. Each registered instructor in barbering or beauty culture shall pay an initial registration fee of five dollars, and shall renew his certificate annually and pay a renewal fee of five dollars on or before the first day of January of each year. An expired certificate may be reinstated only upon the payment of all lapsed renewal fees, unless such instructor shall have notified the committee that he or she desires to be placed on an inactive status during which time he or she shall not be liable for any renewal fees. The applicant for reinstatement shall also be required to meet the qualifications for registration in effect at the time application for reinstatement is made.

§ 1409(49). [11] Health Certificates Required Before Certificate of Registration Issued.—No person shall practice barbering, beauty culture or manicuring, or serve as a student or junior barber or beautician in this state while having an infectious, contagious or communicable disease. No person shall be registered as a barber, beautician, manicurist or student until he or she shall have obtained a certificate of health from a licensed physician under article three of this chapter certifying such person to be free of all infectious, contagious and communicable diseases. Such certificate shall be filed with the state committee of barbers and beauticians within ten days after the examination of the person is made by the physician, and a photograph of the applicant must accompany the application with such certificate. The certificate shall be in such form as the committee may prescribe. The committee shall be empowered to compel any registered barber, beautician, manicurist, student, or junior barber or beautician, to submit to a physical examination and file a certificate of health at any reasonable time.

§ 1409(50). [12] Requirements to Operate Shops and Schools; Sanitary Rules and Regulations.—It shall be unlawful for any person, firm or corporation to own or operate a beauty or barber shop, or a school of beauty culture or barbering, or to act as a barber, beautician or manicurist, unless:

(a) Such beauty shop, barber shop, or school of beauty culture or barbering shall before opening its place of business to the public, have been approved by the committee as having met all the requirements and qualifications for such places of business as are required by this article and for this purpose. It shall be the duty of the owner or operator of each such beauty shop, barber shop, or school of beauty culture or barbering to notify the committee, in writing, at least ten days before the proposed opening date of such shop or school, whereupon it shall become the duty of the committee, through the inspectors herein provided for, to inspect such shop or school. Upon given notice of the opening of any such shop or school, the owner

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or operator thereof shall pay to the committee an inspection fee of twenty-five dollars. In the event the shop or school fails to meet the requirements of this article and is not approved, the inspection fee shall be returned to the person paying same. Any shop or school meeting the prescribed requirements shall be granted a certificate permitting it to do business as such. If, however, after the lapse of ten days after the giving of such notice of opening to the committee, an inspection is not made or such certificate of opening has not been granted or refused, the owner or operator of such shop or school may open provisionally subject to later acquirement of such certificate and to all other provisions, rules and regulations provided for in this article;

(b) All such shops and schools, and bathrooms, toilets and adjoining rooms used in connection therewith, are kept clean, sanitary, well-lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any such shop or school is prohibited;

(c) Each barber, beautician, manicurist, instructor, junior barber and beautician, and student, shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron;

(d) Each patron is served with clean, freshly laundered linen which is kept in a closed cabinet used for that purpose alone. All linens, immediately after being used, shall be placed in a receptacle used for that purpose alone.

The committee shall prescribe such other rules and regulations in regard to sanitation and cleanliness in such shops and schools as it may deem proper and necessary and shall have power to enforce compliance therewith. Such rules and regulations shall be kept posted in a conspicuous place in each shop or school.

§ 1409(51). [13] **Grounds for Cancellation, or Refusal to Issue or Renew Certificate of Registration.**—The committee may refuse to issue a certificate of registration to any applicant, or may refuse to renew, or may suspend or revoke the same for any holder thereof, for any of the following causes: (1) conviction of the commission of a felony, as shown by a certified copy of the record of the court of conviction; (2) obtaining or attempting to obtain a certificate of registration to practice barbering or beauty culture in this state by false pretenses, fraudulent misrepresentation, or bribery by the use of money or other consideration; (3) gross incompetency; (4) the continued practice of barbering or beauty culture by a person knowing himself or herself to be afflicted with a contagious or infectious disease; (5) the use knowingly of any false or deceptive statements in advertising; (6) habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs; (7) conviction for the illegal sale of any intoxicating beverage, as shown by a certified copy of the record of the court of conviction; (8) violation of any of the sanitary rules and regulations prescribed by the committee.

§ 1409(52). [14] **Penalties for Violation; Injunction.**—Any violation of the provisions of this article or of the rules and regulations of the committee, when promulgated by it as set out in section four of this article, shall constitute a misdemeanor, punishable, upon conviction, by a fine of not

less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment. Justices of the peace shall have concurrent jurisdiction with circuit and criminal courts for the enforcement of the provisions of this article and the rules and regulations promulgated by the committee.

Notwithstanding the existence or pursuit of any other remedy, the committee may, in the manner provided by law, maintain an action in the name of the state for an injunction against any person, partnership, association, or corporation to restrain or prevent the establishment, conduct, management, or operation of any barber shop, beauty shop, school of barbering or beauty culture, or related agency, when such person, partnership, association, or corporation, repeatedly refuses to obtain registration or license therefor and continues the practice or teaching of barbering or beauty culture without first obtaining registration or a license therefor in the manner hereinbefore provided.

§ 1409(53). [15] **Provisions of Article One, Chapter Thirty, Code, to Apply to Committee.**—Unless otherwise specially provided herein, the provisions of article one, chapter thirty of the code of West Virginia shall apply to the state committee of barbers and beauticians.

§ 1409(54). [16] **Collections and Expenditures; Disposition of Funds.**—All money collected under the provisions of this article shall be deposited in the state treasury as provided by law, and shall be credited to the committee in a special fund to be known as the "Barbers and Beauticians Special Fund". All money in such fund shall be expended only for the administration and enforcement of the provisions of this article, except that at the end of each fiscal year there shall be transferred from this fund to the general revenue of the state ten per cent of all money collected by the committee during the year.

§ 1409(55). [17] **Provisions of Act Separable; Repeal of Laws.**—The various provisions of this act shall be construed as separable and several, and should any of the provisions or parts thereof be construed or held to be unconstitutional, or for any other reason invalid the remaining provisions of this act shall not be thereby affected. All acts and parts of acts in conflict with the provisions of this act, or any part thereof, are hereby repealed. Any ordinances of any municipalities in this state now in effect and having for their purposes the regulation of the practice of barbering or beauty culture, which are in conflict with the provisions of this act, or any part thereof, shall be null and void and of no effect on and after the date this act goes into effect.

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

N. H. Dyer, M. D., M. P. H.
State Director of Health

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 11/28/67