

CHAPTER 51**(HB 153)**

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;
- (4) "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];~~ and
- (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;~~
 - ~~(d) Conduct or operate a school for barbers; or~~

~~(d)(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 it:
 1. 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, independent contract owners, barber schools, **and** 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. Four (4) members shall be barbers holding a valid license and practicing in Kentucky. One (1) member shall be a citizen at large who is not associated with or financially interested in barbering. At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.
- (3) The two (2) members appointed to fill the terms beginning on February 1, 2008, shall serve until February 1, 2011, and the three (3) members appointed to fill the terms beginning on February 1, 2007, shall serve until February 1, 2010. All subsequent appointments shall be for a term of three (3) years, with 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) 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 its meetings within the state and when 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) Location and housing of barber shops or schools;
 - (b) Quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools;
 - (c) ~~Training and supervision of barber apprentices;~~
 - ~~(d)~~Qualifications of teachers of barbering;
 - ~~(d)(e)~~ Hours and courses of instruction at barber schools;

- (e)~~(f)~~ Examinations of applicants for barber ~~[, apprentice barber,]~~ or teacher of barbering; and
 (f)~~(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 **probationary** 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 **graduated from a licensed school of barbering**~~[acted as a licensed apprentice for at least nine (9) months under the immediate supervision of a licensed barber];~~
 4. Has satisfactorily passed the **probationary** examination prescribed by the barber board, **which shall include a practical assessment of the applicant's skills, including but not limited to a haircut and a chemical application;** and
 5. Has paid a fee not to exceed fifty dollars (\$50).
- (b) **A barber shall serve a probationary period of six (6) months of continuous service from the effective date of the license issued pursuant to paragraph (a) of this subsection.**
- (c) **In addition to the grounds for disciplinary action specified in KRS 317.590, the board may, during the probationary period, require a licensee to retake any part or all of the written or practical examination, or both.**
- (d) **At the end of the probationary period, the board shall issue a license to practice barbering to a probationary licensee who has:**
1. **Satisfactorily passed the barber examination prescribed by the board by administrative regulations promulgated in accordance with KRS Chapter 13A; and**
 2. **Complied with all other requirements of this subsection.**
- (e) The board may 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 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 high school or possesses a General Educational Development (GED) certificate;~~
 - ~~(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) 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; and
 - (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.
- (3){(4)} The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or which:
- (a) Applies for a license upon forms furnished by the board;
 - (b) Has the equipment and facilities that may be required by administrative regulations promulgated by the board;
 - (c) Has furnished adequate evidence to the board that:
 1. There is an intent to establish a bona fide school for the education and training of competent barbers; and
 2. 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
 - (d) Pays a fee not to exceed one hundred fifty dollars (\$150).
- (4){(5)} The board shall issue a license to teach barbering to any person who:
- (a) Is of good moral character and temperate habit;
 - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;
 - (c) Has been a licensed and practicing barber for at least eighteen (18) months;
 - (d) Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and
 - (e) Has paid a fee not to exceed one hundred dollars (\$100).
- (5){(6)} The board shall issue a license to any barber who holds an independent contract owner's license who:
- (a) Is of good moral character and temperate habit;
 - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;
 - (c) Is a licensed and practicing barber under this chapter; and
 - (d) Has paid a fee not to exceed fifty dollars (\$50).
- (6){(7)} Applications for examination required in this section shall be accompanied by an examination fee as follows:
- (a) Barber -- not to exceed *three hundred dollars (\$300)*; and~~{one hundred fifty dollars (\$150);}~~
 - (b) ~~{Apprentice to a barber — not to exceed one hundred fifty dollars (\$150); and~~
 - ~~{e}—~~Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- (7){(8)} 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.
- (8){(9)} The annual renewal license fee for each type of license renewal shall be as follows:
- (a) Barber -- not to exceed fifty dollars (\$50);
 - (b) ~~{Apprentice to barber — not to exceed fifty dollars (\$50);~~
 - ~~{e}—~~Teacher of barbering -- not to exceed fifty dollars (\$50);

- (c)~~(d)~~ Barber shop -- not to exceed fifty dollars (\$50);
 - (d)~~(e)~~ Barber school -- not to exceed one hundred fifty dollars (\$150); and
 - (e)~~(f)~~ Independent contract owner -- not to exceed fifty dollars (\$50).
- (9)~~(10)~~ Except as provided in subsection (7)~~(8)~~ 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;
 - (c)~~(d)~~ Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
 - (d)~~(e)~~ Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus lapse fees; and
 - (e)~~(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 *the*~~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) 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, *or* 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 relaundersed 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 relaundersed; 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 Public Health 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 July 12, 2006, shall require that a sink with hot and cold running water be located in the room where barbering is done.

Signed by Governor March 21, 2013.