

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2383

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning the Kansas board of barbering; relating to licensure
2 and regulation of barbers; fees; amending K.S.A. 65-1808, 65-1809,
3 65-1810, 65-1812, 65-1813, 65-1814, 65-1815, 65-1816, 65-1817, 65-
4 1818, 65-1819, 65-1820a, 65-1821, 65-1822, 65-1824, 65-1825a and
5 74-1807 and repealing the existing sections; also repealing K.S.A. 65-
6 1828.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. The provisions of K.S.A. 65-1808 et seq., and
10 amendments thereto, shall be known and may be cited as the Kansas
11 barbering act.

12 Sec. 2. K.S.A. 65-1808 is hereby amended to read as follows: 65-
13 1808. It is unlawful for any person to engage in barbering for hire in this
14 state, to operate a barber shop, barber school or ~~barber~~ college; or to
15 employ any person to engage in the practice of barbering as defined in
16 K.S.A. 65-1809, and amendments thereto, except in conformity with the
17 provisions of this act.

18 Sec. 3. K.S.A. 65-1809 is hereby amended to read as follows: 65-
19 1809. As used in this act:

20 (a) "Board" means the Kansas board of barbering;

21 (b) "administrative officer" means the administrative officer of the
22 board;

23 (c) "license" means a license entitling the person to whom issued to
24 practice barbering, or to operate a barber school, ~~barber~~ or college or
25 barber shop;

26 (d) "barber shop" means any place, shop, ~~or~~, suite, establishment; or
27 barber chair lease area wherein the practice of barbering is engaged in or
28 carried on;

29 (e) "barber school" or "~~barber~~ college" means any place or
30 establishment wherein the practice, fundamentals, theories or practical
31 applications of barbering are taught;

32 (f) "barbering" means any one or any combinations of the following
33 practices ~~(when done upon the upper part of the human body for cosmetic~~
34 ~~purposes and not for the purpose of diseases or physical or mental~~
35 ~~ailments, and when done for payment, either directly or indirectly, or~~
36 ~~without payment, performed for the public generally; upon male or~~

1 female): Shaving of the head, face or neck with a razor; or trimming the
2 beard or cutting the hair; giving facial or scalp massages or treatments
3 with oils, creams, lotions or other preparations, either by hand or
4 mechanical appliances; singeing, shampooing or dyeing, arranging,
5 perming or waving the hair, or applying tonics; applying cosmetic
6 preparations, antiseptic powders, oils, clays; or lotions to the scalp, face,
7 neck or upper part of the body;

8 (g) "barber pole" means a red and white or red, white and blue
9 striped vertical cylinder commonly recognized as a barber pole that is
10 used to advertise a licensed barber shop;

11 (h) "chair lease" means a station or work area that is part of a
12 barber shop area that is under the management or ownership of a barber
13 shop owner other than the licensed barber using the chair lease;

14 (i) "infectious or contagious disease" means any disease ~~that could~~
15 ~~be transmitted during the performance of barbering that is designated as~~
16 ~~an infectious or contagious disease by the board for the protection of the~~
17 ~~public health and for the control of such diseases, diagnosed by a~~
18 **licensed healthcare professional, that is contagious or could be**
19 **transmitted during the performance of barbering as defined by the**
20 **department of health and environment pursuant to K.S.A. 65-1,148,**
21 **and amendments thereto;**

22 (j) "senior status license" means a license issued to a barber
23 pursuant to K.S.A. 65-1812(d), and amendments thereto;

24 (k) "shaving" means removing hair from the head, face or neck at
25 skin level with a razor of any type;

26 (l) "student permit" means a permit issued by the board allowing a
27 person enrolled at a licensed barber school or college to practice
28 barbering as part of such school's or college's curriculum provided a
29 licensed barber instructor is present on the premises;

30 (m) "suite" means a room located within a building containing other
31 businesses that is licensed as a barber shop and is used by a licensed
32 barber; and

33 (n) "temporary permit" means a permit issued by the board pursuant
34 to K.S.A. 65-1812(c), and amendments thereto.

35 Sec. 4. K.S.A. 65-1810 is hereby amended to read as follows: 65-
36 1810. (a) No barber school or ~~barber~~ college shall be approved by the
37 board unless:

38 (1) The school or college requires, as a prerequisite to graduation, a
39 course of instruction of not less than 1,200 hours and not more than 1,500
40 hours, as prescribed in rules and regulations by the board, to be completed
41 within 18 months of not more than eight hours in any one working day;

42 (2) the course of instruction required by the school or college
43 includes scientific fundamentals of barbering; hygiene; histology of the

1 hair and skin; structure of the head, face and neck; elementary chemistry
2 relating to sterilization and antiseptics; massages and manipulations of the
3 muscles of the scalp, *face*, skin and neck; cutting, shaving, arranging,
4 perming, waving, curling, coloring, bleaching, tinting and dyeing the hair;
5 and barbering practices for all ~~major ethnic groups residing in the state~~
6 *hair types*;

7 (3) *the school or college meets the minimum requirements for*
8 *opening or relocating a school or college and possesses the minimum*
9 *equipment and materials to operate a school or college as prescribed in*
10 *rules and regulations adopted by the board;*

11 ~~(3)~~ (4) all instructors of the school or college have been licensed
12 practicing barbers and hold instructors licenses; and

13 ~~(4)~~ (5) no practice or policy of discrimination is in effect against
14 applicants for admission to the school or college by reason of race,
15 religion, color, *sex, disability*, national origin or ancestry.

16 (b) An instructor's license shall be granted by the board only after the
17 applicant has *been a licensed barber practicing continuously for at least*
18 *40 of the 60 months immediately prior to making application to take the*
19 *instructor's license examination, has passed a two-part examination,*
20 *prescribed by the board for such purpose, with a grade of not less than*
21 *75% on each part of the examination, and has paid the prescribed fee for*
22 *such examination.*

23 (c) Every barber school and ~~every barber~~ college shall designate to
24 the public that it is a barber school or ~~barber~~ college by posting a sign on
25 the front window or entrance with letters not less than six inches in height.

26 (d) No barber school or ~~barber~~ college shall enroll or admit any
27 student unless such student ~~shall make and file~~ *meets the qualifications for*
28 *students attending a barber school or college as prescribed in rules and*
29 *regulations adopted by the board, and makes and files, in duplicate, an*
30 *application upon a form prescribed and furnished by the board. One copy*
31 *of such application shall be retained by the school or college, and the*
32 *school or college shall file the other with the board prior to admission of*
33 *such student. Upon enrollment, a student shall pay to the board the fee*
34 *prescribed for a student learning license permit. Such license permit shall*
35 *be used by the student while enrolled in the school or college and shall be*
36 *placed next to or near the working area of the student.*

37 (e) *Students shall be attired in clean, neat, washable clothing at all*
38 *times during school hours. All bottles and other containers must be*
39 *distinctly and correctly labeled, showing the nature of and the intended*
40 *use of the contents. No student shall receive compensation, directly or*
41 *indirectly, for services rendered by such student in any barber school or*
42 *college. All sums for tuition or other charges made for services or*
43 *expenses shall be paid to the school or college.*

1 ~~(e)~~(f) Barber schools or ~~barber~~ colleges may design courses of study
2 for barbers who have not renewed their licenses for a period of at least
3 ~~three~~ two years, for students who have failed at least two examinations
4 conducted by the board to determine fitness to practice barbering or for
5 other purposes as prescribed by the board, including courses of study for
6 professionals in related industries.

7 ~~(f)~~(g) It shall be unlawful for any person, firm or corporation to
8 operate a barber school or ~~barber~~ college without first obtaining a license
9 from the board, fully complying with the provisions of this act and paying
10 an annual fee for operation.

11 (h) *Each barber school or college shall maintain and preserve all*
12 *records of students who enroll in such school or college in accordance*
13 *with rules and regulations adopted by the board.*

14 Sec. 5. K.S.A. 65-1812 is hereby amended to read as follows: 65-
15 1812. (a) Any person shall be qualified to receive a license to practice
16 barbering if such person:

17 (1) Is at least ~~16~~ 18 years of age ~~and of good moral character and~~
18 ~~temperate habits;~~

19 (2) has graduated from a high school accredited by the appropriate
20 accrediting agency or has otherwise obtained the equivalent of a high
21 school education;

22 (3) is a graduate of a barber school or ~~barber~~ college approved by the
23 board ~~or~~, has satisfactorily completed the barber course at an institution
24 under the control of the secretary of corrections or the ~~disciplinary~~
25 ~~barracks military correctional complex~~ at Fort Leavenworth ~~or has been~~
26 ~~certified in a related industry, such as barbering in any branch of the~~
27 ~~United States military service, and~~, has completed a course of study in a
28 licensed Kansas barber ~~college or barber~~ school or college as prescribed
29 by the board under K.S.A. 65-1810(e), and amendments thereto, or has
30 been a cosmetologist licensed by the Kansas board of cosmetology and has
31 completed a course of study in a licensed Kansas barber ~~college or barber~~
32 school or college as prescribed by the board under K.S.A. 65-1810(e), and
33 amendments thereto; and

34 (4) has paid an examination fee and has passed the examination
35 ~~conducted~~ approved by the board to determine the fitness of such person to
36 practice barbering.

37 (b) Any person who fails to pass an examination ~~conducted by the~~
38 ~~board to determine such person's fitness to practice barbering shall be~~
39 ~~entitled to take the next examination conducted by the board~~ may apply to
40 take the examination again.

41 (c) The board may issue a temporary ~~license~~ permit to practice
42 barbering to any person who has graduated from an approved barber
43 school or ~~barber~~ college and who makes application to take the next

1 examination for licensure to practice barbering. Such ~~license permit~~ shall
2 be effective only until the results of the examination *taken by the holder of*
3 *the temporary permit* are announced. No more than three temporary
4 ~~licenses permits~~ shall be issued to any one person, *except as authorized by*
5 *the board.*

6 (d) *The board may issue a senior status license to a barber who no*
7 *longer practices barbering, but: (1) Has been licensed as a barber for a*
8 *total of at least 40 years; (2) is at least 70 years of age; and (3) has paid*
9 *the one-time fee prescribed by the board.*

10 Sec. 6. K.S.A. 65-1813 is hereby amended to read as follows: 65-
11 1813. (a) The board may issue, without examination, a license to practice
12 barbering to any person who pays the prescribed fee and submits evidence
13 satisfactory to the board that such person:

14 (1) Is at least 18 years of age;

15 (2) ~~is of good moral character and temperate habits; and~~

16 (3) ~~is legally authorized to practice barbering in another state,~~
17 ~~territory or country which that~~ has substantially the same requirements *at*
18 *the time of initial licensure* for authorization to practice as required for
19 licensure under this act ~~and which grants reciprocal authorization to~~
20 ~~barbers licensed in this state as required by subsection (b) that such other~~
21 *licensure is in good standing;*

22 (3) *has been actively licensed and practicing barbering for at least*
23 *six of the 12 months immediately prior to making application for a license.*
24 *The applicant shall submit to the board a notarized statement from*
25 *previous and current employers attesting to such practice;*

26 (4) *has passed an examination of the applicant's knowledge of state*
27 *laws and rules and regulations pertaining to the practice of barbering*
28 *prescribed by the board with a grade of not less than 80%; and*

29 (5) *submits to the board: (A) A driver's license, United States*
30 *passport or other government-issued identification containing a*
31 *photograph of the applicant; and (B) a social security card or one of the*
32 **following: A permanent resident card, an employment authorization**
33 **document or an employment-related visa.**

34 (b) ~~A license shall be issued pursuant to this section only if the state,~~
35 ~~territory or country in which the person is authorized to practice barbering~~
36 ~~grants, under like conditions and without examination, reciprocal~~
37 ~~authorization to barbers licensed in this state.~~

38 (e) No license shall be issued to any person without examination
39 unless such person meets all requirements of this section.

40 Sec. 7. K.S.A. 65-1814 is hereby amended to read as follows: 65-
41 1814. (a) Any person who desires to practice barbering shall file with the
42 board a written application ~~on a form~~ *such forms* as prescribed by the
43 board, *and shall include the applicant's name, social security number, date*

1 *of birth and current residential and business address.*

2 *(b) Every licensed barber, instructor, operator of a barber shop or*
3 *suite, or chair lessee shall notify the board in writing of any change in*
4 *residential or business address within 14 days of such change.*

5 Sec. 8. K.S.A. 65-1815 is hereby amended to read as follows: 65-
6 1815. ~~The board shall conduct examinations for applicants for licensure to~~
7 ~~practice barbering at such times and places as the board shall determine;~~
8 ~~but~~(a) Examinations shall be given not less than twice in each year. Such
9 examination shall *be approved by the board and* include ~~both~~ a practical
10 demonstration ~~and~~, a written test of the applicant's knowledge of hygiene
11 and the fundamentals of the vocation *and a written test of the applicant's*
12 *knowledge of state laws and rules and regulations pertaining to the*
13 *practice of barbering.* A license to practice shall be issued each applicant
14 who shall satisfactorily pass ~~both the practical demonstration and the~~
15 ~~written test~~ *all three parts of the examination* with a grade of not less than
16 80%, and shall possess the other qualifications required by law. The board
17 shall allow an applicant who fails ~~one~~ part of the examination to be
18 reexamined only on that part which was failed. ~~Each application to~~
19 ~~practice shall contain, in addition to any other information required by the~~
20 ~~board or by law, the name, address, social security number, height, weight~~
21 ~~and age of the applicant to whom issued. The board may issue seminar~~
22 ~~permits to barbers and teachers holding valid licenses from Kansas or any~~
23 ~~other state or country, to teach and demonstrate the art of advanced~~
24 ~~barbering. Such seminar permit shall be restricted to prescribed dates and~~
25 ~~places, but in no instance shall it be valid for more than five days. No such~~
26 ~~seminar permit shall be required of any barber or teacher demonstrating~~
27 ~~the art of advanced barbering at no cost to those viewing such~~
28 ~~demonstration.~~

29 *(b) An applicant may take the written test of the applicant's*
30 *knowledge of hygiene and the fundamentals of the vocation and the*
31 *written test of the applicant's knowledge of state laws and rules and*
32 *regulations pertaining to the practice of barbering at such time as the*
33 *applicant has completed 1,000 course hours of instruction.*

34 *(c) The board may adopt rules and regulations imposing limitations*
35 *or conditions on the administration of examinations.*

36 Sec. 9. K.S.A. 65-1816 is hereby amended to read as follows: 65-
37 1816. The following persons are exempt from the provisions of this act,
38 while in the discharge of their professional duties: (a) Persons licensed by
39 the law of this state to practice medicine and surgery or chiropractic; (b)
40 commissioned medical or surgical officers of the United States army, navy
41 or marine hospital service; (c) registered nurses; (d) undertakers and
42 morticians; and licensed cosmetologists and apprentices. *(a) The board*
43 *may issue seminar permits to barbers and teachers holding valid licenses*

1 from Kansas or any other state or country, to teach and demonstrate the
 2 art of advanced barbering. Such seminar permit shall be restricted to
 3 prescribed dates and places, but in no instance shall it be valid for more
 4 than five days. No such seminar permit shall be required of any barber or
 5 teacher demonstrating the art of advanced barbering at no cost to those
 6 viewing such demonstration.

7 (b) Any person or entity wishing to perform barbering for charitable
 8 benefit shall notify the board at least 21 days prior to such event and shall
 9 have available for board inspection all equipment, tools and supplies that
 10 will be utilized at such event. A permit allowing such practice may be
 11 issued for the event, but shall be valid for no more than 48 consecutive
 12 hours. A separate inspection and permit shall be required for each
 13 separate event.

14 Sec. 10. K.S.A. 65-1817 is hereby amended to read as follows: 65-
 15 1817. (a) In each fiscal year, the board shall determine the amount of funds
 16 which that will be required during the next ensuing fiscal year to properly
 17 administer the laws—~~which that~~ the board is directed to enforce and
 18 administer and shall fix fees in accordance with this section for such
 19 ensuing year in such reasonable sums as may be necessary for such
 20 purposes.

21 (b) After fixing such fees, the board may charge and collect the fees,
 22 in advance for the following purposes, subject to the following limitations:

23 For examination of applicant to practice barbering—not more	
24 than.....	\$100\$200
25 For issuance of license to practice barbering—not more	
26 than.....	80\$150
27 For renewal of license to practice barbering—not more	
28 than.....	80\$150
29 For restoration of expired license to practice barbering, if	
30 expiration period is under three two years, the lapsed fees	
31 plus a restoration fee of not more than.....	100\$150
32 After three two years applicant shall be reexamined upon pay-	
33 ment of the regular examination fee—not more than.....	100\$200
34 For examination of applicant to instruct barbering—not more than....	\$200
35 For instructors instructor license or annual renewal thereof—not more	
36 than.....	90\$100
37 For restoration of expired instructors instructor license, if expiration	
38 period is under three two years, the lapsed fees plus a	
39 restoration fee of not more than.....	90\$150
40 After three two years the instructor shall be reexamined upon	
41 payment of the regular examination fee—not more than.....	170\$200
42 For a license to operate a barber school or barber college,	
43 annual fee—not more than.....	500\$750

1 *For restoration of expired school or college license, if expiration*
 2 *period is under 90 days, the lapsed fees plus a restoration fee of*
 3 *not more than.....\$150*
 4 For shop *or suite* inspection, and annual license fee—not more
 5 than.....~~40~~\$100
 6 For restoration of expired shop *or suite* license, if expiration period is
 7 under ~~three years~~ *one year*, the lapsed fee plus a restoration fee of
 8 not more than.....~~80~~\$300
 9 For a new shop *or suite*, relocation or change of ownership—not more
 10 than.....~~80~~\$150
 11 For issuance of a seminar *or charitable event* permit—not more than....\$80
 12 For issuance of student learning ~~license~~ *permit*—not more than....~~55~~\$100
 13 *For issuance of a chair lease license—not more than.....\$50*
 14 *For issuance of a temporary permit—not more than.....\$25*
 15 *For issuance of a senior status license—not more than.....\$50*
 16 *For a letter of certification for the purpose of proof of licensure—not more*
 17 *than.....\$25*

18 (c) A duplicate license will be issued upon ~~the filing of a statement~~
 19 ~~covering the loss of same~~ *request* and the payment of a fee of \$5 for the
 20 issuance of same. Each duplicate shall have the word "duplicate" stamped
 21 across the face thereof and will bear the same number as the original.

22 (d) *All fees shall be nonrefundable.*

23 Sec. 11. K.S.A. 65-1818 is hereby amended to read as follows: 65-
 24 1818. Every ~~holder of a license to practice~~ *person engaged in the practice*
 25 *of barbering shall display such a current valid license or permit* in a
 26 conspicuous place next to ~~or near the holder's~~ *such person's* work chair.

27 Sec. 12. K.S.A. 65-1819 is hereby amended to read as follows: 65-
 28 1819. (a) Every licensed barber, instructor, operator of a barber shop *or*
 29 *suite, chair lessee* and operator of a barber school ~~or barber~~ college shall
 30 annually renew the license ~~and pay by submitting all necessary forms~~
 31 *approved by the board and paying* the required fee. The expiration date of
 32 each license ~~which~~ *that* is issued, restored or renewed by the board shall be
 33 established by rules and regulations of the board so that licenses are
 34 renewed by the board throughout the year on a continuing basis. In each
 35 case in which a license is issued, restored or renewed for a period of time
 36 of less than one year, the board may prorate the amount of the fee
 37 established under K.S.A. 65-1817, and amendments thereto.

38 (b) A barber, instructor or operator of a barber shop *or suite* whose
 39 license has been expired for a period of less than ~~three~~ *two* years may have
 40 the license ~~renewed~~ *restored* upon filing with the board ~~a renewal~~ *all*
 41 *necessary application forms* and payment of the *total* required restoration
 42 fee. Any barber, instructor or operator of a barber shop *or suite* whose
 43 license has been expired for a period of ~~three~~ *two* or more years may

1 ~~renew~~ have the license ~~restored by filing with the board an application for~~
2 ~~reexamination~~, successfully completing ~~such~~ reexamination by the board
3 and paying the required examination and license fees. Upon receipt of
4 such application, payment of fees and passage of reexamination, if
5 applicable, the board may grant a new license according to the provisions
6 of K.S.A. 65-1820a, and amendments thereto.

7 (c) *A barber or barber instructor whose license is expired shall not*
8 *engage in the practice of barbering until such license is restored.*

9 (d) *No barber shop, suite, school or college shall employ a person to*
10 *engage in the practice of barbering unless such person holds a valid*
11 *license to practice barbering.*

12 (e) *No barber shop or suite shall operate unless a valid license has*
13 *been issued for such shop or suite.*

14 Sec. 13. K.S.A. 65-1820a is hereby amended to read as follows: 65-
15 1820a. (a) The board may censure, limit, condition, suspend, revoke or
16 refuse to issue, reinstate, *restore* or renew a license of any applicant or
17 licensee upon proof that the applicant or licensee:

18 (1) Has committed malpractice or incompetency;

19 (2) has become afflicted with an infectious or ~~communicable~~
20 *contagious* disease;

21 (3) has advertised by ~~knowingly~~ false or deceptive statements;

22 (4) has advertised, practiced or attempted to practice under a ~~trade~~
23 *name* other than one's own;

24 (5) ~~is unable to practice~~ *has practiced* barbering ~~with skill and safety~~
25 ~~due to current abuse while under the influence~~ of drugs or alcohol;

26 (6) has committed unprofessional conduct as defined in rules and
27 regulations adopted by the board;

28 (7) has obtained or attempted to obtain a license for money other than
29 the required fee, or for any other thing of value ~~or by fraudulent~~
30 *misrepresentations*;

31 (8) has ~~willfully~~ failed to display a license to practice barbering as
32 required by K.S.A. 65-1818, and amendments thereto;

33 (9) has practiced or attempted to practice barbering by fraudulent
34 *misrepresentations*;

35 (10) has violated any of the sanitation standards adopted by the
36 secretary of health and environment pursuant to K.S.A. 65-1,148, and
37 amendments thereto, for the regulation of barber shops; *and* barber schools
38 ~~and barber colleges~~;

39 (11) has violated *any provisions of this act* or any lawful rules and
40 regulations of the board ~~concerning the operation or management of a~~
41 ~~barber shop, barber school or barber college~~; or

42 (12) has been convicted of any felony offense or *class A*
43 *misdemeanor* offense of a crime against persons or involving illegal drugs,

1 *or any offense under the laws of another jurisdiction that is substantially*
2 *the same as a felony or class A misdemeanor offense as determined by the*
3 *board in rules and regulations, and the licensee or applicant for a license is*
4 *unable to demonstrate to the board's satisfaction that such person has been*
5 *sufficiently rehabilitated to warrant the public trust;*

6 *(13) has obtained or attempted to obtain a license by fraud or deceit;*

7 *(14) has practiced barbering without a valid, current license or*
8 *permit; or*

9 *(15) has employed an individual who has practiced barbering*
10 *without a valid, current license or permit.*

11 (b) The board, in lieu of or *in addition to any other penalty prescribed*
12 *under the provisions of article 18 of chapter 65 of the Kansas Statutes*
13 *Annotated, and amendments thereto, may assess a civil fine against a*
14 *licensee for a violation of the provisions of article 18 of chapter 65 of the*
15 *Kansas Statutes Annotated, and amendments thereto, in an amount not to*
16 *exceed \$1,000 per violation. In determining any penalty to be assessed,*
17 *the board may consider the following factors: (1) Willfulness of the*
18 *violation; (2) repetitions of the violation; and (3) risk of harm to the public*
19 *caused by the violation.*

20 (c) In all matters pending before the board, the board shall have the
21 power to revoke the license of any licensee who voluntarily surrenders
22 such person's or entity's license pending investigation of misconduct or
23 while charges of misconduct against the licensee are pending or
24 anticipated.

25 (d) *The board may institute such actions in the courts of competent*
26 *jurisdiction as may appear necessary to enforce compliance with any*
27 *provisions of this act.*

28 (e) *The board may obtain enforcement of its rules and regulations, or*
29 *any subpoena or other order of the board, in accordance with the Kansas*
30 *judicial review act, and may obtain enforcement of any sanitation*
31 *standards adopted by the secretary of health and environment pursuant to*
32 *K.S.A. 65-1,148, and amendments thereto, for the regulation of barber*
33 *shops and barber schools and colleges, as if such standards were rules*
34 *and regulations adopted by the board.*

35 (f) All proceedings under the provisions of article 18 of chapter 65 of
36 the Kansas Statutes Annotated, and amendments thereto, shall be
37 conducted in accordance with the Kansas administrative procedure act.
38 Judicial review and civil enforcement of agency actions under the
39 provisions of article 18 of chapter 65 of the Kansas Statutes Annotated,
40 and amendments thereto, shall be in accordance with the Kansas judicial
41 review act.

42 Sec. 14. K.S.A. 65-1821 is hereby amended to read as follows: 65-
43 1821. (a) When a license has been refused, suspended or revoked, the

1 person aggrieved thereby may apply for reinstatement, ~~and such~~
2 ~~reinstatement shall~~ or reconsideration, which may be granted by the board
3 upon showing that the reason therefor no longer exists.

4 (b) *A person who files an application for a license to practice*
5 *barbering and has been convicted of a felony offense or a class A*
6 *misdemeanor offense of a crime against persons or involving illegal drugs*
7 *shall have the burden to establish sufficient rehabilitation to warrant the*
8 *public trust and that such applicant is otherwise qualified for licensure*
9 *under the act. In determining whether the applicant has met such burden,*
10 *the board may consider any relevant evidence, including the following*
11 *factors:*

- 12 (1) *The seriousness and the nature of the offense;*
- 13 (2) *the age, character, maturity and experience of the person at the*
14 *time of the commission of the offense;*
- 15 (3) *the amount of time elapsed since the commission of the offense;*
- 16 (4) *the conduct and work activity of the person before and subsequent*
17 *to the commission of the offense;*
- 18 (5) *whether the offense was an isolated or recurring incident;*
- 19 (6) *conditions of probation, parole or post-release supervision;*
- 20 (7) *discharge from probation, parole or post-release supervision;*
- 21 (8) *evidence of the person's rehabilitation or rehabilitative effort;*
- 22 (9) *the demonstrated consciousness of the wrongful conduct and the*
23 *disrepute that the conduct has brought the profession; and*
- 24 (10) *any other evidence of the person's present fitness for licensure.*

25 (c) *A person whose license has been suspended or revoked may file*
26 *an application with the board to reinstate the license within two years*
27 *after such license has been suspended or revoked. The applicant shall*
28 *have the burden of proof to establish rehabilitation and that such*
29 *applicant is otherwise qualified for licensure under the act. In determining*
30 *whether an applicant has met such burden, the board may consider any*
31 *relevant evidence, including the following factors:*

- 32 (1) *The demonstrated consciousness of the wrongful conduct and*
33 *disrepute that the conduct has brought upon the profession;*
- 34 (2) *the extent of the applicant's rehabilitation;*
- 35 (3) *the nature and seriousness of the original misconduct;*
- 36 (4) *the applicant's conduct subsequent to discipline;*
- 37 (5) *the time elapsed since the original discipline; and*
- 38 (6) *the applicant's character, maturity and experience at the time of*
39 *the original discipline.*

40 Sec. 15. K.S.A. 65-1822 is hereby amended to read as follows: 65-
41 1822. (a) Each of the following constitutes a misdemeanor punishable
42 upon conviction by a fine of ~~not less than \$10 and not more than~~
43 ~~\$100~~\$1,000:

1 (a)(1) The violation of any of the provisions of this act ~~or any rules~~
2 ~~or regulations adopted by the board~~;

3 (2) the violation of any sanitation standards adopted by the secretary
4 of health and environment pursuant to K.S.A. 65-1,148, and amendments
5 thereto, for the regulation of barber shops and barber schools and
6 colleges;

7 ~~(b)~~(3) obtaining or attempting to obtain a license or permit for any
8 other than the required fee, or for any other thing of value or by *deceit* or
9 fraudulent misrepresentations;

10 ~~(e)~~(4) practicing or attempting to practice by fraudulent
11 misrepresentations;

12 (5) advertising by display of a barber pole or its facsimile at any
13 place where no person licensed as a barber is practicing barbering and at
14 any time when a licensed barber is not practicing barbering on the
15 premises;

16 (6) advertising as a licensed barber or licensed barber shop or suite
17 by using the title or designation of barber or barber shop;

18 (7) engaging in any other act or practice that would create the
19 impression to members of the public that the person is a barber or is
20 operating a barber shop unless the person holds the appropriate license;

21 (8) practicing barbering without a valid, current license or permit; or

22 (9) employing an individual who is practicing barbering without a
23 valid, current license or permit.

24 (b) Each violation of any provision of this act, any rules or
25 regulations adopted by the board or any sanitation standards adopted by
26 the secretary of health and environment pursuant to K.S.A. 65-1,148, and
27 amendments thereto, for the regulation of barber shops and barber
28 schools and colleges, shall be deemed a separate violation each day
29 during which such violation continues to occur.

30 (c) For purposes of this section, the term "advertising" means the use
31 of any media, including listings, signs, cards and the internet, to indicate
32 barbering services are being performed.

33 Sec. 16. K.S.A. 65-1824 is hereby amended to read as follows: 65-
34 1824. The board is hereby authorized, empowered; and directed to
35 administer and enforce the provisions of this act and the board is hereby
36 granted such specific powers as are necessary for the purpose of
37 administering and enforcing the same. In addition thereto, the board shall
38 have power:

39 (a) To supervise and regulate the barbering industry in this state.
40 Nothing contained in this act shall be construed to abrogate, affect the
41 status, force or operation of any provision of the general laws of this state
42 relating to public health or any lawful rule, regulation or order
43 promulgated thereunder, the law regulating the practice of barbering or any

1 local health ordinance or regulation.

2 (b) To investigate all matters pertaining to the proper supervision and
3 control of barber shops and the practice of barbering in this state.

4 (c) ~~(1) To subpoena barber shop owners, operators, managers or~~
5 ~~employees, their books and accounts, and other persons from whom such~~
6 information may be desired; to carry out the purposes and intent of this act,
7 and may issue commissions to take depositions from witnesses absent
8 from the state. Any member of the board may sign and issue subpoenas
9 and administer oaths to witnesses.

10 (2) *Within five days after the service of the subpoena on any person*
11 *requiring the production of any documents, reports, records or other*
12 *physical evidence in the person's possession or under the person's control,*
13 *such person may petition the board to revoke, limit or modify the*
14 *subpoena. The board shall revoke, limit or modify such subpoena if, in the*
15 *board's opinion, the documents, reports, records or other physical*
16 *evidence required do not relate to the administration of this act, is not*
17 *relevant to the allegation that is the subject matter of an investigation or*
18 *does not describe with sufficient particularity the documents, reports,*
19 *records or other physical evidence that is required to be produced.*

20 (3) *A court of competent jurisdiction, upon application by the board*
21 *or by the person subpoenaed, shall have jurisdiction to issue an order:*

22 (A) *Requiring such person to appear before the board, or the board's*
23 *duly authorized agent, to produce documents, reports, records or other*
24 *physical evidence; or*

25 (B) *revoking, limiting or modifying the subpoena if, in the court's*
26 *opinion, the evidence demanded does not relate to the administration of*
27 *this act, is not relevant to an allegation that is the subject matter of an*
28 *investigation or does not describe with sufficient particularity the*
29 *documents, reports, records or other physical evidence that is required to*
30 *be produced.*

31 ~~(d) To act as mediator and arbitrator in any controversy or issue that~~
32 ~~may arise among or between barbers as individuals or that may arise~~
33 ~~between them as groups. Nothing herein contained shall be construed as~~
34 ~~authorizing any interference with the authority of the state department of~~
35 ~~labor or the United States department of labor.~~

36 ~~The operation and effect of any provisions of this act which confer a~~
37 ~~general power upon the board shall not be impaired or qualified because a~~
38 ~~specific power has been granted to the board by this act.~~

39 ~~(e) To issue a cease and desist order against any individual, operator,~~
40 ~~permit holder or licensee if the board determines that such individual,~~
41 ~~operator, permit holder or licensee has practiced without a valid license or~~
42 ~~engaged or attempted to engage in any act or practice in violation of article~~
43 ~~18 of chapter 65 of the Kansas Statutes Annotated, and amendments~~

1 thereto, or rules and regulations adopted thereunder.

2 ~~(f)~~(e) To make an application to any court of competent jurisdiction
3 for an order enjoining any person who has engaged or attempted to engage
4 in any act or practice in violation of article 18 of chapter 65 of the Kansas
5 Statutes Annotated, and amendments thereto, or rules and regulations
6 adopted thereunder. Upon a showing by the board that such person has
7 engaged or attempted to engage in any such act or practice, an injunction,
8 restraining order or such other order as may be appropriate shall be
9 granted by such court without bond.

10 (f) *To close any barber shop, school or college, if the board*
11 *determines that such barber shop, school or college has operated without*
12 *a valid license or permit or engaged or attempted to engage in any act or*
13 *practice in violation of article 18 of chapter 65 of the Kansas Statutes*
14 *Annotated, and amendments thereto, or rules and regulations adopted*
15 *thereunder, or violated any of the sanitation standards adopted by the*
16 *secretary of health and environment pursuant to K.S.A. 65-1,148, and*
17 *amendments thereto, for the regulation of barber shops and barber*
18 *schools and colleges.*

19 Sec. 17. K.S.A. 65-1825a is hereby amended to read as follows: 65-
20 1825a. (a) Except with regard to sanitation standards provided for by
21 K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and
22 regulations necessary to ~~carry out~~ *implement* the provisions of this act. The
23 rules and regulations of the board shall be posted for public inspection in
24 the main office of the board and a certified copy thereof shall be filed in
25 the office of the administrative officer of the board. The board may also
26 publish such rules and regulations in publications representing the
27 barbering industry.

28 (b) The board shall furnish a copy of the sanitation standards adopted
29 pursuant to K.S.A. 65-1,148, and amendments thereto, to each person to
30 whom a license is granted and a copy shall be posted in a conspicuous
31 place in each barber shop, barber school and ~~barber~~ college by the
32 manager thereof.

33 Sec. 18. K.S.A. 74-1807 is hereby amended to read as follows: 74-
34 1807. Upon presentation of proper credentials, any member of the board,
35 the administrative officer or the board's inspectors shall have the authority
36 to enter; *and inspect any place where barbering is being performed* and
37 enforce rules and regulations ~~pertaining to barber shops, barber schools or~~
38 ~~barber colleges at any time during business hours~~ *adopted by the board*
39 *and any sanitation standards adopted by the secretary of health and*
40 *environment pursuant to K.S.A. 65-1,148, and amendments thereto, for the*
41 *regulation of barber shops and barber schools and colleges at any*
42 *reasonable time.*

43 Sec. 19. K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1813, 65-

- 1 1814, 65-1815, 65-1816, 65-1817, 65-1818, 65-1819, 65-1820a, 65-1821,
- 2 65-1822, 65-1824, 65-1825a, 65-1828 and 74-1807 are hereby repealed.
- 3 Sec. 20. This act shall take effect and be in force from and after its
- 4 publication in the statute book.