

HOUSE BILL No. 2257

By Representative Sloan

2-7

1 AN ACT concerning the board of barbering; relating to licensed barbers;
2 inspection of cosmetology services salons; amending K.S.A. 65-1812,
3 65-1827, 65-1904a and 74-1807 and K.S.A. 2012 Supp. 65-1817 and
4 65-1824 and repealing the existing sections.
5

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

7 New Section 1. (a) The board of barbering may issue a license to
8 practice barbering to any licensed cosmetologist who pays the prescribed
9 fee, complies with the process and meets the requirements established by
10 the board in rules and regulations. The board may adopt rules and
11 regulations necessary to carry out the provisions of this section.

12 (b) This section shall be a part of and supplemental to article 18 of
13 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

14 Sec. 2. K.S.A. 65-1812 is hereby amended to read as follows: 65-
15 1812. (a) Any person shall be qualified to receive a license to practice
16 barbering if such person:

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

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

22 ~~(3)~~ ~~(C)~~ is a graduate of a barber school or barber college approved by
23 the board or has satisfactorily completed the barber course at an institution
24 under the control of the secretary of corrections or the disciplinary
25 barracks at Fort Leavenworth; *and*

26 ~~(4)~~ ~~(D)~~ has paid an examination fee and has passed the examination
27 conducted by the board to determine the fitness of such person to practice
28 barbering; *or*

29 (2) *meets the requirements established in section 1, and amendments*
30 *thereto.*

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

34 (c) The board may issue a temporary license to practice barbering to
35 any person who has graduated from an approved barber school or barber
36 college and who makes application to take the next examination for

1 licensure to practice barbering. Such license shall be effective only until
 2 the results of the examination are announced. No more than three
 3 temporary licenses shall be issued to any one person.

4 Sec. 3. K.S.A. 2012 Supp. 65-1817 is hereby amended to read as
 5 follows: 65-1817. (a) In each fiscal year, the board shall determine the
 6 amount of funds which will be required during the next ensuing fiscal year
 7 to properly administer the laws which the board is directed to enforce and
 8 administer and shall fix fees in accordance with this section for such
 9 ensuing year in such reasonable sums as may be necessary for such
 10 purposes.

11 (b) After fixing such fees, the board may charge and collect the fees,
 12 in advance for the following purposes, subject to the following limitations:

13 For examination of applicant to practice barbering—not more	
14 than.....	\$100
15 For issuance of license to practice barbering—not more	
16 than.....	80
17 For renewal of license to practice barbering—not more	
18 than.....	80
19 For restoration of expired license to practice barbering, if	
20 expiration period is under three years, the lapsed fees	
21 plus a restoration fee of not more than.....	100
22 After three years applicant shall be reexamined upon pay-	
23 ment of the regular examination fee—not more than.....	100
24 For instructors license or annual renewal thereof—not more	
25 than.....	90
26 For restoration of expired instructors license, if expiration	
27 period is under three years, the lapsed fees plus a	
28 restoration fee of not more than.....	90
29 After three years the instructor shall be reexamined upon	
30 payment of the regular examination fee—not more than.....	170
31 For a license to operate a barber school or barber college,	
32 annual fee—not more than.....	500
33 For shop inspection, and annual license fee—not more than.....	40
34 For restoration of expired shop license, if expiration period is	
35 under three years, the lapsed fee plus a restoration fee of	
36 not more than.....	80
37 For a new shop, relocation or change of ownership—not more	
38 than.....	80
39 For issuance of a seminar permit—not more than.....	80
40 For issuance of student learning license—not more than.....	55
41 <i>For issuance of license to practice barbering to a licensed</i>	
42 <i>cosmetologist—not more than.....</i>	<i>80</i>
43 <i>For renewal of license to practice barbering to a licensed</i>	

1 *cosmetologist—not more than.....80*

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

7 Sec. 4. K.S.A. 2012 Supp. 65-1824 is hereby amended to read as
8 follows: 65-1824. (a) The board is hereby authorized, empowered, and
9 directed to administer and enforce the provisions of this act and the board
10 is hereby granted such specific powers as are necessary for the purpose of
11 administering and enforcing the same. In addition thereto, the board shall
12 have power:

13 (ⓐ) (1) To supervise and regulate the barbering industry in this state.
14 Nothing contained in this act shall be construed to abrogate, affect the
15 status, force or operation of any provision of the general laws of this state
16 relating to public health or any lawful rule, regulation or order
17 promulgated thereunder, the law regulating the practice of barbering or any
18 local health ordinance or regulation.

19 (ⓑ) (2) To investigate all matters pertaining to the proper supervision
20 and control of barber shops and the practice of barbering in this state.

21 (Ⓒ) (3) To subpoena barber shop owners, operators, managers or
22 employees, their books and accounts, and other persons from whom such
23 information may be desired, to carry out the purposes and intent of this act,
24 and may issue commissions to take depositions from witnesses absent
25 from the state. Any member of the board may sign and issue subpoenas
26 and administer oaths to witnesses.

27 (Ⓓ) (4) To act as mediator and arbitrator in any controversy or issue
28 that 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 (5) *To develop, establish and implement a process by which a*
33 *licensed cosmetologist may become a licensed barber. Such process shall*
34 *be established through rules and regulations adopted by the board*
35 *pursuant to the provisions of K.S.A. 65-1825a, and amendments thereto.*

36 (6) *To develop, establish and implement a process by which a*
37 *cosmetology services salon owned by a licensed barber is inspected and*
38 *reinspected by any member of the board of barbering or employee*
39 *designated for such purpose. Such process shall be established through*
40 *rules and regulations adopted by the board pursuant to the provisions of*
41 *K.S.A. 65-1825a, and amendments thereto.*

42 (b) The operation and effect of any provisions of this act which
43 confer a general power upon the board shall not be impaired or qualified

1 because a specific power has been granted to the board by this act.

2 Sec. 5. K.S.A. 65-1827 is hereby amended to read as follows: 65-
3 1827. Any member of the board or employee designated for the purpose,
4 shall have access to and may enter at all reasonable hours all places where
5 barbering is being carried on, *including cosmetology services salons, if*
6 *such salon is owned by a licensed barber.* Any member of the board or
7 designated employee also shall have power to inspect all books, papers,
8 records or documents in any barber shop *or cosmetology services salon, if*
9 *such salon is owned by a licensed barber,* within the state for the purpose
10 of ascertaining facts to enable the board to administer this act.

11 Sec. 6. K.S.A. 65-1904a is hereby amended to read as follows: 65-
12 1904a. (a) Any licensed cosmetologist, esthetician, electrologist,
13 manicurist, or person desiring to establish a salon or clinic shall make
14 application, on a form provided, to the Kansas state board of cosmetology,
15 accompanied by the new salon or clinic license fee established under
16 K.S.A. 65-1904, and amendments thereto. Upon filing of the application,
17 the board shall inspect the equipment as to safety and sanitary condition of
18 the premises and if the equipment and premises are found to comply with
19 the rules and regulations of the secretary of health and environment and
20 the rules and regulations of the Kansas state board of cosmetology, the
21 board shall issue a new salon or clinic license.

22 (b) Nothing herein contained shall be construed as preventing any
23 licensed cosmetologist, manicurist, esthetician or electrologist from
24 practicing in the field for which licensed in such licensee's private home or
25 residence if the home or residence complies with rules and regulations of
26 the secretary and the state board. A licensed cosmetologist, manicurist,
27 esthetician or electrologist may provide services in the field in which
28 licensed in a place other than the licensed salon or clinic or a private home
29 or residence of the licensed cosmetologist, manicurist, esthetician or
30 electrologist. Excluding services provided by a licensed cosmetologist,
31 manicurist, esthetician or electrologist in a health care facility, hospital or
32 nursing home or in the residence of a person requiring home care arising
33 from physical or mental disabilities, in order to provide such services, such
34 licensed cosmetologist, manicurist, esthetician or electrologist shall be
35 employed in a salon or clinic or in the licensed cosmetologist's,
36 manicurist's, esthetician's or electrologist's private home or residence for at
37 least 51% of the total hours per week employed; and shall attest by
38 affidavit that such cosmetology, manicuring, esthetics or electrology
39 services shall be provided only in the residence or office of the person
40 receiving services.

41 (c) Licensed salons and clinics may be reinspected in accordance with
42 a schedule determined by the board by rules and regulations or upon a
43 complaint made to the board that such salon or clinic is not being

1 maintained in compliance with rules and regulations of the board. The
2 license shall expire on June 30 following its issuance. Any such license
3 may be renewed upon application accompanied by the salon or clinic
4 license renewal fee made to the board before July 1 of the year in which
5 the license expires. Any license may be renewed by the applicant within 60
6 days after the date of expiration of the last license upon payment of a
7 delinquent renewal fee.

8 *(d) Notwithstanding any provision of this section, if a salon is owned*
9 *by a licensed barber, any member of the board of barbering or employee*
10 *designated for such purpose, shall inspect and reinspect such salon. The*
11 *Kansas state board of cosmetology shall not inspect such salon.*

12 Sec. 7. K.S.A. 74-1807 is hereby amended to read as follows: 74-
13 1807. Upon presentation of proper credentials, any member of the board,
14 the administrative officer or the board's inspectors shall have the authority
15 to enter, inspect and enforce rules and regulations pertaining to barber
16 shops, barber schools~~or~~, barber colleges *or cosmetology services salon if*
17 *such salon is owned by a licensed barber*, at any time during business
18 hours.

19 Sec. 8. K.S.A. 65-1812, 65-1827, 65-1904a and 74-1807 and K.S.A.
20 2012 Supp. 65-1817 and 65-1824 are hereby repealed.

21 Sec. 9. This act shall take effect and be in force from and after its
22 publication in the statute book.