

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2419**

As Amended by House Committee on General  
Government Budget

**Brief\***

HB 2419, as amended, would make several changes to the Kansas Barbering Act (Act).

***Definitions***

The bill would amend the definitions of “barbering” and “barber shop” and add definitions for “advertising,” “barber pole,” “chair lease area,” “charitable event,” “duplicate license,” “infectious or contagious disease,” “senior status license,” “shaving,” “student permit,” “suite,” and “temporary permit.”

***Barber Schools or Colleges and Students***

The bill would amend statutory requirements for approval as a barber school or college to require institutions to meet minimum requirements established in rules and regulations for opening a school or college and possessing the appropriate materials and equipment.

The bill would require prospective students to satisfy the qualification requirements for attending a barber school or college as established by rules and regulations and require each student to obtain a student permit to practice while enrolled in such school or college.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would add new provisions requiring students to be neat and organized; prohibiting students from receiving compensation, directly or indirectly, for services rendered in any barber school or college; and requiring barber schools or colleges to maintain student records in accordance with rules and regulations adopted by the Board of Barbering (Board).

### ***Licensing***

The bill would raise the minimum age requirement for licensure from 16 to 17 years of age. The bill would clarify the requirements for obtaining a temporary permit. The bill would also add new language clarifying the requirements for obtaining an instructor license and for obtaining a barbering license for applicants who are legally authorized to practice barbering in another state, territory, or country.

The bill would add a senior status license for barbers who are at least 70 years of age, have practiced at least 40 years, and wish to remain licensed but no longer practice, and a chair lease license for barbers who have a station or work area that is a part of a barber shop owned or managed by another licensed barber.

### ***Examinations***

The bill would amend the examination requirements by adding a second written examination component covering an applicant's knowledge of state laws and rules and regulations pertaining to the practice of barbering. The bill would require each applicant to pass the practical skills demonstration component with a grade of 80 percent or higher and pass both written examinations with a grade of 75 percent or higher. An applicant would be permitted to be reexamined on the examination component such applicant failed to satisfactorily pass. The bill would also allow the Board to adopt rules and regulations imposing limitations or conditions on the administration of exams.

### ***Charitable Events***

The bill would require any person performing barbering services for a charitable event located outside of a licensed barber shop to have all equipment, tools, and supplies be available for Board inspection. The bill would also require each person performing barbering services at such an event hold a valid barbering license and require such person to possess such license while at the location of such charitable event.

### ***Fees***

The bill would add fee limits for new licenses and permits (senior status license, student permit, chair lease license), for the practical skills demonstration examination component, for reexaminations, for restoration of licenses, and for a letter of verification of licensure.

### ***Regulatory Actions***

The bill would amend regulatory actions that may be taken by the Board. The bill would require each barber shop to be licensed; require each barber shop, school, and college to hire only licensed barbers; and require any licensee whose license has expired to restore their license before returning to the practice of barbering.

The bill would expand the list of conduct that could result in the Board taking disciplinary action against a licensee to include:

- A licensee who has had other disciplinary action taken against such licensee by the Board or by the licensing body of another jurisdiction;

- A licensee who has committed a class A misdemeanor or a misdemeanor involving illegal drugs;
- A licensee who has obtained or attempted to obtain a license by fraud; or
- A licensee who has practiced without license, hired a person to practice without a license, or operated a barber school or college without a license.

The bill would add new factors for the Board to consider when an applicant seeks to reinstate their license after disciplinary action has been taken.

The bill would clarify the fine limitation associated with violations of the Act to indicate the limit is per violation and expand the list of conduct that constitutes a criminal violation. The bill would add the following offenses that constitute a criminal violation:

- Advertising a barber shop that is not licensed;
- Advertising as a licensed barber without holding a license;
- Engaging in acts that would lead the public to believe the person is a licensed barber if such person does not hold such license;
- Violating sanitation standards adopted in the rules and regulations by the Secretary of Health and Environment; or
- Any other violation of this Act or any rules and regulations adopted pursuant thereto.

The bill would update the Board's powers regarding investigations and the associated costs, issuance of orders, subpoena powers, and administrative hearings by the Board.

## **Background**

The bill was introduced by the House Committee on Appropriations at the request of Representative Sutton and was referred to the House Committee on General Government Budget.

### ***House Committee on General Government Budget***

In the House Committee hearing on the bill, the Chairwoman of the Board of Barbering and a private barber provided **proponent** testimony stating the bill would clarify barbering statutes, update statutory fee maximums, create new fees, help keep the general public safe from infectious or contagious disease, and prohibit use of the barber pole for advertising by any person who is not a licensed barber.

Written-only **proponent** testimony was provided by private barbers.

**Opponent** testimony was provided by a representative of Americans for Prosperity.

The House Committee amended the bill by changing the statutory maximums for existing fees back to current law. The bill would have increased most statutory maximums for existing fees. The House Committee also amended the bill by clarifying barber schools and colleges must not have in effect any practice or policy that violates any provision of the Kansas Act Against Discrimination.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Board of Barbering indicates enactment of the bill would result in additional revenue of \$5,850 in FY 2022. The Board further indicates enactment of the bill would result in additional expenditures in

FY 2022 of \$580 for printing senior status licenses and chair lease licenses and a \$1,500 reduction in revenue in FY 2022 due to the conversion of 50 barbering licenses to senior status licenses, which is \$30 less per license. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Board of Barbering; Kansas Barbering Act; barbers; fees