

Chapter 1

Section 1. Contested Case Hearing.

(a) The hearing shall be conducted by the Office of Administrative Hearings in accordance with its Uniform Rules for Contested Case Practice and Procedure. The hearing officer shall submit proposed findings of fact, conclusions of law and order to the Board within thirty (30) days of the hearing's conclusion. The parties may submit exceptions to the proposed order within ten (10) days after its service. By incorporating the Office of Administrative Hearings' Uniform Rules, the Board makes the following findings;

(i) Incorporating the full text of the Uniform Rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation is limited to the Uniform Rules of the Office of Administrative Hearing, effective on ~~October 17, 2014~~ July 20, 2017, and shall not include any subsequent editions or amendments to the Uniform Rules;

Chapter 3

Section 2. Fees Generally.

(a) The board hereby establishes non-refundable fees in the amounts indicated, for the following:

(i)	Registered Barber/Barber Stylist Examination	\$125.00
(ii)	<u>Examination Retake (written or practical)</u>	<u>\$ 65.00</u>
(iii)	Certificate/License of registration (annual)	\$ 60.00 <u>75.00</u>
(iv)	Duplicate Certificate/License	\$ 10.00
(v)	Temporary Permit to Practice	\$ 60.00 <u>75.00</u>
(vi)	Barber Shop License (annual)	\$ 60.00 <u>85.00</u>
(vii)	Mobile Barber Shop License (annual)	\$250.00
(viii)	New Shop or School License Inspection	\$100.00
(ix)	New Mobile Shop Inspection	\$150.00
(x)	Change of Location of Inspection	\$100.00
(xi)	Reopening Inspection	\$100.00
(xii)	Barber School Application	\$150.00
(xiii)	Barber School License (annual)	\$100.00
(xiv)	Barber Instructor Examination	\$125.00
(xv)	Barber Instructor Certificate/License (annual)	\$ 60.00 <u>75.00</u>
(xvi)	Reciprocity Fee	\$150.00
(xvii)	Barber/Barber Stylist Renewal Late Fee (<u>annual after July 1</u>)	\$ 30.00
(xviii)	Barber Shop/School Renewal Late Fee (<u>annual after July 1</u>)	\$ 40.00
(xix)	Certification of Record	\$ 20.00
(xx)	Mailing List of Names (30 names or 1 page)	\$ 20.00
(xxi)	Mailing List of Names on Labels (30 names or 1 page)	\$ 30.00

~~Section 3. Pursuant to W.S. 16-4-204 each of the following fees may be assessed for the costs and services required to provide copies or printouts of public records.~~

- ~~(a) Photocopies (per copy) \$.55~~
~~(b) Applicable postage~~
~~(c) Applicable hourly rate for staff time involved to produce copies~~

~~(d) — Cost of computer discs, document mailers, envelopes and other supplies as applicable.~~

Section 2. Authority. The Board of Barbers is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information's uniform rules pertaining to procedures, fees, costs and charges for inspecting, copying, and producing public records.

Section 3. Adoption of Uniform Rules. The Board of Barbers hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedure, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>

(b) For these rules incorporated by reference:

(i) The Board of Barbers has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendment or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board of Barbers office and are available for public inspection and copying at the same location.

Chapter 5

Section 5. Facility and Equipment Requirements. ~~All schools must comply with the Sanitary and Safety~~ all health, safety, and infection control rules for establishments outlined in Chapter 2 of these rules and provide for:

- (a) A clean, well maintained facility;
- (b) A reception area for clients and patrons;
- (c) An area designed for theory instruction equipped with enough tables or desks and chairs to meet the instructional needs of assigned or scheduled students;
- (d) A designated clinic or laboratory area for supervised practical skills training;
- (e) One (1) barber chair with a headrest for each three (3) students having the capability of being elevated, lowered and reclined;
- (f) One (1) workstation for each three (3) students with cabinet or drawer for tools and mirror large enough for student to see his or her work at all times;
- (g) A shampoo bowl readily accessible to the student with hot and cold running water, and a hose arrangement for shampooing;
- (h) One (1) latherizer for each three (3) students;
- (i) Wet and dry disinfectant containers;
- (j) One (1) classroom size chalkboard, whiteboard or screen;
- (k) One (1) chart showing structures of the hair and skin;
- (l) One (1) anatomical chart showing nervous, skeletal, circulatory and muscular systems of the body;
- (m) One (1) English dictionary and one (1) medical dictionary;
- (n) An instructor training manual and curriculum lesson plans for student instructor training course;
- (o) Course outline and curriculum lesson plans for barbering and barber instructor;

(p) Two (2) copies of the ~~brochure containing Wyoming barber laws, rules and regulations of the Board~~ Wyoming Board of Barbers Law Book to be kept in the school's library;

(q) A copy of the ~~brochure containing Wyoming barber laws~~ Wyoming Board of Barbers Law Book shall be provided for each student enrolled and shall become the student's personal copy;

(r) A seal bearing the name of the school and which shall be impressed on all official documents such as diplomas;

(s) Diplomas, to be received by students upon their completion of the prescribed course of study; bearing the name of the school, school seal, date of completion, student's name, and instructor signature(s);

(t) A locking file cabinet for safeguarding of student files and records;

(u) A conspicuous sign at the entrance bearing the words "Barber School"; a sign with the words "student work only" must be posted in plain sight in the clinic area; and

(v) One (1) fire extinguisher must be on location or the school must meet all fire safety requirements set forth by the local fire department.

Section 6. Advertising. All advertising of a school shall clearly denote that the establishment is a school of barbering and that all services are provided only by students.

Section 7. School Closing. If a school ceases its operation or is sold as a school to another party, the Board shall be immediately notified and all records of instruction for all students attending the school at or before the time of its closing or sale must be filed with the Board within ten days.

Section 8. School License Renewal. Each school license shall be renewed on a yearly basis on or before June 30th of each year. Failure to renew the license on or before July 31st of each year shall result in a late fee. A license that has been expired less than ninety (90) days may be renewed. An applicant for renewal of a School license that has been expired for more than ninety (90) days must re-apply for the license under the current requirements and fees.

Section 9. Combined Cosmetology/Barber School. A Barber school may be established in the same location as a Cosmetology School licensed under W.S. 33-12-119 through 33-12-140 Combined Schools shall adhere to the requirements of both Boards, and in case of conflicting requirements, the more exacting standard shall be applied.

Section 10. No school license may be transferred. When a school is sold the party holding the license must notify the Board office of the sale and the new owner (s) must obtain a new school license as outlined in this chapter.

~~**Section 11. Special inspections are required for a new schools, or schools changing location. They will be charged a fee as set forth in Chapter three (3) of the Rules and Regulation.**~~

~~**Section 12. All areas licensed and regulated by the Board shall be open to inspections by authorized representatives of the Board anytime during normal business hours.**~~

Section 13. Inspections.

(a) All new schools and schools changing location are required to have an inspection prior to opening.

(b) All schools shall be open to inspections by authorized representatives of the Board anytime during normal business hours.

Section 14. Action to Close a School. In the event a barber school is found by the inspecting member of the State Board of Barber Examiners or their designee to be in violation of

these rules and in the opinion of the inspector, constitutes a health hazard, the Local or State Department of Health shall be notified. If the findings indicate that practices or physical condition of the school constitutes a health hazard, the Board shall institute immediate action to close the school until corrections have been accomplished.

Chapter 7

Section 10. Student Practice.

(a) No student with fewer hours than fifteen (15) percent of the total hours required will be permitted to practice barbering on patrons or clients and no student instructor shall practice barbering in the school except as is absolutely necessary for instructional purposes.

(b) As part of their course of instruction, students who have satisfactorily completed the basic training or fifteen (15) percent of the total hours required, may practice barbering on patrons under the direct supervision of an instructor in a school.

Chapter 9

Section 1. Shop Applications and License. No person, association, partnership or corporation may operate a shop without first securing a license from the Board. Applications shall be made on the prescribed form and be accompanied by the appropriate fee. The completed application shall include or be accompanied by the following:

(a) The name of the shop, the owner and proprietor, and the street address.

(b) A detailed floor plan of the shop showing work space, the location of restrooms, entrances and exits, and the location of all other equipment required.

(c) The anticipated date of hooking up the water, electricity, telephone and opening the shop for business.

(d) Application and fees must be received fifteen (15) days prior to opening date.

Section 2. Potable Water. Every barber shop shall be equipped with hot and cold potable running water in sufficient quantity to provide ample amounts for adequate and complete cleaning of the shop and customer needs. Provision shall be made for approved waste disposal of liquid and solid wastes. The water supply shall comply with the requirements of the Federal Safe Drinking Water Act, the safe drinking water amendment 42 U.S.C. §300 g et seq. and the regulations adopted thereunder.

Section 3. Restroom facilities. Every shop shall provide and maintain toilet and hand washing facilities for employees and patrons. Restroom facilities shall be convenient and accessible and shall not require passage through living quarters for access. All existing shops shall comply with this regulation upon sale or relocation.

Section 4. Living quarters. The use of a barber shop as a living, dining or sleeping apartment is prohibited. No barber shop may be established in a residence except by permission of the State Board of Barber Examiners.

Section 5. Separation from living quarters or business.

(a) No barber shop shall be located in connection with the following activities or structures unless there is a solid partition from floor to the ceiling which physically separates such activities:

(i) Living quarters.

(ii) Food service, bars or lounges, bakeries, grocery stores, pet shops, or garages Business of any kind.

~~(iii) The Board may require the positive physical separation of a barber shop from adjacent activities which creates or tends to create unsanitary conditions in the barber shop or the adjacent activity.~~

Section 6. Premises. The walls, furniture, all fixtures, and all other personal property in barber shops shall at all times be kept clean and in good repair; jardinières and cuspidors shall be for display purposes only. Floors shall be kept clean and hair clippings shall be removed from the floor between each client.

Section 7. Shop Sale, Relocation or Closing.

(a) Shop licenses may not be transferred upon sale of a shop. The new owner(s) must apply for a new shop license pursuant to Section 1 of this chapter.

(b) Prior to relocation of a shop, the information required in Section 1 of this chapter shall be filed with the Board. The original license may be transferred to the new location if the shop remains in the same city and ownership is unchanged. Application and fees must be received 15 days prior to the scheduled opening date.

(c) Upon the permanent closing of a shop, the owner proprietor shall immediately notify the Board.

Section 8. Barbering in Salons/Cosmetology in a Barber Shop.

(a) Licensed barbers may practice in a salon so long as the salon has also been granted a barber shop license by the Board of Barber Examiners.

(b) Cosmetologist may practice in a barber shop so long as the barber shop is also licensed as a salon.

(c) Combined salons and barber shops shall adhere to the requirements of both Boards, and in the case of conflicting requirements, the more exacting standard shall be applied.

Section 9. Shop License Renewal. Each shop license shall be renewed on a yearly basis on or before June 30th of each year. Failure to renew the license on or before July 31st of each year shall result in a late fee. A license that has been expired less than ninety (90) days may be renewed. An applicant for a renewal of a shop license that has been expired for more than ninety (90) days must re-apply for the license under the current requirements and fees.

Section 10. Mobile Barber Shop.

(a) Mobile shop means a self-contained, enclosed mobile unit licensed for the practice of barbering and must meet all requirements set for the in Chapter two (2) the Boards rules and regulations.

(b) No person shall establish or operate a mobile shop until such person has obtained a shop license from the Board.

(c) ~~Applications is made as for other shops and completed application must~~ shall follow section 1 of this chapter and include or be accompanied by the following information.

(i) A detailed floor plan showing the location of doors, windows, restroom, sinks, ventilation and equipment.

(d) Inspection. Upon the tentative approval of the floor plan by the Board, the applicant shall make an appointment for an inspection by the Board after which final approval may be granted.

(e) Itinerary. An itinerary showing dates, locations and time of service throughout the state shall be available at the Board's request.

- (f) Requirements. In addition to sanitation rules and regulation as apply to shops, mobile shops shall comply with the following:
 - (g) All storage cabinets shall be secured by the use of spring struts or friction catches;
 - (h) Mobile units shall have a door width of no less than 30 inches;
 - (i) All equipment shall be securely anchored to the mobile unit
 - (j) One five pound ABC fire extinguisher shall be mounted in full view;
 - (k) No services shall be performed while the unit is in motion;
 - (l) Sleeping provisions shall not be placed or maintained in the mobile unit;
 - (m) The water supply shall be self-contained. The potable water tanks shall be no less than on hundred (100) gallons, holding tanks shall be of adequate capacity;
 - (n) Mobile units shall have continuous demand hot water tanks which shall be no less than six (6) gallon capacity;
 - (o) Mobile units shall have within their perimeters self-contained, recalcultating, flushing chemical toilets with holding tanks;
 - (p) The generator for a mobile unit shall have a capacity of no less than 6500 watts and shall be vented outside, UL approved;
 - (q) Heaters for a mobile unit shall be sealed combustibile units with an outside vent of no less than 30 M.B.T.U., UL approved.

Chapter 10

Section 15. Application for Examination.

~~(a) Applications for licensure or instructor examination shall be submitted to the Board on 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.~~

~~(b) An applicant that is otherwise qualified may sit for the examination corresponding to the course of study appearing on his Barber School diploma.~~

~~**Section 16. 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 17. 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.~~

Section 1. Licensing by Examination.

(a) An applicant who graduated from a barber school with equal or greater hour requirements may apply for licensure by taking the theory and practical examination.

(b) An applicant who is licensed in another state, but has not taken a board administered practical examination, and does not have one (1) year work history, may apply for licensure by taking the practical phase of the examination.

(c) Applications for examination shall be submitted to the Board office on the prescribed form accompanied by required documentation and the appropriate fees. Exam

applications shall be received in the Board office no later than fifteen (15) days prior to the examination date.

(d) Examinations are administered in English only.

(e) An applicant who fails the examination must retake any phase of the examination failed, applicants must reapply and pay the appropriate fee before retaking the examination.

(f) Any applicant who has failed any phase of an examination and does not pass all phases within one year of failing must retake the entire examination.

Section 2. International Applicants. All international applicants must apply for licensure by examination. In order to qualify to take Wyoming theory and practical exam the applicants must:

(a) Provide the Board with an English translation of all documentation pertaining to his/her training and licensing; and

(b) Apply for the examination in accordance with section 1 (c) through (f) of this chapter.

Section 3. Licensing by Endorsement.

(a) An applicant from another state who meets the requirements of W.S. 33-7-203 who has passed a board administered theory and the practical examination meets the requirements for licensure by endorsement.

(b) An applicant from another state who meets the requirements of W.S. 33-7-203 who has passed a board administered theory examination and has at least one (1) year work history meets the requirements for licensure by endorsement.

(c) Applications for endorsement shall be submitted to the Board office on the prescribed forms and accompanied by required documentation and appropriate fees.

Section 4. Instructor License.

(a) Licensing by examination:

(i) Applicant shall meet all requirements set forth in chapter 7, section 3; and

(ii) Graduated from an instructor program with equal or greater hour requirements as set forth in chapter 8, section 4; or

(iii) Have equal or greater study in teaching from outside a barber school; or

(iv) A combination of training and work history that is equal or greater to the requirements set forth in chapter 8, section 4; and

(v) Submit an application for examination on the prescribed form accompanied by required documenting, and appropriate fees, received no later than fifteen (10) days prior to the examination date.

(b) Licensing by Endorsement:

(i) Applicant shall meet the requirements in this chapter, section 1;

(ii) Passed a board administered theory and practical examination;

(iii) Passed a board administered theory examination with one (1) year work history; and

(iv) Submit an application for endorsement on the prescribed forms accompanied by required documentation and appropriate fees.