
Be it enacted by the Legislature of the State of Kansas:

New Section 1. The provisions of K.S.A. 65-1808 et seq., and amendments thereto, shall be known and may be cited as the Kansas barbering act.

Sec. 2. K.S.A. 65-1808 is hereby amended to read as follows: 65-1808. It is unlawful for any person to engage in barbering for hire in this state, to operate a barber shop, barber school or barber college, or to employ any person to engage in the practice of barbering as defined in K.S.A. 65-1809, and amendments thereto, except in conformity with the provisions of this act.

Sec. 3. K.S.A. 65-1809 is hereby amended to read as follows: 65-1809. As used in this act:

(a) "Board" means the Kansas board of barbering;
(b) "administrative officer" means the administrative officer of the board;
(c) "license" means a license entitling the person to whom issued to practice barbering, or to operate a barber school, barber or college or barber shop;
(d) "barber shop" means any place, shop or suite, establishment, or chair lease area wherein the practice of barbering is engaged in or carried on;
(e) "barber school" or "barber college" means any place or establishment wherein the practice, fundamentals, theories or practical applications of barbering are taught;
(f) "barbering" means any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the purpose of diseases or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, performed for the public generally, upon male or-
female):

(1) Shaving of the head, face or neck with a razor, trimming the beard or cutting the hair;

(2) giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;

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

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

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

(g) "barber pole" means a red and white- or red, white and blue-striped vertical cylinder commonly recognized as a barber pole that is used to advertise a licensed barber shop;

(h) "chair lease area" means a station or work area that is part of a barber shop area that is under the management or ownership of a barber shop owner other than the licensed barber using the chair;

(i) "charitable event" means an event of short duration conducted at a location other than a licensed barber shop during which barbering services are offered at no charge for the purpose of benefitting an identified group of individuals such as, but not limited to, school children or military veterans;

(j) "duplicate license" means a license issued by the board to be used solely as a replacement for a valid license lost by the license holder or as a copy of a valid license for display at a barber shop that is not the primary barber shop of the license holder;

(k) "infectious or contagious disease" means any disease that can be transmitted during the performance of barbering and that is designated as an infectious or contagious disease by the board for the protection of the public health and for the control of such diseases;

(l) "senior status license" means a license issued to a barber pursuant to K.S.A. 65-1812(e), and amendments thereto;

(m) "shaving" means removing hair from the head, face or neck at skin level with a razor of any type;

(n) "student permit" means a permit issued by the board allowing a person enrolled at a licensed barber school or college to practice barbering as part of such school's or college's curriculum provided a licensed barber instructor is present on the premises;

(o) "suite" means a room located within a building containing other businesses that is licensed as a barber shop and owned, leased or operated by a licensed barber; and

(p) "temporary permit" means a permit issued by the board pursuant to K.S.A. 65-1812(c), and amendments thereto.

Sec. 4. K.S.A. 65-1810 is hereby amended to read as follows: 65-
1810. (a) No barber school or barber college shall be approved by the board unless:

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

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

(3) the school or college meets the minimum requirements for opening or relocating a school or college and possesses the minimum equipment and materials to operate a school or college as prescribed in rules and regulations adopted by the board;

(3)(4) all instructors of the school or college have been are licensed practicing barbers and hold instructors licenses an instructor license; and

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

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

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

(d)(c) No barber school or barber college shall enroll or admit any student unless such student shall make and file meets the qualifications for students attending a barber school or college as prescribed in rules and regulations adopted by the board, and makes and files, in duplicate, an application upon a form forms prescribed and furnished by the board. One copy of such application shall be retained by the school or college, and the school or college shall file the other copy with the board prior to admission of such student. Upon enrollment, a student shall pay to the board the fee prescribed for a student learning license permit, or, at its discretion, the barber school or college may pay such fee on behalf of the student. Such license permit shall be used by the student while enrolled in the school or college and shall be placed next to or near the working area.
of the student. No school or college shall allow a student to attend classes
until such permit has been issued by the board.

(d) Students shall be attired in clean, neat, washable clothing at all
times during school hours.

(e) All bottles and other containers shall be distinctly and correctly
labeled.

(f) No student shall receive compensation, directly or indirectly, for
services rendered by such student in any barber school or college.

(g) Barber schools or barber colleges may design courses of study
for barbers who have not renewed their licenses for a period of at least
three two years, for students who have failed at least two examinations
conducted by the board to determine fitness to practice barbering or for
other purposes as prescribed by the board, including courses of study for
professionals in related industries advanced practice or topics beyond the
curriculum required for licensure.

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

(i) Each barber school or college shall maintain and preserve all
records of students who enroll in such school or college in accordance
with rules and regulations adopted by the board.

Sec. 5. K.S.A. 65-1812 is hereby amended to read as follows: 65-
1812. (a) Any person shall be qualified to receive a license to practice
barbering if such person:

(1) Is at least 16 17 years of age and of good moral character and
temperate habits;

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

(3) (A) is a graduate of a barber school or barber college approved by
the board or has satisfactorily completed a course of study in a licensed
Kansas barber school or college as prescribed by the board under K.S.A.
65-1810, and amendments thereto;

(B) has satisfactorily completed the barber course at an institution
under the control of the secretary of corrections or the disciplinary-
barracks military correctional complex at Fort Leavenworth or has been
certified in a related industry, such as barbering in any branch of the
United States military service, and has completed a course of study in a
licensed Kansas barber college or barber school as prescribed by the board
under K.S.A. 65-1810(e), and amendments thereto; or

(C) has been a cosmetologist licensed by the Kansas board of
cosmetology and has satisfactorily completed a course of study in a
licensed Kansas barber college or barber school or college as prescribed by the board under K.S.A. 65-1810(е), and amendments thereto; and

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

(b) Any person who fails to pass an examination conducted by the board to determine such person’s fitness to practice barbering shall be entitled to take the next examination conducted by the board may apply to take the examination again.

(c) The board may issue a temporary license permit to practice barbering to any person who has graduated from an approved barber school or barber college and practicing at a licensed barber shop who possesses the necessary qualifications to take the required examinations, makes application to take the next examination for licensure to practice barbering offered and pays the nonrefundable temporary permit fee. Such license temporary permit shall be effective only until the results of the examination taken by the holder of the temporary permit are announced. Any person who fails to take or pass the examination may apply to the board for a new temporary permit, except no temporary permit shall be issued to any person who fails to pass the practical portion of the examination. The nonrefundable temporary permit fee shall be paid with each application for a temporary permit. No more than three temporary licenses permits shall be issued to any one person, except as authorized by the board.

(d) The board may issue an instructor license to an applicant who holds a valid barber license and:

(1) Has been a practicing licensed barber for a minimum of 40 of the 60 months immediately prior to application for an instructor license;
(2) passes the required written examinations approved by the board with a grade of not less than 80% on each such examination; and
(3) has submitted all forms and paid all fees prescribed by the board for such license and examination.

(e) The board may issue a senior status license to a barber who no longer practices barbering, but:

(1) Has been licensed as a barber for a total of at least 40 years;
(2) is at least 70 years of age; and
(3) has paid the one-time fee prescribed by the board.

Sec. 6. K.S.A. 65-1813 is hereby amended to read as follows: 65-1813. (а) The board may issue, without examination, a license to practice barbering to any person who submits an application for licensure on forms prescribed by the board, pays the prescribed fee and submits evidence satisfactory to the board that such person:

(1) Is at least 18 17 years of age;
(2) is of good moral character and temperate habits; and
(3)(b) is legally authorized to practice barbering in another state, territory or country which had substantially the same requirements for authorization to practice licensure at the time such person was initially issued a license as currently required for licensure under this act and which grants reciprocal authorization to barbers licensed in this state as required by subsection (b) provides certification from such issuing state, territory or country that such license is in good standing;
(c) has passed an examination of the applicant's knowledge of state laws and rules and regulations pertaining to the practice of barbering prescribed by the board with a grade of not less than 75%; and
(d) submits to the board a driver's license, United States passport or other government-issued identification containing a photograph of the applicant.

(b) A license shall be issued pursuant to this section only if the state, territory or country in which the person is authorized to practice barbering grants, under like conditions and without examination, reciprocal authorization to barbers licensed in this state.

(e) No license shall be issued to any person without examination unless such person meets all requirements of this section.

Sec. 7. K.S.A. 65-1814 is hereby amended to read as follows: 65-1814. (a) Any person who desires to practice barbering shall file with the board a written application for a license on a form such forms as prescribed by the board and pay the fee prescribed by the board. An application for a license shall include the applicant's name, social security number, date of birth and current residential and business address.

(b) Every licensed barber, instructor, operator of a barber shop or chair lessee shall notify the board in writing of any change in residential or business address within 14 days of such change and pay the fee prescribed by the board.

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

(b) An applicant may take the written examination of the applicant's knowledge of hygiene and the fundamentals of the vocation and the written examination of the applicant's knowledge of state laws and rules and regulations pertaining to the practice of barbering upon completion of 1,000 clock hours of instruction.

(c) The board may adopt rules and regulations imposing limitations or conditions on the administration of examinations.

Sec. 9. K.S.A. 65-1816 is hereby amended to read as follows: 65-1816. The following persons are exempt from the provisions of this act, while in the discharge of their professional duties: (a) Persons licensed by the law of this state to practice medicine and surgery or chiropractic; (b) commissioned medical or surgical officers of the United States army, navy or marine hospital service; (c) registered nurses; (d) undertakers and morticians; and licensed cosmetologists and apprentices. Any person performing barbering services for a charitable event not located in a licensed barber shop shall have available for board inspection all equipment, tools and supplies that will be utilized at such event. Each person performing barbering services at such event shall hold a valid license and shall possess such license while at the location of such charitable event.

Sec. 10. K.S.A. 65-1817 is hereby amended to read as follows: 65-1817. (a) In each fiscal year, the board shall determine the amount of funds which will be required during the next ensuing fiscal year to properly administer the laws which the board is directed to enforce and shall fix fees in accordance with this section for such ensuing year in such reasonable sums as may be necessary for such purposes.

(b) After fixing such fees, the board may charge and collect the fees, in advance for the following purposes, subject to the following limitations: For practical skills demonstration—not more than $100.
<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>For reexamination of practical skills demonstration—not more than</td>
<td>$100</td>
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<tr>
<td>For written examination of applicant to practice barbering—not more than</td>
<td>$400/$75</td>
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<tr>
<td>For reexamination of written examination to practice barbering—not more</td>
<td>$75</td>
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<tr>
<td>For issuance of license to practice barbering—not more than</td>
<td>$80/$100</td>
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<tr>
<td>For renewal of license to practice barbering—not more than</td>
<td>$80/$125</td>
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<tr>
<td>For restoration of license from senior status license—not more than</td>
<td>$125</td>
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<tr>
<td>For restoration of expired license to practice barbering, if expiration</td>
<td>$100</td>
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<tr>
<td>period is under three years, the lapsed fees plus a restoration fee of</td>
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<td>not more than</td>
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<tr>
<td>After three years applicant shall be reexamined upon payment of the regular</td>
<td>$400/$75</td>
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<tr>
<td>examination fee—not more than</td>
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<tr>
<td>For examination of applicant to instruct barbering—not more than</td>
<td>$150</td>
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<tr>
<td>For instructors instructor license or annual renewal thereof—not more</td>
<td>$90/$100</td>
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<tr>
<td>For restoration of expired instructors instructor license, if expiration</td>
<td>$90/$125</td>
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<td>period is under three years, the lapsed fees plus a restoration fee of</td>
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<td>not more than</td>
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<td>After three years the instructor shall be reexamined upon payment of the</td>
<td>$470/$150</td>
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<tr>
<td>regular examination fee—not more than</td>
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<tr>
<td>For a license to operate a barber school or barber college, annual fee—not</td>
<td>$500/$700</td>
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<td>more than</td>
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<tr>
<td>For restoration of expired barber school or college license, if expiration</td>
<td>$150</td>
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<tr>
<td>period is under 90 days, the lapsed fees plus a restoration fee of not more</td>
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<tr>
<td>For shop inspection, and annual license fee—not more than</td>
<td>$40/$100</td>
</tr>
<tr>
<td>For restoration of expired shop license, if expiration period is under</td>
<td>$80/$150</td>
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<tr>
<td>three years 90 days, the lapsed fee plus a restoration fee of not more</td>
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<tr>
<td>For a new shop, relocation or change of ownership—not more</td>
<td>$80/$150</td>
</tr>
<tr>
<td>For issuance of a seminar permit—not more than</td>
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<tr>
<td>For issuance of student learning license permit—not more than...</td>
<td>$55/$75</td>
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<tr>
<td>For issuance of a chair lease license—not more than</td>
<td>$50</td>
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<tr>
<td>For issuance of a temporary permit—not more than</td>
<td>$25</td>
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<tr>
<td>For issuance of a senior status license—not more</td>
<td>$50</td>
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For a letter of verification of licensure—not more than $25

For a duplicate license—not more than $5

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

Sec. 11. K.S.A. 65-1818 is hereby amended to read as follows: 65-1818. Every holder of a license to practice person engaged in the practice of barbering shall display such a current valid license or permit in a conspicuous place next to or near the holder's such person's work chair.

Sec. 12. K.S.A. 65-1819 is hereby amended to read as follows: 65-1819. (a) Every licensed barber, instructor, operator of a barber shop, chair lessee and operator of a barber school or barber college shall annually renew the license and pay by submitting all necessary forms prescribed by the board and paying the required fee. The expiration date of each license which is issued, restored or renewed by the board shall be established by rules and regulations of the board so that licenses are renewed by the board throughout the year on a continuing basis.

(b) Instructor licenses may be renewed annually by submitting all necessary forms prescribed by the board, providing evidence to the board that the licensee has completed the continuing education requirements established by the board and paying the prescribed fee. No instructor license shall be issued to any person who does not hold a valid barber license.

(c) In each case in which a license is issued, restored or renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-1817, and amendments thereto.

(b)(d) A barber, instructor or operator of a barber shop whose license has been expired for a period of less than three years may have the license renewed restored upon filing with the board a renewal all necessary application forms and payment of the total required restoration fee. Any barber, instructor or operator of a barber shop whose license has been expired for a period of three years or more years may renew have the license restored by filing with the board an application for reexamination, successfully completing such reexamination by the board and paying the required examination and license fees. Upon receipt of such application, payment of fees and passage of reexamination, if applicable, the board may grant a new license according to the provisions of K.S.A. 65-1820a, and amendments thereto.

(e) A barber or instructor whose license is expired shall not engage in the practice of barbering until such license is restored.

(f) No barber shop, school or college shall employ a person to
engage in the practice of barbering unless such person holds a valid license to practice barbering.

(g) No barber shop shall operate unless a valid license has been issued for such shop.

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

(1) Has committed malpractice or incompetency or had a professional or vocational license, permit or certificate suspended, conditioned, limited or revoked, has had other disciplinary action taken against such applicant or licensee or has had an application for a license, permit or certificate denied by the appropriate regulatory authority of another state, the District of Columbia, a territory of the United States or another country. A certified copy of the record of action of such regulatory authority shall be considered conclusive evidence thereof;

(2) has become afflicted with an infectious or communicable contagious disease;

(3) has advertised by knowingly false or deceptive statements;

(4) has advertised, practiced or attempted to practice under a trade name other than one's own;

(5) is unable to practice barbering with skill and safety due to current abuse while under the influence of drugs or alcohol;

(6) has committed gross negligence or unprofessional conduct as defined in rules and regulations adopted by the board;

(7) has obtained or attempted to obtain a license for money other than the required fee, or for any other thing of value or by fraudulent misrepresentations;

(8) has willfully failed to display a license to practice barbering as required by K.S.A. 65-1818, and amendments thereto;

(9) has practiced or attempted to practice barbering by fraudulent misrepresentations;

(10) has violated any of the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the regulation of barber shops; barber schools and barber colleges;

(11) has violated any provisions of this act, any order issued by the board or any lawful rules and regulations of adopted by the board concerning the operation or management of a barber shop, barber school or barber college; or

(12) has been convicted of any felony offense or class A misdemeanor offense of a crime against persons or involving illegal drugs, or any offense under the laws of another jurisdiction that is substantially
the same as such felony or class A misdemeanor offense as determined by
the board in rules and regulations, and the licensee or applicant for a
license is unable fails to demonstrate to the board's satisfaction that such
person has been sufficiently rehabilitated to warrant the public trust;
(13) has obtained or attempted to obtain a license by fraud or deceit;
(14) has practiced barbering without a valid license or permit;
(15) has employed an individual as a barber or instructor who does
not hold a valid license or permit; or
(16) has operated a barber shop or barber school or college without
a valid license.
  (b) The board, in lieu of, or in addition to, any other penalty
prescribed under the provisions of article 18 of chapter 65 of the Kansas
Statutes Annotated, and amendments thereto, may assess a civil fine
against a licensee for a violation of the provisions of article 18 of chapter
65 of the Kansas Statutes Annotated, and amendments thereto, in an
amount not to exceed $1,000 per violation. In determining any penalty to
be assessed, the board may consider the following factors: (1) Willfulness
of the violation; (2) repetitions of the violation; and (3) risk of harm to the
public caused by the violation.
  (c) In all matters pending before the board, the board shall have the
power to revoke the license of any licensee who voluntarily surrenders
such person's or entity's license pending investigation of misconduct or
while charges of misconduct against the licensee are pending or
anticipated.
  (d) The board may institute such actions in the courts of competent
jurisdiction as may appear necessary to enforce compliance with any
provisions of this act.
  (e) All proceedings under the provisions of article 18 of chapter 65 of
the Kansas Statutes Annotated, and amendments thereto, shall be
conducted in accordance with the Kansas administrative procedure act.
Judicial review and civil enforcement of agency actions under the
provisions of article 18 of chapter 65 of the Kansas Statutes Annotated,
and amendments thereto, shall be in accordance with the Kansas judicial
review act.
Sec. 14. K.S.A. 65-1821 is hereby amended to read as follows: 65-
1821. (a) When a license has been refused, suspended or revoked, the
person aggrieved thereby may apply for reinstatement, and such
reinstatement shall or reconsideration, which may be granted by the board
upon showing that the reason therefor no longer exists.
  (b) A person who files an application for a license to practice
barbering and has been convicted of a felony offense or a class A
misdemeanor offense of a crime against persons or involving illegal drugs
shall have the burden to establish sufficient rehabilitation to warrant the
public trust and that such applicant is otherwise qualified for licensure under this act. In determining whether the applicant has met such burden, the board may consider any relevant evidence, including the following factors:

(1) The seriousness and the nature of the offense;
(2) the age, maturity and experience of the person at the time of the commission of the offense;
(3) the amount of time elapsed since the commission of the offense;
(4) the conduct and work activity of the person before and subsequent to the commission of the offense;
(5) whether the offense was an isolated or recurring incident;
(6) conditions of probation, parole or post-release supervision;
(7) discharge from probation, parole or post-release supervision;
(8) evidence of the person's rehabilitation or rehabilitative effort;
(9) the demonstrated consciousness of the wrongful conduct and the disrepute that the conduct could bring or has brought upon the profession; and
(10) any other evidence of the person's present fitness for a license.

(c) A person whose license has been suspended or revoked may file an application with the board to reinstate the license within two years after such license has been suspended or revoked. The applicant shall have the burden of proof to establish rehabilitation and that such applicant is otherwise qualified for licensure under this act. In determining whether an applicant has met such burden, the board may consider any relevant evidence, including the following factors:

(1) The demonstrated consciousness of the wrongful conduct and disrepute that the conduct could bring or has brought upon the profession;
(2) the extent of the applicant's rehabilitation;
(3) the nature and seriousness of the original misconduct;
(4) the applicant's conduct subsequent to discipline;
(5) the time elapsed since the original discipline; and
(6) the applicant's maturity and experience at the time of the original discipline.

(d) Any person applying for reinstatement of a license two years or more after such license was suspended or revoked shall submit an application for reexamination and pay the required fees.

Sec. 15. K.S.A. 65-1822 is hereby amended to read as follows: 65-1822. (a) Each of the following constitutes a class B nonperson misdemeanor punishable upon conviction by a fine of not less than $10 and not more than $100: (a) The violation of any of the provisions of this act; (b) obtaining or attempting to obtain a license for any other than the required fee, or for any other thing of value or by fraudulent misrepresentations; (c) practicing or attempting to practice by fraudulent-
misrepresentations:

(1) Advertising of barbering services by display of a barber pole or its facsimile at any place where no person licensed as a barber is practicing barbering;

(2) Advertising as a licensed barber or licensed barber shop by using the title or designation of barber or barber shop by an unlicensed individual;

(3) Engaging in any other act or practice that would create the impression to members of the public that the person is a barber or is operating a barber shop unless the person holds the appropriate license;

(4) Practicing barbering without a valid license or permit;

(5) Employing an individual who is practicing barbering without a valid license or permit;

(6) Any other violation of the provisions of this act or any rules and regulations adopted pursuant thereto; or

(7) Any violation of the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the regulation of barber shops or barber schools or colleges.

(b) Each violation of any provision of this act, any rules and regulations adopted pursuant thereto or any sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the regulation of barber shops or barber schools or colleges shall be deemed a separate violation each day during which such violation continues to occur.

(c) For purposes of this section, the term "advertising" means the use of any media, including, but not limited to, signs, cards and websites, to indicate barbering services are being performed.

Sec. 16. K.S.A. 65-1824 is hereby amended to read as follows: 65-1824. The board is hereby authorized, empowered, and directed to administer and enforce the provisions of this act and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing the same. In addition thereto, the board shall have power:

(a) To supervise and regulate the barbering industry in this state. Nothing contained in this act shall be construed to abrogate, affect the status, force or operation of any provision of the general laws of this state relating to public health or any lawful rule, regulation or order promulgated thereunder, the law regulating the practice of barbering or any local health ordinance or regulation.

(b) To investigate all matters pertaining to the proper supervision and control of barber shops and the practice of barbering in this state.

(c) (1) To subpoena barber shop owners, operators, managers or employees, their books and accounts, and other persons from whom such
information may be desired; to carry out the purposes and intent of this act; and may to issue commissions to take depositions from witnesses absent from the state. Any member of the board may sign and issue subpoenas and administer oaths to witnesses.

(2) Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person’s possession or under the person’s control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if, in the board’s opinion, the documents, reports, records or other physical evidence required do not relate to the administration of this act, are not relevant to the allegation that is the subject matter of an investigation or the subpoena does not describe with sufficient particularity the documents, reports, records or other physical evidence required to be produced.

(3) A court of competent jurisdiction, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board, or the board’s duly authorized agent, to produce documents, reports, records or other physical evidence; or

(B) revoking, limiting or modifying the subpoena if, in the court’s opinion, the evidence demanded does not relate to the administration of this act, is not relevant to an allegation that is the subject matter of an investigation or the subpoena does not describe with sufficient particularity the documents, reports, records or other physical evidence required to be produced.

(d) To act as mediator and arbitrator in any controversy or issue that may arise among or between barbers as individuals or that may arise between them as groups. Nothing herein contained shall be construed as authorizing any interference with the authority of the state department of labor or the United States department of labor.

The operation and effect of any provisions of this act which confer a general power upon the board shall not be impaired or qualified because a specific power has been granted to the board by this act.

(e) To issue a cease and desist order against any individual, operator, permit holder or licensee if the board determines that such individual, operator, permit holder or licensee has practiced without a valid license or engaged or attempted to engage in any act or practice in violation of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder.

(f) To make an application to any court of competent jurisdiction for an order enjoining any person who has engaged or attempted to engage in any act or practice in violation of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations
adopted thereunder. Upon a showing by the board that such person has engaged or attempted to engage in any such act or practice, an injunction, restraining order or such other order as may be appropriate shall be granted by such court without bond.

Sec. 17. K.S.A. 65-1825a is hereby amended to read as follows: 65-1825a. (a) Except with regard to sanitation standards provided for by K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and regulations necessary to carry out implement and administer the provisions of this act. The rules and regulations of the board shall be posted available for public inspection in the main office of the board and a certified copy thereof shall be filed in the office of the administrative officer of the board. The board may also publish such rules and regulations in publications representing the barbering industry.

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

Sec. 18. K.S.A. 65-1826 is hereby amended to read as follows: 65-1826. (a) The practice and procedure of the board with respect to any investigation made by it under authority of this act shall be in accordance with rules and regulations adopted by the board.

Each person who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena, shall receive for attendance the fees and mileage provided by law for witnesses in civil cases in the district courts of this state. Such fees and mileage shall be paid by the board in the same manner as other expenses are paid by the board. No witness subpoenaed at the instance of a party other than the board or one of its members, or its administrative officer, shall be entitled to fees and mileage unless the board shall certify that the witness’ testimony was material to the matter investigated.

(b) (1) If any final order issued by the board in any administrative proceeding under the Kansas barbering act is adverse to the applicant or licensee, then the cost incurred by the board in conducting the investigation, if any, and the administrative proceeding from which such order was issued may be assessed against the parties to the proceeding in such proportion as the board may determine upon consideration of all relevant circumstances, including the nature of the proceeding and the level of participation by all parties.

(2) The board shall include, as part of any final order issued in an administrative proceeding, any assessment of costs incurred by the board and the findings and conclusions supporting such assessment of costs.

(3) For purposes of this subsection, costs include, but are not limited
to:

(A) The presiding officer's fees and expenses if the board has designated or retained the services of an independent contractor or the office of administrative hearings to perform presiding officer functions;
(B) the cost of making any transcripts;
(C) reasonable investigative costs;
(D) witness fees and expenses; and
(E) mileage, travel allowance and subsistence expenses of board employees and fees and expenses of agents of the board who provide services under K.S.A. 65-1824, and amendments thereto.

Sec. 19. K.S.A. 65-1827 is hereby amended to read as follows: 65-1827. Any member of the board, or any officer, employee or agent thereof designated for the such purpose, shall have access to and may enter at all reasonable hours all places where barbering is being carried on performed. Any member of the board, or any designated officer, employee or agent, also shall have power to inspect all books, papers, records or documents in any barber shop or barber school or college within the state for the purpose of ascertaining facts to enable the board to administer this act.

Sec. 20. K.S.A. 65-1831 is hereby amended to read as follows: 65-1831. No member of the board, nor any officer, agent or employee thereof, shall divulge to any person, firm or corporation the contents of any document, paper or record, examined in the performance of duties hereunder, or any information obtained in the course of any investigation, except as may be required to carry out the purpose of this act or as otherwise required by law or court order.

Sec. 21. K.S.A. 65-1835 is hereby amended to read as follows: 65-1835. The board shall license barber shops and shall issue licenses therefor upon application and payment of the prescribed fees, if the board finds the barber shop to be in compliance with its rules and regulations and the sanitation standards prescribed pursuant to K.S.A. 65-1,148, and amendments thereto.

Sec. 22. K.S.A. 74-1805a is hereby amended to read as follows: 74-1805a. (a) There is hereby created the Kansas board of barbering which board shall to be composed of five members to be appointed by the governor. Four members of the board shall be barbers and one member of the board shall represent the general public. Each member of the board, except the members who are appointed to represent the general public, shall have had experience as a practical barber for at least five years immediately prior to appointment. Each member of the board, before entering upon the member's duties shall take the oath provided by law for public officers. One Each member of the board shall be appointed--each year for a term of three years; and shall hold office until a successor is appointed and qualified.
(b) The governor shall designate one member of the board as the chairperson thereof and the member shall hold such position during the member's term of office.

(c) Vacancies caused by death, resignation or other causes, shall be filled by appointment as provided for regular appointments, but such appointees shall serve only for the unexpired terms of their predecessors.

(d) The board shall appoint an administrative officer who shall be in the unclassified service of the Kansas civil service act. The administrative officer shall receive an annual salary fixed by the board subject to approval of the governor. The administrative officer shall be treasurer, secretary of the board and shall keep a record of its proceedings, maintain offices, supervise employees and perform other duties as directed by the board.

Sec. 23. K.S.A. 74-1806 is hereby amended to read as follows: 74-1806. (a) Except as provided in subsection (b), the board shall meet immediately after appointment and determine the policies of the board and may conduct any business that may be before such board. Thereafter, the board shall meet as required by law, at times designated by the board and on the call of the administrative officer or the chairperson of the board.

(b) The board shall keep a record of all its proceedings and a register of all applicants for licensure and all licensees.

(c) Members of the board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(d) The board shall adopt rules and regulations for the purpose of carrying out the provisions of this act.

(e) The administrative officer, with the approval of the board, shall have authority to employ inspectors and office personnel as may be deemed necessary to administer this act, and shall provide and maintain offices. The inspectors so appointed shall perform all of the inspection duties of the board. All employees of the board shall be within the classified service of the Kansas civil service act, with the exception of the administrative officer, who shall be in the unclassified service.

(f) The chairperson of the board of barbering, with the approval of the board, may enter into an agreement with the chairperson of the board of cosmetology as to which board's inspectors shall inspect a dual-licensed salon and barber shop. Such designated inspectors shall perform all of the inspection duties of both boards, as required by the applicable statutes and rules and regulations of both boards and the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Such designated inspectors shall be trained by both boards as required by the applicable statutes and rules and regulations of both boards.
Sec. 24. K.S.A. 74-1807 is hereby amended to read as follows: 74-1807. Upon presentation of proper credentials, any member of the board, the administrative officer or the board's inspectors shall have the authority to enter, and inspect at any reasonable time any place where barbering is being performed and enforce rules and regulations pertaining to barber shops, barber schools or barber colleges at any time during business hours adopted by the board and any sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the regulation of barber shops and barber schools and colleges.


Sec. 26. This act shall take effect and be in force from and after its publication in the statute book.