

1 AN ACT relating to barber apprenticeships.

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 other
14 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) **"Direct supervision" means the actual physical presence of a barber licensed or**
26 **certified pursuant to this chapter on the premises where a supervisee is rendering**
27 **services, who:**

- 1 (a) Is readily and quickly available to the supervisee; and
- 2 (b) Inspects the supervisee's work at least once while services are being
- 3 rendered;

4 (8) "Endorsement" means the process of granting a license under this chapter to an
 5 applicant licensed in another state;

6 (9)~~(8)~~ "Independent contract owner" means any barber or apprentice barber licensed
 7 under this chapter who leases or rents space in a barber shop;

8 (10)~~(9)~~ "Lapse fees" means the annual renewal license fee which would have been
 9 paid for the period during which a license has lapsed;~~and~~

10 (11)~~(10)~~ "Mobile barber shop" means a self-contained unit in which the practice of
 11 barbering is conducted and which may be moved, towed, or transported from one
 12 (1) location to another; and

13 (12) "Shop training program" means an apprenticeship program in which a barber
 14 licensed under this chapter supervises a program participant who is not licensed
 15 under this chapter, but is permitted to engage in barbering while under the direct
 16 supervision of the licensed barber.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 317 IS CREATED TO
 18 READ AS FOLLOWS:

19 (1) The board shall create a shop training program and allow barber shops to
 20 register to participate in the program.

21 (2) (a) A barber shop that registers with the board may employ persons who are not
 22 licensed under this chapter to provide barbering services under the direct
 23 supervision of a licensee who regularly provides those services.

24 (b) A person providing services without a license shall first complete two (2)
 25 hours of education related to barbering, cosmetology, and sanitation laws
 26 and regulations in this state, as determined by the board through the
 27 promulgation of an administrative regulation, before offering services

1 permitted under the program.

2 (c) Prior to beginning participation in the shop training program, a person
3 providing services without a license shall also pass an examination on
4 sanitation requirements as determined by the board.

5 (d) The barber shop owner is responsible for ensuring the education, training,
6 skills, and competence of persons who provide services in the owner's shop.

7 (3) A barber shop participating in the shop training program shall comply with all
8 facility and minimum equipment requirements, safety and infection control
9 provisions, inspection requirements, management requirements, and barber shop
10 licensing renewal requirements.

11 (4) (a) The barber shop shall disclose in writing prior to the consumer's receipt of
12 services from an unlicensed person that the establishment is participating in
13 the program and that the person providing the service is not licensed as a
14 barber.

15 (b) The disclosure shall be clearly legible and state: "This licensed
16 establishment is registered to participate in a barber shop training program.
17 This establishment employs unlicensed providers who work under the direct
18 supervision of licensed providers. The services you are receiving are from
19 an unlicensed provider participating in this program."

20 (5) In addition to any other remedy provided by law, in an action based on an injury
21 alleged to have occurred in a barber shop participating in the shop training
22 program, a prevailing party may recover reasonable attorney's fees and receive
23 other equitable relief as determined by the court.

24 (6) (a) In addition to any other disciplinary powers established pursuant to this
25 chapter, the board may, when it has probable cause to believe that human
26 health is endangered, order a barber shop participating in the shop training
27 program to immediately cease participation in the program.

1 **(b) The board shall conduct formal proceedings pursuant to this chapter to**
 2 **determine whether the problem has been corrected, or whether to suspend,**
 3 **revoke, or reinstate the shop's license.**

4 **(7) Upon participation in a duly registered shop training program for no fewer than**
 5 **nine (9) months, the program participant shall be eligible to apply for a license.**

6 **(8) If a barber shop registered under the shop training program supervises three (3)**
 7 **or more participants who fail the barber license examination within a one (1)**
 8 **year period, the shop shall cease participating in the shop training program, and**
 9 **the board shall conduct formal proceedings pursuant to this chapter to determine**
 10 **whether to suspend, revoke, or reinstate the shop's eligibility for the shop training**
 11 **program.**

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

13 (1) No person shall engage in the practice of "barbering" for other than cosmetic
 14 purposes nor shall any person engage in barbering for the treatment of physical or
 15 mental ailments, except that the provisions of this chapter shall not apply to:

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

20 (b) Commissioned medical or surgical personnel of the United States Armed
 21 Forces performing incidental practices of barbering in the course of their
 22 duties;~~[-or]~~

23 (c) Barbering services performed at an institution operated by or under contract to
 24 the Department of Corrections or the Department of Juvenile Justice;or

25 **(d) Persons participating in a shop training program under the direct**
 26 **supervision of a duly and properly licensed barber in compliance with the**
 27 **requirements for a shop training program in Section 2 of this Act.**

- 1 (2) Except as provided in subsection (1) of this section, no person shall engage in the
2 practice of barbering for the public generally or for consideration without the
3 appropriate license required by this chapter.
- 4 (3) No person, unless duly and properly licensed pursuant to this chapter, shall:
- 5 (a) Teach barbering;
- 6 (b) Operate a barber shop or mobile barber shop;
- 7 (c) Conduct or operate a school for barbers;
- 8 (d) Lease or rent booth space as an independent contract owner; or
- 9 (e) Operate a mobile barber shop without first notifying the board of its location
10 or change in its location.
- 11 (4) No person shall aid or abet any person in violating the provisions of this section,
12 nor shall any person engage or employ for consideration any person for the
13 performance of any practice licensed by this chapter unless the person to perform
14 such practice holds and displays the appropriate license therefor.
- 15 (5) Except as provided in this chapter, no person or business shall:
- 16 (a) Advertise barbering services, unless the person or business and the personnel
17 it employs are licensed under this chapter;
- 18 (b) Advertise as a barber shop or mobile barber shop, unless all persons in the
19 shop practicing barbering services are licensed under this chapter. Any barber
20 practicing in a shop licensed as both a barber shop and a salon licensed under
21 KRS Chapter 317A may display an image, that is at least four (4) inches high,
22 of a barber pole at his or her station; or
- 23 (c) Use or display a barber pole for the purpose of advertising barbering services
24 to the public unless it:
- 25 1. Has a barber shop license; and
- 26 2. Employs a barber licensed under this chapter.
- 27 (6) A person holding an active barber license from the board and who practices in a

1 shop licensed by the board may render services for pay or otherwise to:

- 2 (a) A person suffering from a terminal illness who is receiving the services of a
3 hospice program either at home or at a hospice inpatient unit; or
4 (b) A person who is deceased and in the care of a funeral establishment.

5 ➔Section 4. KRS 317.450 is amended to read as follows:

- 6 (1) (a) The board shall issue an apprentice license to practice barbering to any person
7 who:
8 1. Is at least seventeen and one-half (17-1/2) years of age;
9 2. Is of good moral character and temperate habit;
10 3. Possesses a high school diploma, a High School Equivalency Diploma,
11 or a transcript from an issuing institution that is recognized by the
12 educational authority in the state from which the diploma, certificate, or
13 transcript is issued;
14 4. Has graduated from a licensed school of barbering or has participated
15 in a shop training program for not less than one thousand two
16 hundred (1,200) hours;
17 5. Has satisfactorily passed the apprentice examination prescribed by the
18 barber board, which shall include a practical assessment of the
19 applicant's skills, including but not limited to a taper haircut, shampoo,
20 straight razor facial shave, facial, and a chemical application; and
21 6. Has paid a fee as established in administrative regulations promulgated
22 by the board in accordance with KRS Chapter 13A.
23 (b) ~~[A barber shall serve an apprentice period of at least six (6) months but not~~
24 ~~more than nine (9) months of continuous service from the effective date of the~~
25 ~~license issued pursuant to paragraph (a) of this subsection.~~
26 (c) ~~In addition to the grounds for disciplinary action specified in KRS 317.590,~~
27 ~~the board may, during the apprentice period, require a licensee to retake any~~

1 ~~part or all of the written or practical examination, or both.~~

2 ~~(d)~~ Following at least nine (9) months of participation in a shop training
3 program~~[At the end of the apprentice period]~~, the board shall issue a license

4 to practice barbering to an apprentice licensee who has:

- 5 1. Satisfactorily passed the barber examination prescribed by the board by
6 administrative regulations promulgated in accordance with KRS Chapter
7 13A; and
- 8 2. Complied with all other requirements of this subsection.

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

22 (2) The board shall:

23 (a) Issue a license to operate a barber shop or mobile barber shop to any barber
24 licensed under the provisions of this chapter upon application and payment of
25 a fee as established in administrative regulations promulgated by the board in
26 accordance with KRS Chapter 13A;

27 (b) Refuse to issue the license upon a failure of the licensed barber to comply

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

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

1 application form and the required annual renewal license fee submitted
2 either in person or via written or electronic means; and

3 2. If the applicant for renewal is otherwise in compliance with the
4 provisions of this chapter and the administrative regulations of the
5 board.

6 (10) The annual renewal license fee for each type of license renewal shall be as
7 established in administrative regulations promulgated by the board in accordance
8 with KRS Chapter 13A.

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

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