

1 AN ACT relating to mobile barber licensure.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 317.410 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

- 5 (1) A "barber" is any person who engages in the practice of "barbering" for the public
6 generally or for consideration;
- 7 (2) "Barbering" is the practice upon the human neck, face, and head, principally of
8 shaving or trimming the beard or cutting the hair, but includes also:
- 9 (a) Giving facial and scalp massage or treatments with oils, creams, lotions, or
10 other preparations, either by hand or any contrivance;
- 11 (b) Singeing, shampooing, pressing, arranging, dressing, styling, or dyeing the
12 hair or applying hair tonics; and
- 13 (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other
14 preparations;
- 15 (3) "Barber pole" means a cylinder or pole with alternating stripes of any combination,
16 including but not limited to red and white, or red, white, and blue, which run
17 diagonally along the length of the pole;
- 18 (4) "Barber school" or "school of barbering" means an operation, place, or
19 establishment in or through which persons are trained or taught the practice of
20 barbering;
- 21 (5) "Barber shop" is any establishment in which the practice of barbering is conducted
22 for the general public or for consideration ***and includes a mobile barber shop;***
- 23 (6) "Board" means the Kentucky Board of Barbering;
- 24 (7) "Endorsement" means the process of granting a license under this chapter to an
25 applicant licensed in another state;
- 26 (8) "Independent contract owner" means any barber or apprentice barber licensed under
27 this chapter who leases or rents space in a barber shop;~~and~~

1 (9) "Lapse fees" means the annual renewal license fee which would have been paid for
 2 the period during which a license has lapsed; and

3 (10) "Mobile barber shop" means a self-contained unit in which the practice of
 4 barbering is conducted and which may be moved, towed, or transported from one
 5 (1) location to another.

6 ➔Section 2. KRS 317.420 is amended to read as follows:

7 (1) No person shall engage in the practice of "barbering" for other than cosmetic
 8 purposes nor shall any person engage in barbering for the treatment of physical or
 9 mental ailments, except that the provisions of this chapter shall not apply to:

10 (a) Persons authorized by the law of this state to practice medicine, chiropody,
 11 optometry, dentistry, chiropractic, nursing, or embalming when incidental
 12 practices of barbering are performed by them in the normal course of the
 13 practice of their profession;

14 (b) Commissioned medical or surgical personnel of the United States Armed
 15 Forces performing incidental practices of barbering in the course of their
 16 duties; or

17 (c) Barbering services performed at an institution operated by or under contract to
 18 the Department of Corrections or the Department of Juvenile Justice.

19 (2) Except as provided in subsection (1) of this section, no person shall engage in the
 20 practice of barbering for the public generally or for consideration without the
 21 appropriate license required by this chapter.

22 (3) No person, unless duly and properly licensed pursuant to this chapter, shall:

23 (a) Teach barbering;

24 (b) Operate a barber shop or mobile barber shop;

25 (c) Conduct or operate a school for barbers; ~~or~~

26 (d) Lease or rent booth space as an independent contract owner; or

27 (e) Operate a mobile barber shop without first notifying the board of its

1 *location or change in its location.*

- 2 (4) No person shall aid or abet any person in violating the provisions of this section,
3 nor shall any person engage or employ for consideration any person for the
4 performance of any practice licensed by this chapter unless the person to perform
5 such practice holds and displays the appropriate license therefor.
- 6 (5) Except as provided in this chapter, no person or business shall:
- 7 (a) Advertise barbering services, unless the person or business and the personnel
8 it employs are licensed under this chapter;
- 9 (b) Advertise as a barber shop *or mobile barber shop*, unless all persons in the
10 shop practicing barbering services are licensed under this chapter. Any barber
11 practicing in a shop licensed as both a barber shop and a salon licensed under
12 KRS Chapter 317A may display an image, that is at least four (4) inches high,
13 of a barber pole at his or her station; or
- 14 (c) Use or display a barber pole for the purpose of advertising barbering services
15 to the public unless it:
- 16 1. Has a barber shop license; and
- 17 2. Employs a barber licensed under this chapter.
- 18 (6) A person holding an active barber license from the board and who practices in a
19 shop licensed by the board may render services for pay or otherwise to:
- 20 (a) A person suffering from a terminal illness who is receiving the services of a
21 hospice program either at home or at a hospice inpatient unit; or
- 22 (b) A person who is deceased and in the care of a funeral establishment.
- 23 ➔Section 3. KRS 317.430 is amended to read as follows:
- 24 (1) There is hereby created an independent agency of the state government to be known
25 as the Kentucky Board of Barbering, which shall have complete supervision over
26 the administration of the provisions of this chapter relating to barbers, barbering,
27 barber shops, *mobile barber shops*, independent contract owners, barber schools,

- 1 and the teaching of barbering.
- 2 (2) The board shall be composed of five (5) members appointed by the Governor. Four
3 (4) members shall be barbers holding a valid license and practicing in Kentucky.
4 One (1) member shall be a citizen at large who is not associated with or financially
5 interested in barbering. At all times in the filling of vacancies of membership on the
6 barber board, this balance of representation shall be maintained.
- 7 (3) The two (2) members appointed to fill the terms beginning on February 1, 2008,
8 shall serve until February 1, 2011, and the three (3) members appointed to fill the
9 terms beginning on February 1, 2007, shall serve until February 1, 2010. All
10 subsequent appointments shall be for a term of three (3) years, with terms ending on
11 February 1.
- 12 (4) The Governor shall not remove any member of the board except for cause.
- 13 (5) The board shall elect from its members one (1) to serve as chairman, one (1) to
14 serve as vice chairman, and a third to serve as secretary.
- 15 (6) Three (3) members shall constitute a quorum for the transaction of business.
- 16 (7) In addition to the other qualifications specified in this section, barber members of
17 the board shall be at least twenty-three (23) years of age, citizens of the United
18 States, residents of Kentucky, and must have engaged in the practice of barbering in
19 this state for a period of at least five (5) years.
- 20 (8) No member of the board shall be financially interested in, or have any financial
21 connection with, any barber or cosmetology school, wholesale cosmetic or barber
22 supply or equipment business, nor shall any member of the barber board teach
23 barbering, cosmetology, or manicuring for monetary considerations.
- 24 (9) Each member of the board shall receive a compensation of one hundred dollars
25 (\$100) per day for each day of attendance at a meeting of the board, and shall be
26 reimbursed for necessary traveling expenses.
- 27 (10) The board shall hold its meetings within the state and when deemed necessary by

1 the board to discharge its duties.

2 ➔Section 4. KRS 317.440 is amended to read as follows:

3 (1) To protect the health and safety of the public and to protect the public against
4 misrepresentation, deceit, or fraud in the practice or teaching of barbering, the
5 board shall promulgate administrative regulations governing the:

- 6 (a) Location and housing of barber shops, **mobile barber shops**, or schools;
7 (b) Quantity and quality of equipment, supplies, materials, records, and
8 furnishings required in barber shops, **mobile barber shops**, or schools;
9 (c) Qualifications of teachers of barbering;
10 (d) Qualifications of applicants to or enrollees in barber schools;
11 (e) Hours and courses of instruction at barber schools;
12 (f) Examinations of applicants for barber or teacher of barbering; ~~and~~
13 (g) Qualifications of independent contract owners; **and**
14 **(h) Inspection criteria for mobile barber shops.**

15 (2) The board shall establish:

16 **(a) Fees by administrative regulation; and**

17 **(b) On its website a system for a licensed mobile barber shop to:**

18 **1. Submit to the board a weekly itinerary detailing the locations at which**
19 **it will offer barbering services; and**

20 **2. Notify the board of any changes in its location or itinerary.**

21 (3) Administrative regulations pertaining to health and sanitation shall be approved by
22 the Kentucky secretary for health and family services before becoming effective.

23 ➔Section 5. KRS 317.450 is amended to read as follows:

24 (1) (a) The board shall issue an apprentice license to practice barbering to any person
25 who:

- 26 1. Is at least seventeen and one-half (17-1/2) years of age;
27 2. Is of good moral character and temperate habit;

- 1 3. Possesses a high school diploma, a High School Equivalency Diploma,
2 or a transcript from an issuing institution that is recognized by the
3 educational authority in the state from which the diploma, certificate, or
4 transcript is issued;
- 5 4. Has graduated from a licensed school of barbering;
- 6 5. Has satisfactorily passed the apprentice examination prescribed by the
7 barber board, which shall include a practical assessment of the
8 applicant's skills, including but not limited to a taper haircut, shampoo,
9 straight razor facial shave, facial, and a chemical application; and
- 10 6. Has paid a fee as established in administrative regulations promulgated
11 by the board in accordance with KRS Chapter 13A.
- 12 (b) A barber shall serve an apprentice period of at least six (6) months but not
13 more than nine (9) months of continuous service from the effective date of the
14 license issued pursuant to paragraph (a) of this subsection.
- 15 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,
16 the board may, during the apprentice period, require a licensee to retake any
17 part or all of the written or practical examination, or both.
- 18 (d) At the end of the apprentice period, the board shall issue a license to practice
19 barbering to an apprentice licensee who has:
 - 20 1. Satisfactorily passed the barber examination prescribed by the board by
21 administrative regulations promulgated in accordance with KRS Chapter
22 13A; and
 - 23 2. Complied with all other requirements of this subsection.
- 24 (e) The board may issue a barber license by endorsement to a resident of another
25 state, district, or territory within the United States of America upon payment
26 of a fee as established in administrative regulations promulgated by the board
27 in accordance with KRS Chapter 13A, and upon submission of satisfactory

1 evidence that the requirements for licensure in the other state are substantially
2 equivalent to the requirements of this state at the time of application. In the
3 absence of the required equivalency, an applicant from another state, district,
4 or territory within the United States of America, shall show proof of three (3)
5 years or more experience immediately before making application and be
6 currently licensed and in good standing with the state, district, or territory in
7 which he or she is licensed. The board may also require an applicant under
8 this section to pass a written and practical examination to establish
9 equivalency.

10 (2) The board shall:

11 (a) Issue a license to operate a barber shop or mobile barber shop to any barber
12 licensed under the provisions of this chapter upon application and payment of
13 a fee as established in administrative regulations promulgated by the board in
14 accordance with KRS Chapter 13A;

15 (b) Refuse to issue the license upon a failure of the licensed barber to comply
16 with the provisions of this chapter or the administrative regulations
17 promulgated by the board;

18 (c) Allow the licensed owner of a barber shop or mobile barber shop, which is
19 licensed under this chapter, to rent or lease space in his or her barber shop to
20 an independent contract owner; and

21 (d) Allow an unlicensed owner of a barber shop to rent or lease space in his or her
22 barber shop to an independent contract owner, only if the shop owner has a
23 licensed barber as a manager of the shop at all times. If the owner, manager,
24 or location of a barber shop changes, the required form and fee shall be
25 submitted to the board.

26 (3) The board shall issue a license to operate a school of barbering to any person, firm,
27 or corporation who or which:

- 1 (a) Applies for a license upon forms furnished by the board;
- 2 (b) Has the equipment and facilities that may be required by administrative
3 regulations promulgated by the board;
- 4 (c) Has furnished adequate evidence to the board that:
- 5 1. There is an intent to establish a bona fide school for the education and
6 training of competent barbers; and
- 7 2. A sufficient number of teachers licensed by the board will be employed
8 to conduct the school, including at least one (1) teacher with a minimum
9 of twelve (12) months' experience teaching in a barber school that
10 includes administrative experience; and
- 11 (d) Pays a fee as established in administrative regulations promulgated by the
12 board in accordance with KRS Chapter 13A.
- 13 (4) The board shall issue a student permit to any person enrolled in a licensed barber
14 school upon payment of a fee as established in administrative regulations
15 promulgated by the board in accordance with KRS Chapter 13A.
- 16 (5) The board shall issue a license to teach barbering to any person who:
- 17 (a) Is of good moral character and temperate habit;
- 18 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 19 (c) Has been a Kentucky-licensed and practicing barber for at least eighteen (18)
20 months;
- 21 (d) Has satisfactorily passed the examination prescribed by the board by
22 promulgation of administrative regulations; and
- 23 (e) Has paid a fee as established in administrative regulations promulgated by the
24 board in accordance with KRS Chapter 13A.
- 25 (6) The board shall issue a license to any barber who holds an independent contract
26 owner's license who:
- 27 (a) Is of good moral character and temperate habit;

- 1 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 2 (c) Is a licensed and practicing barber under this chapter; and
- 3 (d) Has paid a fee as established in administrative regulations promulgated by the
- 4 board in accordance with KRS Chapter 13A.
- 5 (7) The board shall issue a demonstration charity event permit to any licensed barber
- 6 who pays a fee as established in administrative regulations promulgated by the
- 7 board in accordance with KRS Chapter 13A.
- 8 (8) Applications for examination required in this section shall be accompanied by an
- 9 examination fee as established in administrative regulations promulgated by the
- 10 board in accordance with KRS Chapter 13A.
- 11 (9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire
- 12 on the first day of July next following the date of its issuance. A license shall
- 13 be renewed on June 1 through July 1 of each year.
- 14 (b) Any license shall automatically be renewed by the board:
- 15 1. Upon receipt of the application for renewal or duplicate renewal
- 16 application form and the required annual renewal license fee submitted
- 17 either in person or via written or electronic means; and
- 18 2. If the applicant for renewal is otherwise in compliance with the
- 19 provisions of this chapter and the administrative regulations of the
- 20 board.
- 21 (10) The annual renewal license fee for each type of license renewal shall be as
- 22 established in administrative regulations promulgated by the board in accordance
- 23 with KRS Chapter 13A.
- 24 (11) (a) The fee per year for the renewal of an expired license, if the period of
- 25 expiration does not exceed five (5) years, shall be as established by
- 26 administrative regulations promulgated by the board in accordance with KRS
- 27 Chapter 13A.

1 (b) An applicant who fails to renew a license within five (5) years of its
2 expiration shall comply with the requirements for relicensure established by
3 the board through promulgation of administrative regulations in accordance
4 with KRS Chapter 13A.

5 ➔Section 6. KRS 317.580 is amended to read as follows:

6 No barber, independent contract owner, or student shall:

- 7 (1) Knowingly continue to practice while he has an infectious or communicable
8 disease;
- 9 (2) Fail to provide the head rest of each chair with a relaundersed towel or a sheet of
10 clean paper for each patron;
- 11 (3) Fail to place around the patron's neck a strip of cotton, towel, or neck strip so that
12 the haircloth does not come in contact with the nude skin of the patron's body;
- 13 (4) Use on one (1) patron a towel that has been used upon another patron, unless the
14 towel has been relaundersed; or
- 15 (5) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of
16 vibrator or other similar equipment or appliance that comes into contact with the
17 head, face, hands, or neck of a patron, until the equipment or appliance has been
18 immersed in boiling water for ten (10) minutes or in a sterilizing solution and
19 placed in a wet or dry sterilizer until again used. Only such methods of sterilization
20 as are bacteriologically effective and approved by the Cabinet for Health and
21 Family Services shall be used.
- 22 (6) Fail to wash his or her hands in a sink both before and after contact with each
23 patron. Methods to sterilize hands that are bacteriologically effective as approved
24 by the United States Food and Drug Administration's Food Code, Sections 2-301.11
25 through 2-304.11, shall also be recognized and used. Barber shop ***and mobile***
26 ***barber shop*** licenses issued after July 12, 2006, shall require that a sink with hot
27 and cold running water be located in the room where barbering is done.