

**CHAPTER 32****(HB 148)**

AN ACT relating to barbers.

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

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

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

- (1) A "barber" is any person who engages in the practice of "barbering" for the public generally or for consideration;
- (2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also:
  - (a) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;
  - (b) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics; and
  - (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays or other preparations;
- (3) **"Barber pole" means a cylinder or pole with alternating stripes of any combination, including but not limited to red and white, or red, white, and blue, which run diagonally along the length of the pole.**~~["Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration];~~
- (4) ~~["Board" means the Kentucky Board of Barbering;~~
- ~~(5) ]"Barber school" or "school of barbering" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of barbering;~~
- (5) **"Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration;**
- (6) **"Board" means the Kentucky Board of Barbering;**
- (7) **"Independent contract owner" means any barber licensed under this chapter who leases or rents space in a barber shop. No apprentice to a barber shall be permitted to act as an independent contract owner;**
- (8) "Lapse fees" means the annual renewal license fee which would have been paid for the period during which a license has lapsed;~~[;]~~

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

- (1) No person shall engage in the practice of "barbering" for other than cosmetic purposes nor shall any person engage in barbering for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:
  - (a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing, or embalming when incidental practices of barbering are performed by them in the normal course of the practice of their profession;
  - (b) Commissioned medical or surgical personnel of the United States Army, Navy, Air Force, or Marine Hospital Service performing incidental practices of barbering in the course of their duties; or
  - (c) Barbering services performed at an institution operated by or under contract to the Department of Corrections.
- (2) Except as provided in subsection (1) of this section no person shall engage in the practice of barbering for the public generally or for consideration without the appropriate license required by this chapter.
- (3) No person unless duly and properly licensed pursuant to this chapter shall:
  - (a) Teach barbering;
  - (b) Operate a barber shop;

- (c) Engage in a barber apprenticeship;~~or~~
  - (d) Conduct or operate a school for barbers; *or*
  - (e) *Lease or rent booth space as an independent contract owner.*
- (4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this chapter unless the person to perform such practice holds and displays the appropriate license therefor.
- (5) *Except as provided in this chapter, no person or business shall:*
- (a) *Advertise barbering services, unless the person or business and the personnel it employs are licensed under this chapter; or*
  - (b) *Use or display a barber pole for the purpose of advertising barbering services to the public unless;*
    - 1. *It has a barber shop license; and*
    - 2. *Employs a barber licensed under this chapter.*

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

- (1) There is hereby created an independent agency of the state government to be known as the Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barber shops, barber schools, the teaching of barbering, and barber apprenticeship.
- (2) The Kentucky Board of Barbering, hereinafter referred to as the barber board or board, shall be composed of five (5) members appointed by the Governor. At least one (1) member shall be a master barber licensed to practice barbering in this state who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber licensed to practice barbering in this state who is a member of an organized labor union of barbers, a third and different member shall be a barber who is not a member of a union or labor organization of barbers and a fourth and different member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.
- (3) Appointments shall be for a term of two (2) years, except that of the members appointed after July 15, 1998, three (3) members appointed to fill the terms expiring October 1, 1998, shall serve until February 1, 1999; and two (2) members appointed to fill the terms expiring July 1, 1999, shall serve until February 1, 2000; and subsequent appointments shall be for two (2) year terms ending on February 1.
- (4) The Governor shall not remove any member of the barber board except for cause.
- (5) The barber board shall elect from its members one (1) to serve as chairman, one (1) to serve as vice chairman, and a third to serve as secretary.
- (6) Three (3) members shall constitute a quorum for the transaction of business.
- (7) In addition to the other qualifications specified in this section, barber members of the barber board shall be at least twenty-three (23) years of age, citizens of the United States, residents of Kentucky and must have engaged in the practice of barbering in this state for a period of at least five (5) years.
- (8) No member of the barber board shall be financially interested in, or have any financial connection with any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology, or manicuring for monetary considerations.
- (9) Each member of the barber board shall receive a compensation of *one hundred dollars (\$100)*~~fifty dollars (\$50)~~ per day for each day of attendance at a meeting of the board, and shall be reimbursed for necessary traveling expenses.
- (10) The board shall hold such meetings at such places in the state and at such times as are deemed necessary by the board to discharge its duties.

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

- (1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit, or fraud in the practice or teaching of barbering, the board shall promulgate administrative regulations ***governing the:***
- (a) ~~{Governing the}~~ Location and housing of barber shops or schools;
  - (b) ~~{Governing the}~~ Quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools;
  - (c) ~~{Governing the}~~ Training and supervision of barber apprentices;
  - (d) ~~{Governing the}~~ Qualifications of teachers of barbering;
  - (e) ~~{Governing the}~~ Hours and courses of instruction at barber schools;
  - (f) ~~{Governing the}~~ Examinations of applicants for barber, apprentice barber, or teacher of barbering;
  - (g) ***Qualifications of independent contract owners.***
- (2) The board shall establish fees by administrative regulation according to the schedules established in KRS 317.450.
- (3) Administrative regulations pertaining to health and sanitation shall be approved by the Kentucky secretary for health and family services before becoming effective.

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

- (1) (a) The board shall issue a license to practice barbering to any person who:
- 1. Is at least seventeen and one-half (17-1/2) years of age;
  - 2. Is of good moral character and temperate habit;
  - 3. Has acted as a licensed apprentice for at least nine (9) months under the immediate supervision of a licensed barber;
  - 4. Has satisfactorily passed the examination prescribed by the barber board; and
  - 5. Has paid a fee not to exceed fifty dollars (\$50).
- (b) The board may ~~{reciprocate with other states and}~~ issue a barber license ***by endorsement to a resident of another state, district, or territory within the United States of America*** upon payment of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of satisfactory evidence that the requirements for licensure in the other state are substantially equivalent to the requirements of this state at the time of application. ***In the absence of the required equivalency, an applicant from another state, district, or territory within the United States of America, shall show proof of three (3) years or more experience immediately before making application and be currently licensed and in good standing with the state, district, or territory in which he or she is licensed.*** The board may ***also*** require an applicant under this section to pass ***a written and practical***~~{an}~~ examination to establish equivalency.
- (2) The board shall issue a license to act as an apprentice to a barber to any person who:
- (a) Is at least sixteen and one-half (16-1/2) years of age;
  - (b) Is of good moral character and temperate habit;
  - (c) Has ***graduated from***~~{at least four (4) years of}~~ high school ***or possesses a General Educational Development (GED) certificate***~~{education}~~;
  - (d) Has graduated from an accredited or licensed school of barbering;
  - (e) Has satisfactorily passed the examination prescribed by the barber board by promulgation of administrative regulations; and
  - (f) Has paid a fee not to exceed fifty dollars (\$50).
- (3) The board shall:
- (a) Issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application and payment of a fee not to exceed fifty dollars (\$50).

- (b) ~~{The board shall}~~ Refuse to issue the license upon a failure of the licensed barber to comply with the provisions of this chapter or the administrative regulations promulgated by the board.
- (c) *Allow the licensed owner of a barber shop, which is licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner.*
- (d) *Allow an unlicensed owner of a barber shop, which is licensed under this chapter and managed by a barber licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner.*
- (4) The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or which:
- Applies for a license upon forms furnished by the board;
  - Has the equipment and facilities that may be required by administrative regulations promulgated by the board;
  - Has furnished adequate evidence to the board that:
    - There is an intent to establish a bona fide school for the education and training of competent barbers; and
    - A sufficient number of teachers licensed by the board will be employed to conduct the school, including at least one (1) teacher with a minimum of twelve (12) months' experience teaching in a barber school that includes administrative experience; and
  - Pays a fee not to exceed one hundred fifty dollars (\$150).
- (5) The board shall issue a license to teach barbering to any person who:
- Is of good moral character and temperate habit;
  - Has *graduated from high school, or possesses a General Educational Development (GED) certificate*~~[a high school education]~~;
  - Has been a licensed and practicing barber for at least eighteen (18) months;
  - Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and
  - Has paid a fee not to exceed one hundred dollars (\$100).
- (6) *The board shall issue a license to any barber who holds an independent contract owner's license who:*
- Is of good moral character and temperate habit;*
  - Has graduated from high school, or possesses a General Educational Development (GED) certificate;*
  - Is a licensed and practicing barber under this chapter;*
  - Has paid a fee not to exceed fifty dollars (\$50).*
- (7) Applications for examination required in this section shall be accompanied by an examination fee as follows:
- Barber -- not to exceed one hundred fifty dollars (\$150);
  - Apprentice to a barber -- not to exceed one hundred fifty dollars (\$150);
  - Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- (8)~~{(7)}~~ Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance. Any license shall automatically be renewed by the board upon receipt of the required annual license fee no later than thirty-one (31) days after the expiration date if the applicant for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (9)~~{(8)}~~ The annual renewal license fee for each type of license renewal shall be as follows:
- Barber -- not to exceed fifty dollars (\$50);

- (b) Apprentice to barber -- not to exceed fifty dollars (\$50);
- (c) Teacher of barbering -- not to exceed fifty dollars (\$50);
- (d) Barber shop -- not to exceed fifty dollars (\$50);
- (e) Barber school -- not to exceed one hundred fifty dollars (\$150).

~~(10)(9)~~ Except as provided in subsection (7) of this section, the fee for the renewal of an expired license, if the period of expiration does not exceed five (5) years, shall be as follows:

- (a) Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- (b) Apprentice -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- (c) Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- (d) Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- (e) Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus lapse fees.
- (f) *Independent contract owner - - not to exceed twenty-five dollars (\$25) plus lapse fees.***

Section 6. KRS 317.540 is amended to read as follows:

No license shall be renewed or issued by the barber board to any barber school, unless such school provides:

- (1) As a prerequisite of graduation from a barber school a prescribed course of instruction of not less than fifteen hundred (1,500) hours shall be given within a reasonable period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays;
- (2) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics; disease of the skin, hair, and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and tinting the hair and such other courses as may be prescribed by regulation of the board;
- (3) Such facilities, equipment, materials, and qualified teachers and apprentice teachers as may be required by rules and regulations of the board adopted pursuant to this chapter, but in no event shall any school have fewer than one (1) licensed teacher per **twenty (20)**~~fifteen (15)~~ students **enrolled**, or more than two (2) students per chair.

Section 7. KRS 317.580 is amended to read as follows:

No barber, ***independent contract owner***, student, or apprentice shall:

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

Section 8. KRS 317.590 is amended to read as follows:

- (1) The board may refuse to issue or renew a license or may revoke or suspend or place in probation such licenses as are issued upon proper showing of the applicant's or licensee's:
  - (a) Gross malpractice or incompetence;
  - (b) Mental or physical health that would endanger public health or safety;
  - (c) Failure to comply with regulations or rules of the board;
  - (d) False or deceptive advertising;
  - (e) Practicing in an unlicensed shop or in a shop knowing that the shop is not complying with this chapter or regulations of the board promulgated pursuant to this chapter;
  - (f) Unprofessional conduct;~~{or}~~
  - (g) Teaching in an unlicensed school or in a school knowing that the school is not complying with this chapter or administrative regulations of the board promulgated pursuant to this chapter; *or*
  - (h) ***Practicing as an independent contract owner in any manner that violates any provision of this chapter or the administrative regulations promulgated under this chapter.***
- (2) The licensee may have the alternative, subject to the approval of the board, to pay, in lieu of part or all of the days of the suspension period, a payment of not less than twenty-five dollars (\$25) per day and not to exceed five hundred dollars (\$500) total.
- (3) The board may require retesting of any licensee upon proper showing of gross malpractice or incompetence on the part of each licensee.

Section 9. KRS 317.595 is amended to read as follows:

- (1) For purposes of subsection (2) of this section, any person engaged in barbering who ***is licensed as a barber and who*** leases or rents space at a barber shop from the holder of a license to operate the barber shop shall be deemed an independent ***contract owner***~~{contractor}~~.
- (2) The board shall not hold the holder of a license to operate a barber shop responsible for violations of this chapter, or of administrative regulations promulgated pursuant to this chapter, that are committed by an independent ***contract owner***~~{contractor}~~.

**Approved March 24, 2006.**