

Kansas Tanning Facilities Act; Board of Barbering; HB 2456

HB 2456 creates and amends law regarding tanning facilities and barber schools and colleges.

Kansas Tanning Facilities Act

The bill creates the Kansas Tanning Facilities Act and prohibits a tanning facility from providing access to a tanning device to any individual under 18 years of age. In addition to or in place of disciplinary action currently allowed under statute, the Board of Cosmetology has authority to impose fines up to \$250 against a tanning facility licensee for each violation. The Board of Cosmetology is required to adopt rules and regulations under the Act, no later than January 1, 2017.

Board of Barbering

The bill amends the requirements for a barber school or college to be approved by the Kansas Board of Barbering (Board); the qualifications for a person to receive a license to practice barbering; the license renewal process for a barber, instructor, or operator of a barber shop whose license has expired; the disciplinary procedures the Board is allowed to follow; and the Board's duties to include increased authority.

The bill amends the requirements for a barber school or college to be approved by the Board by changing the required hours for graduation to a minimum of 1,200 hours and a maximum of 1,500 hours and eliminates the period of time an instructor must be a licensed practicing barber.

Under the bill, barber schools or colleges can design courses of study for barbers who have not renewed their licenses for a period of at least three years, for students who have failed at least two examinations conducted by the Board, or for other purposes as prescribed by the Board, including courses of study for professionals in related industries.

The bill allows a person to receive a license to practice barbering if such person has been certified in a related industry, such as barbering in any branch of the U.S. military service, and has completed a course of study in a licensed Kansas barber college or school or has been a cosmetologist licensed by the Kansas Board of Cosmetology and has completed a course of study in a licensed Kansas barber college or school.

A barber, instructor, or operator of a barber shop whose license has been expired for a period of less than three years is required to file a renewal application with the Board for license renewal. A barber, instructor, or operator of a barber shop whose license has been expired for a period of three years or more is required to file an application for reexamination with the Board for license renewal. The Board is allowed to issue the new license upon receipt of the application, payment of fees, and passage of reexamination, if applicable.

The Board may censure, limit, condition, suspend, or revoke or refuse to issue, reinstate, or renew a license of any applicant or licensee upon proof the applicant or licensee violated the

provisions set forth in the statute that make a licensee or applicant subject to discipline or disqualify the licensee or applicant from practicing barbering. The bill adds to the list of such provisions having been convicted of any felony offense or misdemeanor offense of a crime against persons or involving illegal drugs as determined by the Board in rules and regulations, and the licensee or applicant for a license is unable to demonstrate to the Board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust. The Board also has the authority to issue a civil fine of up to a \$1,000 against a licensee for a violation of such provisions.

The Board has the authority to revoke the license of any licensee who voluntarily surrenders such person's or entity's license pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

All disciplinary proceedings will be conducted in accordance with the Kansas Administrative Procedure Act. Additionally, all judicial review and civil enforcement of agency actions will be in accordance with the Kansas Judicial Review Act.

The Board is granted additional authority to issue a cease and desist order against any individual, operator, or licensee if the Board determined that such individual, operator, or licensee has practiced without a valid license or engaged or attempted to engage in any act or practice in violation of the statutes or rules and regulations pertaining to barbering.

Further, the Board is granted additional authority to make an application to any court of competent jurisdiction for an order enjoining any person who has engaged or attempted to engage in any act or practice in violation of the statutes or rules and regulations pertaining to barbering. Upon a showing by the Board that such person has engaged or attempted to engage in any such act or practice, the Court is required to issue, without bond, an injunction, restraining order, or such other order as may be appropriate.