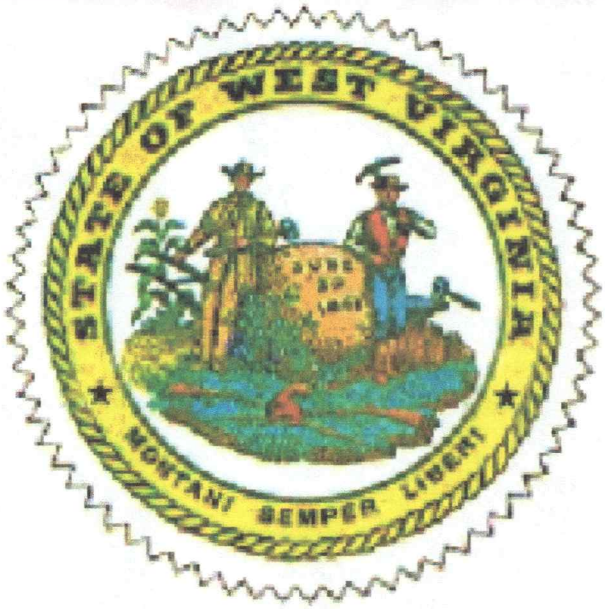
WV Law



Governing the Practice of Barbering & Cosmetology

Charleston School of Beauty Culture

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Terms & Definitions

Constitution:

A Constitution is a document which authorized or creates a government and specifies and limits the authority of that government.

Code:

A code is a collected body of the written laws of a country, state, county or municipality.

Common Law:

The Common Law is a collection of decisions by the courts developing legal principles based on common understanding and previously decided cases.

WV Code:

The West Virginia Code is divided into Chapters, Articles and Sections. In the WV Code, Chapter 30 is the chapter which deals with the regulation of professions, professional business and professionals.

The symbol "§" represents the word "section." The symbol "-" used to separate chapter, article and section numbers, and read as "dash." Parts of Sections, called subsections, are denoted by letters or numbers in parenthesis. In rules or regulations a period is used as a separator, and read as "dot."

For example, WV Code § 30-27-1 is read, "West Virginia Code section thirty dash twenty-seven dash one" or "chapter thirty, article twenty-seven, section one."

Statute:

A statute is a specific law, or section of the whole written law, typically limited to a single idea or topic. Statutes and Court Decisions at Common Law are actual law.

Agency:

An agency is a subdivision of the government authorized to oversee or implement a particular set of statutes or section of the Code.

Rule:

A rule is a guideline created by a state agency and approved by the state legislature regarding the procedures that the agency is supposed to follow.

Regulation:

A regulation is a guideline created by a state agency and approved by the state legislature stating how the agency interprets, implements or understands the law, for example creating a schedule of fines.

Section 1.

West Virginia Code

WEST VIRGINIA CODE

§30-1-1a. LEGISLATIVE FINDINGS AND DECLARATION.

The Legislature hereby finds and declares that as a matter of public policy the practice of the professions referred to in this chapter is a privilege and is not a natural right of individuals. The fundamental purpose of licensure and registration is to protect the public, and any license, registration, certificate or other authorization to practice issued pursuant to this chapter is a revocable privilege.

* * *

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-1. Unlawful acts.

(a) It is unlawful for any person to practice or offer to practice barbering, barber permanent waving, cosmetology, hairstyling, waxing, shampoo assisting, aesthetics or nail care in this state without a license or certification issued under the provisions of this article, or advertise or use any title or description tending to convey the impression that the person is a licensed or certified aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist, cosmetologist crossover, hairstylist, shampoo assistant, waxing specialist or nail technician unless the person has been licensed or obtained certification under the provisions of this article and the license or certification has not expired, been suspended or revoked.

(b) No salon, except through a licensee or certification, may render any service or engage in any activity which, if rendered or engaged in by an individual, would constitute the practices licensed or certified under the provisions of this article.

(c) No school, except through a certified instructor, may instruct, render any service or engage in any activity which, if taught, rendered or engaged in by an individual, would constitute the practices licensed under the provisions of this article.

§30-27-2. Applicable law.

The practices licensed under the provisions of this article and the Board of Barbers and Cosmetologists are subject to the provisions of article one of this chapter, the provisions of this article, and any rules promulgated hereunder.

§30-27-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) "Aesthetics" or "esthetics" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Administering cosmetic treatments to enhance or improve the appearance of the skin, including cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating or performing any other similar procedure on the skin of the human body or scalp;

(2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person's face, neck, back, shoulders, hands, elbows and feet up to and including the knee; This version of the WV Code is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.

(3) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(4) The waxing and tweezing of hair on another person's body;

(5) The wrapping of another person's body in a body wrap;

(6) Applying artificial eyelashes and eyebrows; and

(7) The lightening of hair on the body except the scalp.

(b) "Aesthetician" or "esthetician" means a person licensed under the provisions of this article who engages in the practice of aesthetics and has completed six hundred clock hours of training.

(c) "Applicant" means a person making application for a professional license, license, certificate, registration, permit or renewal under the provisions of this article.

(d) "Barber" means a person licensed under the provisions of this article who engages in the practice of barbering and has completed a twelve hundred clock-hour barber training program without chemical services or a fifteen hundred clock-hour barber training program with chemical services, or has successfully completed the barber apprenticeship program.

(e) "Barbering" means any one or any combination of the following acts when done on the head and neck for compensation and not for the treatment of disease:

(1) Shaving, shaping and trimming the beard, or both;

(2) Cutting, singeing, shampooing, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and

(3) Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting or trimming of the hair or beard.

(f) "Barber crossover" " is a person who has completed twelve hundred or fifteen hundred clock hours of training, is licensed as a barber, and completed additional hours of training in nails, aesthetics and/or chemical services, to the total amount of twenty-one hundred hours, to perform cosmetology.

(g) "Barber permanent waving" means the following acts performed on the head and neck for compensation and not for the treatment of disease:

(1) The bleaching or tinting of hair; and

(2) The permanent waving of hair.

(h) "Barber permanent wavist" means a person who has completed two thousand clock hours of training and was licensed to perform barbering and barber permanent waiving enrolled 58 by August 28, 2012. This version of the WV Code is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.

(i) "Board" means the West Virginia Board of Barbers and Cosmetologists.

(j) "Certificate" means an instructor certificate to teach in a school under the provisions of this article or a document issued by the board for certification obtained pursuant to section eight-b of this article.

(k) "Certificate holder" means a person certified as an instructor to teach in a school under the provisions of this article or who has obtained a certification pursuant to section eight-b of this article.

(l) "Cosmetologist" means a person licensed under the provisions of this article who engages in the practice of cosmetology and who has completed eighteen hundred clock hours of training.

(m) "Cosmetology" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) Nail care;

(3) Applying by hand or with a mechanical or electrical device or appliance, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person's face, neck, shoulders, hands, elbows and feet up to and including the knee;

(4) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, shoulders, hands, elbows and feet up to and including the knee;

(5) The wrapping of another person's body in a body wrap; and

(6) Performing aesthetics.

(n) "Cosmetology crossover" is a person who has completed eighteen hundred clock hours of training, is licensed as a cosmetologist and completes an additional three hundred hours of training in clipper cuts and face shaving to perform barbering, for a total of twenty-one hundred hours.

(o) "General supervision" means:

(1) For schools, a master or certified instructor is on the premises and is quickly and easily available; or

(2) For salons, a professional licensee is on the premises and is quickly and easily available.

(p) "Hair styling" means any one or any combination of the following acts when done on the head and neck for compensation and not for the treatment of disease: This version of the WV Code is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative. Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, facial hair trimming, scalp treatments, waving, permanent waving, relaxing, straightening, shampooing, ,

singeing, bleaching, tinting, coloring, or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances.

(q) "Hair stylist" means a person licensed under the provisions of this article who engages in the practice of hair styling and who has completed one thousand clock hours of training, effective July 1, 2016.

(r) "License" means a professional license, a salon license or a school license.

(s) "Licensed school" means a facility which has been approved by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education in conjunction with the Department of Corrections pursuant to section nine, article two-b, chapter eighteen-b of this code to educate persons to be licensed or issued certain permits under the provisions of this article.

(t) "Licensee" means a person, corporation or firm holding a license issued under the provisions of this article.

(u) "Nail care" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) The cleansing, dressing, or polishing of nails of a person;

(2) Performing artificial nail service; and

(3) The cosmetic treatment of the feet up to the knee and the hands up to the elbow.

(v) "Nail technician" or "manicurist" means a person licensed under the provisions of this article who engages in the practice of nail care and has completed four hundred clock hours of training.

(w) "Permit" means a work permit.

(x) "Permitee" means a person holding a work permit.

(y) "Professional license" means a license to practice as an aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist, cosmetologist crossover, hairstylist or nail technician.

(z) "Registration" means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued by the board to a person who is a student in a school.

(aa) "Registrant" means a person who holds a registration under the provisions of this article.

(bb) "Salon" means a shop or other facility where a person practices under a professional license.

(cc) "Salon license" means a license to own and operate a salon. This version of the WV Code is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.

(dd) "Student registration" means a registration issued by the board to a student to study at a school licensed under the provisions of this article.

(ee) "Waxing specialist" means a person certified under the provisions of this article who engages in the practice of waxing and tweezing of hair on another person's body.

(ff) "Shampoo assistant" means a person certified under the provisions of this article who engages in the practice of shampooing and rinsing hair; removing rollers or permanent rods and cleansing or other sink related functions not requiring the skill of a license. They must work at all times under the direct supervision of a licensed barber, hairstylist or cosmetologist.

(gg) Hair braiding, threading and any other item not spelled out are not regulated by the West Virginia Board of Barbers and Cosmetologists.

§30-27-4. Board of Barbers and Cosmetologists.

(a) The West Virginia Board of Barbers and Cosmetologists is continued. The members of the board in office on July 1, 2016, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.

(b) The Governor, by and with the advice and consent of the Senate, shall appoint:

(1) One licensed cosmetologist;

(2) One licensed barber or barber permanent wavist;

(3) One licensed aesthetician who is not a cosmetologist;

(4) One licensed nail technician who is not a cosmetologist;

(5) One representative from a privately owned beauty school licensed by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education with the Department of Corrections; and

(6) Four citizen members representing the public;

(c) After the initial appointment term, the term shall be for five years. All appointments to the board shall be made by the Governor by and with the advice and consent of the Senate.
(d) Each licensed member of the board, at the time of his or her appointment, must have held a professional license in this state for a period of not less than three years immediately preceding the appointment.
(e) Each member of the board must be a resident of this state during the appointment term. This version of the WV Code is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.
(f) A member may not serve more than two consecutive full terms. A member may continue to serve until a successor has been appointed and has qualified. A member serving on the board on June 30, 2016, may be reappointed in accordance with the provisions of this section.
(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and the appointment shall be made within sixty days of the vacancy.
(h) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.
(i) A member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked, is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.
(j) The board shall elect annually one of its members as chairperson who serves at the will of the board.
(k) Each member of the board is entitled to compensation and expense reimbursement in accordance with article one of this chapter.
(l) A majority of the members of the board constitutes a quorum.
(m) The board shall hold at least two annual meetings. Other meetings may be held at the call of the chairperson or upon the written request of two members, at the time and place as designated in the call or request.
(n) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article IV of the constitution of this state.

§30-27-5. Powers and duties of the board.
(a) The board has all the powers and duties set forth in this article, by rule, provided such rule does not contradict the provision of this article and does not exceed the authorities granted in this article, in article one of this chapter and elsewhere in law.
(b) The board shall:
(1) Hold meetings, conduct hearings and administer examinations;
(2) Establish requirements for licenses, permits, certificates and registrations;
(3) Establish procedures for submitting, approving and rejecting applications for licenses, permits, certificates and registrations;
(4) Determine the qualifications of any applicant for licenses, permits, certificates and registrations;
(5) Prepare, conduct, administer and grade examinations for professional licenses and certificates; Provided, That the examinations must meet national standards.
(6) Determine the passing grade for the examinations;
(7) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examinations and the pass and fail rate;
(8) Set operational standards and requirements for licensed schools; Provided, That a licensed school shall have a minimum of one chair per student available during practical instruction;
(9) Hire, discharge, establish the job requirements and fix the compensation of the executive director;
(10) Maintain an office, and hire, discharge, establish the job requirements and fix the compensation of employees, investigators/inspectors and contracted employees necessary to enforce the provisions of this article: *Provided,* That any investigator/inspector employed by the board on July 1, 2009, shall retain their coverage under the classified service, including job classification, job tenure and salary, until that person retires or is dismissed: *Provided, however,* That nothing may prohibit the disciplining or dismissal of any investigator/inspector for cause;
(11) Investigate alleged violations of the provisions of this article, legislative rules, orders and final decisions of the board;
(12) Establish the criteria for the training of investigators/inspectors;
(13) Set the requirements for investigations and inspections;
(14) Conduct disciplinary hearings of persons regulated by the board;
(15) Determine disciplinary action and issue orders;

(16) Institute appropriate legal action for the enforcement of the provisions of this article;
(17) Report violations of the provisions of this article, and legislative rules promulgated pursuant to this article, alleged to have been committed by a licensed school to the West Virginia Council for Community and Technical College Education. If the board determines that probable cause exists that a violation occurred, the board immediately shall advise and provide its investigation file to the West Virginia Council for Community and Technical College Education;
(18) Maintain an accurate registry of names and addresses of all persons regulated by the board;
(19) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;
(20) Establish the continuing education requirements for professional licensees and certificate holders;
(21) Issue, renew, combine, deny, suspend, revoke or reinstate licenses, permits, certificates and registrations;
(22) Establish a fee schedule;
(23) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and
(24) Take all other actions necessary and proper to effectuate the purposes of this article.

(c) The board may:
(1) Establish joint licenses;
(2) Contract with third parties to administer the examinations required under the provisions of this article;
(3) Sue and be sued in its official name as an agency of this state; and
(4) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

(d) Notwithstanding any other provision of this code, the board may not restrict a certificate holder or licensee from practicing his or her licensed craft at temporary on-site events in connection with, but not limited to: Fairs, carnivals, weddings, pageants or photographs: Provided, That the certificate holder or licensee is compliant with all other prescribed requirements and rules under this code. If an out-of-state licensee works in a temporary capacity, less than five days, in connection with an event or temporary commercial enterprise, he or she may be granted a temporary work permit to work after submitting his or her current license certification to this state and paying the applicable fee: Provided, however, That the licensee shall display or have immediately available their license for the duration of his or her practice at a temporary event.

§30-27-6. Rulemaking.

The board shall propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:
(1) Standards and requirements for licenses, permits, certificates and registrations;
(2) Procedures for examinations and reexaminations; *Provided*, That the board shall offer examinations in all languages other than English if available to the board and requested by the applicant.
(3) Requirements for third parties to prepare and/or administer examinations and reexaminations;
(4) Educational and experience requirements;
(5) The passing grade on the examinations;
(6) Standards for approval of courses and curriculum;
(7) Procedures for the issuance and renewal of licenses, permits, certificates and registrations;
(8) A fee schedule;
(9) Continuing education requirements for professional licensees and certificate holders;
(10) The procedures for denying, suspending, revoking, reinstating or limiting the practice of licensees, permitees, certificate holders and registrants;
(11) Designating the regions for investigators/inspectors;
(12) Criteria for the training of investigators/inspectors;
(13) Requirements for investigations and inspections;
(14) Requirements for inactive or revoked licenses, permits, certificates and registrations;
(15) Establishing the training program and requirements for instructors for schools licensed under this article;
(16) Establishing operating procedures for salons; and
(17) Any other rules necessary to effectuate the provisions of this article.

§30-27-7. Fees; special revenue account; administrative fines.

(a) All fees in effect on January 1, 2009, shall remain in effect until they are amended or repealed by legislative rule or statute.

(b) All fees and other moneys, except administrative fines, received by the board shall be deposited in a separate special revenue fund in the State Treasury designated the "Barbers and Beauticians Special Fund", which is continued and shall be known as the "Board of Barbers and Cosmetologists Special Fund". The fund is used by the board for the administration of this article. Except as may be provided in article one of this chapter, the board retains the amount in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(c) Any amount received as fines, imposed pursuant to this article, shall be deposited into the General Revenue Fund of the State Treasury.

§30-27-8. Professional license requirements.

(a) An applicant for a professional license to practice as an aesthetician, barber, barber crossover, cosmetologist, hair stylist, cosmetologist crossover or nail technician shall present satisfactory evidence that he or she:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Has a high school diploma, a GED, or has passed the "ability to benefit test" approved by the United States Department of Education;

(4) Has graduated from a licensed school which has been approved by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education with the Department of Corrections or has completed education requirements in another state and meets the licensure provisions of the board;

(5) Has passed an examination that tests the applicant's knowledge of subjects specified by the board: *Provided,* That the board may recognize a certificate or similar license in lieu of the examination or part of the examination that the board requires;

(6) Has paid the applicable fee;

(7) Presents a certificate of health from a licensed physician;

(8) Is a citizen of the United States or is eligible for employment in the United States; and

(9) Has fulfilled any other requirement specified by the board.

(b) A license to practice issued by the board prior to July 1, 2016, shall for all purposes be considered a professional license issued under this article: *Provided,* That a person holding a license issued prior to July 1, 2016, must renew the license pursuant to the provisions of this article.

(c) A person, who by education and experience qualifies to be a barber and a cosmetologist or a barber crossover or cosmetologist crossover, may elect at any time to practice solely as a barber and, after notice and application to the board, may be licensed as a barber without other designation.

§30-27-8a. Barber apprentice.

(a) The board may establish an apprenticeship program to become a barber. A barber apprentice shall work at all times under the direct supervision of a licensed barber and any permit issued by the board to work as a barber apprentice does not allow a person to practice individually as a barber.

(b) An applicant for a barber apprenticeship shall present satisfactory evidence that he or she:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Has a high school diploma, a GED, or has passed the "ability to benefit test" approved by the United States Department of Education;

(4) Has paid the applicable fee;

(5) Has a certificate of health from a licensed physician;

(6) Is a citizen of the United States or is eligible for employment in the United States; and

(7) Has fulfilled any other requirement specified by the board.

(c) An applicant for a sponsor of a barber apprentice shall present satisfactory evidence that he or she:

(1) Is licensed as a barber under the provisions of this article;

(2) Has paid the applicable fee; and

(3) Has fulfilled any other requirement specified by the board.

(d) The board may propose emergency rules and rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this section, including:

(1) The requirements for:

(A) The barber apprenticeship program;

(B) The barber apprentice permit; and

(C) A licensed barber to sponsor a barber apprentice;

(2) Procedures for an examination;

(3) A fee schedule; and

(4) Any other rules necessary to effectuate the provisions of this section.

§30-27-8b. Certifications.

(a) The board shall issue a certification to an applicant who obtains training at a licensed school or continuing education provider, in West Virginia, in the following area: Waxing Specialist.— An applicant for a waxing specialist shall present satisfactory evidence that he or she:

(A) Is at least eighteen years of age;

(B) Is of good moral character;

(C) Has a high school diploma, a GED, or has passed the "ability to benefit test" approved by the United States Department of Education;

(D) Has paid the applicable fee;

(E) Has a certificate of health from a licensed physician;

(F) Is a citizen of the United States or is eligible for employment in the United States;

(G) Has completed a one hundred-hour class that consists of: Professional requirements, safety and health, skin structure, disorders and diseases, removal of superfluous hair and twenty-five hours on the clinic floor, supervised, for a total of one hundred twenty-five hours;

(H) If not currently licensed, must take the West Virginia state law test; and

(I) Has fulfilled any other requirement specified by the board.

(b) The board shall issue to any barber the fifteen hundred clock-hour level licensure who has previously completed a twelve hundred clock-hour training program, and who subsequently completes a three hundred clock-hour certification program in chemical services.

§30-27-9. Professional license from another state; license to practice in this state.

(a) The board may issue a professional license to practice to an applicant of good moral character who holds a valid license or other authorization to practice in that particular field from another state, if the applicant demonstrates that he or she:

(1) Holds a license or other authorization to practice in another state which was granted after completion of educational requirements substantially equivalent to those required in this state and passed an examination that is substantially equivalent to the examination required in this state;

(2) Does not have charges pending against his or her license or other authorization to practice, and has never had a license or other authorization to practice revoked;

(3) Has not previously failed an examination for professional licensure in this state;

(4) Has paid the applicable fee;

(5) Is a citizen of the United States or is eligible for employment in the United States;

(6) Has presented a certificate of health issued by a licensed physician; and

(7) Has fulfilled any other requirement specified by the board.

(b) In its discretion, the board may examine a person by a written, oral or skills test for licensing under this section, and may enter into agreements for reciprocal licensing with other jurisdictions having substantially similar requirements for licensure.

(c) The provisions of this section do not apply to nail technicians or manicurists from another state or jurisdiction. A nail technician or manicurist from another state or jurisdiction is required to show that he or she has completed the required curriculum and has successfully passed the board's practical skills examination to apply for licensure under the provisions of this article.

§30-27-10. Professional license and certificate renewal requirements.

(a) A professional licensee and certificate holder shall annually on or before January 1, renew his or her professional license or certificate by completing a form prescribed by the board, paying the renewal fee and submitting any other information required by the board.

(b) The board shall charge a fee for each renewal of a license or certificate, and a late fee for any renewal not paid by the due date.

(c) The board shall require as a condition of renewal of a professional license or certificate that each licensee or certificate holder complete continuing education: subject to the following exceptions:

(1) When a barber or cosmetologist has been licensed and in practice for ten years, that barber or cosmetologist will not be required to complete any continuing education other than a three-hour sanitation class every other year for a period of ten years; and

(2) A person, who by education and experience qualifies to be a barber and a cosmetologist or a barber crossover or cosmetologist crossover, may elect to be licensed solely as a barber and shall not be required to attend or participate in continuing education programs that are not required of licensed barbers.

(d) The board may approve for continuing education credit any education course providing instruction in any curriculum, subject matter or discipline included in the education required for licensure that is submitted to the board offered by:

(1) A licensed school or instructor, outside of school instruction;

(2) A manufacturer or distributor of barbering, aesthetics, nail technology or cosmetology products;

(3) A barber or cosmetology trade organization; or

(4) Any course offered at an accredited private or public university, college or community college in this state that relates to the profession or a general business class.

(e) The board may deny an application for renewal for any reason which would justify the denial of an original application for a license or certificate.

(f) The board shall recognize reciprocity for military barbers for the purpose of state examination of barbers.

§30-27-10a.

Repealed.

Acts, 2009 Reg. Sess., Ch. 175.

§30-27-11. Work permit.

(a) The board may issue a work permit to practice to an applicant who meets the following conditions:

(1) Has graduated from a licensed school approved by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education with the Department of Corrections or has completed the course requirements in another state and meets the licensure provisions of the board;

(2) Is waiting to take the examination;

(3) Has employment in the field in which he or she applied to take the examination and is working under the general supervision of a professional licensee;

(4) Has paid the work permit fee;

(5) Has presented a certificate of health issued by a licensed physician;

(6) Is a citizen of the United States or is eligible for employment in the United States; and

(7) Meets all the other requirements specified by the board.

(b) A work permit expires at the end of the month after issuance following the next examination in the specific field. A work permit may be renewed once.

(c) While in effect, a work permitee is subject to the restrictions and requirements imposed by this article.

§30-27-11a. Shampoo assistant.

(a) The board may establish a shampoo assistant permit. A shampoo assistant shall work at all times under the direct supervision of a licensed barber or cosmetologist and any permit issued by the board to work as a shampoo assistant does not allow a person to practice individually as a shampoo assistant.

(b) A shampoo assistant is only authorized to perform the following services:

(1) Shampooing and rinsing hair;

(2) Removing rollers or permanent rods; and

(3) Cleansing or other sink-related functions not requiring the skill of a licensee.

(c) An applicant for a shampoo assistant permit shall present satisfactory evidence that he or she:

(1) Is at least sixteen years of age;

(2) Is of good moral character;

(3) Is in high school or has a high school diploma, a GED, or has passed the "ability to benefit test" approved by the United States Department of Education;

(4) Has paid the applicable fee;

(5) Has a certificate of health from a licensed physician;

(6) Is a citizen of the United States or is eligible for employment in the United States; and

(7) Has fulfilled any other requirement specified by the board.

(d) The board may propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty- nine-a of this code, to implement the provisions of this section, including:

(1) The requirements and procedures for a shampoo assistant permit:

(2) A fee schedule; and

(3) Any other rules necessary to effectuate the provisions of this section.

§30-27-12. Student registration.

(a) Prior to commencing studies in a licensed school, a student shall acquire a student registration issued by the board.

(b) An applicant for a student registration shall present satisfactory evidence that he or she meets the following conditions:

(1) Is enrolled as a student in a licensed school;

(2) Is of good moral character;

(3) Has paid the required fee;

(4) Has presented a certificate of health issued by a licensed physician; and

(5) Is a citizen of the United States or is eligible for employment in the United States.

(c) The student registration is good during the prescribed period of study for the student.

(d) The student may perform acts constituting barbering, hairstying, cosmetology, aesthetics or nail care in a school under the general supervision of a master or certified instructor.

(e) The studend is not required to take class hours that are consecutive.

§30-27-13. Display of professional license and permits.

(a) The board shall prescribe the form for a professional license and work and student permits, including a photograph, and may issue a duplicate license or permit, upon payment of a fee.

(b) Every professional licensee and work permitee shall display his or her license or permit in a conspicuous place at his or her work station.

(c) Every student shall have available his or her student permit and be able to produce it upon request.

(d) Every professional licensee, work permitee or certificate holder must present such license or permit to an investigator/inspector or a board member upon request.

§30-27-14. Health certificate requirements.

(a) It is unlawful for a person to practice as a professional licensee, certificate holder or be a permitee or be a certified instructor while having an infectious, contagious or communicable disease.

(b) The board may, with cause, require a professional licensee, permitee, certificate holder or certified instructor to submit to a physical examination and file a certificate of health.

§30-27-15. Schools may provide certain classes at different locations.

A licensed school may provide clinical instruction and theory instruction in separate locations. Any school authorized under this article cannot be established within the same physical structure as a salon, spa or similar business licensed under W. Va. Code § 30-27-17.

§30-27-16. Certification requirements to be an instructor in a school.

(a) The board may issue a certificate to be an instructor in a school to an applicant who meets the following requirements:

(1) Meets the educational requirements established by the board;

(2) Has completed and passed a course in teaching techniques at a post-secondary educational level;

(3) Has passed the instructor examination;

(4) Has paid the appropriate fees;

(5) Presents a certificate of health from a licensed physician;

(6) Is a citizen of the United States or is eligible for employment in the United States; and

(7) Has fulfilled any other requirement specified by the board.

(b) All instructor certifications must be renewed annually or biennially on or before January 1, and pay a renewal fee.

(c) A certification to be an instructor issued by the board prior to January 1, 2009, shall for all purposes be considered a certification issued under this article: *Provided,* That a person holding a certification issued prior to January 1, 2009, must renew the certification pursuant to the provisions of this article.

(d) An instructor with an expired certificate must comply with the following to renew his or her certificate:

(1) Notify the board that he or she wants to be placed on inactive status; or

(2) Pay all lapsed renewal fees;

(3) Present a new certificate of health; and

(4) Meet the qualifications for certification set out in this article.

(e) A certified instructor is not required to have an active professional license, unless the instructor is in fact practicing outside the scope of his or her employment as an instructor.

§30-27-17. Salon license requirements.

(a) Prior to opening a salon, any person, firm or corporation owning and/or operating a salon, and any person, firm or corporation practicing in a field authorized by this article, shall meet the following requirements to acquire a salon license to do business:

(1) The salon has been approved by the board as having met all the requirements and qualifications for the place of business as are required by this article;

(2) Notify the board, in writing, at least twenty days before the proposed opening date, so there can be an inspection of the salon: *Provided,* That if an inspection is not made within ten days of the opening of the salon, or a salon license to open has not been granted or refused, then the salon may open provisionally subject to a later inspection and to all other provisions and rules provided for in this article;

(3) Pay all applicable fees;

(4) All rooms, facilities, bathrooms, toilets and adjoining rooms used in the place of business are kept clean, sanitary, well lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any shop is prohibited;

(5) Every professional licensee or permitee in the place of business thoroughly cleans his or her hands with soap and water immediately before serving any patron; and

(6) Every patron is served with clean, freshly laundered linen that is kept in a closed cabinet used for that purpose only. All linens, immediately after being used, must be placed in a receptacle used for that purpose only.

(b) All rules shall be kept posted in a conspicuous place in each place of business.

(c) All salon licenses must be renewed annually or biennially on or before July 1 and pay a renewal fee.

(d) A license to operate a salon issued by the board prior to July 1, 2009, shall for all purposes be considered a salon license issued under this article: *Provided,* That a person holding a license issued prior to July 1, 2009, must renew the license pursuant to the provisions of this article.

(e) The salon license shall be permanently displayed in the salon, and a suitable sign shall be displayed at the main entrance of the salon which shall plainly indicate what type of salon is being operated.

§30-27-18. Salon management requirements.

(a) Every salon in this state offering the services set forth in this article shall be operated under the supervision and management of a professional licensee licensed under this article.

(b) Any services set forth in this article may be conducted within the same salon. A suitable sign shall be displayed at the main entrance of all salons plainly indicating the business conducted therein.

§30-27-19. Booth or chair rental registration requirements.

(a) Any professional licensee who elects to rent or lease a booth or chair from a licensed salon owner and/or operator must comply with the following to receive a registration from the board:

(1) Register with the board;

(2) Register with the State Tax Division and present the registration to the board;

(3) Pay a registration fee;

(4) Notify the board of the length of any rental or lease agreement;

(5) State the name of the person or salon from which a chair or booth is being rented or leased; and

(6) State the effective date of the rental or lease.

(b) If a person registered with the board pursuant to this section elects to move from one salon to rent or lease a chair or booth from another salon, then he or she must register again with the board and pay a fee.

(c) Each licensed salon owner and/or operator who elects to rent or lease chairs or booths shall notify the board in writing of such rental or lease within ten days of the effective date of the rental or lease.

(d) The board shall quarterly notify the State Tax Commissioner of all persons registered pursuant to this section during the previous quarter. Such notice shall be in writing and shall include the following:

(1) The names of all the registered professional licensees;

(2) The names of the salons where space is being rented or leased; and

(3) The length of time of each rental or lease agreement.

(e) All registrations must be renewed annually or biennially on or before July 1 and pay a renewal fee.

(f) A registration to rent or lease a booth or chair issued by the board prior to July 1, 2009, shall for all purposes be considered a registration issued under this article: *Provided,* That a person holding a registration to rent or lease

a booth or chair issued prior to July 1, 2009, must renew the registration pursuant to the provisions of this article.

§30-27-20. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may upon its own motion based on credible information, and shall upon the written complaint of any person cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules of the board.

(b) Upon initiation or receipt of the complaint, the board shall provide a copy of the complaint to the licensee, permittee, registrant or certificate holder.

(c) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee, permittee, registrant or certificate holder has violated subsection (g) of this section or rules promulgated pursuant to this article.

(d) Upon a finding that probable cause exists that the licensee, permittee, registrant or certificate holder has violated subsection (g) of this section or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for the suspension or revocation of the license, permit, registration or certification or the imposition of sanctions against the licensee, permittee, registrant or certificate holder. Any hearing shall be held in accordance with the provisions of this article.

(e) Any member of the board or the executive director of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board or its executive director may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend or revoke the license, permit, registration or certification of, impose probationary conditions upon or take disciplinary action against, any licensee, permittee, registrant or certificate holder for any of the following reasons once a violation has been proven by a preponderance of the evidence:

(1) Obtaining a license, permit, registration or certification by fraud, misrepresentation or concealment of material facts;

(2) Being convicted of a felony or other crime involving moral turpitude;

(3) Being guilty of unprofessional conduct which placed the public at risk, as defined by legislative rule of the board;

(4) Intentional violation of a lawful order or legislative rule of the board;

(5) Having had a license or other authorization revoked or suspended, other disciplinary action taken, or an application for licensure or other authorization revoked or suspended by the proper authorities of another jurisdiction;

(6) Aiding or abetting unlicensed practice; or

(7) Engaging in an act while acting in a professional capacity which has endangered or is likely to endanger the health, welfare or safety of the public.

(h) For the purposes of subsection (g) of this section, effective July 15, 2009, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Administrative fine, not to exceed $1,000 per day per violation;

(4) Mandatory attendance at continuing education seminars or other training;

(5) Practicing under supervision or other restriction;

(6) Requiring the licensee, permittee, registrant or certificate holder to report to the board for periodic interviews for a specified period of time; or

(7) Other corrective action considered by the board to be necessary to protect the public, including advising other parties whose legitimate interests may be at risk.

§30-27-21. Procedures for hearing; right of appeal.

(a) Hearings shall be governed by the provisions of section eight, article one of this chapter.

(b) The board may conduct the hearing or elect to have an administrative law judge conduct the hearing.

(c) If the hearing is conducted by an administrative law judge, at the conclusion of a hearing he or she shall prepare a proposed written order containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the board so directs. The board may accept, reject or modify the decision of the administrative law judge.

(d) Any member or the executive director of the board has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.

(e) If, after a hearing, the board determines the licensee, permittee, registrant or certificate holder has violated subsection (g) of this section or the board's rules, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

§30-27-22. Judicial review.

Any licensee, permittee, registrant or certificate holder adversely affected by a decision of the board entered after a hearing may obtain judicial review of the decision in accordance with section four, article five, chapter twenty-nine-a of this code, and may appeal any ruling resulting from judicial review in accordance with article six, chapter twenty-nine-a of this code.

§30-27-23. Criminal proceedings; penalties.

(a) When, as a result of an investigation under this article or otherwise, the board has reason to believe that a licensee, permitee, registrant or certificate holder has committed a criminal offense under this article, the board may bring its information to the attention of an appropriate law-enforcement official.

(b) Effective July 15, 2009, a person violating a provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000 or confined in jail not more than six months, or both fined and confined.

§30-27-24. Single act evidence of practice.

In any action brought or in any proceeding initiated under this article, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order or conviction without evidence of a general course of conduct.

Section 2.

State Board Rules & Regulations

TITLE 3 SERIES 5
3CSR5

LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS
OPERATION OF BARBER, BEAUTY SHOPS, AND SCHOOLS OF BARBERING AND BEAUTY CULTURE

§3-5-1. General

1.1. Scope – This legislative rule governs the sanitary requirements of salons and schools licensed by the Board of Barbers and Cosmetologists.

* * *

1.4. Effective Date – May 12, 2017

§3-5-2. Sanitation and Operation Requirements

2.1. All salons or schools must have cross air ventilation before opening.

2.2. All salon's or school's respective toilets and adjoining rooms used in connection therewith must be kept clean, sanitary, well lighted and ventilated at all times.

The use of chunk alum, powder puffs and styptic pencils in any such salon or school is prohibited. No pets such as cats, dogs, birds, etc., shall be kept in or allowed to inhabit shops or the entrance to such salons or schools.

2.3. Each barber, cosmetologist, aesthetician, nail technician/manicurist, instructor and student shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron.

2.4. Each patron must be 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 closed receptacle used for that purpose alone.

2.5. A freshly laundered towel or paper neck strip must be placed around the neck of every patron so that the chair cloth or shampoo apron does not come in contact with the patron's skin.

2.6. The wiping of hands or instruments of any kind on linen being used in prohibited.

2.7. The headrests of all barber chairs should be wiped down with an approved disinfectant or allow a change of paper for each customer.

Used shaving papers must be deposited in a receptacle used for that purpose alone.

2.8. All salons must be equipped with hot and cold running water piped to hot and cold water faucets of a lavatory. For purposes of this rule, a lavatory is that plumbing fixture commonly used for hand washing.

An individual lavatory shall be provided for each barber chair in all barber shops, and shall be located in the working area of each barber chair. Waste water must be drained through proper plumbing facilities into the public sewer system.

2.9. All rooms used for salons must be equipped with all implements, supplies, sterilizers, linen and all other equipment and requisites necessary to perform any or all of the services usually rendered in salons. Salons located in residences must have a private entrance, proper toilet facilities and must be confined strictly to rooms used exclusively for barbering or beauty culture services.

2.10. Every barber, hair stylist or cosmetologist who uses hair brushes must have at least six (6) in use. After each brush is used, it must be thoroughly washed and immersed in an approved disinfectant solution, dried and placed in a clean storage bin until used again.

2.11. Every barber, hair stylist or cosmetologist must have at least twelve (12) combs in use. Every comb must be washed and thoroughly sterilized after each use.

2.12. All razors, scissors, tweezers, needles, blades, and other instruments shall be thoroughly cleaned and disinfected by immersion in an approved disinfecting solution, after they have been in use, and such tools, instruments and appliances shall, when not in use, be kept in a clean storage bin.

Massage cups, glass applicators and metallic accessories must be detached after each use and thoroughly washed, disinfected and then placed in a clean storage bin.

The bottom blade of all clippers shall be sponged with a small pledget of cotton that has been dipped in an approved disinfectant before each use.

2.13. Waving fluid, or other liquid preparations, must be applied to the hair only through a sanitary dispenser, or by dripping, pouring, or spraying on the hair.

2.14. All rollers must be cleaned and sterilized after each patron and, when not in use, kept in a closed cabinet or clean storage bin used for that purpose only.

2.15. The advertised price of a permanent wave must include a shampoo and all other preparations necessary prior to giving the wave, and every act necessary to complete the permanent wave excluding a haircut. The manager of each salon will be held responsible for seeing that the salon has on hand at all times all supplies required to give each individual permanent wave advertised, by name, by that particular salon.

2.16. Each licensee and student shall be held responsible for keeping his or her individual chair, work stand, mirror, drawers, individual sterilizers and entire booth or stand clean and neat during working hours. Each such licensee practicing in any capacity must keep his or her entire personal appearance clean and neat, and above reproach at all times.

2.17. Every licensee must have adequate cabinet space for storing tools and accessories only. Each barber, hair stylist or cosmetologist must have an approved, compartment-type, individual dip sterilizer, which must be of sufficient size to allow combs to be completely submerged. Dip sterilizers may be made of glass, or other noncorrosive materials, and must contain, at all times, an adequate fresh supply of an approved disinfectant. Combs, brushes and other implements shall be washed in soap and water prior to being placed in the dip sterilizer, and shall be dried before being placed in the cabinet sterilizer.

2.18. No person practicing barbering or beauty culture, in any capacity, is permitted to remove warts, moles or skin blemishes. Cosmetologists and aestheticians can perform extraction of skin blemishes. No person may attempt to treat any disease of the skin or scalp. Persons desiring, or in need of treatment of any disease, must be referred to a licensed physician.

2.19. Floors must be kept clean and free from hair, and where possible, mopped each day.

2.20. Any member of the Board or its agents may enter and inspect any barber, beauty, nail, and aesthetic shops/salons or school of barbering, cosmetology, hair styling, aesthetics or nail technology during business hours to check any part of the premises in order to ascertain whether or not any part of these rules are being violated, and to take any other action necessary to properly enforce the law.

2.21. A copy of this rule must be framed and posted in a conspicuous place in every barber or beauty shop and school of barbering or beauty culture. Licenses must be framed and posted at each work station at which the individual is currenting working. (emphasis added).

2.22. Failure on the part of the owner, manager or employee to comply with this rule is a violation of law and sufficient cause for the Board to revoke, or decide not to renew any applicable license.

2.23. For the purposes of this rule, an approved disinfectant means a one-thousandth (1/1000) solution of quarternary (sic.) ammonium salts of high germicidal activity, or its equivalent.

2.24. All salons or schools opened after the effective date above must have an inspection completed by a licensed electrician stating the electrical wiring within the shop is adequate to the proposed usage of the facility.

2.25. No barber, beauty, nail and aesthetic shops/salons may operate equipment primarily used for a service that is governed by this board that the salon or its licensed workers are not licensed to operate.

2.26. All salon and shop owners and/or managers must present annual records of all booth renters on July 1st of each year. The record should include: name of renter, renter's license number, name of salon, salon's license number, and length of current rental or lease agreement.

2.27. All salons and school ceilings, ceiling tiles, floors, flooring tiles, base boards, and walls shall be in good repair without signs of excessive dirt, suspect mold or mildew, or any damage that is considered a threat to public safety and/or sanitation.

§3-5-3. Duty to Carry Out Rules, Reporting and Complaints

3.1. It shall be the duty of the proprietors of all salons and schools, and all certificate holders, licensees, students, and others to assist in carrying out the provisions of this rule by reporting any violation to the Board or any of its duly authorized agents.

3.2. Complaints may be presented to an inspector at the time of inspection or may be mailed to the Board. Complaints will be investigated as promptly as possible.

§3-5-4. Administrative Due Process

4.1. Those persons adversely affected by the enforcement of this rule shall have the right to request a hearing in a manner pursuant to the provisions of W. Va. Code § 30-27-1 et seq.

TITLE 3 SERIES 6
3CSR6

LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS
SCHEDULE OF FEES

§ 3-6-1. General

1.1. Scope - This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.

* * *

§ 3-6-2. Schedule of Fees

2.1	Examination and re-examination fee (to be paid to the National Interstate Council [NIC] sponsored third party examiner) (Cost of exams are based on NIC rates not to exceed $186.00) **Current Rates:** **National Written, National Practical & State Law - $186.00** **Any combination of exams including National Practical - $186.00** **National Practical only - $99.00** **National Written with or without State Law - $87.00** **State Law - $87.00**	
2.2	**Issuance or License fee**	**$ 35.00**
2.3	Reciprocity, application without exam fee	$100.00
2.4	Annual license renewal fee	$ 35.00
2.5	**Late renewal fee** **Plus a $10.00 late fee for each 30 days late not to exceed 205.00**	**$ 35.00**
2.6	Student permit	$ 25.00
2.7	Initial licensed instructor fee	$ 50.00
2.8	Annual renewal of licensed instructor fee	$ 50.00
2.9	Late renewal fee for instructor license Plus a $10.00 late fee for each 30 days late not to exceed 205.00	$ 50.00
2.10	**Registration fee for booth or chair rental**	**$ 15.00**
2.11	**Annual renewal for booth or chair rental**	**$ 15.00**
2.12	**Late renewal for booth or chair rental** **Plus $10.00 late fee for each 30 days late not to exceed $100.00**	**$ 15.00**
2.13	**Shop or school opening inspection fee**	**$ 50.00**
2.14	**Duplicate license fee**	**$ 10.00**
2.15	**Initial license fee for beauty, barber, manicure, and aesthetician shop**	**$ 40.00**
2.16	**Annual renewal fee for beauty, barber, manicure, and aesthetician shops**	**$ 40.00**
2.17	**Late Renewal Fee for shop license:** **Plus a $10.00 late fee for each 30 days late**	**$ 40.00**

2.18	Fee for certification of licensure	$ 35.00
2.19	Continuing Education Provider Annual Certificate This is intended for approved providers of continuing education.	$ 100.00
2.20	Online Sanitation and Law Continuing Education This is for individual licenses that take the Board's online continuing education classes for sanitation and law.	$ 25.00
2.21	**Place individual license on inactive status**	**$ 10.00**
2.22	**Work Permit Fee**	**$ 15.00**
2.23	Initial certification fee for waxing specialist	$ 35.00
2.24	Annual renewal certification fee for waxing specialist	$ 35.00
2.25	Late renewal fee for waxing specialist certification Plus $10.00 late fee for each 30 days late not to exceed $205.00	$ 35.00
2.26	Initial permit fee for shampoo assistant	$ 35.00
2.27	Annual renewal permit fee for shampoo assistant	$ 35.00
2.28	Late renewal fee for shampoo assistant Plus $10.00 late fee for each 30 days late not to exceed $100.00	$ 35.00

TITLE 3 SERIES 7
3CSR7

LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS
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.

* * *

§ 3-7-2. Schedule of Fines

Any person licensed under the provisions of West Virginia 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 or booth certificate in a publicly visible place within a shop (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 or shop owner to appear before the Board for assessment of a fine and/or the proposed revocation, suspension or refusal to issue a license;

2.2. Working with an expired license.
1st offense: $100.00
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 license;

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. Operating a shop by a practitioner without first filing a shop application, paying the fee, and receiving a 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 license;

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. 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;

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. Performing services which the practitioner and/or shop is not licensed.
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 or shop owner to appear before the Board for assessment of a fine and/or the revocation, suspension or refusal to issue their licenses;

2.10. Practicing barbering, cosmetology, facial technology or manicuring without a license or with a license issued to another person.

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;

2.11. 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. Allowing an unlicensed person to practice in a licensed shop.

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/or the proposed revocation, suspension or refusal to issue a shop license;

2.13. Altering a license, certificate, or authorization issued by the Board.

1st offense: $500.00

2nd offense: $1,000.00

3rd offense: The Board shall summon the person for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a license, certificate or authorization;

2.14. Failing to meet the specifications relating to exits and fire standards in a shop located in the basement or above the first floor of a home: Immediate suspension of the shop license until the violation is corrected;

2.15. Failing to identify a shop 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

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

1st offense: Warning

2nd offense: $50.00 for each violation

3rd offense: $100.00 for each violation

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. Failing to submit to an inspection by the Board or refusing to allow the Board to inspect the premises when the shop is open.

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 the assessment of a fine and/or the proposed revocation or suspension of a certificate and/or shop license;

2.19. Failing as a booth renter to inform the Board within 30 days of a change of work location.

1st offense: $20.00

2nd offense: $50.00

3rd offense: $100.00;

2.20. 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

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

1st offense: Warning

2nd offense: $100.00

3rd offense: $200.00;

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. Failing to have adequate lighting in a licensed facility.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

2.25. Failing to have a supply of both hot and cold running water on the premises of a licensed facility.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00

2.26. Failing to have toilet facilities available which are "reasonably accessible" for a licensed facility employees.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00

2.27. Failing to keep a toilet facility located on the premises of a licensed facility clean and sanitary.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

2.28. Having frayed electrical wiring or overloading the electrical circuits in a licensed facility.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

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. Failing to store clean towels and linens in a clean area.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00;

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. Failing to immediately deposit all used towels with chemical residue in a closed container.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00

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. Failing to immediately deposit all non-chemical waste and refuse in covered containers.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

2.37. Failing to keep any shop waste disposal container clean.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00

2.38. 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;

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. Failing to discard a disposable emery board, sponge, or orangewood stick after use on a client or to give the emery board, sponge, or orangewood stick to the client.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00;

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

2.43. Failing in a shop or as a booth renter to disinfect tools and implements.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00;

2.44. Failing to store disinfected or cleaned tools and implements separately from all others.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00;

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. Failing to keep storage cabinets, 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;

2.48. 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;

2.49. Having pets in shops, other than fish in an aquarium.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00;

2.50. Failing to have washable, nonabsorbent surfaces on all equipment in all areas of a shop in which hair design, facial technology or manicure services are performed.
1st offense: Warning
2nd offense: $100.00
3rd offense: $200.00;

2.51. Failing to keep a shop shampoo bowl or sink clean.
1st offense: Warning
2nd offense: $100.00
3rd offense: $200.00;

2.52. Failing to keep equipment in a shop, including upholstery fabrics, clean and in good repair.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

2.53. Failing to have washable, non-absorbent floor surfaces in the area(s) of a shop in which hair design, facial technology or manicure services are performed.
1st offense: Warning
2nd offense: $100.00
3rd offense: $200.00;

2.54. Allowing hair clippings to accumulate on a shop 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. Failing to keep a licensed facility's walls, floors, base boards and ceiling clean and free of excessive spots, mildew, scuff marks, gathered dirt, mold, condensation or peeling paint.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;

2.56. Performing barbering, cosmetology, facial technology 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. Treating any disease or knowingly serving any client suffering from a communicable disease or condition.
1st offense: $250.00
2nd offense: $500.00;
3rd offense: The Board shall summon the practitioner 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;

2.58. Performing barbering, cosmetology, facial technology or manicure services without washing one's hands prior to serving each client.
1st offense: Warning
2nd offense: $25.00
3rd offense: $50.00;

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; and

2.61. Mixing chemicals near an open flame or other potential source of ignition.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00.

2.62. Failing to maintain a sanitary and clean facility free of insects.
1st offense: Warning
2nd offense: $100.00
3rd offense: $300.00.

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. Failing to renew Booth Rental Certificate annually.
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 shall summon the practitioner and/or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.

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. Failing to provide a list of current booth renters to the Board office yearly with the shop renewal.
1st offense: Warning and license not renewed until list provided
2nd offense: $100.00 and license not renewed until list provided
3rd offense: The board shall summon the practitioner and/or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.

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 manicure table for each client.
1st offense: Warning
2nd offense: $50.00
3rd offense: $100.00;