

1 AN ACT relating to barbering.

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) "Barber" means any person who engages in the practice of barbering for the public  
6 generally or for consideration;
- 7 (2) "Barbering" means 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  
14 other 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" means any establishment in which the practice of barbering is  
22 conducted for the general public or for consideration and includes a mobile barber  
23 shop;
- 24 (6) "Board" means the Kentucky Board of Barbering;
- 25 (7) "Endorsement" means the process of granting a license under this chapter to an  
26 applicant licensed in another state;
- 27 (8) "Independent contract owner" means any barber or apprentice barber licensed under

1 this chapter who leases or rents space in a barber shop;

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

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

7 → Section 2. KRS 317.420 is amended to read as follows:

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

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

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

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

20 (2) Except as provided in subsection (1) of this section, ~~a~~~~no~~ person shall ***not*** engage  
21 in the practice of barbering for the public generally or for consideration without the  
22 appropriate license required by this chapter.

23 (3) ~~A~~~~no~~ person, unless duly and properly licensed pursuant to this chapter, shall ***not***:

24 (a) Teach barbering;

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

26 (c) Conduct or operate a school for barbers;

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

1 (e) Operate a mobile barber shop without first notifying the board of its location  
2 or change in its location.

3 (4) ~~A~~~~no~~ person shall ***not*** aid or abet any person in violating~~the provisions of~~ this  
4 section, nor shall any person engage or employ for consideration any person for the  
5 performance of any practice licensed by this chapter unless the person to perform  
6 such practice holds and displays the ***current*** appropriate license therefor.

7 (5) Except as provided in this chapter, ~~a~~~~no~~ person or business shall ***not***:

8 (a) Advertise barbering services, unless the person or business and the personnel  
9 it employs are licensed under this chapter;

10 (b) Advertise as a barber shop or mobile barber shop, unless all persons in the  
11 shop practicing barbering services are licensed under this chapter. Any barber  
12 practicing in a shop licensed as both a barber shop and a salon licensed under  
13 KRS Chapter 317A may display an image, that is at least four (4) inches high,  
14 of a barber pole at his or her station; or

15 (c) Use or display a barber pole for the purpose of advertising barbering services  
16 to the public unless it:

17 1. Has a barber shop license; and

18 2. Employs a barber licensed under this chapter.

19 (6) A person holding an active barber license from the board and who practices in a  
20 shop licensed by the board may render services for pay or otherwise to:

21 (a) A person suffering from a terminal illness who is receiving the services of a  
22 hospice program either at home or at a hospice inpatient unit; or

23 (b) A person who is deceased and in the care of a funeral establishment.

24 →Section 3. KRS 317.430 is amended to read as follows:

25 (1) There is hereby created an independent agency of the state government to be known  
26 as the Kentucky Board of Barbering, which shall have complete supervision over  
27 the administration of~~the provisions of~~ this chapter relating to barbers, barbering,

1 barber shops, mobile barber shops, independent contract owners, barber schools,  
2 and the teaching of barbering.

3 (2) **(a)** The board shall be composed of five (5) **voting** members appointed by the  
4 Governor. Four (4) **of these** members shall be barbers holding a valid license  
5 and practicing in Kentucky. One (1) **of these members**~~[member]~~ shall be a  
6 citizen at large who is not associated with or financially interested in  
7 barbering. At all times in the filling of vacancies of **voting** membership on the  
8 barber board, this balance of representation shall be maintained.

9 **(b) The executive director employed under Section 7 of this Act shall be a**  
10 **nonvoting member of the board. He or she may be counted in determining a**  
11 **quorum, but shall not vote on matters before the board.**

12 (3) ~~[The two (2) members appointed to fill the terms beginning on February 1, 2008,~~  
13 ~~shall serve until February 1, 2011, and the three (3) members appointed to fill the~~  
14 ~~terms beginning on February 1, 2007, shall serve until February 1, 2010.]~~ All  
15 ~~[subsequent]~~ appointments shall be for a term of three (3) years, with terms ending  
16 on February 1.

17 (4) The Governor shall not remove any **voting** member of the board except for cause.

18 (5) The board shall elect from its **voting** members one (1) to serve as **chair**~~[chairman],~~  
19 one (1) to serve as vice **chair**~~[chairman],~~ and **one (1)**~~[a third]~~ to serve as secretary.

20 (6) Three (3) members shall constitute a quorum for the transaction of business.

21 (7) In addition to the other qualifications specified in this section, **voting** barber  
22 members of the board shall be at least twenty-three (23) years of age, citizens of the  
23 United States, residents of Kentucky, and **shall**~~[must]~~ have engaged in the practice  
24 of barbering in this state for a period of at least five (5) years.

25 (8) ~~A~~~~[No]~~ member of the board shall **not** be financially interested in, or have any  
26 financial connection with, any barber or cosmetology school, wholesale cosmetic or  
27 barber supply or equipment business, **and**~~[nor]~~ shall **not**~~[any member of the barber~~

1 ~~board~~ teach barbering, cosmetology, or manicuring for monetary considerations.

2 (9) ~~[Each member of the board shall receive a compensation of one hundred dollars~~  
3 ~~(\$100) per day for each day of attendance at a meeting of the board, and shall be~~  
4 ~~reimbursed for necessary traveling expenses.~~

5 ~~(10) ]~~The board shall hold its meetings within the state and when deemed necessary by  
6 the board to discharge its duties.

7 → Section 4. KRS 317.440 is amended to read as follows:

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

- 11 (a) Location and housing of barber shops, mobile barber shops, or schools;
- 12 (b) Quantity and quality of equipment, supplies, materials, records, and  
13 furnishings required in barber shops, mobile barber shops, or schools;
- 14 (c) Qualifications of teachers of barbering;
- 15 (d) Qualifications of applicants to or enrollees in barber schools;
- 16 (e) Hours and courses of instruction at barber schools;
- 17 (f) Examinations of applicants for barber or teacher of barbering;
- 18 (g) Qualifications of independent contract owners;~~{and}~~
- 19 (h) Inspection criteria for mobile barber shops; and
- 20 (i) Compensation and expense schedule for board members.

21 (2) The board shall establish:

- 22 (a) Fees by administrative regulation; and
- 23 (b) On its website a system for a licensed mobile barber shop to:
  - 24 1. Submit to the board a weekly itinerary detailing the locations at which it
  - 25 will offer barbering services; and
  - 26 2. Notify the board of any changes in its location or itinerary~~]~~

27 ~~(3) Administrative regulations pertaining to health and sanitation shall be approved by~~

1 ~~the Kentucky secretary for health and family services before becoming effective}.~~

2 → Section 5. KRS 317.450 is amended to read as follows:

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

5 1. Is at least seventeen and one-half (17-1/2) years of age;

6 2. ~~Is of good moral character and temperate habit;~~

7 ~~3. —~~ Possesses a high school diploma, a High School Equivalency Diploma,  
8 or a transcript from an issuing institution that is recognized by the  
9 educational authority in the state from which the diploma, certificate, or  
10 transcript is issued;

11 ~~3. [4.]~~ Has graduated from a licensed school of barbering;

12 ~~4. [5.]~~ Has satisfactorily passed the apprentice examination prescribed by the  
13 barber board, which shall include a practical assessment of the  
14 applicant's skills, including but not limited to a taper haircut, shampoo,  
15 straight razor facial shave, facial, and a chemical application; and

16 ~~5. [6.]~~ Has paid a fee as established in administrative regulations promulgated  
17 by the board in accordance with KRS Chapter 13A.

18 (b) A barber shall serve an apprentice period of at least six (6) months but not  
19 more than nine (9) months of continuous service from the effective date of the  
20 license issued pursuant to paragraph (a) of this subsection.

21 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,  
22 the board may, during the apprentice period, require a licensee to retake any  
23 part or all of the written or practical examination, or both.

24 (d) At the end of the apprentice period, the board shall issue a license to practice  
25 barbering to an apprentice licensee who has:

26 1. Satisfactorily passed the barber examination prescribed by the board by  
27 administrative regulations promulgated in accordance with KRS Chapter

1                   13A; and

2                   2.   Complied with all other requirements of this subsection.

3           (e)   The board may issue a barber license by endorsement to a resident of another  
4           state, district, or territory within the United States of America upon payment  
5           of a fee as established in administrative regulations promulgated by the board  
6           in accordance with KRS Chapter 13A, and upon submission of satisfactory  
7           evidence that the requirements for licensure in the other state are substantially  
8           equivalent to the requirements of this state at the time of application. In the  
9           absence of the required equivalency, an applicant from another state, district,  
10          or territory within the United States of America, shall show proof of one (1)  
11          year~~[three (3) years]~~ or more experience immediately before making  
12          application and be currently licensed and in good standing with the state,  
13          district, or territory in which he or she is licensed. The board may also require  
14          an applicant under this paragraph~~[section]~~ to pass a written and practical  
15          examination to establish equivalency.

16   (2)   The board shall:

17          (a)   Issue a license to operate a barber shop or mobile barber shop to any barber  
18          licensed under~~[the provisions of]~~ this chapter upon application and payment  
19          of a fee as established in administrative regulations promulgated by the board  
20          in accordance with KRS Chapter 13A;

21          (b)   Refuse to issue the license upon a failure of the licensed barber to comply  
22          with~~[the provisions of]~~ this chapter or the administrative regulations  
23          promulgated by the board;

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

27          (d)   Allow an unlicensed owner of a barber shop to rent or lease space in his or her

1 barber shop to an independent contract owner, only if the shop owner has a  
 2 licensed barber as a manager of the shop at all times. If the owner, manager,  
 3 or location of a barber shop changes, the required form and fee shall be  
 4 submitted to the board.

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

7 (a) Applies for a license upon forms furnished by the board;

8 (b) Has the equipment and facilities that may be required by administrative  
 9 regulations promulgated by the board;

10 (c) Has furnished adequate evidence to the board that:

11 1. There is an intent to establish a bona fide school for the education and  
 12 training of competent barbers; and

13 2. A sufficient number of teachers licensed by the board will be employed  
 14 to conduct the school, including at least one (1) teacher with a minimum  
 15 of twelve (12) months' experience teaching in a barber school that  
 16 includes administrative experience; and

17 (d) Pays a fee as established in administrative regulations promulgated by the  
 18 board in accordance with KRS Chapter 13A.

19 (4) The board shall issue a student permit to any person enrolled in a licensed barber  
 20 school upon payment of a fee as established in administrative regulations  
 21 promulgated by the board in accordance with KRS Chapter 13A.

22 (5) The board shall issue a license to teach barbering to any person who:

23 (a) ~~Is of good moral character and temperate habit;~~

24 ~~(b) —~~ Possesses a high school diploma or a High School Equivalency Diploma;

25 ~~(b)~~~~(e)}~~ Has been a Kentucky-licensed and practicing barber for at least eighteen  
 26 (18) months;

27 ~~(c)~~~~(d)}~~ Has satisfactorily passed the examination prescribed by the board by

- 1 promulgation of administrative regulations; and
- 2 ~~(d)~~~~(e)~~ Has paid a fee as established in administrative regulations promulgated
- 3 by the board in accordance with KRS Chapter 13A.
- 4 (6) The board shall issue a license to any barber who holds an independent contract
- 5 owner's license who:
- 6 (a) ~~Is of good moral character and temperate habit;~~
- 7 ~~(b)~~—Possesses a high school diploma or a High School Equivalency Diploma;
- 8 ~~(b)~~~~(e)~~ Is a licensed and practicing barber under this chapter; and
- 9 ~~(c)~~~~(d)~~ Has paid a fee as established in administrative regulations promulgated
- 10 by the board in accordance with KRS Chapter 13A.
- 11 (7) The board shall issue a demonstration charity event permit to any licensed barber
- 12 who pays a fee as established in administrative regulations promulgated by the
- 13 board in accordance with KRS Chapter 13A.
- 14 (8) Applications for examination required in this section shall be accompanied by an
- 15 examination fee as established in administrative regulations promulgated by the
- 16 board in accordance with KRS Chapter 13A.
- 17 (9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire
- 18 on the first day of July next following the date of its issuance. A license shall
- 19 be renewed on June 1 through July 1 of each year.
- 20 (b) Any license shall automatically be renewed by the board:
- 21 1. Upon receipt of the application for renewal or duplicate renewal
- 22 application form and the required annual renewal license fee submitted
- 23 either in person or via written or electronic means; and
- 24 2. If the applicant for renewal is otherwise in compliance with~~the~~
- 25 ~~provisions of~~ this chapter and the administrative regulations of the
- 26 board.
- 27 (10) The annual renewal license fee for each type of license renewal shall be as

1 established in administrative regulations promulgated by the board in accordance  
2 with KRS Chapter 13A.

3 (11) (a) The fee per year for the renewal of an expired license, if the period of  
4 expiration does not exceed five (5) years, shall be as established by  
5 administrative regulations promulgated by the board in accordance with KRS  
6 Chapter 13A.

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

11 ➔ Section 6. KRS 317.460 is amended to read as follows:

12 (1) The board shall hold hearings upon the request of any person directly affected by  
13 the board's decision to refuse a license,~~;~~ deny or revoke a license,~~;~~ or suspend or  
14 place a licensee on probation. Hearings shall be conducted in accordance with KRS  
15 Chapter 13B.

16 (2) For the purpose of enforcing~~[the provisions of]~~ this chapter, officers, agents, and  
17 inspectors of the board may enter upon premises of all facilities issued a permit or  
18 license by the board, at all reasonable times and during periods when those  
19 premises are otherwise open to the public, and make inspections to determine  
20 compliance with this chapter and the administrative regulations promulgated by the  
21 board, **require identification**, and inspect books, papers, or records pertaining to  
22 licensed activity, a copy of which may be obtained by the board officer, agent, or  
23 inspector.

24 (3) Final orders of the board as a result of any hearing may be appealed to the Franklin  
25 Circuit Court in accordance with KRS Chapter 13B.

26 ➔ Section 7. KRS 317.470 is amended to read as follows:

27 (1) The board:

1        (a) May employ such personnel as may be reasonably necessary to carry out ~~the~~  
2        ~~provisions of~~ this chapter, whose compensation shall be established by the  
3        Personnel Cabinet; ~~and~~ ~~The board~~

4        (b) Shall by appropriate order employ an executive director ~~administrator~~ who  
5        shall be charged with responsibility of administering ~~the provisions of~~ this  
6        chapter, and the policies of the board relating to barbering. The executive  
7        director ~~administrator~~ may receive compensation as may be established by  
8        classification of the position by the Personnel Cabinet.

9        (2) The board shall prescribe the duties of ~~the~~ ~~such~~ personnel employed by it.

10       (3) The board shall publish or electronically provide copies of its administrative ~~rules~~  
11       ~~and~~ regulations and any proposed amendments to all persons licensed by it and to  
12       any other persons, places, or agencies as may be required by law or deemed by it  
13       reasonably necessary in the administration of the provisions of this chapter.

14       → Section 8. KRS 317.540 is amended to read as follows:

15       ~~A~~ ~~No~~ license shall not be renewed or issued by the board to any barber school ~~,~~ unless  
16       the school provides:

17       (1) The name of the proposed school;

18       (2) A statement that the proposed school is authorized to operate educational programs  
19       beyond secondary education;

20       (3) As a prerequisite of graduation, a prescribed course of instruction of not less than  
21       one thousand two hundred (1,200) ~~fifteen hundred (1,500)~~ hours shall be given  
22       within a reasonable period with not more than ten (10) ~~eight (8)~~ hours nor less than  
23       four (4) hours of instruction a day, exclusive of Sundays;

24       (4) Courses of instruction in histology of the hair, skin, muscles, and nerves of the face  
25       and neck; elementary chemistry with emphasis on sterilization and antiseptics;  
26       disease of the skin, hair, and glands; massaging and manipulating of the muscles of  
27       the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and

1 tinting the hair and such other courses as may be prescribed by administrative  
 2 regulation of the board; and

3 (5) Such facilities, equipment, materials, and qualified teachers as may be required by  
 4 administrative~~[rules and]~~ regulations of the board adopted pursuant to this chapter,  
 5 but in no event shall any school have fewer than one (1) licensed teacher per twenty  
 6 (20) students enrolled, or more than two (2) students per chair.

7 ➔Section 9. KRS 317.570 is amended to read as follows:

8 (1) Except as authorized by subsection (4) of this section, no examination or part of any  
 9 examination required by this chapter shall be given unless two (2) or more members  
 10 of the board are present to supervise the examination.

11 (2) Examinations given by the board shall cover all phases of the applicant's  
 12 qualifications for licensure~~[the license applied for]~~ including knowledge of this  
 13 chapter, the skill and technique of the applicant, as well as scientific and other  
 14 knowledge required by the board to obtain licensure.

15 (3) Examinations shall be given at regularly prescribed intervals.

16 (4) Examinations shall be given at the principal office of the board, except that  
 17 examinations may be given at a Department of Corrections facility that operates a  
 18 licensed barber school. Examinations shall be supervised by two (2) or more  
 19 members of the board, or board staff designated for that purpose, who shall be  
 20 present at the site of the examination.