

ENROLLED ACT NO. 32, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to the board of barber examiners; providing certification requirements for the practice of barbering as specified; providing for licensure of schools as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-7-101, 33-7-103(b), 33-7-108, 33-7-109(a), 33-7-110(a), 33-7-111(c), 33-7-201, 33-7-203(a), 33-7-204(a)(intro), by creating new paragraphs (vi) and (vii), (b) and by creating a new subsection (g), 33-7-205, 33-7-206, 33-7-207(a)(intro) and (viii), 33-7-208, 33-7-209(a)(intro), (i), (ii) and (c), 33-7-210 and 33-7-211 are amended to read:

33-7-101. Definitions.

(a) ~~When As used in this act, the term "board" shall be construed to mean the state board of barber examiners.~~

~~(b) When used in this act, the term "schools of barbering" shall mean such schools where barbering is taught as shall have been recognized and designated by the state board of barber examiners.~~

~~(c) Whenever used in this act, the term~~

~~(i) "Barbering" shall mean means the practice upon any person or persons of any of the following acts (when done for cosmetic purposes, and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment except for the immediate family); provided, any person or persons operating a beauty parlor salon or practicing beauty culture cosmetology and its attendant~~

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~~hair treatment or cutting~~ related fields exclusively shall be exempt from the provisions of this act: shaving or treating the beard or cutting the hair, singeing, shampooing or dyeing the hair, permanent waving or applying hair tonics, massaging, applying cosmetic preparations, antiseptics, powder, oil, clay or lotions, to the scalp, face or neck;~~;~~

(ii) "Board" means the state board of barber examiners;

(iii) "School of barbering" means a place licensed under this act where barbering is taught to students;

(iv) "Student" means a person duly enrolled and regularly attending a licensed school of barbering for the purpose of receiving instruction on and learning the practices of barbering;

(v) "Unprofessional" means acting in an extreme manner not conforming to current standards of the barbering industry;

(vi) "This act" means W.S. 33-7-101 through 33-7-211.

33-7-103. State board of barber examiners; election of officers; duties of secretary-treasurer; disposition of money received.

(b) ~~All money~~ Each fee required shall be paid in advance and shall be received and collected as provided by law. The state treasurer shall place two percent (2%) of the money in the general fund and the remainder in ~~an~~ a separate account. ~~within the earmarked revenue fund, and~~

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~~shall pay out of the special fund on warrants drawn by the auditor of the state, upon vouchers issued and signed by the president and the secretary-treasurer of the board. The money so received and placed in the account may be used by the members of the board in defraying their actual expenses and per diem allowance as hereinafter provided in carrying out the provisions of this act. The secretary-treasurer shall keep an accurate and true account of all money received and all vouchers issued by the board, and he shall, as required by W.S. 9-2-1014, report to the governor respecting the board's activities.~~

33-7-108. Shop license; barber school license; fee; renewal; application; inspection fees; nontransferable.

(a) No person, association, partnership or corporation shall operate or conduct a barbershop or barber school without a valid, unexpired license. Licenses shall be issued by the secretary of the board of barber examiners or the board's designee. The annual license fee shall be set by the board pursuant to W.S. 33-1-201 for each shop or school, payable in advance, but if not paid on or before July 31 of each year, a renewal-late fee set by ~~the~~ board rule and regulation shall be assessed. The licenses shall be conspicuously displayed at all times, and no license shall be issued until all sanitary regulations required by W.S. 33-7-101 through 33-7-211 or prescribed by the board have been complied with. Applications for new shops or schools or for shops or schools changing locations shall be made in writing on forms furnished by the board, and shall contain ~~such~~ information ~~as~~ required by the board. An inspection fee for a new shop or school or for a shop or school changing location shall be set by the board pursuant to W.S. 33-1-201. A shop or school license is not transferable.

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(b) Registered barbers, ~~and~~ cosmetologists, manicurists or nail technicians, estheticians and hair stylists licensed under W.S. 33-12-119 through 33-12-140 may engage in the practice for which they are licensed in the same shop if the shop is licensed under subsection (a) of this section and under W.S. 33-12-119 through 33-12-140.

33-7-109. Persons addicted to intoxicating liquors or narcotics.

(a) No person ~~afflicted with any communicable disease, or who is~~ addicted to the use of intoxicating liquors, ~~morphine, cocaine, or other narcotics,~~ drugs to an extent to render him unfit to practice or teach barbering shall be entitled to any license, nor shall any such person work or be employed in any barbershop, ~~and no person afflicted with a communicable disease shall be served therein.~~

33-7-110. Sanitary inspection.

(a) The board of barber examiners shall make a sanitary inspection of each barbershop and school at least ~~once every six (6) months~~ annually.

33-7-111. Sanitary requirements; rules.

(c) The board ~~in consultation with the department of health~~ may promulgate rules regarding the operation of barbershops ~~to preserve the public health and prevent the spread of disease~~ and schools to prevent the spread of infectious and contagious diseases.

33-7-201. Certificates required; license required for shops and schools.

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~~(a) Except as provided in W.S. 33-7-306~~ No person shall practice or attempt to practice barbering without a certificate to practice as a registered barber. No person shall operate a barbershop or school unless it is at all times under the direct supervision and management of a registered barber. No person shall employ another as a barber unless the person so employed holds an unexpired certificate of registration or permit issued by the board.

(b) No person, association, partnership, or corporation shall establish or operate a barbershop or school of barbering in the state without first securing and holding a license from the board. Application for a license shall be made in writing on forms furnished by the board. The board may require to be furnished information reasonably necessary for its purposes. The board shall establish by rule and regulation standards for licensing barbershops and schools.

33-7-203. When granted without examination.

~~(a) Any person, of good moral character~~ An applicant for a registered barber certificate, who is a resident of the state of Wyoming and who for one year immediately preceding January 1, 1931, has been continuously engaged in the practice of barbering in one (1) or more established places of business in said state, and who is not disqualified by virtue of any of the provisions of this act, shall be granted a registered barber's certificate, without examination, by making application to the board on or before July 1st, 1931, provided the required fees are paid. qualified and currently holds a registered barber certificate in another state or country, upon submitting an application to the board, with proof that he meets or exceeds the requirements to receive a registered barber certificate in this state as prescribed by board rule and

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regulation, and upon payment of the required fee, may receive a registered barber certificate by endorsement without examination in this state subject to the following:

(i) An applicant from another state or country which does not require a board examination or who has not graduated from a state approved program shall not obtain a certificate by endorsement; and

(ii) An applicant who holds a valid, unexpired barbers license or certificate from another state that does not require a board examination and who has graduated from a barber school or college, upon application and payment of the required fee may be issued a temporary permit to practice as a barber under the supervision of a registered barber in this state until the next examination scheduled by the board. Each applicant may receive only one (1) temporary permit.

33-7-204. Fees.

(a) The board shall establish and collect fees pursuant to W.S. 33-1-201 for the certificates, licenses, permits and examinations indicated:

(vi) Barbershop license;

(vii) Barber school license.

(b) Certificates of registration for barbers and barbershop and barber school licenses expire on July 1 following their issuance. Any person who qualifies for a certificate under W.S. 33-7-209 or a barbershop or barber school license as prescribed by board rule and regulation and pays required fees shall be issued a certificate or renewal.

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(g) The board shall establish and collect fees to recover costs for publication and distribution of registers, lists and booklets, for records and affidavits processed, and for educational programs.

33-7-205. Restoration following expiration or retirement.

Any formerly registered barber whose certificate of registration has expired may within ~~one (1) year~~ five (5) years of the date of expiration have his certificate restored immediately upon payment of the restoration fee in addition to other renewal fees. ~~required by the board.~~ Any registered barber who retires from the practice of barbering for ~~not~~ more than ~~three (3)~~ five (5) years may not renew his certificate of registration. ~~upon payment of the restoration fee in addition to other fees required by the board~~ Any registered barber whose certificate has expired and who does not qualify for a certificate by endorsement as provided in W.S. 33-7-203 shall be required to pass the board administered examination and pay all related examination and certification fees as set forth in board rule and regulation.

33-7-206. Display.

Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair. Every holder of a barbershop or barber school license shall display it in a conspicuous place for public viewing.

33-7-207. Refusal to issue or renew; revocation; suspension; denial.

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(a) The board may revoke, suspend, deny, or refuse to issue or renew, ~~and may revoke,~~ any certificate of registration or barbershop or barber school license, or may otherwise censure the holder of a certificate of registration or barbershop or barber school license for any of the following causes:

(viii) ~~The commission~~ Violation of any of the ~~offenses described in provisions of~~ this act or board rule and regulation.

33-7-208. Notice and hearing for revocation.

(a) Except as provided in W.S. ~~33-7-311(b)~~ 33-7-207(b), the board ~~shall not~~ may refuse to renew ~~nor shall it or may~~ revoke, deny or suspend any ~~shop~~ license or any certificate of registration ~~of any registered barber or registered apprentice barber for any cause unless the shop, through its owner or foreman, or the registered barber or registered apprentice barber complained against,~~ shall have been given at least issued under this act as provided in W.S. 33-7-107 after twenty (20) days written notice ~~by registered mail of the acts or conditions complained of, and of the time and place where such owner, foreman, registered barber or registered apprentice barber may appear before the said board and be heard~~ and an opportunity for a hearing pursuant to the provisions of W.S. 16-3-101 through 16-3-115.

(b) ~~Upon the Hearing, the board may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books and papers~~ and notice requirements shall be conducted pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115.

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**33-7-209. Qualifications for registration as barber;
examination.**

(a) ~~No person shall receive~~ A certificate of registration to practice barbering, ~~other than a renewal or restoration, unless he shall be issued upon passage of a board administered or board approved examination, and upon meeting all requirements set forth by board rule and regulation, to any person who files a completed application, accompanied by the required fees and documentation and who:~~

(i) ~~Has graduated from an approved barber school or college, within the three (3) year period preceding the date of his application for registration and passed an examination conducted by the board to determine his fitness to practice barbering~~ has an education equivalent to the completion of the second year of high school and is at least seventeen (17) years of age;

(ii) ~~On the date of his application,~~ Has a valid, unexpired license as a barber from another ~~jurisdiction~~ state or country which ~~similarly permits barbers registered in Wyoming to be licensed there without examination or which is a party to a reciprocity agreement under subsection (b) of this section~~ has licensing requirements for barbers that meet or exceed the requirements for certification in Wyoming; or

(c) An applicant for a certificate of registration to practice as a registered barber who fails to pass an examination conducted by the board, may be examined at the next examination. ~~No applicant for a registered barber's certificate shall be permitted to take more than four (4) examinations.~~

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33-7-210. Application for examination.

Each applicant for an examination shall make application to the board on blank forms prepared and furnished by the board, ~~such application to contain proof under the applicant's oath of the particular qualifications of the applicant, and which application shall be accompanied by the fee as in this act specified~~ and shall submit proper credentials and all required fees as required by the board no less than fifteen (15) days before the examination is to be given.

33-7-211. Time and character of examinations.

The examination required under W.S. ~~33-7-209(a)(i)~~ 33-7-209(a) shall be conducted at a time and place chosen by the board and given at least once every six (6) months. Examinations shall not be confined to any specific method or system, may consist of oral, written and practical performance examinations, and shall be of the scope and character to disclose that any person passing the examination is qualified to receive a registered barber certificate. Examinations shall be held in the presence of at least one (1) member of the board or ~~some registered barber selected by the board~~ a qualified examiner as determined by board rule and regulation.

Section 2. W.S. 33-7-109(b), 33-7-111(a) and (b), 33-7-203(b) and (c), 33-7-204(e) and (f), 33-7-207(a)(iii) and (vi), 33-7-209(b) and 33-7-301 through 33-7-314 are repealed.

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Section 3. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk