

SENATE BILL No. 363

By Committee on Local Government

1-18

1 AN ACT concerning barbers; relating to the examination and licensure
2 thereof; creating a senior status license; providing for certain licensure
3 fees; amending K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1815,
4 65-1817, 65-1819, 65-1820a and 65-1825a and repealing the existing
5 sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-1808 is hereby amended to read as follows: 65-
9 1808. It is unlawful for any person to engage in barbering for hire in this
10 state, to operate a barber shop, barber school or ~~barber~~ college; *or* to
11 employ any person to engage in the practice of barbering as defined in
12 K.S.A. 65-1809, and amendments thereto, except in conformity with the
13 provisions of ~~this act~~ *K.S.A. 65-1808 et seq., and amendments thereto.*

14 Sec. 2. K.S.A. 65-1809 is hereby amended to read as follows: 65-
15 1809. As used in this act:

- 16 (a) "Board" means the Kansas board of barbering;
- 17 (b) "administrative officer" means the administrative officer of the
18 board;
- 19 (c) "license" means a license entitling the person to whom issued to
20 practice barbering, or to operate a barber school, ~~barber~~ college or barber
21 shop;
- 22 (d) "barber shop" means any place, shop ~~or~~, *suite*, establishment,
23 ~~wherein~~ *or chair lease area where* the practice of barbering is engaged ~~in~~
24 ~~or carried on~~;
- 25 (e) "barber school" or ~~"barber~~ college" means any place or
26 establishment wherein the practice, fundamentals, theories or practical
27 applications of barbering are taught;
- 28 (f) "barbering" means any one or ~~combinations~~ *combination* of
29 the following practices ~~(when done upon the upper part of the human body~~
30 ~~for cosmetic purposes and not for the purpose of diseases or physical or~~
31 ~~mental ailments, and when done for payment, either directly or indirectly,~~
32 ~~or without payment, for the public generally, upon male or female):~~
- 33 (1) ~~Shaving~~ *of the head, face or neck with a razor*; trimming the
34 beard or cutting the hair;
- 35 (2) giving facial or scalp massages or treatments with oils, creams,
36 lotions or other preparations, either by hand or mechanical appliances;

1 (3) singeing, shampooing, *coloring, bleaching, tinting* or dyeing; *the*
2 *hair;*

3 (4) arranging, perming or waving the hair; or applying tonics; *or*

4 (5) applying cosmetic preparations, antiseptic powders, oils, clays; or
5 lotions to the scalp, face, neck or upper part of the body; *and*

6 (g) "*senior status license*" means a license issued to a barber
7 pursuant to K.S.A. 65-1812(d), and amendments thereto.

8 Sec. 3. K.S.A. 65-1810 is hereby amended to read as follows: 65-
9 1810. (a) No barber school or ~~barber~~ college shall be approved by the
10 board unless:

11 (1) The school or college requires, as a prerequisite to graduation, a
12 course of instruction of not less than 1,200 hours and not more than 1,500
13 hours, as prescribed in rules and regulations by the board, to be completed
14 within 18 months of not more than eight hours in any one working day;

15 (2) the course of instruction required by the school or college
16 includes scientific fundamentals of barbering; hygiene; histology of the
17 hair and skin; structure of the head, face and neck; elementary chemistry
18 relating to sterilization and antiseptics; massages and manipulations of the
19 muscles of the scalp, skin and neck; cutting, shaving, arranging, perming,
20 waving, curling, coloring, bleaching, tinting and dyeing the hair; and
21 barbering practices for all major ethnic groups residing in the state;

22 (3) all instructors of the school or college have been licensed
23 practicing barbers and hold instructors licenses; and

24 (4) no practice or policy of discrimination is in effect against
25 applicants for admission to the school or college by reason of race,
26 religion, color, national origin or ancestry.

27 (b) An instructor's license shall be granted by the board only after the
28 applicant has passed a two-part examination, prescribed by the board for
29 such purpose, with a grade of not less than 75% on each part of the
30 examination, and has paid the prescribed fee for such examination.

31 (c) Every barber school and ~~every barber~~ college shall designate to
32 the public that it is a barber school or ~~barber~~ college by posting a sign on
33 the front window or entrance with letters not less than six inches in height.

34 (d) No barber school or ~~barber~~ college shall enroll or admit any
35 student unless such student shall make and file in duplicate an application
36 upon a form prescribed and furnished by the board. One copy of such
37 application shall be retained by the school or college, and the school or
38 college shall file the other with the board. Upon enrollment, a student shall
39 pay to the board the fee prescribed for a student learning license. Such
40 license shall be used by the student while enrolled in the school or college
41 and shall be placed next to or near the working area of the student.

42 (e) Barber schools or ~~barber~~ colleges may design courses of study for
43 barbers who have not renewed their licenses for a period of at least three

1 years, for students who have failed at least two examinations conducted by
 2 the board to determine fitness to practice barbering or for other purposes
 3 as prescribed by the board, including courses of study for professionals in
 4 related industries.

5 (f) It shall be unlawful for any person, firm or corporation to operate
 6 a barber school or ~~barber~~ college without first obtaining a license from the
 7 board, fully complying with the provisions of this act and paying an annual
 8 fee for operation.

9 Sec. 4. K.S.A. 65-1812 is hereby amended to read as follows: 65-
 10 1812. (a) Any person shall be qualified to receive a license to practice
 11 barbering if such person:

12 (1) Is at least 16 years of age and of good moral character and
 13 temperate habits;

14 (2) has graduated from a high school accredited by the appropriate
 15 accrediting agency or has otherwise obtained the equivalent of a high
 16 school education;

17 (3) is a graduate of a barber school or ~~barber~~ college approved by the
 18 board or has satisfactorily completed the barber course at an institution
 19 under the control of the secretary of corrections or the disciplinary
 20 barracks at Fort Leavenworth or has been certified in a related industry,
 21 such as barbering in any branch of the United States military service, and
 22 has completed a course of study in a licensed Kansas ~~barber college~~ or
 23 barber school *or college* as prescribed by the board under K.S.A. 65-
 24 1810(e), and amendments thereto, or has been a cosmetologist licensed by
 25 the Kansas board of cosmetology and has completed a course of study in a
 26 licensed Kansas ~~barber college~~ or barber school *or college* as prescribed
 27 by the board under K.S.A. 65-1810(e), and amendments thereto; and

28 (4) has paid an examination fee and has passed the examination
 29 conducted by the board to determine the fitness of such person to practice
 30 barbering.

31 (b) Any person who fails to pass an examination conducted by the
 32 board to determine such person's fitness to practice barbering shall be
 33 entitled to take the next examination conducted by the board.

34 (c) The board may issue a temporary license to practice barbering to
 35 any person who has graduated from an approved barber school or ~~barber~~
 36 college and who makes application to take the next examination for
 37 licensure to practice barbering. Such license shall be effective only until
 38 the results of the examination are announced. No more than three
 39 temporary licenses shall be issued to any one person.

40 (d) *The board may issue a senior status license to a barber who no*
 41 *longer practices barbering but:*

42 (1) *Has been licensed as a barber for a total of at least 40 years;*

43 (2) *is at least 65 years of age; and*

1 (3) *has paid the one-time fee prescribed by the board.*

2 Sec. 5. K.S.A. 65-1815 is hereby amended to read as follows: 65-
3 1815. ~~The board shall conduct examinations for applicants for licensure to~~
4 ~~practice barbering at such times and places as the board shall determine;~~
5 ~~but~~(a) Examinations shall be given not less than twice ~~in~~ each year. Such
6 ~~examination~~ examinations shall be approved by the board and include both
7 a practical skills demonstration ~~and~~, a written test examination of the
8 applicant's knowledge of hygiene and the fundamentals of the vocation
9 and a written examination of the applicant's knowledge of state laws and
10 rules and regulations pertaining to the practice of barbering. A license to
11 practice shall be issued each applicant who shall satisfactorily pass ~~both~~
12 ~~the practical demonstration and the written test~~ all three examinations,
13 with a grade of not less than 80%, ~~and shall possess the other~~
14 ~~qualifications required by law on the practical skills demonstration and a~~
15 ~~grade of not less than 75% on the written examinations.~~ The board ~~shall~~
16 ~~may~~ allow an applicant who fails ~~one part of the~~ an examination to be
17 reexamined only on ~~that part which was failed~~ the examination such
18 ~~applicant failed to satisfactorily pass.~~ Each application to practice shall
19 contain, in addition to any other information required by the board or by
20 law, the name, address, social security number, height, weight and age of
21 the applicant to whom issued. The board may issue seminar permits to
22 barbers and teachers holding valid licenses from Kansas or any other state
23 or country, to teach and demonstrate the art of advanced barbering. Such
24 seminar permit shall be restricted to prescribed dates and places, but in no
25 instance shall it be valid for more than five days. No such seminar permit
26 shall be required of any barber or teacher demonstrating the art of
27 advanced barbering at no cost to those viewing such demonstration.

28 Sec. 6. K.S.A. 65-1817 is hereby amended to read as follows: 65-
29 1817. (a) In each fiscal year, the board shall determine the amount of funds
30 ~~which that~~ will be required during the next ensuing fiscal year to properly
31 administer the laws ~~which that~~ the board is directed to enforce and
32 administer and shall fix fees in accordance with this section for such
33 ensuing year in such reasonable sums as may be necessary for such
34 purposes.

35 (b) After fixing such fees, the board may charge and collect the fees,
36 in advance for the following purposes, subject to the following limitations:
37 *For practical skills demonstration—not more than.....\$150*
38 *For reexamination of practical skills demonstration—not more than.....150*
39 *For written examination of applicant to practice barbering—not more*
40 *than.....\$100150*
41 *For reexamination of written examination of applicant to practice*
42 *barbering—*
43 *not more than.....150*

1 For issuance of license to practice barbering—not more
 2 than.....80
 3 For renewal of license to practice barbering—not more
 4 than.....80
 5 *For issuance of a senior status license—not more than.....80*
 6 *For restoration of license from senior status license—not more than.....80*
 7 For restoration of expired license to practice barbering, if
 8 expiration period is under three years, the lapsed fees
 9 plus a restoration fee of not more than.....100
 10 After three years applicant shall be reexamined upon pay-
 11 ment of the regular examination fee—not more than.....100
 12 For instructors license or annual renewal thereof—not more
 13 than.....90
 14 For restoration of expired instructors license, if expiration
 15 period is under three years, the lapsed fees plus a
 16 restoration fee of not more than.....90
 17 After three years the instructor shall be reexamined upon
 18 payment of the regular examination fee—not more than.....170
 19 For a license to operate a barber school or ~~barber~~ college,
 20 annual fee—not more than.....500
 21 For shop inspection, and annual license fee—not more than.....40
 22 For restoration of expired shop license, if expiration period is
 23 under three years, the lapsed fee plus a restoration fee of
 24 not more than.....80
 25 For a new shop, relocation or change of ownership—not more
 26 than.....80
 27 For issuance of a seminar permit—not more than.....80
 28 For issuance of student learning license—not more than.....55

29 (c) A duplicate license will be issued upon the filing of a statement
 30 covering the loss of same and the payment of a fee of \$5 for the issuance
 31 of same. Each duplicate shall have the word "duplicate" stamped across
 32 the face thereof and will bear the same number as the original.

33 Sec. 7. K.S.A. 65-1819 is hereby amended to read as follows: 65-
 34 1819. (a) Every licensed barber, instructor, operator of a barber shop and
 35 operator of a barber school or ~~barber~~ college shall annually renew the
 36 license and pay the required fee. The expiration date of each license ~~which~~
 37 *that* is issued, restored or renewed by the board shall be established by
 38 rules and regulations of the board so that licenses are renewed by the board
 39 throughout the year on a continuing basis. In each case in which a license
 40 is issued, restored or renewed for a period of time of less than one year, the
 41 board may prorate the amount of the fee established under K.S.A. 65-
 42 1817, and amendments thereto.

43 (b) A barber, instructor or operator of a barber shop whose license has

1 been expired for a period of less than three years may have the license
2 renewed upon filing with the board a renewal application and payment of
3 the required restoration fee. Any barber, instructor or operator of a barber
4 shop whose license has been expired for a period of three or more years
5 may renew the license by filing with the board an application for
6 reexamination, successfully completing such reexamination by the board
7 and paying the required examination and license fees. Upon receipt of
8 such application, payment of fees and passage of reexamination, if
9 applicable, the board may grant a new license according to the provisions
10 of K.S.A. 65-1820a, and amendments thereto.

11 Sec. 8. K.S.A. 65-1820a is hereby amended to read as follows: 65-
12 1820a. (a) The board may censure, limit, condition, suspend, revoke or
13 refuse to issue, reinstate or renew a license of any applicant or licensee
14 upon proof that the applicant or licensee:

- 15 (1) Has committed malpractice or incompetency;
 - 16 (2) has become afflicted with an infectious or communicable disease;
 - 17 (3) has advertised by knowingly false or deceptive statements;
 - 18 (4) has advertised, practiced or attempted to practice under a trade
19 name other than one's own;
 - 20 (5) is unable to practice barbering with skill and safety due to current
21 abuse of drugs or alcohol;
 - 22 (6) has committed unprofessional conduct as defined in rules and
23 regulations adopted by the board;
 - 24 (7) has obtained or attempted to obtain a license for money other than
25 the required fee, or for any other thing of value or by fraudulent
26 misrepresentations;
 - 27 (8) has willfully failed to display a license to practice barbering as
28 required by K.S.A. 65-1818, and amendments thereto;
 - 29 (9) has practiced or attempted to practice barbering by fraudulent
30 misrepresentations;
 - 31 (10) has violated any of the sanitation standards adopted by the
32 secretary of health and environment pursuant to K.S.A. 65-1,148, and
33 amendments thereto, for the regulation of barber shops, barber schools and
34 ~~barber~~ colleges;
 - 35 (11) has violated any lawful rules and regulations of the board
36 concerning the operation or management of a barber shop, barber school
37 or ~~barber~~ college; or
 - 38 (12) has been convicted of any felony offense or misdemeanor
39 offense of a crime against persons or involving illegal drugs as determined
40 by the board in rules and regulations, and the licensee or applicant for a
41 license is unable to demonstrate to the board's satisfaction that such person
42 has been sufficiently rehabilitated to warrant the public trust.
- 43 (b) The board, in lieu of or addition to any other penalty prescribed

1 under the provisions of article 18 of chapter 65 of the Kansas Statutes
2 Annotated, and amendments thereto, may assess a civil fine against a
3 licensee for a violation of the provisions of article 18 of chapter 65 of the
4 Kansas Statutes Annotated, and amendments thereto, in an amount not to
5 exceed \$1,000.

6 (c) In all matters pending before the board, the board shall have the
7 power to revoke the license of any licensee who voluntarily surrenders
8 such person's or entity's license pending investigation of misconduct or
9 while charges of misconduct against the licensee are pending or
10 anticipated.

11 (d) All proceedings under the provisions of article 18 of chapter 65 of
12 the Kansas Statutes Annotated, and amendments thereto, shall be
13 conducted in accordance with the Kansas administrative procedure act.
14 Judicial review and civil enforcement of agency actions under the
15 provisions of article 18 of chapter 65 of the Kansas Statutes Annotated,
16 and amendments thereto, shall be in accordance with the Kansas judicial
17 review act.

18 Sec. 9. K.S.A. 65-1825a is hereby amended to read as follows: 65-
19 1825a. (a) Except with regard to sanitation standards provided for by
20 K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and
21 regulations necessary to carry out the provisions of this act. The rules and
22 regulations of the board shall be posted for public inspection in the main
23 office of the board and a certified copy thereof shall be filed in the office
24 of the administrative officer of the board. The board may also publish such
25 rules and regulations in publications representing the barbering industry.

26 (b) The board shall furnish a copy of the sanitation standards adopted
27 pursuant to K.S.A. 65-1,148, and amendments thereto to each person to
28 whom a license is granted and a copy shall be posted in a conspicuous
29 place in each barber shop, barber school and ~~barber~~ college by the
30 manager thereof.

31 Sec. 10. K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1815, 65-
32 1817, 65-1819, 65-1820a and 65-1825a are hereby repealed.

33 Sec. 11. This act shall take effect and be in force from and after its
34 publication in the statute book.