

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 726

An Act to amend and reenact §§ 2.1-1.6 as it is currently effective and as it may become effective, 2.1-20.4, 9-6.25:2 as it is currently effective and as it may become effective, 54.1-300 and 54.1-700 through 54.1-705 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 54.1-704.1, 54.1-704.2 and 54.1-706; and to repeal Chapter 12 (§§ 54.1-1200 through 54.1-1207) of Subtitle II of Title 54.1 of the Code of Virginia, relating to the Board for Barbers and Cosmetology.

[S 391]

Approved April 8, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 as it is currently effective and as it may become effective, 2.1-20.4, 9-6.25:2 as it is currently effective and as it may become effective, 54.1-300 and 54.1-700 through 54.1-705 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-704.1, 54.1-704.2 and 54.1-706 as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of
Agriculture and Consumer Services, Board of
Air Pollution, State Advisory Board on
Alcoholic Beverage Control Board, Virginia
Apple Board, Virginia State
Appomattox State Scenic River Advisory Board
Aquaculture Advisory Board
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
Art and Architectural Review Board
Athletic Training, Advisory Board on
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers *and Cosmetology*, Board for
Branch Pilots, Board for
Bright Flue-Cured Tobacco Board, Virginia
Building Code Technical Review Board, State
Catoctin Creek State Scenic River Advisory Board
Cattle Industry Board, Virginia
Cave Board
Cemetery Board
Certified Seed Board, State
Charity Food Assistance Advisory Board
Chesapeake Bay Local Assistance Board
Chickahominy State Scenic River Advisory Board
Child Abuse and Neglect, Advisory Board on
Chippokes Plantation Farm Foundation, Board of Trustees
Clinch Scenic River Advisory Board
Coal Mining Examiners, Board of
Coal Research and Development Advisory Board, Virginia
Coal Surface Mining Reclamation Fund Advisory Board
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Corn Board, Virginia
Correctional Education, Board of
Corrections, State Board of
~~Cosmetology, Board for~~
Criminal Justice Services Board
Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the
 Dentistry, Board of
 Design-Build/Construction Management Review Board
 Education, State Board of
 Egg Board, Virginia
 Emergency Medical Services Advisory Board, State
 Farmers Market Board, Virginia
 Fire Services Board, Virginia
 Forestry, Board of
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Goose Creek Scenic River Advisory Board
 Health Planning Board, Virginia
 Health Professions, Board of
 Health, State Board of
 Hearing Aid Specialists, Board for
 Hemophilia Advisory Board
 Historic Resources, Board of
 Housing and Community Development, Board of
 Irish Potato Board, Virginia
 Juvenile Justice, State Board of
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment
 Professionals, Board of
 Litter Control and Recycling Fund Advisory Board
 Marine Products Board, Virginia
 Medical Advisory Board, Department of Motor Vehicles
 Medicare and Medicaid, Advisory Board on
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Migrant and Seasonal Farmworkers Board
 Military Affairs, Board of
 Mineral Mining Examiners, Board of
 Minority Business Enterprise, Interdepartmental Board of the Department of
 Networking Users Advisory Board, State
 Neurotrauma Initiative Advisory Board, Commonwealth
 North Meherrin State Scenic River Advisory Board
 Nottoway State Scenic River Advisory Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board of
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Peanut Board, Virginia
 Personnel Advisory Board
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy to the Board of Medicine, Advisory Board on
 Plant Pollination Advisory Board
 Polygraph Examiners Advisory Board
 Pork Industry Board, Virginia
 Poultry Products Board, Virginia
 Private College Advisory Board
 Private Security Services Advisory Board
 Professional and Occupational Regulation, Board for
 Professional Soil Scientists, Board for
 Psychiatric Advisory Board
 Psychology, Board of
 Public Broadcasting Board, Virginia
 Public Buildings Board, Virginia
 Public Guardian and Conservator Advisory Board
 Radiation Advisory Board
 Real Estate Appraiser Board

Real Estate Board
Reciprocity Board, Department of Motor Vehicles
Recreational Fishing Advisory Board, Virginia
Reforestation Board
Rehabilitation Providers, Advisory Board on
Rehabilitative Services, Board of
Respiratory Care, Advisory Board on
Rockfish State Scenic River Advisory Board
Safety and Health Codes Board
Seed Potato Board, State
Sewage Handling and Disposal Appeal Review Board, State Health Department
Shenandoah State Scenic River Advisory Board
Small Business Advisory Board
Small Business Environmental Compliance Advisory Board
Small Grains Board, Virginia
Social Services, Board of
Social Work, Board of
Soil and Water Conservation Board, Virginia
Soybean Board, Virginia
State Air Pollution Control Board
Substance Abuse Certification Board
Surface Mining Review, Board of
Sweet Potato Board, Virginia
T & M Vehicle Dealers' Advisory Board
Teacher Education and Licensure, Advisory Board on
Transportation Board, Commonwealth
Transportation Safety, Board of
Treasury Board, The, Department of the Treasury
Veterans' Affairs, Board on
Veterinary Medicine, Board of
Virginia Board for Asbestos and Lead
Virginia Coal Mine Safety Board
Virginia Correctional Enterprises Advisory Board
Virginia Cotton Board
Virginia Employment Commission, State Advisory Board for the
Virginia Geographic Information Network Advisory Board
Virginia Horse Industry Board
Virginia Manufactured Housing Board
Virginia Retirement System, Board of Trustees
Virginia Schools for the Deaf and the Blind, Advisory Commission on the
Virginia Sheep Industry Board
Virginia Veterans Cemetery Board
Virginia Waste Management Board
Visually Handicapped, Virginia Board for the
Voluntary Formulary Board, Virginia
(Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board
War Memorial Foundation, Virginia, Board of Trustees
Waste Management Facility Operators, Board for
Water Resources Research Center Statewide Advisory Board, Virginia
Waterworks and Wastewater Works Operators, Board for
Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board
State Board of Elections
State Water Control Board
Virginia Parole Board
Virginia Veterans Care Center Board of Trustees.

§ 2.1-20.4. Bodies receiving compensation.

Notwithstanding any other provision of law, members of the commissions, boards, committees, councils and other similar bodies listed below, and members of any other board, committee, council, or similar body who are appointed at the state level, shall receive compensation from state funds pursuant to § 2.1-20.3:

Accountancy, Board of

Agriculture and Consumer Services, Board of
 Air Pollution Control Board, State
 Airports Authority, Virginia
 Apprenticeship Council
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape
 Architects, Board for
 Athletic Training, Advisory Board on
 Auctioneers Board
 Audiology and Speech-Language Pathology, Board of
 Aviation Board, Virginia
 Barbers *and Cosmetology*, Board for
 Branch Pilots, Board for
 Building Code Technical Review Board, State
 Charitable Gaming Commission
 Chesapeake Bay Local Assistance Board
 Chief Information Officer Advisory Board
 Coal Mining Examiners, Board of
 College Building Authority
 Commonwealth Competition Council
 Commonwealth Transportation Board
 Conservation and Development of Public Beaches, Board on
 Conservation and Recreation, Board of
 Contractors, Board for
 Correctional Education, Board of
 Corrections, Board of
 Cosmetology, Board for
 Criminal Justice Services Board
 Deaf and Hard-of-Hearing, Advisory Board for the
 Dentistry, Board of
 Education, State Board of
 Elections, State Board of
 Fire Services Board, Virginia
 Funeral Directors and Embalmers, Board of
 Game and Inland Fisheries, Board of
 Geology, Board for
 Health, State Board of
 Health Professions, Board of
 Hearing Aid Specialists, Board for
 Higher Education, State Council of
 Historic Resources, Board of
 Housing and Community Development, Board of
 Juvenile Justice, State Board of
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment
 Professionals, Board of
 Marine Resources Commission
 Medical Assistance Services, Board of
 Medical Complaint Investigation Committee
 Medicine, Board of
 Mental Health, Mental Retardation and Substance Abuse Services Board, State
 Milk Commission
 Mineral Mining Examiners, Board of
 Motor Vehicle Dealer Board
 Nursing, Board of
 Nursing Home Administrators, Board of
 Occupational Therapy, Advisory Board of
 Oil and Gas Conservation Board, Virginia
 Opticians, Board for
 Optometry, Board of
 Pesticide Control Board
 Pharmacy, Board of
 Physical Therapy, Advisory Board on
 Port Authority, Board of Commissioners of the Virginia
 Professional and Occupational Regulation, Board for
 Professional Soil Scientists, Board for

Psychology, Board of
Public Defender Commission
Public School Authority, Virginia
Purchases and Supply Appeals Board
Real Estate Appraiser Board
Real Estate Board
Rehabilitative Services, Board of
Respiratory Care, Advisory Board on
Safety and Health Codes Board
Seed Potato Board, State
Social Services, Board of
Social Work, Board of
State Health Department Sewage Handling and Disposal Appeal Review Board
Substance Abuse Certification Board
Surface Mining Review, Board of
Treasury Board
Veterans' Affairs, Board on
Veterinary Medicine, Board of
Virginia Advanced Shipbuilding and Carrier Integration Center Board
Virginia Board for Asbestos and Lead
Virginia Health Planning Board
Virginia Manufactured Housing Board
Virginia Veterans Care Center Board of Trustees
Virginia Waste Management Board
Visually Handicapped, Virginia Board for the
Waste Management Facility Operators, Board for
Water Control Board, State
Waterworks and Wastewater Works Operators, Board for
Well Review Board, Virginia.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council
Auctioneers Board
Blue Ridge Regional Education and Training Council
Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
Board for Barbers *and Cosmetology*
Board for Contractors
~~Board for Cosmetology~~
Board for Geology
Board for Hearing Aid Specialists
Board for Opticians
Board for Professional and Occupational Regulation
Board for Professional Soil Scientists
Board for Waterworks and Wastewater Works Operators
Board of Accountancy
Board of Agriculture and Consumer Services
Board of Audiology and Speech-Language Pathology
Board of Coal Mining Examiners
Board of Conservation and Recreation
Board of Correctional Education
Board of Dentistry
Board of Funeral Directors and Embalmers
Board of Health Professions
Board of Historic Resources
Board of Housing and Community Development
Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals
Board of Medical Assistance Services
Board of Medicine
Board of Mineral Mining Examiners
Board of Nursing
Board of Nursing Home Administrators

Board of Optometry
 Board of Pharmacy
 Board of Psychology
 Board of Social Services
 Board of Social Work
 Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Cemetery Board
 Chesapeake Bay Local Assistance Board
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Criminal Justice Services Board
 Design-Build/Construction Management Review Board
 Disability Services Council
 Farmers Market Board, Virginia
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, The Library of Virginia
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Specialized Transportation Council
 State Air Pollution Control Board
 State Board of Corrections
 State Board of Elections
 State Board of Health
 State Board of Juvenile Justice
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Seed Potato Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board
 Virginia Board for Asbestos and Lead
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Broadcasting Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia Workforce Council
 (Contingent effective date) Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board
 Waste Management Facility Operators, Board for.
 § 54.1-300. Definitions.

As used in this chapter unless the context requires a different meaning:

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety and

welfare.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation which is unlawful to practice without a license.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature and operation of his practice.

"Regulatory board" means the Auctioneers Board, Board of Accountancy, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers *and Cosmetology*, Board for Branch Pilots, Board for Contractors, ~~Board for Cosmetology~~, Board for Geology, Board for Hearing Aid Specialists, Board for Opticians, Board for Professional Soil Scientists, Board for Waste Management Facility Operators, Board for Waterworks and Wastewater Works Operators, Cemetery Board, Real Estate Appraiser Board, Real Estate Board and Virginia Board for Asbestos and Lead.

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for pay or reward compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers *and Cosmetology*.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train

students and which offers a cosmetology curriculum approved by the Board.

§ 54.1-701. Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of this Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in this Commonwealth;
- ~~3. Cosmetologists;~~
4. 3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, *cosmetologists, nail technicians, or* barber instructors, *cosmetology instructors, or nail technician instructors* who practice only on inmates of or patients in such sanatoria or institutions; ~~and~~
- ~~5.~~ 4. Persons licensed as funeral directors or embalmers in this Commonwealth;
5. *Gratuitous services as a barber, nail technician or cosmetologist;*
6. *Students enrolled in an approved school taking a course in barbering, nail care or cosmetology;*
7. *Persons working in a cosmetology salon whose duties are expressly confined to the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;*
8. *Apprentices serving in a barbershop, nail salon or cosmetology salon licensed by the Board in accordance with the Board's regulations; and*
9. *Schools of barbering, nail care or cosmetology in public schools.*

§ 54.1-702. Board for Barbers and cosmetology; membership; officers; quorum.

A. *Except as provided in subsections B and C, the Board for Barbers and Cosmetology shall be composed of five seven members, at least two of whom two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school; and one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment, and two citizen members who have followed the occupation of barbering for at least five years immediately prior to appointment.* The terms of Board members shall be four years. No member shall serve for more than two full successive terms. ~~The Board shall license persons to practice and teach barbering.~~ The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

B. *Appointments to the Board of Cosmetology which expire on March 14, of 2000, 2001 and 2002, shall be extended to June 30 of the same year of expiration.*

C. *All members of the Board for Barbers and the Board for Cosmetology with unexpired terms, as of July 1, 2000, shall continue as members of their respective boards and shall complete their terms of appointment. Two positions on the Board for Cosmetology shall expire on June 30, 2001, and three positions shall expire on June 30, 2002. Two positions on the Board for Barbers shall expire on June 30, 2001, and one position shall expire on June 30, 2002.*

D. *The Governor shall appoint to the Board for Barbers and Cosmetology one licensed nail technician and two citizen members effective July 1, 2000; one licensed barber, who may be an owner or operator of a barber school, effective July 1, 2001; one licensed barber effective July 1, 2002; and two licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school, effective July 1, 2002.*

§ 54.1-703. License required.

No person shall *offer to engage in or engage in* barbering, *cosmetology or nail care* without a valid license issued by the Board, *except as provided in § 54.1-701.*

No person otherwise qualified to be licensed as a barber or barber teacher shall be denied licensure solely for failure to produce a certificate from a licensed physician stating that he is free from any infectious disease in a communicable state. Nor shall a certificate be required for the issuance of a renewal license as a barber or barber teacher. No person shall be denied admission to any school or college of barbering solely for failure to produce such a certificate.

§ 54.1-704. Temporary licenses.

The Board may issue a temporary license ~~to engage in barbering~~ to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time. ~~The regulations shall provide for issuance of a temporary license only until the holder sits for the next examination for which he is eligible and the results reported.~~

§ 54.1-704.1. License required for barbershop, cosmetology salon and nail care salon.

No individual or entity shall operate a barbershop, cosmetology salon or nail care salon without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist or nail technician who does not have an ownership interest in a licensed barbershop, cosmetology salon or nail care salon

in which he is employed.

§ 54.1-704.2. License required for schools of barbering, cosmetology and nail care.

Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology or nail care unless licensed by the Board pursuant to its regulations.

§ 54.1-705. Inspections.

Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, ~~shall~~ *may* inspect each barbershop, *cosmetology salon and nail care salon* in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action. *The Board may inspect barbershops, barber schools, cosmetology salons and schools, and nail care salons and schools for compliance with regulations promulgated by the Board.*

§ 54.1-706. Different requirements for licensure.

The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology and nail care.

2. That Chapter 12 (§§ 54.1-1200 through 54.1-1207) of Subtitle II of Title 54.1 of the Code of Virginia is repealed.

3. That the regulations of the Board for Barbers and the Board for Cosmetology in effect on June 30, 2000, shall remain in effect until July 1, 2002, or until the Board for Barbers and Cosmetologists adopts new regulations, whichever occurs first.