

HOUSE BILL No. 2977

By Committee on Health and Human Services

2-15

AN ACT concerning cosmetology; relating to definitions, board membership, reciprocity, training and examinations; amending K.S.A. 2001 Supp. 65-1901, 65-1903, 65-1904b, 65-1905, 65-1912 and 74-2701 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amendments thereto:

(a) "Apprentice" means any person engaged in learning the practice of cosmetology, nail technology, esthetics or electrology in a school of cosmetology, nail technology, esthetics or electrology licensed by the board, except until such time as an electrology school is established in this state apprenticing of electrology will be subject to approval by the board in a clinic or establishment.

(b) "Board" means the state board of cosmetology.

(c) "Cosmetologist" means any person, other than a manicurist or esthetician, who practices the profession of cosmetology for compensation.

(d) (1) "Cosmetology" means the profession of:

(A) Arranging, dressing, permanently curling, curling, waving, *permanently waving*, cleansing, ~~temporarily or permanently coloring~~, conditioning or cutting the hair, *bleaching, tinting, coloring or similar work upon the hair of any person by any means*;

(B) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, *ears*, neck, arms ~~or~~, hands, *torso, legs or feet* by use of either the hands or mechanical or electrical appliances;

(C) removing superfluous hair from the face or any part of the body by use of either the hands or mechanical or electrical appliances other than electric needles;

(D) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in paragraphs (A), (B) and (C) of this subsection (d)(1);

(E) manicuring, pedicuring or sculpturing nails *or artificial nail services*; or

1 (F) performing any other *noninvasive* beautifying process on any per-
2 son *by means of hands or mechanical or electrical appliances other than*
3 *electrical needles.*

4 (2) “Cosmetology” shall not include a service that results in tension
5 on hair strands or roots by twisting, wrapping, weaving, extending, lock-
6 ing, or braiding by hand or mechanical device so long as the service does
7 not include the application of dyes, reactive chemicals or other prepara-
8 tions to alter the color of the hair or to straighten, curl or alter the struc-
9 ture of the hair and so long as the requirements of K.S.A. 2001 Supp. 65-
10 1928 and amendments thereto are met. Nothing in this paragraph shall
11 be construed to preclude a licensed cosmetologist from performing the
12 service described in this paragraph.

13 (e) “Esthetician” means any person who, for compensation practices
14 the profession of cosmetology only to the following extent:

15 (1) Performing facials, skin care and eyebrow and eyelash services;

16 ~~or~~
17 (2) *massaging, cleansing, stimulating, manipulating or performing*
18 *similar work on the scalp, face, ears, neck, arms, hands, torso, legs or feet,*
19 *by use of hands or mechanical or electrical appliances; or*

20 ~~(2)~~ (3) removing superfluous hair from the face or body, using either
21 the hands or mechanical or electrical appliances other than electric
22 needles;

23 (4) *using cosmetic preparations, antiseptics, lotions, creams or other*
24 *preparations in performing any of the practices described in paragraphs*
25 *(1), (2) or (3) of subsection (e); or*

26 (5) *performing any other noninvasive skin-related beautifying process*
27 *on any person by means of hands or electrical appliances other than elec-*
28 *tric needles.*

29 (f) “Manicurist” means any person who, for compensation practices
30 the profession of cosmetology only to the extent of manicuring, pedicur-
31 ing and sculpturing nails *and application of artificial nail services.*

32 (g) “Nail technology” means manicuring, pedicuring and sculpturing
33 nails.

34 (h) “Electrologist” means any person who, for compensation removes
35 hair from, or destroys hair on, the human body for beautification by use
36 of an electric needle only.

37 (i) “Person” means any individual, corporation, partnership, associa-
38 tion or other entity.

39 (j) “*Student instructor*” means a person who is a cosmetologist and
40 *has met the board of cosmetology’s training requirements for obtaining a*
41 *student instructor’s permit.*

42 Sec. 2. K.S.A. 2001 Supp. 65-1903 is hereby amended to read as
43 follows: 65-1903. (a) Licensed schools may be established and maintained

1 in this state where the profession of cosmetology may be taught or ac-
2 quired, under the following conditions and regulations:

3 (1) Any person may apply to the board for a license for conducting a
4 school for the teaching of the profession of cosmetology. The license shall
5 be granted by the board upon proper and sufficient showing of compe-
6 tency of the applicant and assurance of compliance by the applicant with
7 the requirements of this act, all reasonable rules and regulations adopted
8 by the board for the proper conduct of the school and all applicable
9 sanitation standards adopted by the secretary of health and environment
10 pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance
11 of the license, the applicant shall pay to the board the nonrefundable
12 license application fee established under K.S.A. 65-1904 and amend-
13 ments thereto. School licenses shall be renewed before July 1 of each
14 year by submitting an application and payment of the nonrefundable li-
15 cense renewal fee established under K.S.A. 65-1904 and amendments
16 thereto. No license fee shall be required of schools operating under the
17 state board of regents or any tax-supported school. Nothing in this act
18 shall prohibit any person who is a licensed electrologist, while acting as
19 owner and manager of the person's clinic or establishment, from teaching
20 electrology in the regular course of the person's business, but at no time
21 shall any clinic or establishment have more than one apprentice or charge
22 tuition for its teaching services.

23 (2) Each school licensed under this subsection (a) shall remain under
24 the constant supervision of the board. Each licensed school at all times
25 shall employ and maintain a sufficient number of instructors, duly li-
26 censed in the practices they teach, to provide at least one instructor for
27 every 25 students. *A student instructor shall count toward the required*
28 *ratio of instructor to students.* Each licensed school shall provide a course
29 of ~~training~~ *instruction and practice in preparation for the profession of*
30 *cosmetology* requiring not less than 1,500 clock hours ~~of instruction and~~
31 ~~practice in preparation for the profession of cosmetology covering or may~~
32 ~~elect to base the course of study on credit hours by applying the credit~~
33 ~~hour formula of 34 C.F.R. 668.8.~~ *Each licensed school of cosmetology shall*
34 *cover a period of not less than nine nor more than 12 months of training*
35 *for full-time students. In addition, the school may provide a course of*
36 ~~training of~~ *instruction and practice in preparation of nail technology re-*
37 ~~quiring 350 clock hours of instruction and practice in the profession of~~
38 ~~nail technology, and a course of training of or may elect to base the course~~
39 ~~of study on credit hours by applying the credit hour formula of 34 C.F.R.~~
40 ~~668.8.~~ *Each licensed school of cosmetology may provide 650 clock hours*
41 ~~of or may elect to base the course of study on credit hours by applying~~
42 ~~the credit hour formula in 34 C.F.R. 668.8.~~ *Each licensed school of cos-*
43 *metology may provide instruction and practice in the profession of es-*

1 thetics. Such course of training shall include the practices of cosmetology
2 for all major ethnic groups residing in the state, and the board shall re-
3 quire by rules and regulations that each school shall provide instruction
4 for part-time students who are unable to attend a full schedule of classes
5 each week because of part-time employment; enrollment in an accredited
6 public or private school of secondary education by a student who is pur-
7 suing a course of study leading to a diploma from such school; enrollment
8 in a cooperative industrial training program, approved by the division of
9 vocational education of the state department of education, by a student
10 who is working toward an occupational objective; or the principles or
11 tenets of the student's religion preventing full-time attendance. Instruc-
12 tion of a part-time student shall be completed by the student within 18
13 months after the student's enrollment in the school.

14 (b) Any person who teaches the profession of cosmetology in a li-
15 censed school of cosmetology shall be required to obtain a cosmetology
16 instructor's license from the board. To qualify for a cosmetology instruc-
17 tor's license, the applicant must (1) be licensed as a cosmetologist under
18 this act, (2) have ~~practiced as a cosmetologist for one year prior to licen-~~
19 ~~sure, with~~ 300 hours of instructor training, (3) pass a cosmetology instruc-
20 tor exam, administered by the board or the board's designee, and (4) pay
21 the nonrefundable instructor license application fee established by K.S.A.
22 65-1904 and amendments thereto. A cosmetology instructor license shall
23 be renewed every two years by furnishing satisfactory evidence that the
24 applicant, except the first renewal period following licensure for appli-
25 cants not holding a cosmetology instructor license on the effective date
26 of this act, has completed 20 clock hours of continuing education ap-
27 proved by the board in the practice of cosmetology and teaching skills
28 and methods, and by paying the nonrefundable license renewal fee es-
29 tablished by K.S.A. 65-1904 and amendments thereto.

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

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

1 submitting an application and payment of the nonrefundable license re-
2 newal fee established under K.S.A. 65-1904 and amendments thereto. No
3 license fee shall be required of schools operating under the state board
4 of regents or any tax-supported school.

5 (2) Each school licensed under this subsection (c) shall remain under
6 the constant supervision of the board. Each licensed school at all times
7 shall employ and maintain a sufficient number of instructors, duly li-
8 censed in the practices they teach, to provide at least one instructor for
9 every 25 students. *A student instructor shall count toward the required*
10 *ratio of instructor to students.* Each licensed school shall provide a course
11 of ~~training~~ *instruction and practice in preparation for the profession of*
12 *manicurist* requiring not less than 350 clock hours ~~of instruction and~~
13 ~~practice in preparation for the profession of manicurist~~ *or may elect to*
14 *base the course of study on credit hours by applying the credit hour*
15 *formula in 34 C.F.R. 668.8. The board shall require by rules and regu-*
16 *lations that each school shall provide instruction for part-time students*
17 *who are unable to attend a full schedule of classes each week because of*
18 *part-time employment; enrollment in an accredited public or private*
19 *school of secondary education by a student who is pursuing a course of*
20 *study leading to a diploma from such school; enrollment in a cooperative*
21 *industrial training program, approved by the division of vocational edu-*
22 *cation of the state department of education, by a student who is working*
23 *toward an occupational objective; or the principles or tenets of the stu-*
24 *dent's religion preventing full-time attendance. Instruction of all students*
25 *shall be completed by the student within six months after the student's*
26 *enrollment in the school.*

27 (d) Any person who teaches nail technology in a licensed school of
28 cosmetology or nail technology shall be required to obtain a manicuring
29 instructor's license from the board, unless the person holds a valid cos-
30 metology instructor's license issued under subsection (b). To qualify for
31 a manicuring instructor's license, the applicant must (1) be licensed as a
32 cosmetologist or manicurist under this act, (2) have ~~practiced as a mani-~~
33 ~~curist or cosmetologist for one year prior to licensure, with~~ 300 hours of
34 instructor training, (3) pass a manicuring instructor exam, administered
35 by the board or the board's designee and (4) pay a nonrefundable instruc-
36 tor license application fee established by K.S.A. 65-1904 and amendments
37 thereto. A manicuring instructor license shall expire every two years and
38 shall be renewed by furnishing satisfactory evidence that the applicant,
39 except the first renewal period following licensure for applicants not hold-
40 ing a manicuring instructor license on the effective date of this act, has
41 completed 20 clock hours of continuing education, approved by the
42 board, in the practice of manicuring and teaching skills and methods and
43 paying the nonrefundable license renewal fee established by K.S.A. 65-

1 1904 and amendments thereto.

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

5 (1) Any person may apply to the board for a license for conducting a
6 school for the teaching of the profession of esthetics. The license shall be
7 granted by the board upon proper and sufficient showing of competency
8 of the applicant and assurance of compliance by the applicant with the
9 requirements of this act, all reasonable rules and regulations adopted by
10 the board for proper conduct of the school and all applicable sanitation
11 standards adopted by the secretary of health and environment pursuant
12 to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the
13 license, the applicant shall pay to the board the nonrefundable license
14 application fee established under K.S.A. 65-1904 and amendments
15 thereto. School licenses shall be renewed before July 1 of each year by
16 submitting an application and payment of the nonrefundable license re-
17 newal fee established under K.S.A. 65-1904 and amendments thereto. No
18 license fee shall be required of schools operating under the state board
19 of regents or any tax-supported school.

20 (2) Each school licensed under this subsection (e) shall remain under
21 the constant supervision of the board. Each licensed school at all times
22 shall employ and maintain a sufficient number of instructors, duly li-
23 censed in the practices they teach, to provide at least one full-time in-
24 structor for every 25 students. *A student instructor shall count toward*
25 *the required ratio of instructor to students.* Each licensed school shall
26 provide a course of ~~training~~ *instruction and practice in the preparation*
27 *for the profession of esthetics* requiring not less than 650 clock hours ~~of~~
28 ~~instruction and practice in esthetics~~ *or may elect to base the course of*
29 *study on credit hours by applying the credit hour formula in 34 C.F.R.*
30 *668.8.*

31 (f) Any person who teaches esthetics in a licensed school of cosme-
32 tology or esthetics shall be required to obtain an esthetics instructor's
33 license from the board, unless the person holds a valid cosmetology in-
34 structor's license issued under subsection (b). To qualify for an esthetics
35 instructor's license, the applicant must (1) be licensed as a cosmetologist
36 or esthetician under this act, (2) have ~~practiced as an esthetician or cos-~~
37 ~~metologist for one year prior to licensure, with~~ 300 hours of instructor
38 training, (3) pass an esthetician instructor exam, administered by the
39 board or the board's designee and (4) pay a nonrefundable license appli-
40 cation fee established by K.S.A. 65-1904 and amendments thereto. An
41 esthetics instructor license shall expire every two years and shall be re-
42 newed by furnishing satisfactory evidence that the applicant, except the
43 first renewal period following licensure for applicants not holding an es-

1 thetics instructor license on the effective date of this act, has completed
2 20 clock hours of continuing education, approved by the board, in the
3 practice of esthetics and teaching skills and methods and by paying the
4 nonrefundable license renewal fee established by K.S.A. 65-1904 and
5 amendments thereto.

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

9 (1) Any person may apply to the board for a license for conducting a
10 school for the teaching of the profession of electrology. The license shall
11 be granted by the board upon proper and sufficient showing of compe-
12 tency of the applicant and assurance of compliance by the applicant with
13 the requirements of this act, all reasonable rules and regulations adopted
14 by the board for the proper conduct of the school and all applicable
15 sanitation standards adopted by the secretary of health and environment
16 pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance
17 of the license, the applicant shall pay to the board the nonrefundable
18 license application fee established under K.S.A. 65-1904 and amend-
19 ments thereto. School licenses shall be renewed before July 1 of each
20 year by submitting an application and payment of the nonrefundable li-
21 cense renewal fee established under K.S.A. 65-1904 and amendments
22 thereto. No license fee shall be required of schools operating under the
23 state board of regents or any tax-supported school. Nothing in this act
24 shall prohibit any person who is a licensed instructor of electrology or
25 who is and has been for at least three years a licensed electrologist, while
26 acting as owner and manager of the person's salon, clinic or establishment,
27 from teaching electrology in the regular course of the person's business,
28 but at no time shall any salon, clinic or establishment have more than one
29 apprentice or charge tuition for its teaching services.

30 (2) Each school licensed under this subsection (e) shall remain under
31 the constant supervision of the board. Each licensed school at all times
32 shall employ and maintain a sufficient number of instructors, duly li-
33 censed in the practices they teach, to provide at least one full-time in-
34 structor for every four students. *A student instructor shall count toward*
35 *the ratio of instructor to students.* Each licensed school shall provide a
36 course of ~~training~~ *instruction and practice in preparation for the profes-*
37 *sion of electrology* requiring not less than 500 clock hours ~~of instruction~~
38 ~~and practice in electrology covering~~ *or may elect to base the course of*
39 *study on credit hours by applying the credit hour formula in 34 C.F.R.*
40 *668.8. Each licensed school of cosmetology shall cover a period of not less*
41 *than four months of training for full-time students and not less than eight*
42 *months of training for part-time students.*

43 (h) Any person who teaches electrology in a licensed school of cos-

1 metology or electrology shall be required to obtain an electrology instruc-
2 tor's license from the board. To qualify for an electrology instructor's
3 license, the applicant must (1) be licensed as an electrologist under this
4 act, (2) have ~~practiced as an electrologist for one year prior to licensure,~~
5 ~~with~~ 300 hours of instructor training, (3) pass an electrology instructor
6 exam, administered by the board or the board's designee and (4) pay a
7 nonrefundable instructor license application fee established under K.S.A.
8 65-1904 and amendments thereto. Electrology instructor licenses shall
9 expire every two years and may be renewed by furnishing satisfactory
10 evidence that the applicant, except the first renewal period following li-
11 censure for applicants not holding an electrology instructor license on the
12 effective date of this act, has completed 20 clock hours of continuing
13 education, approved by the board, in the practice and teaching of elec-
14 trology and paying the nonrefundable license renewal fee established un-
15 der K.S.A. 65-1904 and amendments thereto. To teach in a licensed salon,
16 the electrologist is issued a license for the period of training for the stu-
17 dent. To qualify they must: (1) Be a licensed practicing electrologist for
18 a three-year period and (2) pay a nonrefundable instructor license appli-
19 cation fee established under K.S.A. 65-1904 and amendments thereto.

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

23 (j) The board may provide by rules and regulations that instructor
24 licenses may expire less than two years from the date of issuance in order
25 for the expiration date of the instructor license to correspond with the
26 expiration date of the individual's license to practice cosmetology, nail
27 technology, esthetics or electrology. In each case in which an instructor
28 license is issued for a period of time of less than two years, the board
29 shall prorate the instructor license application fee from the month of the
30 date of application to the month of the date of expiration of the license
31 to practice cosmetology, nail technology, esthetics or electrology.

32 Sec. 3. K.S.A. 2001 Supp. 65-1904b is hereby amended to read as
33 follows: 65-1904b. (a) Upon application to the Kansas state board of cos-
34 metology on a form provided for application for a cosmetologist, esthe-
35 tician, electrologist or manicurist license, accompanied by the application
36 fee, a person practicing as a cosmetologist, esthetician, electrologist or
37 manicurist under the laws of another state or jurisdiction shall be granted
38 a license entitling the person to practice in this state if:

39 (1) The person is not less than 17 years of age and a graduate of an
40 accredited high school, or equivalent thereof *or an ACT score of at least*
41 *18*;

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

43 (3) the person submits to the board a written statement from a person

1 licensed to practice medicine and surgery under the laws of any state
2 showing that the person is free from infectious or contagious disease; and

3 (4) the person meets at least one of the following criteria:

4 (A) The person's training and qualifications, including examination
5 requirements, are equal to the requirements for licensure in this state;
6 or

7 (B) the person has been licensed in ~~a~~ *another* state or jurisdiction
8 ~~which has substantially the same requirements for licensure as this state~~
9 *and has practiced cosmetology for at least five years.*

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

12 Sec. 4. K.S.A. 2001 Supp. 65-1905 is hereby amended to read as
13 follows: 65-1905. (a) All examinations held or conducted by the board
14 shall be in accordance with rules and regulations adopted by the ~~board~~
15 *state board of regents*. The examinations shall include ~~practical and writ-~~
16 ~~ten tests~~ *a written test administered at the completion of 1,000 hours of*
17 *training*. Examinations to qualify for an instructor's license shall be lim-
18 ited to written tests.

19 (b) Each applicant for licensure by examination shall:

20 (1) Be at least 17 years of age;

21 (2) be a graduate of an accredited high school, or equivalent thereof.

22 The provisions of this paragraph shall not apply to any applicant who was
23 at least 25 years of age and licensed as an apprentice on May 21, 1998;

24 (3) submit to the board verification of date of birth;

25 (4) submit to the board a written statement from a person licensed
26 to practice medicine and surgery under the laws of any state showing that
27 the applicant is free from contagious and infectious diseases; and

28 (5) have served as an apprentice for the period of time provided by
29 K.S.A. 65-1912, and amendments thereto.

30 (c) Any person making application who apparently possesses the nec-
31 essary qualifications to take an examination provided herein, upon appli-
32 cation and payment of the nonrefundable temporary permit fee, may be
33 issued a temporary permit by the board to practice cosmetology until the
34 next regular examination conducted by the board.

35 Sec. 5. K.S.A. 2001 Supp. 65-1912 is hereby amended to read as
36 follows: 65-1912. (a) Any person desiring to practice as an apprentice shall
37 be required to pay to the board the fee required pursuant to K.S.A. 65-
38 1904 and amendments thereto and obtain an apprentice license from the
39 board. Application for an apprentice license allowing a person to practice
40 in a licensed school shall be submitted to the board not more than 15
41 days after the person's enrollment in the school.

42 (b) (1) An applicant for examination and licensure as a cosmetologist
43 shall be required to have practiced as an apprentice in a licensed school

1 for not less than 1,500 clock hours *or may elect to base the course of study*
2 *on credit hours by applying the credit hour formula in 34 C.F.R. 668.8.*

3 (2) An applicant for examination and licensure as an esthetician shall
4 be required to have practiced as an apprentice in a licensed school for
5 not less than 650 clock hours *or may elect to base the course of study on*
6 *credit hours by applying the formula in 34 C.F.R. 668.8.*

7 (3) An applicant for examination and licensure as a manicurist shall
8 be required to have practiced as an apprentice in a licensed school of
9 cosmetology or nail technology for not less than 350 clock hours *or may*
10 *elect to base the course of study on credit hours by applying the formula*
11 *in 34 C.F.R. 668.8.*

12 (4) An applicant for examination and licensure as an electrologist shall
13 be required to have practiced as an apprentice in a licensed school of
14 cosmetology or electrology for not less than 500 clock hours or in a li-
15 censed clinic or establishment for not less than 1,000 clock hours of train-
16 ing. The duration of practice as an apprentice in a clinic or establishment
17 must be in the clinic or establishment in which practice was commenced,
18 except that the board may permit, upon written application and for good
19 cause, the transfer of the apprentice to another clinic or establishment
20 for completion of the term of apprenticeship. Any licensed cosmetologist
21 who is practicing electrology in a licensed clinic or establishment on July
22 1, 1987, may apply for and be issued an electrologist's license without
23 examination.

24 (c) No apprentice shall make any charge for the apprentice's services,
25 but a licensed school of cosmetology, electrology or nail technology or a
26 proprietor of a licensed clinic or establishment in which an apprentice of
27 electrology practices may charge for services of the apprentice.

28 (d) For purposes of subsection (b), a person is not required to have
29 practiced as an apprentice continuously or without interruption in ob-
30 taining the required number of hours.

31 Sec. 6. K.S.A. 2001 Supp. 74-2701 is hereby amended to read as
32 follows: 74-2701. (a) There is hereby created the Kansas state board of
33 cosmetology, which shall be composed of seven members, appointed by
34 the governor, to regulate the practice of the profession of cosmetology in
35 Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments
36 thereto, a member shall be appointed from each congressional district
37 and the remainder from the state at large. Not more than four members
38 shall be of the same political party. Four members shall be licensed cos-
39 metologists; one member shall be a ~~licensed permanent color technician~~
40 ~~and tattoo artist or a licensed body piercer~~ *licensed school owner pursuant*
41 *to K.S.A. 65-1903, and amendments thereto. At least 30 days prior to the*
42 *expiration of any term, the licensed cosmetology schools may submit to*
43 *the governor a list of three names of school owners or directors or both*

1 *who possess recognized ability and who have the qualifications prescribed*
2 *for board members.* ~~and~~ Two members *who are not and never were a*
3 *member of any profession licensed or regulated pursuant to article 19 of*
4 *chapter 65 of the Kansas Statutes Annotated, and amendments thereto,*
5 *or the spouse of such person and who do not have, nor ever have had, a*
6 *material financial interest in either the providing of such professional*
7 *services regulated by article 19 of chapter 65 of the Kansas Statute An-*
8 *notated, and amendments thereto, or an activity or organization directly*
9 *related to any profession licensed or regulated pursuant to article 19 of*
10 *chapter 65 of the Kansas Statutes Annotated, and amendments thereto,*
11 *shall represent the general public interest, except that no manufacturer,*
12 *wholesaler or retailer of cosmetic supplies or equipment used by the*
13 *profession of cosmetology, or any representative of such manufacturer,*
14 *wholesaler or retailer, shall become a member of the board.*

15 (b) The terms of office of members of the board serving prior to the
16 effective date of this act shall expire on the effective date of this act, but
17 such members shall continue to serve until their successors are appointed
18 and qualified as provided in this section. Members of the board serving
19 prior to the effective date of this act may be reappointed as provided in
20 this section. Of the members first appointed to the board on and after
21 the effective date of this act, two members shall be appointed for terms
22 of one year, two members shall be appointed for terms of two years and
23 three members shall be appointed for terms of three years. Thereafter
24 each member of the board shall be appointed for a term of three years,
25 and until a successor is appointed and qualifies. The board shall annually
26 select a chairperson from its membership.

27 (c) The governor shall appoint an executive director who shall serve
28 at the pleasure of the governor. The executive director shall also be the
29 treasurer of the board and shall keep a record of the proceedings and
30 perform such other duties as the board shall direct.

31 (d) When a vacancy occurs by death or resignation, appointees to the
32 board shall have the prescribed qualifications. All vacancies in the board
33 shall be filled by the governor for the unexpired terms. The members of
34 the board shall take the oath of office prescribed for public officers before
35 entering upon the discharge of their duties.

36 Sec. 7. K.S.A. 2001 Supp. 65-1901, 65-1903, 65-1904b, 65-1905, 65-
37 1912 and 74-2701 are hereby repealed.

38 Sec. 8. This act shall take effect and be in force from and after its
39 publication in the statute book.

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