

1 AN ACT relating to licensed occupations.

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

3 ➔Section 1. KRS 317.420 is amended to read as follows:

- 4 (1) No person shall engage in the practice of "barbering" for other than cosmetic  
5 purposes nor shall any person engage in barbering for the treatment of physical or  
6 mental ailments, except that the provisions of this chapter shall not apply to:
- 7 (a) Persons authorized by the law of this state to practice medicine, chiropody,  
8 optometry, dentistry, chiropractic, nursing, or embalming when incidental  
9 practices of barbering are performed by them in the normal course of the  
10 practice of their profession;
  - 11 (b) Commissioned medical or surgical personnel of the United States Armed  
12 Forces performing incidental practices of barbering in the course of their  
13 duties; or
  - 14 (c) Barbering services performed at an institution operated by or under contract to  
15 the Department of Corrections or the Department of Juvenile Justice.
- 16 (2) Except as provided in subsection (1) of this section, no person shall engage in the  
17 practice of barbering for the public generally or for consideration without the  
18 appropriate license required by this chapter.
- 19 (3) No person, unless duly and properly licensed pursuant to this chapter, shall:
- 20 (a) Teach barbering;
  - 21 (b) Operate a barber shop;
  - 22 (c) Conduct or operate a school for barbers; or
  - 23 (d) Lease or rent booth space as an independent contract owner.
- 24 (4) No person shall aid or abet any person in violating the provisions of this section, nor  
25 shall any person engage or employ for consideration any person for the performance  
26 of any practice licensed by this chapter unless the person to perform such practice  
27 holds and displays the appropriate license therefor.

- 1 (5) Except as provided in this chapter, no person or business shall:
- 2 (a) Advertise barbering services, unless the person or business and the personnel
- 3 it employs are licensed under this chapter;
- 4 (b) Advertise as a barber shop, unless all persons in the shop practicing barbering
- 5 services are licensed under this chapter. Any barber practicing in a shop
- 6 licensed as both a barber shop and a salon licensed under KRS Chapter 317A
- 7 may display an image, that is at least four (4) inches high, of a barber pole at
- 8 **the barber's**~~[his or her]~~ station; or
- 9 (c) Use or display a barber pole for the purpose of advertising barbering services
- 10 to the public unless it:
- 11 1. Has a barber shop license; and
- 12 2. Employs a barber licensed under this chapter.
- 13 (6) A person holding an active barber license from the board and who practices in a
- 14 shop licensed by the board may render services **outside an establishment licensed**
- 15 **by the board** for pay or otherwise to **a person**:
- 16 (a) ~~[A person]~~ Suffering from a terminal illness who is receiving the services of a
- 17 hospice program either at home or at a hospice inpatient unit;~~[or]~~
- 18 (b) ~~[A person]~~ Who is deceased and in the care of a funeral establishment;
- 19 **(c) Suffering from a medical, mental, or physical condition as attested by a**
- 20 **physician in writing, that limits physical mobility to such an extent that it**
- 21 **would impose an undue burden on that person to attempt to travel to an**
- 22 **establishment licensed by the board;**
- 23 **(d) Otherwise unable to drive; or**
- 24 **(e) Permanently or temporarily residing in a long-term care nursing facility or**
- 25 **in an assisted-living facility.**

26 ➔Section 2. KRS 317A.155 is amended to read as follows:

- 27 (1) As used in this section, "funeral establishment" means funeral establishment as

1 defined in KRS 316.010.

2 (2) Every person practicing as a cosmetologist, esthetician, or nail technician, with the  
3 exception of a nail technician or cosmetologist exclusively practicing manicuring in  
4 a licensed barber shop, shall practice in an establishment licensed by the board.

5 (3) Notwithstanding subsection (2) of this section, persons holding an active license  
6 from the board as a cosmetologist, esthetician, or nail technician and who practice  
7 in salons licensed by the board shall be permitted to render services **outside an**  
8 **establishment licensed by the board** for pay, free, or otherwise, to **a person**:

9 (a) ~~[A person]~~ Suffering from a terminal illness and who is receiving the services  
10 of a hospice program either at home or at a hospice inpatient unit;~~[or]~~

11 (b) ~~[A person]~~ Who is deceased and in the care of a funeral establishment;

12 **(c) Suffering from a medical, mental, or physical condition as attested by a**  
13 **physician in writing, that limits physical mobility to such an extent that it**  
14 **would impose an undue burden on that person to attempt to travel to an**  
15 **establishment licensed by the board;**

16 **(d) Otherwise unable to drive; or**

17 **(e) Permanently or temporarily residing in a long-term care nursing facility or**  
18 **in an assisted-living facility.**

19 (4) Cosmetologists, estheticians, and nail technicians who render services authorized in  
20 subsection (3) of this section shall have the permission of the owner or  
21 administrator of the **hospital or** establishment where the services are rendered.