



Notice of Intent to Adopt Rules

Revised July 2014

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. ☐ The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

	Complete all that apply:
	<input type="checkbox"/> The following chapters <u>do not</u> differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102: _____ (Provide chapter numbers)
	<input type="checkbox"/> These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102 (see Statement of Reasons). _____ (Provide chapter numbers)
<input type="checkbox"/> N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102.	

d. ☐ N/A ☐ In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

- ☐ By contacting the Agency at the physical and/or email address listed in Section 1 above.
☐ At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ☐ Yes ☐ No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

- ☐ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.
Requests for a public hearing may be submitted:

- ☐ To the Agency at the physical and/or email address listed in Section 1 above.
☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☐ Yes ☐ No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

- ☐ The proposed rule change *MEETS* minimum substantive statutory requirements.
☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

- ☐ The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
☐ By contacting the Agency at the physical and/or email address listed in Section 1 above.
☐ At the following URL: _____
☐ Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	
Title of Authorized Individual	
Date of Authorization	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

WYOMING

EXECUTIVE SECRETARY

Betty Abernethy

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Cheyenne, WY 82002

BOARD OF BARBER EXAMINERS

STATE OF WYOMING

Matthew H. Mead, Governor

(307) 777-8572

Fax (307) 777-3681

STATEMENT OF REASONS FOR ADOPTION OF RULES

Pursuant to authority granted under the Board of Barber Examiners Practice Act, W.S. 33-7-101 through 33-7-211, the Wyoming Board of Barber Examiners has filed with the office of the Attorney General and the Legislative Service office copies of rules and regulations which it proposes to file with the Secretary of State.

The rules and regulations are drafted to implement the authority of the Board and protect the public by regulating the qualifications of individuals licensed to teach Barbering and establish standards for examination to meet national testing standards for minimal competency. The Board is continuing their reduction of rules as per the Governor's memo but have found the need to do this process in two steps to, the first to establish standards to assist the growth of the profession, the second to reduce and streamline the rules as requested by the Governor.

These amendments are proposed to:

set minimum requirements to examine for an instructor license

set standards to meet national testing standards for minimal instructor competency

Specifically the changes are:

Chapter 4, General Provisions

- Add Section 6, requirements for a licensed barber or barber stylist to apply for the barber instructor examination to qualify for an instructor license.

Chapter 10, Licensure or Instructor by Examination (New Chapter)

- Add Section 1. Application for Examination, to establish the application process for examination.
- Add Section 2. Passing Score, to establish a passing score for both licensure examinations and instructor by examination to meet National Testing Standards.
- Add Section 3. Failure to Pass, To set the guidelines for an applicant that does not pass either the theory or practical portions of the examination and to set the time lines for passing to meet National Testing Standard.

Chapter 4

General Provisions

Section 1. Authority and Purpose. These rules are adopted by the Wyoming Board of Barber Examiners, hereafter "Board" pursuant to the authority granted by W.S. 33-7-211, and in accordance with the Administrative Procedures to the Board in undertaking its responsibilities pursuant to this Act.

Section 2. Disposition of Fees. Under no circumstances will fees be refunded.

Section 3. Display of License. Every shop, school and licensee shall conspicuously display the appropriate license(s), sanitation rules and regulations, most recent inspection sheet, wet disinfection and blood spill procedures, in a location accessible and visible to the consumer, void of any obstructions of view.

Section 4. Credit allowed to Cosmetologist and Hairstylist. A Wyoming Cosmetologist or Hairstylist may enroll in a licensed Barber School and upon completion of not less than Seven Hundred Fifty (750) hours, may qualify for the barber examination. Of the Seven Hundred Fifty (750) hours, at least One Hundred (100) hours must be completed in Shaving and Beard Trimming and One Hundred Fifty (150) hours must be completed in clipper cutting and tapering.

Section 5. Publications. Licensees will be notified of rule changes by mail when changes have been made. All changes will be available on the Board's Official web site and upon receipt of a self addressed stamped #10 envelope, the Board will send the current Rules and Regulation to the Licensee. All new applicants for licensure will be provided a copy of the Wyoming Board of Barber Examiners Statutes, Rules and Regulations.

Section 6. Credit hours vs. Clock Hours. The Board will recognize the conversion ratio of 30 clock hours to 1 credit hour for students transferring to Wyoming to complete their training in Barbering. The credit hours must be in the field of Barbering and have been completed within the past Five (5) years.

Section 7. Instructor Qualifications. An individual, holding a current Wyoming Barber or Barber Stylist license consecutively for five (5) years immediately prior to application, who paid the required examination and license fee, may sit for the Wyoming Barber Examination.

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Chapter 10

Licensure or Instructor by Examination

Section 1. Application for Examination. Applications for licensure or instructor examination shall be submitted to the Board of the prescribed form accompanied by the appropriate fee and be received in the Board office no later than fifteen (15) days before the examination is given.

Section 2. Passing Score. The examination for licensure is made up of two (2) phases, Theory and Practical. An applicant must receive a score of 75 or better in all phases of the examination to pass. The instructor examination is also made up of Theory and Practical phases. An applicant must receive a score of 80 or better on each examination phase in order to receive an instructor license.

Section 3. Failure to Pass. An applicant who fails the examination must retake any phase of the examination failed. Applicants who have failed any phase of the examination must reapply and pay the appropriate fee before retaking the examination. Any applicant who has failed any phase of an examination must pass all phases within one (1) year of their initial testing. If the applicant does not receive a passing score for all phases within one (1) year, they must retake the entire examination.

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