



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 8, 1976

ATTORNEY GENERAL OPINION NO. 76- 81

Paul C. Lenard, Chairman
Board of Barber Examiners
801 Harrison
Topeka, Kansas 66612

RE: Public Health -- Barbers -- Examination; Issuance
and Contents of Certificate -- Temporary Permits

SYNOPSIS: A Supply House Dealer or Teacher Demonstrator must
purchase a five-day temporary permit if the viewer
must either pay a fee or buy a set amount of products
in order to view said demonstration.

* * *

Dear Mr. Lenard:

You inquire concerning K.S.A. 1975 Supp. 65-1815. You state that a supply house dealer or a teacher demonstrator was requiring viewers to either pay a fee or make a prescribed minimum purchase of products in order to view a demonstration, which is being performed without any temporary permit obtained from the State Board of Barber Examiners. The parties involved felt no such temporary permit was required apparently because a person wishing to view the demonstration could, by making the prescribed minimum purchase, avoid payment of the demonstration fee.

K.S.A. 1975 Supp. 65-1815 in pertinent part states:

" . . . The board shall have authority to
issue temporary permits to barbers and
teachers holding valid licenses from
Kansas or any other state or country,


Paul C. Lenard
March 8, 1976
Page Two

to teach and demonstrate the art of advanced barbering. Such temporary permit shall be restricted to prescribed dates and places, but in no instance shall it be valid for more than five (5) days. No such temporary permit shall be required of any barber or teacher demonstrating the art of advanced barbering at no cost to those viewing such demonstration."
(Emphasis added.)

If a demonstration is provided at no cost to the viewer, no permit is required. If those wishing to view the demonstration must pay a charge to attend, however that charge is characterized, the demonstration is obviously not provided "at no cost to those viewing such demonstration." A prescribed minimum purchase, as a condition for admittance, is equally a cost of attendance as is a direct admission fee.

In conclusion, any person who conditions a viewing of a demonstration upon payment of a fee or a minimum purchase is providing such demonstration at cost to those viewing such demonstration and must obtain a temporary permit under K.S.A. 1975 Supp. 65-1815.

Sincerely yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:en