

HOUSE BILL No. 2419

By Committee on Appropriations

2-23

1 AN ACT concerning the Kansas board of barbering; relating to licensure
2 and regulation of barbers; fees; amending K.S.A. 65-1808, 65-1809,
3 65-1810, 65-1812, 65-1813, 65-1814, 65-1815, 65-1816, 65-1817, 65-
4 1818, 65-1819, 65-1820a, 65-1821, 65-1822, 65-1824, 65-1825a, 65-
5 1826, 65-1827, 65-1831, 65-1835, 74-1805a, 74-1806 and 74-1807 and
6 repealing the existing sections; also repealing K.S.A. 65-1828.

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

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

12 Sec. 2. K.S.A. 65-1808 is hereby amended to read as follows: 65-
13 1808. It is unlawful for any person to engage in barbering for hire in this
14 state, to operate a barber shop, barber school or ~~barber~~ college; or to
15 employ any person to engage in the practice of barbering as defined in
16 K.S.A. 65-1809, and amendments thereto, except in conformity with the
17 provisions of this act.

18 Sec. 3. K.S.A. 65-1809 is hereby amended to read as follows: 65-
19 1809. As used in this act:

20 (a) "Board" means the Kansas board of barbering;

21 (b) "administrative officer" means the administrative officer of the
22 board;

23 (c) "license" means a license entitling the person to whom issued to
24 practice barbering; or to operate a barber school, ~~barber~~ or college or
25 barber shop;

26 (d) "barber shop" means any place, shop, ~~or~~, *suite*, establishment; *or*
27 *chair lease area* wherein the practice of barbering is engaged in ~~or carried~~
28 ~~on~~;

29 (e) "barber school" or ~~"barber~~ college" means any place or
30 establishment wherein the practice, fundamentals, theories or practical
31 applications of barbering are taught;

32 (f) "barbering" means any one or any ~~combinations~~ *combination* of
33 the following practices ~~(when done upon the upper part of the human body~~
34 ~~for cosmetic purposes and not for the purpose of diseases or physical or~~
35 ~~mental ailments, and when done for payment, either directly or indirectly,~~
36 ~~or without payment, performed for the public generally, upon male or~~

1 female):

- 2 (1) ~~Shaving~~ *of the head, face or neck with a razor*; trimming the
3 beard or cutting the hair;
- 4 (2) giving facial or scalp massages or treatments with oils, creams,
5 lotions or other preparations, either by hand or mechanical appliances;;
- 6 (3) *singeing, shampooing, coloring, bleaching, tinting or dyeing; the*
7 *hair;*
- 8 (4) *arranging, perming or waving the hair; or applying tonics; or*
- 9 (5) *applying cosmetic preparations, antiseptic powders, oils, clays; or*
10 *lotions to the scalp, face, neck or upper part of the body;*
- 11 (g) *"barber pole" means a red and white- or red, white and blue-*
12 *striped vertical cylinder commonly recognized as a barber pole that is*
13 *used to advertise a licensed barber shop;*
- 14 (h) *"chair lease area" means a station or work area that is part of a*
15 *barber shop area that is under the management or ownership of a barber*
16 *shop owner other than the licensed barber using the chair;*
- 17 (i) *"charitable event" means an event of short duration conducted at*
18 *a location other than a licensed barber shop during which barbering*
19 *services are offered at no charge for the purpose of benefitting an*
20 *identified group of individuals such as, but not limited to, school children*
21 *or military veterans;*
- 22 (j) *"duplicate license" means a license issued by the board to be used*
23 *solely as a replacement for a valid license lost by the license holder or as*
24 *a copy of a valid license for display at a barber shop that is not the*
25 *primary barber shop of the license holder;*
- 26 (k) *"infectious or contagious disease" means any disease that can be*
27 *transmitted during the performance of barbering and that is designated as*
28 *an infectious or contagious disease by the board for the protection of the*
29 *public health and for the control of such diseases;*
- 30 (l) *"senior status license" means a license issued to a barber*
31 *pursuant to K.S.A. 65-1812(e), and amendments thereto;*
- 32 (m) *"shaving" means removing hair from the head, face or neck at*
33 *skin level with a razor of any type;*
- 34 (n) *"student permit" means a permit issued by the board allowing a*
35 *person enrolled at a licensed barber school or college to practice*
36 *barbering as part of such school's or college's curriculum provided a*
37 *licensed barber instructor is present on the premises;*
- 38 (o) *"suite" means a room located within a building containing other*
39 *businesses that is licensed as a barber shop and owned, leased or*
40 *operated by a licensed barber; and*
- 41 (p) *"temporary permit" means a permit issued by the board pursuant*
42 *to K.S.A. 65-1812(c), and amendments thereto.*

43 Sec. 4. K.S.A. 65-1810 is hereby amended to read as follows: 65-

1 1810. (a) No barber school or ~~barber~~ college shall be approved by the
2 board unless:

3 (1) The school or college requires, as a prerequisite to graduation, a
4 course of instruction of not less than 1,200 *clock* hours and not more than
5 1,500 *clock* hours, as prescribed in rules and regulations *adopted* by the
6 board, to be completed within 18 months ~~of~~ *with* not more than eight hours
7 in any one working day;

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

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

20 ~~(3)(4)~~ all instructors of the school or college ~~have been~~ are licensed
21 practicing barbers and hold ~~instructors licenses~~ *an instructor license*; and
22 ~~(4)(5)~~ no practice or policy of discrimination is in effect ~~against~~
23 ~~applicants~~ for admission to the school or college by reason of race,
24 religion, color, *sex, disability*, national origin or ancestry.

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

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

32 ~~(d)~~(c) No barber school or ~~barber~~ college shall enroll or admit any
33 student unless such student ~~shall make and file~~ *meets the qualifications for*
34 *students attending a barber school or college as prescribed in rules and*
35 *regulations adopted by the board, and makes and files*, in duplicate, an
36 application upon ~~a form~~ *forms* prescribed and furnished by the board. One
37 copy of such application shall be retained by the school or college, and the
38 school or college shall file the other *copy* with the board *prior to*
39 *admission of such student*. Upon enrollment, a student shall pay to the
40 board the fee prescribed for a student ~~learning license permit~~, *or, at its*
41 *discretion, the barber school or college may pay such fee on behalf of the*
42 *student*. Such ~~license permit~~ shall be used by the student while enrolled in
43 the school or college and shall be placed next to or near the working area

1 of the student. *No school or college shall allow a student to attend classes*
 2 *until such permit has been issued by the board.*

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

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

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

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

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

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

23 Sec. 5. K.S.A. 65-1812 is hereby amended to read as follows: 65-
 24 1812. (a) Any person shall be qualified to receive a license to practice
 25 barbering if such person:

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

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

31 (3) (A) ~~is a graduate of a barber school or barber college approved by~~
 32 ~~the board or has satisfactorily completed a course of study in a licensed~~
 33 *Kansas barber school or college as prescribed by the board under K.S.A.*
 34 *65-1810, and amendments thereto;*

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

42 (C) has been a cosmetologist licensed by the Kansas board of
 43 cosmetology and has *satisfactorily* completed a course of study in a

1 licensed Kansas barber college or barber school or college as prescribed
2 by the board under K.S.A. 65-1810(e), and amendments thereto; and

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

6 (b) Any person who fails to pass an examination ~~conducted by the~~
7 ~~board to determine such person's fitness to practice barbering~~ shall be
8 entitled to take the next examination conducted by the board *may apply to*
9 *take the examination again.*

10 (c) The board may issue a temporary ~~license~~ *permit* to practice
11 barbering to any person who ~~has graduated from an approved barber~~
12 ~~school or barber college and practicing at a licensed barber shop~~ who
13 *possesses the necessary qualifications to take the required examinations,*
14 *makes application to take the next examination for licensure to practice*
15 *barbering offered and pays the nonrefundable temporary permit fee.* Such
16 ~~license~~ *temporary permit* shall be effective only until the results of the
17 examination taken by the holder of the temporary permit are announced.
18 ~~No~~ *Any person who fails to take or pass the examination may apply to the*
19 *board for a new temporary permit, except no temporary permit shall be*
20 *issued to any person who fails to pass the practical portion of the*
21 *examination. The nonrefundable temporary permit fee shall be paid with*
22 *each application for a temporary permit. Not more than three temporary*
23 ~~licenses~~ *permits* shall be issued to any one person, *except as authorized by*
24 *the board.*

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

27 (1) *Has been a practicing licensed barber for a minimum of 40 of the*
28 *60 months immediately prior to application for an instructor license;*

29 (2) *passes the required written examinations approved by the board*
30 *with a grade of not less than 80% on each such examination; and*

31 (3) *has submitted all forms and paid all fees prescribed by the board*
32 *for such license and examination.*

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

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

36 (2) *is at least 70 years of age; and*

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

38 Sec. 6. K.S.A. 65-1813 is hereby amended to read as follows: 65-
39 1813. ~~(a) The board may issue, without examination, a license to practice~~
40 ~~barbering to any person who submits an application for licensure on forms~~
41 ~~prescribed by the board, pays the prescribed fee and submits evidence~~
42 ~~satisfactory to the board that such person:~~

43 ~~(+)(a)~~ *Is at least 18 17 years of age;*

1 ~~(2) is of good moral character and temperate habits; and~~

2 ~~(3)(b) is legally authorized to practice barbering in another state,~~
3 ~~territory or country which has that had substantially the same requirements~~
4 ~~for authorization to practice licensure at the time such person was initially~~
5 ~~issued a license as currently required for licensure under this act and~~
6 ~~which grants reciprocal authorization to barbers licensed in this state as~~
7 ~~required by subsection (b) provides certification from such issuing state,~~
8 ~~territory or country that such license is in good standing;~~

9 (c) has passed an examination of the applicant's knowledge of state
10 laws and rules and regulations pertaining to the practice of barbering
11 prescribed by the board with a grade of not less than 75%; and

12 (d) submits to the board a driver's license, United States passport or
13 other government-issued identification containing a photograph of the
14 applicant.

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

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

21 Sec. 7. K.S.A. 65-1814 is hereby amended to read as follows: 65-
22 1814. (a) Any person who desires to practice barbering shall file with the
23 board a written application for a license on a form such forms as
24 prescribed by the board and pay the fee prescribed by the board. An
25 application for a license shall include the applicant's name, social security
26 number, date of birth and current residential and business address.

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

31 Sec. 8. K.S.A. 65-1815 is hereby amended to read as follows: 65-
32 1815. ~~The board shall conduct examinations for applicants for licensure to~~
33 ~~practice barbering at such times and places as the board shall determine;~~
34 ~~but(a) Examinations shall be given not less than twice in each year. Such~~
35 ~~examination examinations shall be approved by the board and include both~~
36 ~~a practical skills demonstration and, a written test examination of the~~
37 ~~applicant's knowledge of hygiene and the fundamentals of the vocation~~
38 ~~and a written examination of the applicant's knowledge of state laws and~~
39 ~~rules and regulations pertaining to the practice of barbering. A license to~~
40 ~~practice shall be issued each applicant who shall satisfactorily pass both~~
41 ~~the practical demonstration and the written test all three examinations,~~
42 ~~with a grade of not less than 80%, and shall possess the other~~
43 ~~qualifications required by law on the practical skills demonstration and a~~

1 *grade of not less than 75% on the written examinations. The board shall*
 2 *may allow an applicant who fails one part of the an examination to be*
 3 *reexamined only on that part which was failed the examination such*
 4 *applicant failed to satisfactorily pass. Each application to practice shall*
 5 *contain, in addition to any other information required by the board or by*
 6 *law, the name, address, social security number, height, weight and age of*
 7 *the applicant to whom issued. The board may issue seminar permits to*
 8 *barbers and teachers holding valid licenses from Kansas or any other state*
 9 *or country, to teach and demonstrate the art of advanced barbering. Such*
 10 *seminar permit shall be restricted to prescribed dates and places, but in no*
 11 *instance shall it be valid for more than five days. No such seminar permit*
 12 *shall be required of any barber or teacher demonstrating the art of*
 13 *advanced barbering at no cost to those viewing such demonstration.*

14 *(b) An applicant may take the written examination of the applicant's*
 15 *knowledge of hygiene and the fundamentals of the vocation and the*
 16 *written examination of the applicant's knowledge of state laws and rules*
 17 *and regulations pertaining to the practice of barbering upon completion of*
 18 *1,000 clock hours of instruction.*

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

21 *Sec. 9. K.S.A. 65-1816 is hereby amended to read as follows: 65-*
 22 *1816. The following persons are exempt from the provisions of this act,*
 23 *while in the discharge of their professional duties: (a) Persons licensed by*
 24 *the law of this state to practice medicine and surgery or chiropractic; (b)*
 25 *commissioned medical or surgical officers of the United States army, navy*
 26 *or marine hospital service; (c) registered nurses; (d) undertakers and*
 27 *morticians; and licensed cosmetologists and apprentices. Any person*
 28 *performing barbering services for a charitable event not located in a*
 29 *licensed barber shop shall have available for board inspection all*
 30 *equipment, tools and supplies that will be utilized at such event. Each*
 31 *person performing barbering services at such event shall hold a valid*
 32 *license and shall possess such license while at the location of such*
 33 *charitable event.*

34 *Sec. 10. K.S.A. 65-1817 is hereby amended to read as follows: 65-*
 35 *1817. (a) In each fiscal year, the board shall determine the amount of funds*
 36 *which that will be required during the next ensuing fiscal year to properly*
 37 *administer the laws which that the board is directed to enforce and*
 38 *administer and shall fix fees in accordance with this section for such*
 39 *ensuing year in such reasonable sums as may be necessary for such*
 40 *purposes.*

41 *(b) After fixing such fees, the board may charge and collect the fees,*
 42 *in advance for the following purposes, subject to the following limitations:*
 43 *For practical skills demonstration—not more than..... \$100*

1	<i>For reexamination of practical skills demonstration—not more</i>	
2	<i>than.....</i>	<i>\$100</i>
3	<i>For written examination of applicant to practice barbering—not</i>	
4	<i>more than.....</i>	\$100 <i>\$75</i>
5	<i>For reexamination of written examination to practice barbering—</i>	
6	<i>not more than.....</i>	<i>\$75</i>
7	<i>For issuance of license to practice barbering—not more</i>	
8	<i>than.....</i>	80 <i>\$100</i>
9	<i>For renewal of license to practice barbering—not more</i>	
10	<i>than.....</i>	80 <i>\$125</i>
11	<i>For restoration of license from senior status license—not more</i>	
12	<i>than.....</i>	<i>\$125</i>
13	<i>For restoration of expired license to practice barbering, if expiration period</i>	
14	<i>is under three two years, the lapsed fees plus a restoration fee of not</i>	
15	<i>more than.....</i>	<i>\$100</i>
16	<i>After three two years applicant shall be reexamined upon payment</i>	
17	<i>of the regular examination fee—not more than.....</i>	100 <i>\$75</i>
18	<i>For examination of applicant to instruct barbering—not more</i>	
19	<i>than.....</i>	<i>\$150</i>
20	<i>For instructors instructor license or annual renewal thereof—not</i>	
21	<i>more than.....</i>	90 <i>\$100</i>
22	<i>For restoration of expired instructors instructor license, if expiration</i>	
23	<i>period is under three two years, the lapsed fees plus a restoration</i>	
24	<i>fee of not more than.....</i>	90 <i>\$125</i>
25	<i>After three two years the instructor shall be reexamined upon payment</i>	
26	<i>of the regular examination fee—not more than.....</i>	170 <i>\$150</i>
27	<i>For a license to operate a barber school or barber college,</i>	
28	<i>annual fee—not more than.....</i>	500 <i>\$700</i>
29	<i>For restoration of expired barber school or college license, if</i>	
30	<i>expiration period is under 90 days, the lapsed fees plus</i>	
31	<i>a restoration fee of not more than.....</i>	150 <i>\$150</i>
32	<i>For shop inspection, and annual license fee—not more than.....</i>	40 <i>\$100</i>
33	<i>For restoration of expired shop license, if expiration period is</i>	
34	<i>under three years 90 days, the lapsed fee plus a restoration fee</i>	
35	<i>of not more than.....</i>	80 <i>\$150</i>
36	<i>For a new shop, relocation or change of ownership—not</i>	
37	<i>more than.....</i>	80 <i>\$150</i>
38	<i>For issuance of a seminar permit—not more than.....</i>	80 <i>\$75</i>
39	<i>For issuance of student-learning license permit—not more than.....</i>	55 <i>\$75</i>
40	<i>For issuance of a chair lease license—not more than.....</i>	50 <i>\$50</i>
41	<i>For issuance of a temporary permit—not more than.....</i>	25 <i>\$25</i>
42	<i>For issuance of a senior status license—not more than.....</i>	50 <i>\$50</i>
43	<i>For a letter of verification of licensure—not more than.....</i>	25 <i>\$25</i>

1 *For a duplicate license—not more than..... \$5*

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

7 Sec. 11. K.S.A. 65-1818 is hereby amended to read as follows: 65-
 8 1818. Every ~~holder of a license to practice~~ *person engaged in the practice*
 9 *of barbering shall display such a current valid license or permit* in a
 10 conspicuous place next to ~~or near the holder's~~ *such person's* work chair.

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

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

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

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

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

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

1 *license to practice barbering.*

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

4 Sec. 13. K.S.A. 65-1820a is hereby amended to read as follows: 65-
5 1820a. (a) The board may censure, limit, condition, suspend, revoke or
6 refuse to issue, reinstate, *restore* or renew a license or *permit* of any
7 applicant or licensee upon proof that the applicant or licensee:

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

16 (2) ~~has become afflicted with an infectious or communicable~~
17 *contagious disease;*

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

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

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

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

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

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

30 (9) ~~has practiced or attempted to practice barbering by fraudulent~~
31 *misrepresentations;*

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

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

40 (12) ~~has been convicted of any felony offense or class A~~
41 *misdemeanor offense of a crime against persons or involving illegal drugs,*
42 *or any offense under the laws of another jurisdiction that is substantially*
43 *the same as such felony or class A misdemeanor offense as determined by*

1 the board ~~in rules and regulations~~, and the licensee or applicant for a
2 license ~~is unable~~ fails to demonstrate to the board's satisfaction that such
3 person has been sufficiently rehabilitated to warrant the public trust;

4 (13) *has obtained or attempted to obtain a license by fraud or deceit;*

5 (14) *has practiced barbering without a valid license or permit;*

6 (15) *has employed an individual as a barber or instructor who does*
7 *not hold a valid license or permit; or*

8 (16) *has operated a barber shop or barber school or college without*
9 *a valid license.*

10 (b) The board, in lieu of, or *in* addition to, any other penalty
11 prescribed under the provisions of article 18 of chapter 65 of the Kansas
12 Statutes Annotated, and amendments thereto, may assess a civil fine
13 against a licensee for a violation of the provisions of article 18 of chapter
14 65 of the Kansas Statutes Annotated, and amendments thereto, in an
15 amount not to exceed \$1,000 *per violation. In determining any penalty to*
16 *be assessed, the board may consider the following factors: (1) Willfulness*
17 *of the violation; (2) repetitions of the violation; and (3) risk of harm to the*
18 *public caused by the violation.*

19 (c) In all matters pending before the board, the board shall have the
20 power to revoke the license of any licensee who voluntarily surrenders
21 such person's or entity's license pending investigation of misconduct or
22 while charges of misconduct against the licensee are pending or
23 anticipated.

24 (d) *The board may institute such actions in the courts of competent*
25 *jurisdiction as may appear necessary to enforce compliance with any*
26 *provisions of this act.*

27 (e) All proceedings under the provisions of article 18 of chapter 65 of
28 the Kansas Statutes Annotated, and amendments thereto, shall be
29 conducted in accordance with the Kansas administrative procedure act.
30 Judicial review and civil enforcement of agency actions under the
31 provisions of article 18 of chapter 65 of the Kansas Statutes Annotated,
32 and amendments thereto, shall be in accordance with the Kansas judicial
33 review act.

34 Sec. 14. K.S.A. 65-1821 is hereby amended to read as follows: 65-
35 1821. (a) When a license has been refused, suspended or revoked, the
36 person aggrieved thereby may apply for reinstatement, ~~and such~~
37 ~~reinstatement shall~~ *or reconsideration, which may be granted by the board*
38 *upon showing that the reason therefor no longer exists.*

39 (b) *A person who files an application for a license to practice*
40 *barbering and has been convicted of a felony offense or a class A*
41 *misdemeanor offense of a crime against persons or involving illegal drugs*
42 *shall have the burden to establish sufficient rehabilitation to warrant the*
43 *public trust and that such applicant is otherwise qualified for licensure*

1 under this act. In determining whether the applicant has met such burden,
 2 the board may consider any relevant evidence, including the following
 3 factors:

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

17 (10) any other evidence of the person's present fitness for a license.
 18 (c) A person whose license has been suspended or revoked may file
 19 an application with the board to reinstate the license within two years
 20 after such license has been suspended or revoked. The applicant shall
 21 have the burden of proof to establish rehabilitation and that such
 22 applicant is otherwise qualified for licensure under this act. In
 23 determining whether an applicant has met such burden, the board may
 24 consider any relevant evidence, including the following factors:

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

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

36 Sec. 15. K.S.A. 65-1822 is hereby amended to read as follows: 65-
 37 1822. (a) Each of the following constitutes a class B nonperson
 38 misdemeanor punishable upon conviction by a fine of not less than \$10
 39 and not more than \$100: (a) The violation of any of the provisions of this
 40 act; (b) obtaining or attempting to obtain a license for any other than the
 41 required fee, or for any other thing of value or by fraudulent
 42 misrepresentations; (c) practicing or attempting to practice by fraudulent
 43 misrepresentations:

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

4 (2) *advertising as a licensed barber or licensed barber shop by using*
 5 *the title or designation of barber or barber shop by an unlicensed*
 6 *individual;*

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

10 (4) *practicing barbering without a valid license or permit;*

11 (5) *employing an individual who is practicing barbering without a*
 12 *valid license or permit;*

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

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

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

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

27 Sec. 16. K.S.A. 65-1824 is hereby amended to read as follows: 65-
 28 1824. The board is hereby authorized, empowered; and directed to
 29 administer and enforce the provisions of this act and the board is hereby
 30 granted such specific powers as are necessary for the purpose of
 31 administering and enforcing the same. In addition thereto, the board shall
 32 have power:

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

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

41 (c) *(1) To subpoena barber shop owners, operators, managers or*
 42 *employees, their books and accounts, and other persons from whom such*
 43 *information may be desired; to carry out the purposes and intent of this act;*

1 and ~~may~~ to issue commissions to take depositions from witnesses absent
2 from the state. Any member of the board may sign and issue subpoenas
3 and administer oaths to witnesses.

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

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

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

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

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

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

33 (e) To issue a cease and desist order against any individual, operator,
34 *permit holder* or licensee if the board determines that such individual,
35 operator, *permit holder* or licensee has practiced without a valid license or
36 engaged or attempted to engage in any act or practice in violation of article
37 18 of chapter 65 of the Kansas Statutes Annotated, and amendments
38 thereto, or rules and regulations adopted thereunder.

39 (f)(e) To make an application to any court of competent jurisdiction
40 for an order enjoining any person who has engaged or attempted to engage
41 in any act or practice in violation of article 18 of chapter 65 of the Kansas
42 Statutes Annotated, and amendments thereto, or rules and regulations
43 adopted thereunder. Upon a showing by the board that such person has

1 engaged or attempted to engage in any such act or practice, an injunction,
2 restraining order or such other order as may be appropriate shall be
3 granted by such court without bond.

4 Sec. 17. K.S.A. 65-1825a is hereby amended to read as follows: 65-
5 1825a. (a) Except with regard to sanitation standards provided for by
6 K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and
7 regulations necessary to ~~carry out~~ *implement and administer* the provisions
8 of this act. The rules and regulations of the board shall be ~~posted~~ *available*
9 for public inspection in the main office of the board and a certified copy
10 thereof shall be filed in the office of the administrative officer of the board.
11 The board may also publish such rules and regulations in publications
12 representing the barbering industry.

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

18 Sec. 18. K.S.A. 65-1826 is hereby amended to read as follows: 65-
19 1826. (a) The practice and procedure of the board with respect to any
20 investigation made by it under authority of this act shall be in accordance
21 with rules and regulations adopted by the board.

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

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

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

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

1 (A) *The presiding officer's fees and expenses if the board has*
 2 *designated or retained the services of an independent contractor or the*
 3 *office of administrative hearings to perform presiding officer functions;*

4 (B) *the cost of making any transcripts;*

5 (C) *reasonable investigative costs;*

6 (D) *witness fees and expenses; and*

7 (E) *mileage, travel allowance and subsistence expenses of board*
 8 *employees and fees and expenses of agents of the board who provide*
 9 *services under K.S.A. 65-1824, and amendments thereto.*

10 Sec. 19. K.S.A. 65-1827 is hereby amended to read as follows: 65-
 11 1827. Any member of the board, or *any officer, employee or agent thereof*
 12 ~~designated for the~~ *such* purpose, shall have access to and may enter at all
 13 reasonable hours all places where barbering is ~~being carried on~~ *performed*.
 14 Any member of the board, or *any designated officer, employee or agent,*
 15 also shall have power to inspect all books, papers, records or documents in
 16 any barber shop *or barber school or college* within the state for the
 17 purpose of ascertaining facts to enable the board to administer this act.

18 Sec. 20. K.S.A. 65-1831 is hereby amended to read as follows: 65-
 19 1831. No member of the board, nor any officer, agent or employee thereof,
 20 shall divulge to any person, firm or corporation the contents of any
 21 document, paper or record, examined in the performance of duties
 22 hereunder, or any information obtained in the course of any investigation,
 23 except as may be required to carry out the purpose of this act *or as*
 24 *otherwise required by law or court order.*

25 Sec. 21. K.S.A. 65-1835 is hereby amended to read as follows: 65-
 26 1835. The board shall license barber shops and shall issue licenses therefor
 27 upon *application and* payment of the prescribed fees, if the board finds the
 28 barber shop to be in compliance with its rules and regulations and the
 29 sanitation standards prescribed pursuant to K.S.A. 65-1,148, and
 30 amendments thereto.

31 Sec. 22. K.S.A. 74-1805a is hereby amended to read as follows: 74-
 32 1805a. (a) There is hereby created the Kansas board of barbering ~~which~~
 33 ~~board shall~~ *to* be composed of five members ~~to be~~ appointed by the
 34 governor. Four members of the board shall be barbers and one member of
 35 the board shall represent the general public. Each member of the board,
 36 except the members who are appointed to represent the general public,
 37 shall have had experience as a practical barber for at least five years
 38 immediately prior to appointment. Each member of the board, before
 39 entering upon the member's duties shall take the oath provided by law for
 40 public officers. ~~One~~ *Each* member of the board shall be appointed ~~each~~
 41 ~~year~~ for a term of three years; and shall hold office until a successor is
 42 appointed and qualified.

43 (b) The governor shall designate one member of the board as the

1 chairperson thereof and the member shall hold such position during the
2 member's term of office.

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

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

12 Sec. 23. K.S.A. 74-1806 is hereby amended to read as follows: 74-
13 1806. (a) ~~Except as provided in subsection (b), the board shall meet~~
14 ~~immediately after appointment and determine the policies of the board and~~
15 ~~may conduct any business that may be before such board. Thereafter,~~ The
16 board shall meet as required by law, at times designated by the board and
17 on the call of the administrative officer *or the chairperson of the board.*

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

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

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

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

33 ~~(b)~~(f) The chairperson of the board of barbering, with the approval of
34 the board, may enter into an agreement with the chairperson of the board
35 of cosmetology as to which board's inspectors shall inspect a dual-licensed
36 salon and barber shop. Such designated inspectors shall perform all of the
37 inspection duties of both boards, as required by the applicable statutes and
38 rules and regulations of both boards and the sanitation standards adopted
39 by the secretary of health and environment pursuant to K.S.A. 65-1,148,
40 and amendments thereto. Such designated inspectors shall be trained by
41 both boards as required by the applicable statutes and rules and regulations
42 of both boards.

43 Sec. 24. K.S.A. 74-1807 is hereby amended to read as follows: 74-

1 1807. Upon presentation of proper credentials, any member of the board,
2 the administrative officer or the board's inspectors shall have the authority
3 to enter, *and inspect at any reasonable time any place where barbering is*
4 *being performed* and enforce rules and regulations ~~pertaining to barber~~
5 ~~shops, barber schools or barber colleges at any time during business hours~~
6 *adopted by the board and any sanitation standards adopted by the*
7 *secretary of health and environment pursuant to K.S.A. 65-1,148, and*
8 *amendments thereto, for the regulation of barber shops and barber*
9 *schools and colleges.*

10 Sec. 25. K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1813, 65-
11 1814, 65-1815, 65-1816, 65-1817, 65-1818, 65-1819, 65-1820a, 65-1821,
12 65-1822, 65-1824, 65-1825a, 65-1826, 65-1827, 65-1828, 65-1831, 65-
13 1835, 74-1805a, 74-1806 and 74-1807 are hereby repealed.

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