

1 AN ACT relating to barbering.

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

3 ➔Section 1. KRS 317.430 is amended to read as follows:

4 (1) There is hereby created an independent agency of the state government to be known
5 as the Kentucky Board of Barbering, which shall have complete supervision over
6 the administration of the provisions of this chapter relating to barbers, barbering,
7 barber shops, mobile barber shops, independent contract owners, barber schools,
8 and the teaching of barbering.

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

15 **(b) The executive director employed under Section 3 of this Act shall be a**
16 **nonvoting member of the board. He or she may be counted in determining a**
17 **quorum, but shall not vote on matters before the board.**

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

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

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

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

27 (7) In addition to the other qualifications specified in this section, **voting** barber

1 members of the board shall be at least twenty-three (23) years of age, citizens of the
2 United States, residents of Kentucky, and ~~shall~~~~must~~ have engaged in the practice
3 of barbering in this state for a period of at least five (5) years.

4 (8) ~~A~~~~No~~ member of the board shall **not** be financially interested in, or have any
5 financial connection with, any barber or cosmetology school, wholesale cosmetic or
6 barber supply or equipment business, ~~and~~~~nor~~ shall **not**~~any member of the barber~~
7 ~~board~~ teach barbering, cosmetology, or manicuring for monetary considerations.

8 (9) Each **voting** member of the board shall receive a compensation of one hundred
9 dollars (\$100) per day for each day of attendance at a meeting of the board, and
10 shall be reimbursed for necessary traveling expenses.

11 (10) The board shall hold its meetings within the state and when deemed necessary by
12 the board to discharge its duties.

13 ➔Section 2. KRS 317.450 is amended to read as follows:

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

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

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

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

22 3.~~4.~~ Has graduated from a licensed school of barbering;

23 4.~~5.~~ Has satisfactorily passed the apprentice examination prescribed by the
24 barber board, which shall include a practical assessment of the
25 applicant's skills, including but not limited to a taper haircut, shampoo,
26 straight razor facial shave, facial, and a chemical application; and

27 5.~~6.~~ Has paid a fee as established in administrative regulations promulgated

1 by the board in accordance with KRS Chapter 13A.

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

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

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

10 1. Satisfactorily passed the barber examination prescribed by the board by
11 administrative regulations promulgated in accordance with KRS Chapter
12 13A; and

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

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

27 (2) The board shall:

- 1 (a) Issue a license to operate a barber shop or mobile barber shop to any barber
2 licensed under the provisions of this chapter upon application and payment of
3 a fee as established in administrative regulations promulgated by the board in
4 accordance with KRS Chapter 13A;
- 5 (b) Refuse to issue the license upon a failure of the licensed barber to comply
6 with the provisions of this chapter or the administrative regulations
7 promulgated by the board;
- 8 (c) Allow the licensed owner of a barber shop or mobile barber shop, which is
9 licensed under this chapter, to rent or lease space in his or her barber shop to
10 an independent contract owner; and
- 11 (d) Allow an unlicensed owner of a barber shop to rent or lease space in his or her
12 barber shop to an independent contract owner, only if the shop owner has a
13 licensed barber as a manager of the shop at all times. If the owner, manager,
14 or location of a barber shop changes, the required form and fee shall be
15 submitted to the board.
- 16 (3) The board shall issue a license to operate a school of barbering to any person, firm,
17 or corporation who or which:
- 18 (a) Applies for a license upon forms furnished by the board;
- 19 (b) Has the equipment and facilities that may be required by administrative
20 regulations promulgated by the board;
- 21 (c) Has furnished adequate evidence to the board that:
- 22 1. There is an intent to establish a bona fide school for the education and
23 training of competent barbers; and
- 24 2. A sufficient number of teachers licensed by the board will be employed
25 to conduct the school, including at least one (1) teacher with a minimum
26 of twelve (12) months' experience teaching in a barber school that
27 includes administrative experience; and

- 1 (d) Pays a fee as established in administrative regulations promulgated by the
2 board in accordance with KRS Chapter 13A.
- 3 (4) The board shall issue a student permit to any person enrolled in a licensed barber
4 school upon payment of a fee as established in administrative regulations
5 promulgated by the board in accordance with KRS Chapter 13A.
- 6 (5) The board shall issue a license to teach barbering to any person who:
- 7 (a) ~~Is of good moral character and temperate habit;~~
8 ~~(b)~~ Possesses a high school diploma or a High School Equivalency Diploma;
9 (b)~~(c)~~ Has been a Kentucky-licensed and practicing barber for at least eighteen
10 (18) months;
11 (c)~~(d)~~ Has satisfactorily passed the examination prescribed by the board by
12 promulgation of administrative regulations; and
13 (d)~~(e)~~ Has paid a fee as established in administrative regulations promulgated
14 by the board in accordance with KRS Chapter 13A.
- 15 (6) The board shall issue a license to any barber who holds an independent contract
16 owner's license 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 (b)~~(c)~~ Is a licensed and practicing barber under this chapter; and
20 (c)~~(d)~~ Has paid a fee as established in administrative regulations promulgated
21 by the board in accordance with KRS Chapter 13A.
- 22 (7) The board shall issue a demonstration charity event permit to any licensed barber
23 who pays a fee as established in administrative regulations promulgated by the
24 board in accordance with KRS Chapter 13A.
- 25 (8) Applications for examination required in this section shall be accompanied by an
26 examination fee as established in administrative regulations promulgated by the
27 board in accordance with KRS Chapter 13A.

- 1 (9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire
2 on the first day of July next following the date of its issuance. A license shall
3 be renewed on June 1 through July 1 of each year.
- 4 (b) Any license shall automatically be renewed by the board:
- 5 1. Upon receipt of the application for renewal or duplicate renewal
6 application form and the required annual renewal license fee submitted
7 either in person or via written or electronic means; and
- 8 2. If the applicant for renewal is otherwise in compliance with the
9 provisions of this chapter and the administrative regulations of the
10 board.
- 11 (10) The annual renewal license fee for each type of license renewal shall be as
12 established in administrative regulations promulgated by the board in accordance
13 with KRS Chapter 13A.
- 14 (11) (a) The fee per year for the renewal of an expired license, if the period of
15 expiration does not exceed five (5) years, shall be as established by
16 administrative regulations promulgated by the board in accordance with KRS
17 Chapter 13A.
- 18 (b) An applicant who fails to renew a license within five (5) years of its
19 expiration shall comply with the requirements for relicensure established by
20 the board through promulgation of administrative regulations in accordance
21 with KRS Chapter 13A.
- 22 ➔Section 3. KRS 317.470 is amended to read as follows:
- 23 (1) The board:
- 24 (a) May employ such personnel as may be reasonably necessary to carry out the
25 provisions of this chapter, whose compensation shall be established by the
26 Personnel Cabinet; ~~and~~ ~~The board~~
- 27 (b) Shall by appropriate order employ an executive director ~~administrator~~ who

1 shall be charged with responsibility of administering the provisions of this
2 chapter, and the policies of the board relating to barbering. The executive
3 director~~administrator~~ may receive compensation as may be established by
4 classification of the position by the Personnel Cabinet.

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

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

10 ➔Section 4. KRS 317.540 is amended to read as follows:

11 ~~A~~~~No~~ license shall not be renewed or issued by the board to any barber school~~[,]~~ unless
12 the school provides:

13 (1) The name of the proposed school;

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

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

20 (4) Courses of instruction in histology of the hair, skin, muscles, and nerves of the face
21 and neck; elementary chemistry with emphasis on sterilization and antiseptics;
22 disease of the skin, hair, and glands; massaging and manipulating of the muscles of
23 the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and
24 tinting the hair and such other courses as may be prescribed by administrative
25 regulation of the board; and

26 (5) Such facilities, equipment, materials, and qualified teachers as may be required by
27 administrative~~rules and~~ regulations of the board adopted pursuant to this chapter,

- 1 but in no event shall any school have fewer than one (1) licensed teacher per twenty
- 2 (20) students enrolled, or more than two (2) students per chair.