

HOUSE BILL NO. HB0132

Barber licensing.

Sponsored by: Representative(s) Esquibel, Childers, Martin
and Walsh and Senator(s) Mockler

A BILL

for

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

5

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

7

8 **Section 1.** W.S. 33-7-101, 33-7-103(b), 33-7-108,
9 33-7-109(a), 33-7-110(a), 33-7-111(c), 33-7-201,
10 33-7-203(a), 33-7-204(a)(intro), by creating new paragraphs
11 (vi) and (vii), (b) and by creating a new subsection (g),
12 33-7-205, 33-7-206, 33-7-207(a)(intro) and (viii),
13 33-7-208, 33-7-209(a) and (c), 33-7-210 and 33-7-211 are
14 amended to read:

15

16 **33-7-101. Definitions.**

1

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

4

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

9

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

11

12 (i) "Barbering" ~~shall mean~~ means the practice
13 upon any person or persons of any of the following acts
14 (when done for cosmetic purposes, and not for the treatment
15 of disease or physical or mental ailments, and when done
16 for payment, either directly or indirectly, or without
17 payment except for the immediate family); provided, any
18 person or persons operating a beauty ~~parlor~~ salon or
19 practicing ~~beauty culture~~ cosmetology and its ~~attendant~~
20 ~~hair treatment or cutting~~ related fields exclusively shall
21 be exempt from the provisions of this act: shaving or
22 treating the beard or cutting the hair, singeing,
23 shampooing or dyeing the hair, permanent waving or applying
24 hair tonics, massaging, applying cosmetic preparations,

1 antiseptics, powder, oil, clay or lotions, to the scalp,
2 face or neck;

3
4 (ii) "Board" means the state board of barber
5 examiners;

6
7 (iii) "School of barbering" means a place
8 licensed under this act where barbering is taught to
9 students;

10
11 (iv) "Student" means a person duly enrolled and
12 regularly attending a licensed school of barbering for the
13 purpose of receiving instruction on and learning the
14 practices of barbering;

15
16 (v) "Unprofessional" means acting in an extreme
17 manner not conforming to current standards of the barbering
18 industry;

19
20 (vi) "This act" means W.S. 33-7-101 through
21 33-7-211.

22
23 **33-7-103. State board of barber examiners; election**
24 **of officers; duties of secretary-treasurer; disposition of**

1 **money received.**

2
3 (b) ~~All money~~ Each fee required shall be paid in
4 advance and shall be received and collected as provided by
5 law. The state treasurer shall place two percent (2%) of
6 the money in the general fund and the remainder in an
7 account within the earmarked revenue fund. ~~, and shall pay~~
8 ~~out of the special fund on warrants drawn by the auditor of~~
9 ~~the state, upon vouchers issued and signed by the president~~
10 ~~and the secretary-treasurer of the board.~~ The money so
11 received and placed in the account may be used by the
12 members of the board in defraying their actual expenses and
13 per diem allowance as hereinafter provided in carrying out
14 the provisions of this act. ~~The secretary-treasurer shall~~
15 ~~keep an accurate and true account of all money received and~~
16 ~~all vouchers issued by the board, and he shall, as required~~
17 ~~by W.S. 9-2-1014, report to the governor respecting the~~
18 ~~board's activities.~~

19
20 **33-7-108. Shop license; barber school license; fee;**
21 **renewal; application; inspection fees; nontransferable.**
22

23 (a) No person, association, partnership or
24 corporation shall operate or conduct a barbershop or barber

1 school without a valid, unexpired license. Licenses shall
2 be issued by the secretary of the board of barber examiners
3 or the board's designee. The annual license fee shall be
4 set by the board pursuant to W.S. 33-1-201 for each shop or
5 school, payable in advance, but if not paid on or before
6 July 31 of each year, a ~~renewal~~ late fee set by ~~the~~ board
7 rule and regulation shall be assessed. The licenses shall
8 be conspicuously displayed at all times, and no license
9 shall be issued until all sanitary regulations required by
10 W.S. 33-7-101 through 33-7-211 or prescribed by the board
11 have been complied with. Applications for new shops or
12 schools or for shops or schools changing locations shall be
13 made in writing on forms furnished by the board, and shall
14 contain such information as required by the board. An
15 inspection fee for a new shop or school or for a shop or
16 school changing location shall be set by the board pursuant
17 to W.S. 33-1-201. A shop or school license is not
18 transferable.

19

20 (b) Registered barbers, ~~and~~ cosmetologists,
21 manicurists or nail technicians, estheticians and hair
22 stylists licensed under W.S. 33-12-119 through 33-12-140
23 may engage in the practice for which they are licensed in

1 the same shop if the shop is licensed under subsection (a)
2 of this section and under W.S. 33-12-119 through 33-12-140.

3
4 **33-7-109. Persons addicted to intoxicating liquors or**
5 **narcotics.**

6
7 (a) No person ~~afflicted with any communicable~~
8 ~~disease, or who is~~ addicted to the use of intoxicating
9 liquors, ~~morphine, cocaine, or other narcotics,~~ drugs to
10 such an extent as to render him unfit to practice or teach
11 barbering shall be entitled to any license, nor shall any
12 such person work or be employed in any barbershop. ~~, and no~~
13 ~~person afflicted with a communicable disease shall be~~
14 ~~served therein.~~

15
16 **33-7-110. Sanitary inspection.**

17
18 (a) The board of barber examiners shall make a
19 sanitary inspection of each barbershop and school at least
20 ~~once every six (6) months~~ annually.

21
22 **33-7-111. Sanitary requirements; rules.**

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

6
7 **33-7-201. Certificates required; license required for**
8 **shops and schools.**

9
10 (a) ~~Except as provided in W.S. 33-7-306~~ No person
11 shall practice or attempt to practice barbering without a
12 certificate to practice as a registered barber. No person
13 shall operate a barbershop or school unless it is at all
14 times under the direct supervision and management of a
15 registered barber. No person shall employ another as a
16 barber unless the person so employed holds an unexpired
17 certificate of registration or permit issued by the board.

18
19 (b) No person, association, partnership, or
20 corporation shall establish or operate a barbershop or
21 school of barbering in the state without first securing and
22 holding a license from the board. Application for such
23 license shall be made in writing on forms furnished by the
24 board. The board may require to be furnished such

1 information as appears reasonably necessary for its
2 purposes. The board shall establish by rule and regulation
3 standards for licensing barbershops and schools.

4
5 **33-7-203. When granted without examination.**

6
7 (a) ~~Any person, of good moral character~~ An applicant
8 for a registered barber certificate, who is ~~a resident of~~
9 ~~the state of Wyoming and who for one year immediately~~
10 ~~preceding January 1, 1931, has been continuously engaged in~~
11 ~~the practice of barbering in one (1) or more established~~
12 ~~places of business in said state, and who is not~~
13 ~~disqualified by virtue of any of the provisions of this~~
14 ~~act, shall be granted a registered barber's certificate,~~
15 ~~without examination, by making application to the board on~~
16 ~~or before July 1st, 1931, provided the required fees are~~
17 ~~paid.~~ qualified and currently holds a registered barber
18 certificate in another state or country, upon submitting an
19 application to the board, with proof that he meets or
20 exceeds the requirements to receive a registered barber
21 certificate in this state as prescribed by board rule and
22 regulation, and upon payment of the required fee, may
23 receive a registered barber certificate by endorsement
24 without examination in this state subject to the following:

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33-7-204. Fees.

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(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.

(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;

1 (vii) Barber school license.

2

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

10

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

15

16 **33-7-205. Restoration following expiration or**
17 **retirement.**

18

19 Any formerly registered barber whose certificate of
20 registration has expired may within ~~one (1) year~~ five (5)
21 years of the date of expiration have his certificate
22 restored immediately upon payment of the restoration fee in
23 addition to other renewal fees ~~required by the board for~~
24 the lapsed period. Any registered barber who retires from

1 the practice of barbering for ~~not~~ more than ~~three (3)~~ five
2 (5) years may not renew his certificate of registration.
3 ~~upon payment of the restoration fee in addition to other~~
4 ~~fees required by the board~~ Any registered barber whose
5 certificate has expired and who does not qualify for a
6 certificate by endorsement as provided in W.S. 33-7-203
7 shall be required to pass the board administered
8 examination and pay all related examination and
9 certification fees as set forth in board rule and
10 regulation.

11
12 **33-7-206. Display.**

13
14 Every holder of a certificate of registration shall display
15 it in a conspicuous place adjacent to or near his work
16 chair. Every holder of a barbershop or barber school
17 license shall display it in a conspicuous place for public
18 viewing.

19
20 **33-7-207. Refusal to issue or renew; revocation;**
21 **suspension; denial.**

22
23 (a) The board may revoke, suspend, deny, or refuse to
24 issue or renew, ~~and may revoke,~~ any certificate of

1 registration or barbershop or barber school license, or may
2 otherwise censure the holder of a certificate of
3 registration or barbershop or barber school license for any
4 of the following causes:

5
6 (viii) ~~The commission~~ Violation of any of the
7 ~~offenses described in~~ provisions of this act or board rule
8 and regulation.

9
10 **33-7-208. Notice and hearing for revocation.**

11
12 (a) Except as provided in W.S. ~~33-7-311(b)~~
13 33-7-207(b), the board ~~shall not~~ may refuse to renew ~~nor~~
14 ~~shall it~~ or may revoke, deny or suspend any ~~shop~~ license or
15 ~~any~~ certificate of registration ~~of any registered barber or~~
16 ~~registered apprentice barber for any cause unless the shop,~~
17 ~~through its owner or foreman, or the registered barber or~~
18 ~~registered apprentice barber complained against, shall have~~
19 ~~been given at least~~ issued under this act as provided in
20 W.S. 33-7-107 after twenty (20) days written notice ~~by~~
21 ~~registered mail of the acts or conditions complained of,~~
22 ~~and of the time and place where such owner, foreman,~~
23 ~~registered barber or registered apprentice barber may~~
24 ~~appear before the said board and be heard~~ and an

1 opportunity for a hearing pursuant to the provisions of
2 W.S. 16-3-101 through 16-3-115.

3
4 (b) ~~Upon the Hearing, the board may administer oaths~~
5 ~~and may procure by its subpoena the attendance of witnesses~~
6 ~~and the production of relevant books and papers~~ and notice
7 requirements shall be conducted pursuant to the Wyoming
8 Administrative Procedure Act, W.S. 16-3-101 through
9 16-3-115.

10
11 **33-7-209. Qualifications for registration as barber;**
12 **examination.**

13
14 (a) ~~No person shall receive~~ A certificate of
15 registration to practice barbering, ~~other than a renewal or~~
16 ~~restoration, unless he~~ shall be issued upon passage of a
17 board administered or board approved examination, and upon
18 meeting all requirements set forth by board rule and
19 regulation, to any person who files a completed
20 application, accompanied by the required fees and
21 documentation and who:

22
23 (i) Has graduated from an approved barber school
24 or college, within the three (3) year period preceding the

1 ~~date of his application for registration and passed an~~
2 ~~examination conducted by the board to determine his fitness~~
3 ~~to practice barbering~~ has an education equivalent to the
4 completion of the second year of high school and is at
5 least seventeen (17) years of age;

6
7 (ii) ~~On the date of his application,~~ Has a
8 valid, unexpired license as a barber from another
9 ~~jurisdiction~~ state or country which ~~similarly permits~~
10 ~~barbers registered in Wyoming to be licensed there without~~
11 ~~examination or which is a party to a reciprocity agreement~~
12 ~~under subsection (b) of this section~~ has licensing
13 requirements for barbers that meet or exceed the
14 requirements for certification in Wyoming; or

15
16 (iii) Is a cosmetologist licensed under W.S.
17 33-12-119 through 33-12-140. ~~, has completed seven hundred~~
18 ~~fifty (750) hours of training at an approved barber school~~
19 ~~or college and passed an examination conducted by the board~~
20 ~~to determine his fitness for practice.~~

21
22 (c) An applicant for a certificate of registration to
23 practice as a registered barber who fails to pass an
24 examination conducted by the board, may be examined at the

1 next examination. ~~No applicant for a registered barber's~~
2 ~~certificate shall be permitted to take more than four (4)~~
3 ~~examinations.~~

4
5 **33-7-210. Application for examination.**

6
7 Each applicant for an examination shall make application to
8 the board on blank forms prepared and furnished by the
9 board, ~~such application to contain proof under the~~
10 ~~applicant's oath of the particular qualifications of the~~
11 ~~applicant, and which application shall be accompanied by~~
12 ~~the fee as in this act specified~~ and shall submit proper
13 credentials and all required fees as required by the board
14 no less than fifteen (15) days before the examination is to
15 be given.

16
17 **33-7-211. Time and character of examinations.**

18
19 The examination required under W.S. ~~33-7-209(a)(i)~~
20 33-7-209(a) shall be conducted at a time and place chosen
21 by the board and given at least once every six (6) months.
22 Examinations shall not be confined to any specific method
23 or system, may consist of oral, written and ~~practical~~
24 performance examinations, and shall be of such scope and

1 character as to disclose that any person passing the
2 examination is qualified to receive a registered barber
3 certificate. Examinations shall be held in the presence of
4 at least one (1) member of the board or ~~some registered~~
5 ~~barber selected by the board~~ a qualified examiner as
6 determined by board rule and regulation.
7

8 **Section 2.** W.S. 33-7-109(b), 33-7-111(a) and (b),
9 33-7-203(b) and (c), 33-7-204(e) and (f), 33-7-207(a)(iii)
10 and (vi), 33-7-209(b) and 33-7-301 through 33-7-314 are
11 repealed.

12
13 **Section 3.** This act is effective immediately upon
14 completion of all acts necessary for a bill to become law
15 as provided by Article 4, Section 8 of the Wyoming
16 Constitution.

17
18 (END)