

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2471

As Recommended by House Committee on
Health and Human Services

Brief*

HB 2471 would amend the requirements for a barber school or college to be approved by the Kansas Board of Barbering (Board); the qualifications for a person to receive a license to practice barbering; the license renewal process for a barber, instructor, or operator of a barber shop whose license has expired; the disciplinary procedures the Board is allowed to follow; and the Board's duties to include increased authority.

The bill would amend the requirements for a barber school or college to be approved by the Board by changing the required hours for graduation to a minimum of 1,200 hours and a maximum of 1,500 hours and by eliminating the period of time an instructor must be a licensed practicing barber.

Under the bill, barber schools or colleges would be allowed to design courses of study for barbers who have not renewed their licenses for a period of at least three years, for students who have failed at least two examinations conducted by the Board, or for other purposes as prescribed by the Board, including courses of study for professionals in related industries.

The bill would allow a person to receive a license to practice barbering if such person has been certified in a related industry, such as barbering in any branch of the U.S. military service, and has completed a course of study in a

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

licensed Kansas barber college or school or has been a cosmetologist licensed by the Kansas Board of Cosmetology and has completed a course of study in a licensed Kansas barber college or school.

A barber, instructor, or operator of a barber shop whose license has been expired for a period of less than three years would be required to file a renewal application with the Board for license renewal. A barber, instructor, or operator of a barber shop whose license has been expired for a period of three years or more would be required to file an application for reexamination with the Board for license renewal. The Board would be allowed to issue the new license upon receipt of the application, payment of fees, and passage of reexamination, if applicable.

The Board would be allowed to censure, limit, condition, suspend, revoke or refuse to issue, reinstate, or renew a license of any applicant or licensee upon proof that the applicant or licensee violated the provisions set forth in the statute that would make a licensee or applicant subject to discipline or would disqualify the licensee or applicant from practicing barbering. The bill would add to the list of such provisions having been convicted of any felony offense or misdemeanor offense of a crime against persons or involving illegal drugs as determined by the Board in rules and regulations, and the licensee or applicant for a license is unable to demonstrate to the Board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust. The Board also would have the authority to issue up to a \$1,000 civil fine against a licensee for a violation of such provisions.

The Board would have the authority 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.

All disciplinary proceedings would be conducted in accordance with the Kansas Administrative Procedure Act. Additionally, all judicial review and civil enforcement of agency actions would be in accordance with the Kansas Judicial Review Act.

The Board would be granted additional authority to issue a cease and desist order against any individual, operator, or licensee if the Board determined that such individual, operator, or licensee has practiced without a valid license or engaged or attempted to engage in any act or practice in violation of the laws, or rules and regulations pertaining to barbering.

The Board also would be granted additional authority 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 the laws, or rules and regulations pertaining to barbering. Upon a showing by the Board that such person has engaged or attempted to engage in any such act or practice, the Court would be required to issue, without bond, an injunction, restraining order, or such other order as may be appropriate.

Background

At the House Committee on Health and Human Services hearing, the administrator for the Board testified in favor of the bill stating the proposed changes would enable the Board to achieve its goals to effectively protect the consuming public and effectively supervise the barbering industry. There was no other testimony provided.

According to the fiscal note prepared by the Division of the Budget, the Board states enactment of the bill would increase revenues and expenditures for the agency. Revenues would increase due to licensing for four new barbering schools, \$2,250 in FY 2016 and \$4,500 in FY 2017, and the expenditures could be paid out of existing resources.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.