

As Amended by House Committee

Session of 2021

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~~ **that violates any**  
25 **provision of the Kansas act against discrimination, K.S.A. 44-1001 et**  
26 **seq., and amendments thereto.**

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

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

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

1 *student. Such license permit shall be used by the student while enrolled in*  
2 *the school or college and shall be placed next to or near the working area*  
3 *of the student. No school or college shall allow a student to attend classes*  
4 *until such permit has been issued by the board.*

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

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

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

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

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

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

25 Sec. 5. K.S.A. 65-1812 is hereby amended to read as follows: 65-  
26 1812. (a) Any person shall be qualified to receive a license to practice  
27 barbering if such person:

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

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

33 (3) (A) ~~is a graduate of a barber school or barber college approved by~~  
34 ~~the board or has satisfactorily completed a course of study in a licensed~~  
35 ~~Kansas barber school or college as prescribed by the board under K.S.A.~~  
36 ~~65-1810, and amendments thereto;~~

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

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

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

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

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

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

29 (1) *Has been a practicing licensed barber for a minimum of 40 of the*  
30 *60 months immediately prior to application for an instructor license;*

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

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

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

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

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

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

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

1 satisfactory to the board that such person:

2 ~~(1)(a)~~ Is at least ~~18~~ 17 years of age;

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

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

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

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

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

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

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

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

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

1 with a grade of not less than 80%, ~~and shall possess the other~~  
2 ~~qualifications required by law on the practical skills demonstration and a~~  
3 ~~grade of not less than 75% on the written examinations.~~ The board ~~shall~~  
4 ~~may~~ allow an applicant who fails ~~one part of the an~~ examination to be  
5 reexamined only on ~~that part which was failed the examination such~~  
6 ~~applicant failed to satisfactorily pass.~~ Each application to practice shall  
7 contain, in addition to any other information required by the board or by  
8 law, the name, address, social security number, height, weight and age of  
9 the applicant to whom issued. The board may issue seminar permits to  
10 barbers and teachers holding valid licenses from Kansas or any other state  
11 or country, to teach and demonstrate the art of advanced barbering. Such  
12 seminar permit shall be restricted to prescribed dates and places, but in no  
13 instance shall it be valid for more than five days. No such seminar permit  
14 shall be required of any barber or teacher demonstrating the art of  
15 advanced barbering at no cost to those viewing such demonstration.

16 (b) *An applicant may take the written examination of the applicant's*  
17 *knowledge of hygiene and the fundamentals of the vocation and the*  
18 *written examination of the applicant's knowledge of state laws and rules*  
19 *and regulations pertaining to the practice of barbering upon completion of*  
20 *1,000 clock hours of instruction.*

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

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

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

43 (b) After fixing such fees, the board may charge and collect the fees,

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



- 1 *For issuance of a senior status license—not more than..... \$50*
- 2 *For a letter of verification of licensure—not more than..... \$25*
- 3 *For a duplicate license—not more than..... \$5*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42       (12) ~~has been convicted of any felony offense or class A~~  
43 *misdemeanor offense of a crime against persons or involving illegal drugs,*

1 *or any offense under the laws of another jurisdiction that is substantially*  
2 *the same as such felony or class A misdemeanor offense as determined by*  
3 *the board in rules and regulations, and the licensee or applicant for a*  
4 *license is unable fails to demonstrate to the board's satisfaction that such*  
5 *person has been sufficiently rehabilitated to warrant the public trust;*

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

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

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

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

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

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

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

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

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

41 (b) *A person who files an application for a license to practice*  
42 *barbering and has been convicted of a felony offense or a class A*  
43 *misdemeanor offense of a crime against persons or involving illegal drugs*

1 shall have the burden to establish sufficient rehabilitation to warrant the  
2 public trust and that such applicant is otherwise qualified for licensure  
3 under this act. In determining whether the applicant has met such burden,  
4 the board may consider any relevant evidence, including the following  
5 factors:

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

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

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

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

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

1 ~~misrepresentations; (e) practicing or attempting to practice by fraudulent~~  
2 ~~misrepresentations:~~

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

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

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

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

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

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

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

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

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

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

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

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

43 (c) (1) ~~To subpoena barber shop owners, operators, managers or~~

1 employees, their books and accounts, and other persons from whom such  
2 information may be desired; to carry out the purposes and intent of this act;  
3 and ~~may~~ to issue commissions to take depositions from witnesses absent  
4 from the state. Any member of the board may sign and issue subpoenas  
5 and administer oaths to witnesses.

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

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

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

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

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

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

35 (e) To issue a cease and desist order against any individual, operator,  
36 permit holder or licensee if the board determines that such individual,  
37 operator, permit holder or licensee has practiced without a valid license or  
38 engaged or attempted to engage in any act or practice in violation of article  
39 18 of chapter 65 of the Kansas Statutes Annotated, and amendments  
40 thereto, or rules and regulations adopted thereunder.

41 (f)(e) To make an application to any court of competent jurisdiction  
42 for an order enjoining any person who has engaged or attempted to engage  
43 in any act or practice in violation of article 18 of chapter 65 of the Kansas

1 Statutes Annotated, and amendments thereto, or rules and regulations  
2 adopted thereunder. Upon a showing by the board that such person has  
3 engaged or attempted to engage in any such act or practice, an injunction,  
4 restraining order or such other order as may be appropriate shall be  
5 granted by such court without bond.

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

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

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

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

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

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

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

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

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

7       (C) *reasonable investigative costs;*

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

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

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

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

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

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



1 appointed and qualified.

2 (b) The governor shall designate one member of the board as the  
3 chairperson thereof and the member shall hold such position during the  
4 member's term of office.

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

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

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

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

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

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

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

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

1 of both boards.

2 Sec. 24. K.S.A. 74-1807 is hereby amended to read as follows: 74-  
3 1807. Upon presentation of proper credentials, any member of the board,  
4 the administrative officer or the board's inspectors shall have the authority  
5 to enter; *and inspect at any reasonable time any place where barbering is*  
6 *being performed* and enforce rules and regulations ~~pertaining to barber~~  
7 ~~shops, barber schools or barber colleges at any time during business hours~~  
8 *adopted by the board and any sanitation standards adopted by the*  
9 *secretary of health and environment pursuant to K.S.A. 65-1,148, and*  
10 *amendments thereto, for the regulation of barber shops and barber*  
11 *schools and colleges.*

12 Sec. 25. K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1813, 65-  
13 1814, 65-1815, 65-1816, 65-1817, 65-1818, 65-1819, 65-1820a, 65-1821,  
14 65-1822, 65-1824, 65-1825a, 65-1826, 65-1827, 65-1828, 65-1831, 65-  
15 1835, 74-1805a, 74-1806 and 74-1807 are hereby repealed.

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