

## HOUSE BILL No. 2314

By Committee on Health and Human Services

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AN ACT concerning cosmetology; relating to licensure, reciprocity and student instructor's permits; amending K.S.A. 65-1927 and K.S.A. 2000 Supp. 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1908 and 65-1909 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

(1) Engage in practice of cosmetology, esthetics, nail technology or electrology unless the person holds a valid license, issued by the board, to engage in that practice;

(2) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the board, to conduct the school;

(3) teach cosmetology in a licensed school unless the person holds a valid cosmetology instructor's license issued by the board;

(4) conduct a school for teaching nail technology unless the person holds a valid license, issued by the board, to conduct the school;

(5) teach nail technology in a licensed school unless the person holds a valid cosmetology or manicuring instructor's license issued by the board;

(6) conduct a school for teaching electrology unless the person holds a valid license, issued by the board, to conduct the school;

(7) teach electrology in a licensed school or clinic unless the person holds a valid electrology instructor's license issued by the board;

(8) conduct a school for teaching esthetics unless the person holds a valid license, issued by the board, to conduct the school;

(9) teach esthetics in a licensed school unless the person holds a valid cosmetology or esthetics instructor's license issued by the board;

(10) own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced unless the person holds a valid school, salon or clinic license issued by the board; or

(11) teach or practice cosmetology, esthetics, nail technology or electrology in a school, salon or clinic unless the owner or operator of the school, salon or clinic holds a valid school, salon or clinic license issued by the board.

(b) The provisions of this act shall not apply to:

- 1 (1) Any person licensed as a barber or apprentice barber;  
2 (2) any person licensed to practice medicine and surgery, chiroprac-  
3 tic, optometry, nursing or dentistry, while engaged in that practice;  
4 (3) any person who is a registered physical therapist or certified phys-  
5 ical therapist assistant while engaged in that practice; or  
6 (4) any teacher while engaged in instructing elementary or secondary  
7 school students in the proper care of their own persons.

8 (c) A person holding a license as a cosmetology technician on the day  
9 immediately preceding the effective date of this act shall continue to be  
10 a licensed cosmetology technician and perform the functions of a cos-  
11 metology technician, as such term was defined immediately prior to the  
12 effective date of this act, and may renew such license subject to the pay-  
13 ment of fees and other conditions and limitations on the renewal of li-  
14 censes under article 19 of chapter 65 of the Kansas Statutes Annotated  
15 and acts amendatory of the provisions thereof.

16 (d) *If the board determines that an individual has violated subsection*  
17 *(a), in addition to any other penalties imposed by law, the board, in ac-*  
18 *cordance with the Kansas administrative procedure act, may issue a cease*  
19 *and desist order against such individual or may assess such individual a*  
20 *fine of not to exceed \$1,500, or may issue such order and assess such fine.*  
21 *In determining the amount of fine to be assessed, the board may consider*  
22 *the following factors: (1) Willfulness of the violation, (2) repetitions of the*  
23 *violation and (3) risk of harm to the public caused by the violation.*

24 (e) *A violation of subsection (a) of this section is a class C*  
25 *misdemeanor.*

26 Sec. 2. K.S.A. 2000 Supp. 65-1903 is hereby amended to read as  
27 follows: 65-1903. (a) Licensed schools may be established and maintained  
28 in this state where the profession of cosmetology may be taught or ac-  
29 quired, under the following conditions and regulations:

30 (1) Any person may apply to the board for a license for conducting a  
31 school for the teaching of the profession of cosmetology. The license shall  
32 be granted by the board upon proper and sufficient showing of compe-  
33 tency of the applicant and assurance of compliance by the applicant with  
34 the requirements of this act, all reasonable rules and regulations adopted  
35 by the board for the proper conduct of the school and all applicable  
36 sanitation standards adopted by the secretary of health and environment  
37 pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance  
38 of the license, the applicant shall pay to the board the nonrefundable  
39 license application fee established under K.S.A. 65-1904 and amend-  
40 ments thereto. School licenses shall be renewed before July 1 of each  
41 year by submitting an application and payment of the nonrefundable li-  
42 cense renewal fee established under K.S.A. 65-1904 and amendments  
43 thereto. *Any license may be renewed by the applicant within 30 days*

1 *after the expiration date of the last license upon payment of a delinquent*  
2 *renewal fee.* No license fee shall be required of schools operating under  
3 the state board of regents or any tax-supported school. Nothing in this  
4 act shall prohibit any person who is a licensed electrologist, while acting  
5 as owner and manager of the person's clinic or establishment, from teach-  
6 ing electrology in the regular course of the person's business, but at no  
7 time shall any clinic or establishment have more than one apprentice or  
8 charge tuition for its teaching services.

9 (2) Each school licensed under this subsection (a) shall remain under  
10 the constant supervision of the board. Each licensed school at all times  
11 shall employ and maintain a sufficient number of instructors, duly li-  
12 censed in the practices they teach, to provide at least one instructor for  
13 every 25 students *in the instructional classroom and one instructor for*  
14 *every 18 students when providing instruction on the practice floor.* Each  
15 licensed school shall provide a course of training requiring not less than  
16 1,500 clock hours of instruction and practice in preparation for the pro-  
17 fession of cosmetology covering a period of not less than nine nor more  
18 than 12 months of training for full-time students. In addition, the school  
19 may provide a course of training of 350 clock hours of instruction and  
20 practice in the profession of nail technology, and a course of training of  
21 650 clock hours of instruction and practice in the profession of esthetics.  
22 Such course of training shall include the practices of cosmetology for all  
23 major ethnic groups residing in the state, and the board shall require by  
24 rules and regulations that each school shall provide instruction for part-  
25 time students who are unable to attend a full schedule of classes each  
26 week because of part-time employment; enrollment in an accredited pub-  
27 lic or private school of secondary education by a student who is pursuing  
28 a course of study leading to a diploma from such school; enrollment in a  
29 cooperative industrial training program, approved by the division of vo-  
30 cational education of the state department of education, by a student who  
31 is working toward an occupational objective; or the principles or tenets  
32 of the student's religion preventing full-time attendance. Instruction of a  
33 part-time student shall be completed by the student within 18 months  
34 after the student's enrollment in the school.

35 (b) Any person who teaches the profession of cosmetology in a li-  
36 censed school of cosmetology shall be required to obtain a cosmetology  
37 instructor's license from the board. To qualify for a cosmetology instruc-  
38 tor's license, the applicant must (1) be licensed as a cosmetologist under  
39 this act, ~~(2) have practiced as a cosmetologist for one year prior to licensure,~~  
40 ~~with successfully completed~~ 300 hours of instructor training *within*  
41 *one year of the date of application,* (3) pass a cosmetology instructor exam,  
42 administered by the board or the board's designee, and (4) pay the non-  
43 refundable instructor license application fee established by K.S.A. 65-

1 1904 and amendments thereto. A cosmetology instructor license shall be  
2 renewed every two years by furnishing satisfactory evidence that the ap-  
3 plicant, except the first renewal period following licensure for applicants  
4 not holding a cosmetology instructor license on the effective date of this  
5 act, has completed 20 clock hours of continuing education approved by  
6 the board in the practice of cosmetology and teaching skills and methods,  
7 and by paying the nonrefundable license renewal fee established by  
8 K.S.A. 65-1904 and amendments thereto.

9 (c) Licensed schools may be established and maintained in this state  
10 where nail technology may be taught or acquired, under the following  
11 conditions and regulations:

12 (1) Any person may apply to the board for a license for conducting a  
13 school for the teaching of nail technology. The license shall be granted  
14 by the board upon proper and sufficient showing of competency of the  
15 applicant and assurance of compliance by the applicant with the require-  
16 ments of this act, all reasonable rules and regulations adopted by the  
17 board for the proper conduct of the school and all applicable sanitation  
18 standards adopted by the secretary of health and environment pursuant  
19 to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the  
20 license, the applicant shall pay to the board the nonrefundable license  
21 application fee established under K.S.A. 65-1904 and amendments  
22 thereto. School licenses shall be renewed before July 1 of each year by  
23 submitting an application and payment of the nonrefundable license re-  
24 newal fee established under K.S.A. 65-1904 and amendments thereto.  
25 *Any license may be renewed by the applicant within 30 days after the*  
26 *expiration date of the last license upon payment of a delinquent renewal*  
27 *fee.* No license fee shall be required of schools operating under the state  
28 board of regents or any tax-supported school.

29 (2) Each school licensed under this subsection (c) shall remain under  
30 the constant supervision of the board. Each licensed school at all times  
31 shall employ and maintain a sufficient number of instructors, duly li-  
32 censed in the practices they teach, to provide at least one instructor for  
33 every 25 students *in the classroom and one instructor for every 18 stu-*  
34 *dents when providing instruction on the practice floor.* Each licensed  
35 school shall provide a course of training requiring not less than 350 clock  
36 hours of instruction and practice in preparation for the profession of man-  
37 icurist. The board shall require by rules and regulations that each school  
38 shall provide instruction for part-time students who are unable to attend  
39 a full schedule of classes each week because of part-time employment;  
40 enrollment in an accredited public or private school of secondary edu-  
41 cation by a student who is pursuing a course of study leading to a diploma  
42 from such school; enrollment in a cooperative industrial training program,  
43 approved by the division of vocational education of the state department

1 of education, by a student who is working toward an occupational objec-  
2 tive; or the principles or tenets of the student's religion preventing full-  
3 time attendance. Instruction of all students shall be completed by the  
4 student within six months after the student's enrollment in the school.

5 (d) Any person who teaches nail technology in a licensed school of  
6 cosmetology or nail technology shall be required to obtain a manicuring  
7 instructor's license from the board, unless the person holds a valid cos-  
8 metology instructor's license issued under subsection (b). To qualify for  
9 a manicuring instructor's license, the applicant must (1) be licensed as a  
10 cosmetologist or manicurist under this act, (2) ~~have practiced as a mani-~~  
11 ~~curist or cosmetologist for one year prior to licensure, with successfully~~  
12 *completed* 300 hours of instructor training *within one year of the date of*  
13 *application*, (3) pass a manicuring instructor exam, administered by the  
14 board or the board's designee and (4) pay a nonrefundable instructor  
15 license application fee established by K.S.A. 65-1904 and amendments  
16 thereto. A manicuring instructor license shall expire every two years and  
17 shall be renewed by furnishing satisfactory evidence that the applicant,  
18 except the first renewal period following licensure for applicants not hold-  
19 ing a manicuring instructor license on the effective date of this act, has  
20 completed 20 clock hours of continuing education, approved by the  
21 board, in the practice of manicuring and teaching skills and methods and  
22 paying the nonrefundable license renewal fee established by K.S.A. 65-  
23 1904 and amendments thereto.

24 (e) Licensed schools may be established and maintained in this state  
25 where the profession of esthetics may be taught or acquired, under the  
26 following conditions and regulations:

27 (1) Any person may apply to the board for a license for conducting a  
28 school for the teaching of the profession of esthetics. The license shall be  
29 granted by the board upon proper and sufficient showing of competency  
30 of the applicant and assurance of compliance by the applicant with the  
31 requirements of this act, all reasonable rules and regulations adopted by  
32 the board for proper conduct of the school and all applicable sanitation  
33 standards adopted by the secretary of health and environment pursuant  
34 to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the  
35 license, the applicant shall pay to the board the nonrefundable license  
36 application fee established under K.S.A. 65-1904 and amendments  
37 thereto. School licenses shall be renewed before July 1 of each year by  
38 submitting an application and payment of the nonrefundable license re-  
39 newal fee established under K.S.A. 65-1904 and amendments thereto.  
40 *Any license may be renewed by the applicant within 30 days after the*  
41 *date of expiration of the last license upon payment of a delinquent renewal*  
42 *fee.* No license fee shall be required of schools operating under the state  
43 board of regents or any tax-supported school.

1 (2) Each school licensed under this subsection (e) shall remain under  
2 the constant supervision of the board. Each licensed school at all times  
3 shall employ and maintain a sufficient number of instructors, duly li-  
4 censed in the practices they teach, to provide at least one full-time in-  
5 structor for every 25 students *in the instructional classroom and one in-*  
6 *structor for every 18 students when providing instruction on the practice*  
7 *floor*. Each licensed school shall provide a course of training requiring  
8 not less than 650 clock hours of instruction and practice in esthetics.

9 (f) Any person who teaches esthetics in a licensed school of cosme-  
10 tology or esthetics shall be required to obtain an esthetics instructor's  
11 license from the board, unless the person holds a valid cosmetology in-  
12 structor's license issued under subsection (b). To qualify for an esthetics  
13 instructor's license, the applicant must (1) be licensed as a cosmetologist  
14 or esthetician under this act, (2) have ~~practiced as an esthetician or cos-~~  
15 ~~metologist for one year prior to licensure, with successfully completed 300~~  
16 hours of instructor training *within one year of the date of application*, (3)  
17 pass an esthetician instructor exam, administered by the board or the  
18 board's designee and (4) pay a nonrefundable license application fee es-  
19 tablished by K.S.A. 65-1904 and amendments thereto. An esthetics in-  
20 structor license shall expire every two years and shall be renewed by  
21 furnishing satisfactory evidence that the applicant, except the first renewal  
22 period following licensure for applicants not holding an esthetics instruc-  
23 tor license on the effective date of this act, has completed 20 clock hours  
24 of continuing education, approved by the board, in the practice of es-  
25 thetics and teaching skills and methods and by paying the nonrefundable  
26 license renewal fee established by K.S.A. 65-1904 and amendments  
27 thereto.

28 (g) Licensed schools may be established and maintained in this state  
29 where the profession of electrology may be taught or acquired, under the  
30 following conditions and regulations:

31 (1) Any person may apply to the board for a license for conducting a  
32 school for the teaching of the profession of electrology. The license shall  
33 be granted by the board upon proper and sufficient showing of compe-  
34 tency of the applicant and assurance of compliance by the applicant with  
35 the requirements of this act, all reasonable rules and regulations adopted  
36 by the board for the proper conduct of the school and all applicable  
37 sanitation standards adopted by the secretary of health and environment  
38 pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance  
39 of the license, the applicant shall pay to the board the nonrefundable  
40 license application fee established under K.S.A. 65-1904 and amend-  
41 ments thereto. School licenses shall be renewed before July 1 of each  
42 year by submitting an application and payment of the nonrefundable li-  
43 cense renewal fee established under K.S.A. 65-1904 and amendments

1 thereto. *Any license may be renewed by the applicant within 30 days*  
2 *after the expiration date of the last license upon payment of a delinquent*  
3 *renewal fee.* No license fee shall be required of schools operating under  
4 the state board of regents or any tax-supported school. Nothing in this  
5 act shall prohibit any person who is a licensed instructor of electrology or  
6 who is and has been for at least three years a licensed electrologist, while  
7 acting as owner and manager of the person's salon, clinic or establishment,  
8 from teaching electrology in the regular course of the person's business,  
9 but at no time shall any salon, clinic or establishment have more than one  
10 apprentice or charge tuition for its teaching services.

11 (2) Each school licensed under this subsection (e) shall remain under  
12 the constant supervision of the board. Each licensed school at all times  
13 shall employ and maintain a sufficient number of instructors, duly li-  
14 censed in the practices they teach, to provide at least one full-time in-  
15 structor for every four students. Each licensed school shall provide a  
16 course of training requiring not less than 500 clock hours of instruction  
17 and practice in electrology covering a period of not less than four months  
18 of training for full-time students and not less than eight months of training  
19 for part-time students.

20 (h) Any person who teaches electrology in a licensed school of cos-  
21 metology or electrology shall be required to obtain an electrology instruc-  
22 tor's license from the board. To qualify for an electrology instructor's  
23 license, the applicant must (1) be licensed as an electrologist under this  
24 act, (2) have ~~practiced as an electrologist for one year prior to licensure,~~  
25 ~~with successfully completed~~ 300 hours of instructor training *within one*  
26 *year of the date of application*, (3) pass an electrology instructor exam,  
27 administered by the board or the board's designee and (4) pay a nonre-  
28 fundable instructor license application fee established under K.S.A. 65-  
29 1904 and amendments thereto. Electrology instructor licenses shall expire  
30 every two years and may be renewed by furnishing satisfactory evidence  
31 that the applicant, except the first renewal period following licensure for  
32 applicants not holding an electrology instructor license on the effective  
33 date of this act, has completed 20 clock hours of continuing education,  
34 approved by the board, in the practice and teaching of electrology and  
35 paying the nonrefundable license renewal fee established under K.S.A.  
36 65-1904 and amendments thereto. To teach in a licensed salon, the elec-  
37 trologist is issued a license for the period of training for the student. To  
38 qualify they must: (1) Be a licensed practicing electrologist for a three-  
39 year period and (2) pay a nonrefundable instructor license application fee  
40 established under K.S.A. 65-1904 and amendments thereto.

41 (i) The board may adopt through rules and regulations a curriculum  
42 for cosmetology, nail technology, esthetics and electrology instructor  
43 training to be provided in a licensed school of cosmetology.

1 ~~(j) The board may provide by rules and regulations that instructor~~  
2 ~~licenses may expire less than two years from the date of issuance in order~~  
3 ~~for the expiration date of the instructor license to correspond with the~~  
4 ~~expiration date of the individual's license to practice cosmetology, nail~~  
5 ~~technology, esthetics or electrology. In each case in which an instructor~~  
6 ~~license is issued for a period of time of less than two years, the board~~  
7 ~~shall prorate the instructor license application fee from the month of the~~  
8 ~~date of application to the month of the date of expiration of the license~~  
9 ~~to practice cosmetology, nail technology, esthetics or electrology.~~

10 *(j) Any instructor's license may be renewed by an applicant within*  
11 *one month after the date of expiration of the applicant's last license upon*  
12 *submission of proof, satisfactory to the board, of the applicants current*  
13 *hours and qualifications to renew practice as an instructor and payment*  
14 *of the applicable nonrefundable renewal fee and delinquent fee prescribed*  
15 *in K.S.A. 65-1904, and amendments thereto. Any applicant whose instruc-*  
16 *tors license has expired for more than one month may obtain a license in*  
17 *the same manner and on payment of the same nonrefundable fees as pro-*  
18 *vided for an applicant for an original license.*

19 *(k) (1) The board shall provide by rules and regulations student in-*  
20 *structor permits for applicants wishing to become an instructor in any of*  
21 *the schools listed in subsections (a) through (i) of this section.*

22 *(2) To obtain a student instructor's permit the applicant shall:*

23 *(A) One week prior to starting the 100 clock hours of teaching skills*  
24 *and methodology required under (B)(ii) submit a notice of intent to be-*  
25 *come a student instructor to the board and be enrolled in a board ap-*  
26 *proved instructor's training program. This notification shall be on the*  
27 *application form for the student instructor's permit and accompanied by*  
28 *a nonrefundable fee set by the board.*

29 *(B) Upon the applicant's submitting to the board proof, satisfactory*  
30 *to the board, of achieving the following terms the applicant shall obtain*  
31 *the student instructor's permit:*

32 *(i) Be licensed as a cosmetologist;*

33 *(ii) have completed 100 clock hours of the required 300 clock hours*  
34 *of teaching skills and methodology; and*

35 *(iii) pay the required nonrefundable application fee.*

36 *(3) The student instructor's permit shall be good for five weeks of full-*  
37 *time training or 10 weeks of part-time training. If the student does not*  
38 *complete the required training, the board, upon good cause shown, may*  
39 *extend the permit for an additional five weeks of full-time training or 10*  
40 *weeks of part-time training.*

41 *(4) There shall be only one student with a student instructor permit*  
42 *who may be a student instructor on the school staff at any given time.*

43 *(5) At no time shall a student instructor practice without the direct*



1 *supervision of a licensed instructor.*

2 (6) *A student instructor permit shall count toward the required stu-*  
3 *dent instructor ratio.*

4 (7) *Failure to complete the instructor curriculum or to take the re-*  
5 *quired exam within one year of the date of application will require the*  
6 *submission of a new instructor's application and 300 clock hours of in-*  
7 *structor's training.*

8 Sec. 3. K.S.A. 2000 Supp. 65-1904 is hereby amended to read as  
9 follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetol-  
10 ogists, cosmetology technicians, estheticians, electrologists and manicur-  
11 ists issued or renewed by the board shall expire on the expiration dates  
12 established by rules and regulations adopted by the board under this  
13 section. Subject to the other provisions of this subsection, each such li-  
14 cense shall be renewable on a biennial basis upon the filing of a renewal  
15 application prior to the expiration of the license, payment of the nonre-  
16 fundable license renewal fee established under this section and with re-  
17 newal applications filed on and after July 1, 2000, the filing of a success-  
18 fully completed written renewal examination prescribed by the board  
19 under this subsection. For renewal applications filed on and after July 1,  
20 2000, the board shall prescribe a written renewal examination for each  
21 classification of licensee under this subsection which will test the appli-  
22 cant's understanding of the laws relating to the practice for which the  
23 applicant holds a license, will test the applicant's understanding of health  
24 and sanitation matters relating to the practice for which the applicant  
25 holds a license and will test the understanding of the applicant about  
26 safety matters relating to the practice for which the applicant holds a  
27 license. The board shall fix the score for the successful completion of a  
28 written renewal examination. The board shall develop an information  
29 booklet to be sent to an applicant for renewal of a license along with the  
30 written renewal examination. The information booklet shall contain in-  
31 formation on the subjects to be tested on the written renewal examination  
32 and shall be provided to the applicant along with the written renewal  
33 examination at least 30 days prior to the date on which the renewal ap-  
34 plication is to be filed. The written renewal examination may be prepared  
35 by the applicant with the use of the information booklet. ~~The board shall~~  
36 ~~report to the 1999 session of the legislature the progress made by the~~  
37 ~~board in developing an information booklet and a written renewal~~  
38 ~~examination.~~

39 (b) (1) Any cosmetologist's, cosmetology technician's, esthetician's,  
40 electrologist's or manicurist's license may be renewed by the applicant  
41 within six months after the date of expiration of the applicant's last license  
42 upon submission of proof, satisfactory to the board, of the applicant's  
43 qualifications to renew practice as a cosmetologist, cosmetology techni-

1 cian, esthetician, electrologist or manicurist, *successfully completing the*  
2 *renewal exam* and payment of the applicable nonrefundable renewal fee  
3 and delinquent fee prescribed pursuant to this section.

4 (2) Any applicant whose license as a cosmetologist, cosmetology tech-  
5 nician, esthetician, electrologist or manicurist has expired for more than  
6 six months may obtain a license in the same manner and on payment of  
7 the same nonrefundable fees as provided for an applicant for an original  
8 license.

9 (c) Any applicant for a license other than a renewal license shall make  
10 a verified application to the board on such forms as the board may require  
11 and, upon payment of the license application fee and the examination fee  
12 shall be examined by the board or their appointees and shall be issued a  
13 license, if found to be duly qualified to practice the profession of cos-  
14 metologist, esthetician, electrologist or manicurist.

15 (d) The board is hereby authorized to adopt rules and regulations  
16 fixing the amount of nonrefundable fees for the following items and to  
17 charge and collect the amounts so fixed, subject to the following  
18 limitations:

19	Cosmetologist license application fee, for two years—not	
20	more than .....	\$60
21	Cosmetologist license renewal fee.....	60
22	Delinquent cosmetologist renewal fee .....	25
23	Cosmetology technician license renewal fee, for two	
24	years—not more than.....	<del>35</del> 60
25	Delinquent cosmetology technician renewal fee.....	25
26	Electrologist license application fee, for two years—not	
27	more than .....	<del>35</del> 60
28	Electrologist license renewal fee.....	<del>35</del> 60
29	Delinquent electrologist renewal fee .....	25
30	Manicurist license application fee, for two years—not more	
31	than.....	<del>30</del> 60
32	Manicurist license renewal fee .....	<del>30</del> 60
33	Delinquent manicurist renewal fee .....	25
34	Esthetician license application fee, for two years—not	
35	more than .....	<del>30</del> 60
36	Esthetician license renewal fee.....	<del>30</del> 60
37	Delinquent esthetician renewal fee .....	25
38	Any apprentice license application fee—not more than....	15
39	New school license application fee.....	150
40	School license renewal fee—not more than.....	75
41	Delinquent school license fee—not more than .....	50
42	New cosmetology services salon or electrology clinic	
43	license application fee—not more than.....	<del>50</del> 100

1 Cosmetology services salon or electrology clinic license  
 2 renewal fee—not more than ..... 30 50  
 3 Delinquent cosmetology services salon or electrology clinic  
 4 renewal fee..... 30  
 5 Cosmetologist’s examination—not more than ..... 50 75  
 6 Electrologist’s examination—not more than..... 50 75  
 7 Manicurist’s examination—not more than ..... 50 75  
 8 Esthetician examination—not more than ..... 50 75  
 9 Instructor’s examination—not more than ..... 75  
 10 Reciprocity application fee—not more than..... 50 75  
 11 Verification of licensure..... 20  
 12 Any duplicate of license..... 25  
 13 Instructor’s license application fee, for two years—not  
 14 more than ..... 75 100  
 15 Renewal of instructor’s license fee ..... 50 75  
 16 Delinquent instructor’s renewal fee—not more than ..... 75  
 17 Temporary permit fee..... 15  
 18 Statutes and regulations book..... 5  
 19 *Student instructor permit* ..... 50

20 (e) Whenever the board determines that the total amount of revenue  
 21 derived from the fees collected pursuant to this section is insufficient to  
 22 carry out the purposes for which the fees are collected, the board may  
 23 amend its rules and regulations to increase the amount of the fee, except  
 24 that the amount of the fee for any item shall not exceed the maximum  
 25 amount authorized by this subsection. Whenever the amount of fees col-  
 26 lected pursuant to this section provides revenue in excess of the amount  
 27 necessary to carry out the purposes for which such fees are collected, it  
 28 shall be the duty of the board to decrease the amount of the fee for one  
 29 or more of the items listed in this subsection by amending the rules and  
 30 regulations which fix the fees.

31 (f) Any person who failed to obtain a renewal license while in the  
 32 armed forces of the United States shall be entitled to a renewal license  
 33 upon filing application and, paying the nonrefundable renewal fee for the  
 34 current year during which the person has been discharged on and after  
 35 July 1, 1996 and successfully completing the renewal exam.

36 ~~(g) Any person who was formerly licensed as a cosmetologist, a cos-~~  
 37 ~~metology technician, an esthetician, an electrologist or a manicurist and~~  
 38 ~~whose license expired on or after July 1, 1996, and was not renewed may~~  
 39 ~~obtain reinstatement of the license until July 1, 1999, upon application to~~  
 40 ~~the board and upon payment of the applicable delinquent renewal fee.~~

41 ~~(h) Any person who is currently licensed as a cosmetologist, cosme-~~  
 42 ~~tology technician, esthetician, electrologist or manicurist on inactive status~~  
 43 ~~shall be deemed licensed on active status. Upon application for renewal~~

1 of the license as provided in rules and regulations, the person shall be  
2 issued a license which does not indicate inactive status. Prior to applica-  
3 tion for renewal of the license and upon request to the board, such person  
4 may obtain a license which does not indicate inactive status.

5 — (i) ~~From and after the effective date of this act, there shall be no~~  
6 ~~continuing education requirement imposed by the board upon any person~~  
7 ~~who was formerly or is currently licensed as a cosmetologist, cosmetology~~  
8 ~~technician, esthetician, electrologist or manicurist as a condition of rein-~~  
9 ~~statement or renewal of the person's license to practice.~~

10 Sec. 4. K.S.A. 2000 Supp. 65-1904a is hereby amended to read as  
11 follows: 65-1904a. (a) Any licensed cosmetologist, esthetician, electrolo-  
12 gist, manicurist, or person desiring to establish a salon or clinic shall make  
13 application, on a form provided, to the Kansas state board of cosmetology,  
14 accompanied by the new salon or clinic license fee established under  
15 K.S.A. 65-1904 and amendments thereto. Upon filing of the application,  
16 the board shall inspect the equipment as to safety and sanitary condition  
17 of the premises and if the equipment and premises are found to comply  
18 with the rules and regulations of the secretary of health and environment  
19 and the rules and regulations of the Kansas state board of cosmetology,  
20 the board shall issue a new salon or clinic license.

21 (b) Nothing herein contained shall be construed as preventing any  
22 licensed person from practicing cosmetology or electrology in a licensed  
23 ~~cosmetologist's~~ cosmetologist, manicurist, esthetician or electrologist from  
24 practicing in the field for which licensed in such licensee's private home  
25 or residence if the home or residence complies with rules and regulations  
26 of the secretary and the state board. A licensed cosmetologist, manicurist,  
27 esthetician or electrologist may provide ~~cosmetology~~ services in the field  
28 in which licensed in a place other than the licensed salon or clinic or a  
29 private home or residence of the licensed cosmetologist, manicurist, es-  
30 thetician or electrologist. Excluding services provided by a licensed cos-  
31 metologist, manicurist, esthetician or electrologist in a health care facility,  
32 hospital or nursing home or in the residence of a person requiring home  
33 care arising from physical or mental disabilities, in order to provide such  
34 services, such licensed cosmetologist, manicurist, esthetician or electrol-  
35 ogist shall be employed in a salon or clinic or in the licensed cosmetolo-  
36 gist's, manicurist's, esthetician's or electrologist's private home or resi-  
37 dence for at least 51% of the total hours per week employed; and shall  
38 attest by affidavit that such cosmetology, manicuring, esthetics or elec-  
39 trology services shall be provided only in the residence or office of the  
40 person receiving services.

41 (c) Licensed salons and clinics may be reinspected in accordance with  
42 a schedule determined by the board by rules and regulations or upon a  
43 complaint made to the board that such salon or clinic is not being main-

1 tained in compliance with rules and regulations of the board. The license  
2 shall expire on June 30 following its issuance. Any such license may be  
3 renewed upon application accompanied by the salon or clinic license re-  
4 newal fee made to the board before July 1 of the year in which the license  
5 expires. Any license may be renewed by the applicant within 60 days after  
6 the date of expiration of the last license upon payment of a delinquent  
7 renewal fee.

8 Sec. 5. K.S.A. 2000 Supp. 65-1904b is hereby amended to read as  
9 follows: 65-1904b. (a) Upon application to the Kansas state board of cos-  
10 metology on a form provided for application for a cosmetologist, esthe-  
11 tician, ~~or electrologist or manicurist~~ license, accompanied by the appli-  
12 cation fee, a person practicing as a cosmetologist, esthetician, ~~or~~  
13 electrologist ~~or manicurist~~ under the laws of another state or jurisdiction  
14 shall be granted a license entitling the person to practice in this state if:

15 (1) The person is not less than 17 years of age and a graduate of an  
16 accredited high school, or equivalent thereof;

17 (2) the person submits to the board verification of date of birth;

18 (3) the person submits to the board a written statement from a person  
19 licensed to practice medicine and surgery under the laws of any state  
20 showing that the person is free from infectious or contagious disease; and

21 (4) the person *holds a current license in another state in the area of*  
22 *practice in which the person seeks a license and meets at least one of the*  
23 *following criteria:*

24 (A) ~~The person's training and qualifications, including examination~~  
25 ~~requirements, are equal to the requirements for licensure in this state~~  
26 ~~person passes a written and a practical examination administered by the~~  
27 ~~board relating to the area of practice in which the person seeks a license;~~  
28 or

29 (B) ~~the person has been licensed in a state or jurisdiction which has~~  
30 ~~substantially the same requirements for licensure as this state has the~~  
31 ~~number of hours of training required for licensure in this state and passes~~  
32 ~~the written examination administered for license renewal under subsec-~~  
33 ~~tion (a) of K.S.A. 65-1904 and amendments thereto.~~

34 (b) The renewal of a license issued pursuant to this section shall be  
35 in the manner provided in K.S.A. 65-1904 and amendments thereto.

36 Sec. 6. K.S.A. 2000 Supp. 65-1908 is hereby amended to read as  
37 follows: 65-1908. (a) The state board of cosmetology may revoke any  
38 license provided for by this act, may censure, limit or condition any license  
39 or may refuse to issue, renew or suspend any license or assess a fine, not  
40 to exceed \$1,000 per violation, for any of the following reasons:

41 (1) Failure to comply with the sanitary requirements prescribed by  
42 the secretary of health and environment pursuant to K.S.A. 65-1,148 and  
43 amendments thereto;

1 (2) failure to comply with any provision of this act, with the rules and  
2 regulations of the board of cosmetology or with any order issued by the  
3 board;

4 (3) has become a danger to the public by reason of alcohol or drug  
5 abuse;

6 (4) conviction of a felony unless the applicant or licensee is able to  
7 demonstrate to the board's satisfaction that such person has been suffi-  
8 ciently rehabilitated to warrant the public trust;

9 (5) the obtaining of, or the attempt to obtain, a license by fraudulent  
10 misrepresentation or bribery;

11 (6) advertising by means of false or knowingly deceptive matter or  
12 statement;

13 (7) failure to display the annual license or inspection report as pro-  
14 vided for in this act; ~~or~~

15 (8) being found guilty of gross negligence or unprofessional conduct  
16 as defined by rules and regulations of the board-; *or*

17 (9) *has had a license revoked, suspended or limited, or has had other*  
18 *disciplinary action taken, or an application for a license denied, by the*  
19 *proper regulatory authority of another state, territory, District of Colum-*  
20 *bia or another country, a certified copy of the record of the action of the*  
21 *other jurisdiction being conclusive evidence thereof.*

22 (b) The board may order the remedying of any violations of rules and  
23 regulations of the board or any provision of this act, and the board may  
24 issue a cease and desist order upon board determination that the holder  
25 of a license *or any person* has violated any order of the board, any rules  
26 and regulations of the board or any provision of this act.

27 (c) Inspectors employed by the board shall have such powers as the  
28 board may prescribe by rules and regulations to make inspections, inves-  
29 tigations, and inquiries, except that a permanent order for closing any  
30 establishment licensed by the board shall be issued only by the board.

31 (d) All proceedings under this section shall be conducted in accord-  
32 ance with the provisions of the Kansas administrative procedure act.

33 Sec. 7. K.S.A. 2000 Supp. 65-1909 is hereby amended to read as  
34 follows: 65-1909. (a) No person shall:

35 (1) ~~Knowingly~~ Employ an individual to engage in any activity for  
36 which a license is required pursuant to K.S.A. 65-1902 and amendments  
37 thereto unless such individual holds a currently valid license issued to  
38 such individual;

39 (2) violate any order or ruling of the state board of cosmetology;

40 (3) fail or refuse to comply with rules and regulations prescribed by  
41 the board or applicable sanitation standards adopted by the secretary of  
42 health and environment pursuant to K.S.A. 65-1,148; or

43 (4) violate any of the provisions of article 19 of chapter 65 of Kansas

1 Statutes Annotated.

2 (b) Violation of subsection (a) is a misdemeanor punishable by a fine  
3 of not less than \$10 nor more than \$100, or by imprisonment in the county  
4 jail for not less than 10 days nor more than 90 days, or by both such fine  
5 and imprisonment.

6 (c) The board may bring an action *in its own name in a court of*  
7 *competent jurisdiction* to enjoin any person from practicing or teaching  
8 cosmetology, esthetics, nail technology or electrology or from operating  
9 a salon, clinic or school ~~if such person does not hold where such courses~~  
10 ~~are taught without a currently valid license. If the court finds that such~~  
11 ~~person is unlawfully teaching or practicing cosmetology, esthetics, nail~~  
12 ~~technology or electrology or operating a salon, clinic or school without a~~  
13 ~~currently valid license, the court shall enter an injunction restraining such~~  
14 ~~person from such unlawful acts. In any civil action brought under this~~  
15 ~~section, it shall be presumed that irreparable damage will occur where~~  
16 ~~the board alleges and proves a person committed a violation of such li-~~  
17 ~~censing laws. In addition to issuing an order for injunctive relief, the court~~  
18 ~~also may assess a fine of not to exceed \$1,500 against such person.~~

19 Sec. 8. K.S.A. 65-1927 is hereby amended to read as follows: 65-  
20 1927. Any person who operates an unlicensed tanning facility in this state  
21 or knowingly violates this act or any rules and regulations adopted under  
22 this act shall be guilty of a class C misdemeanor.

23 New Sec. 9. (a) If the board determines that an individual or entity  
24 has operated a tanning facility without a valid license, in addition to any  
25 other penalties imposed by law, the board, in accordance with the Kansas  
26 administrative procedure act, may issue a cease and desist order against  
27 such individual or entity or may assess such individual or entity a fine of  
28 not to exceed \$1,500 or may issue such order and assess such fine. In  
29 determining the amount of fine to be assessed, the board may consider  
30 the following factors: (1) Willfulness of the violation, (2) repetitions of  
31 the violation, and (3) risk of harm to the public caused by the violation.

32 (b) The board may bring an action in its own name in a court of  
33 competent jurisdiction to enjoin any person from operating a tanning  
34 facility without a currently valid license. In any civil action brought under  
35 this section, it shall be presumed that irreparable damage will occur where  
36 the board alleges and proves a person committed a violation of such li-  
37 censing laws. In addition to issuing an order for injunctive relief, the court  
38 may also assess a fine of not to exceed \$1,500 against such person.

39 Sec. 10. K.S.A. 65-1927 and K.S.A. 2000 Supp. 65-1902, 65-1903,  
40 65-1904, 65-1904a, 65-1904b, 65-1908 and 65-1909 are hereby repealed.

41 Sec. 11. This act shall take effect and be in force from and after its  
42 publication in the statute book.

43