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4 **SENATE BILL No. 643**

5  
6 By Committee on Ways and Means

7  
8 3-8

9  
10 AN ACT concerning the secretary of health and environment; **abolish-**  
11 **ing the state board of cosmetology and transferring the powers,**  
12 **duties and functions thereof to the secretary of health and envi-**  
13 **ronment; concerning cosmetology and** permanent color technology,  
14 tattooing and body piercing; concerning the transfer of certain powers,  
15 duties and functions to the secretary of health and environment;  
16 amending K.S.A. **39-938, 65-1,148, 65-1920 and 65-1925 and**  
17 **K.S.A. 2001 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a,**  
18 **65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-**  
19 **1926,** 65-1940, 65-1941, 65-1943, 65-1944, 65-1945, 65-1946, 65-  
20 1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954, 65-1955 **and,** 74-  
21 2701 **and 75-3717** and repealing the existing sections; also repealing  
22 K.S.A. 2000 Supp. 65-1940, as amended by section 6 of chapter 193  
23 of the 2001 Session Laws of Kansas, 65-1941, as amended by section  
24 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as  
25 amended by section 8 of chapter 193 of the 2001 Session Laws of  
26 Kansas, 65-1944, as amended by section 9 of chapter 193 of the 2001  
27 Session Laws of Kansas, 65-1945, as amended by section 10 of chapter  
28 193 of the 2001 Session Laws of Kansas, 65-1946, as amended by  
29 section 11 of chapter 193 of the 2001 Session Laws of Kansas, 65-1947,  
30 as amended by section 12 of chapter 193 of the 2001 Session Laws of  
31 Kansas, 65-1948, as amended by section 13 of chapter 193 of the 2001  
32 Session Laws of Kansas, 65-1949, as amended by section 14 of chapter  
33 193 of the 2001 Session Laws of Kansas, 65-1950, as amended by  
34 section 15 of chapter 193 of the 2001 Session Laws of Kansas, 65-1951,  
35 as amended by section 16 of chapter 193 of the 2001 Session Laws of  
36 Kansas, 65-1954, as amended by section 17 of chapter 193 of the 2001  
37 Session Laws of Kansas, 74-2701, as amended by section 19 of chapter  
38 193 of the 2001 Session Laws of Kansas and section 21 of chapter 193  
39 of the 2001 Session Laws of Kansas.

40  
41 *Be it enacted by the Legislature of the State of Kansas:*

42 Section 1. K.S.A. 2001 Supp. 65-1955 is hereby amended to read as  
43 follows: 65-1955. (a) **On and after July 1, 2003, the state board of**

1 *cosmetology established under K.S.A. 74-2701 and amendments*  
2 *thereto and the position of executive director established under*  
3 *K.S.A. 74-2701 and amendments thereto are hereby abolished.*

4 (b) On July 1, ~~2002~~ 2003, all of the powers, duties and functions of the  
5 state board of cosmetology and the position of executive director thereof  
6 which relate to the administration of the provisions of K.S.A. 2001 Supp.  
7 65-1940 through 65-1954, and amendments thereto, are hereby trans-  
8 ferred to and imposed upon the secretary of health and environment.

9 ~~(b)~~ (c) On and after July 1, ~~2002~~ 2003, whenever the state board of  
10 cosmetology or the executive director thereof are referred to or desig-  
11 nated by this act, any other statute, rules and regulations, contract or other  
12 document, with reference to the administration of the provisions of K.S.A.  
13 2001 Supp. 65-1940 through 65-1954, and amendments thereto, such  
14 reference or designation shall apply to the secretary of health and  
15 environment.

16 ~~(c)~~ (d) All rules and regulations of the state board of cosmetology in  
17 existence on July 1, ~~2002~~ 2003, which relate to the administration of the  
18 provisions of K.S.A. 2001 Supp. 65-1940 through 65-1954, and amend-  
19 ments thereto, shall continue to be effective and shall be deemed to be  
20 duly adopted rules and regulations of the secretary of health and envi-  
21 ronment under this act until revised, amended, revoked or nullified pur-  
22 suant to law.

23 ~~(d)~~ (e) All orders and directives of the state board of cosmetology in  
24 existence on July 1, ~~2002~~ 2003, which relate to the administration of the  
25 provisions of K.S.A. 2001 Supp. 65-1940 through 65-1954, and amend-  
26 ments thereto, shall continue to be effective and shall be deemed to be  
27 orders and directives of the secretary of health and environment under  
28 this act until revised, amended, or nullified pursuant to law.

29 ~~(e)~~ (f) On July 1, ~~2002~~ 2003, all books, records and other property of  
30 the state board of cosmetology which relate to the administration of the  
31 provisions of K.S.A. 2001 Supp. 65-1940 through 65-1954, and amend-  
32 ments thereto, are hereby transferred to the secretary of health and  
33 environment.

34 ~~(f)~~ (g) On July 1, ~~2002~~ 2003, officers and employees who immediately  
35 prior to the effective date of this act **such date** were engaged in the  
36 exercise and performance of the powers, duties and functions which relate  
37 to the administration of the provisions of K.S.A. 2001 Supp. 65-1940  
38 through 65-1954, and amendments thereto, **specified in this section** and  
39 who, in the opinion of the secretary of health and environment, are nec-  
40 essary to perform the powers, duties and functions transferred under this  
41 section shall become officers and employees of the department of health  
42 and environment. Any such officer or employee shall retain all retirement  
43 benefits and all rights of civil service which had accrued to or vested in

1 such officer or employee prior to ~~the effective date of this act~~ **July 1,**  
2 **2003.** The service of each such officer and employee so transferred shall  
3 be deemed to have been continuous. All transfers and any abolition of  
4 personnel positions in the classified service under the Kansas civil service  
5 act shall be in accordance with civil service laws and any rules and reg-  
6 ulations adopted thereunder.

7 ~~(g)~~ **(h)** Whenever any conflict arises as to the proper disposition of  
8 any property or records as a result of any abolishment and transfer made  
9 under this act, or under authority of this act, such conflict shall be resolved  
10 by the governor, and the decision of the governor shall be final.

11 Sec. 2. On July 1, 2003, K.S.A. 2001 Supp. 65-1940 is hereby  
12 amended to read as follows: 65-1940. As used in this act, unless the con-  
13 text otherwise requires:

14 ~~(a)~~ “Board” means the Kansas state board of cosmetology.

15 ~~(b)~~ “Director” means the executive director of the board.

16 ~~(c)~~ *(a)* “Department” means the department of health and  
17 environment.

18 ~~(d)~~ *(b)* “Secretary” means the secretary of health and environment.

19 ~~(e)~~ *(c)* “Licensed permanent color technician and tattoo artist” means  
20 a person licensed under this act to practice tattooing or permanent color  
21 technology, or both.

22 ~~(f)~~ *(d)* “Permanent color technician and tattoo artist” means a person  
23 who practices tattooing or permanent color technology, or both pursuant  
24 to this act.

25 ~~(g)~~ *(e)* “Body piercing” means puncturing the skin of a person by aid  
26 of needles or other instruments designed or used to puncture the skin  
27 for the purpose of inserting removable jewelry or other objects through  
28 the human body, except puncturing the external part of the human ear-  
29 lobe shall not be included in this definition. This act shall not be construed  
30 to authorize a licensed body piercer to implant or embed foreign objects  
31 into the human body or otherwise to engage in the practice of medicine  
32 and surgery.

33 ~~(h)~~ *(f)* “Physician” means a person licensed to practice medicine and  
34 surgery by the state board of healing arts.

35 ~~(i)~~ *(g)* “Tattoo” means the indelible mark, figure or decorative design  
36 introduced by insertion of nontoxic dyes or pigments into or under the  
37 subcutaneous portion of the skin upon the body of a live human being.

38 ~~(j)~~ *(h)* “Tattooing” means the process by which the skin is marked or  
39 colored by insertion of nontoxic dyes or pigments into or under the sub-  
40 cutaneous portion of the skin so as to form indelible marks for cosmetic  
41 or figurative purposes.

42 ~~(k)~~ *(i)* “Tattoo facility” means any room or space or any part thereof  
43 where tattooing is practiced or where the business of tattooing is

1 conducted.

2 ~~(j)~~ (j) “Body piercing facility” means any room space, or any part  
3 thereof, where body piercing is practiced or where the business of body  
4 piercing is conducted.

5 ~~(k)~~ (k) “Permanent color technology” means the process by which  
6 the skin is marked or colored by insertion of nontoxic dyes or pigments  
7 into or under the subcutaneous portion of the skin so as to form indelible  
8 marks for cosmetic or figurative purposes.

9 Sec. 3. On July 1, 2003, K.S.A. 2001 Supp. 65-1941 is hereby  
10 amended to read as follows: 65-1941. (a) No person, including a perma-  
11 nent color technician and tattoo artist, shall perform tattooing, display a  
12 sign or in any other way advertise or purport to be a permanent color  
13 technician and tattoo artist unless that person holds a valid license issued  
14 by the ~~board~~ *secretary*. No person shall perform body piercing, display a  
15 sign or in any other way advertise or purport to be in the business of body  
16 piercing unless that person holds a valid license issued by the ~~board~~ *sec-*  
17 *retary*. This act does not prevent or affect the use of tattooing, permanent  
18 color technology or body piercing by a physician, a person under the  
19 control and supervision of a physician, a licensed dentist, a person under  
20 the control and supervision of a licensed dentist, an individual performing  
21 tattooing, permanent color technology or body piercing solely on such  
22 individual’s body or any other person specifically permitted to use elec-  
23 trolysis or tattooing by law.

24 (b) Violation of subsection (a) is a class A nonperson misdemeanor.

25 (c) The ~~board~~ *secretary* may bring an action to enjoin any person  
26 required to be licensed under K.S.A. 2001 Supp. 65-1940 to 65-1954,  
27 inclusive, and amendments thereto from practicing body piercing, tattoo-  
28 ing or permanent color technology if such person does not hold a cur-  
29 rently valid license authorizing the person to engage in such practice. The  
30 ~~board~~ *secretary* may bring an action to enjoin any person from operating  
31 a facility required to be licensed under K.S.A. 2001 Supp. 65-1940 to 65-  
32 1954, inclusive, and amendments thereto if such person does not hold a  
33 currently valid facility license.

34 (d) The ~~board~~ *secretary* may order the remedying of any violations  
35 of rules and regulations of the ~~board~~ *secretary* or any provision of this act  
36 and the ~~board~~ *secretary* may issue a cease and desist order upon ~~board~~  
37 determination that the holder of a license has violated any order of the  
38 ~~board~~ *secretary*, any rules and regulations of the ~~board~~ *secretary* or any  
39 provision of K.S.A. 2001 Supp. 65-1940 to 65-1954, inclusive, and amend-  
40 ments thereto.

41 Sec. 4. On July 1, 2003, K.S.A. 2001 Supp. 65-1943 is hereby  
42 amended to read as follows: 65-1943. An applicant for licensure shall pay  
43 a fee established by rules and regulations adopted by the ~~board~~ *secretary*

1 and shall show to the satisfaction of the ~~board~~ *secretary* that the applicant:

2 (a) Has complied with the provisions of this act and the applicable  
3 rules and regulations of the secretary;

4 (b) is not less than 18 years of age;

5 (c) has a high school diploma or equivalent education;

6 (d) has submitted evidence of completion of education or training  
7 prescribed and approved by the ~~board~~ *secretary* as follows:

8 (1) (A) A training program under the direct supervision of a licensed  
9 permanent color technician and tattoo artist in a state approved by the  
10 ~~board~~ *secretary*, or a person or school in this state designated by the ~~board~~  
11 *secretary*, if the application is for a permanent color technician and tattoo  
12 artist license; or

13 (B) a training program under the direct supervision of a person li-  
14 censed in a state approved by the ~~board~~ *secretary* or a person or school  
15 in this state designated by the ~~board~~ *secretary* if the application is for a  
16 license to perform body piercing; and

17 (2) if the license is applied for under either subpart (A) or (B), has  
18 passed an examination approved, administered or recognized by the  
19 ~~board~~ *secretary*.

20 Sec. 5. On July 1, 2003, K.S.A. 2001 Supp. 65-1944 is hereby  
21 amended to read as follows: 65-1944. (a) A person who holds a license  
22 shall notify the ~~board~~ *secretary* in writing of the regular address of the  
23 place or places where the person performs or intends to perform tattooing  
24 or body piercing and shall keep the license conspicuously posted in the  
25 place of business at all times.

26 (b) The ~~board~~ *secretary* shall keep a record of the place or places of  
27 business of each person who holds a license.

28 (c) Any notice required to be given by the ~~board~~ *secretary* to a person  
29 who holds a license may be given by mailing the notice to the address of  
30 the last place of business of which the person has notified the ~~board~~  
31 *secretary*.

32 (d) The ~~board~~ *secretary* shall issue to each qualified applicant a li-  
33 cense to operate a tattoo facility or a body piercing facility and to advertise  
34 permanent tattooing or body piercing services for which the facility is  
35 licensed.

36 Sec. 6. On July 1, 2003, K.S.A. 2001 Supp. 65-1945 is hereby  
37 amended to read as follows: 65-1945. (a) Except as otherwise provided  
38 in this section, a license issued under K.S.A. 2001 Supp. 65-1950 expires  
39 one year after the date of issue unless renewed by payment of the re-  
40 quired renewal fee. The ~~board~~ *secretary* may vary the date of license  
41 renewal by giving to the applicant written notice of the renewal date being  
42 assigned and by making prorated adjustments in the renewal fee. If pay-  
43 ment is transmitted by postal service, the envelope must be postmarked

1 on or before the expiration of the license. If the license expires, the license  
2 may be renewed on payment of a renewal fee and late penalty fee estab-  
3 lished by the ~~board~~ *secretary* under this act.

4 (b) The ~~board~~ *secretary* may suspend the license of any person who  
5 fails to renew. A suspended license may be reactivated upon the payment  
6 of a reactivation fee established by the ~~board~~ *secretary* under this act and  
7 all past unpaid renewal fees.

8 (c) A person applying for reactivation shall not be required to take  
9 an examination as a condition of reactivation if the reactivation occurs  
10 within three years after the date the license expired.

11 (d) All permanent color technicians, tattoo artists and persons who  
12 are licensed to perform body piercing must participate in continuing ed-  
13 ucation, with guidelines and effective date to be established by rules and  
14 regulations of the ~~board~~ *secretary*.

15 Sec. 7. On July 1, 2003, K.S.A. 2001 Supp. 65-1946 is hereby  
16 amended to read as follows: 65-1946. Licensed practicing permanent  
17 color technicians and tattoo artists and persons who are licensed to per-  
18 form body piercing shall meet the following standards and any others the  
19 ~~board~~ *secretary* may adopt by rules and regulations:

20 (a) Tattooing and body piercing instruments shall be sterilized in ac-  
21 cordance with methods approved by rules and regulations of the ~~board~~  
22 ~~and such rules and regulations shall be approved by the secretary before~~  
23 ~~adoption or amendment~~ *secretary*;

24 (b) practicing permanent color technicians and tattoo artists and per-  
25 sons licensed to perform body piercing shall be equipped with appropri-  
26 ate sterilizing equipment, with availability of hot and cold running water  
27 and a covered waste receptacle; and

28 (c) case history cards shall be kept for each client for a period of five  
29 years.

30 Sec. 8. On July 1, 2003, K.S.A. 2001 Supp. 65-1947 is hereby  
31 amended to read as follows: 65-1947. The ~~board~~ *secretary* may revoke,  
32 suspend, refuse to issue a license or renewal or place on probation any  
33 licensee upon proof that a person or licensee:

34 (a) Has been convicted of a violation under K.S.A. 2001 Supp. 65-  
35 1942 *and amendments thereto*;

36 (b) has been convicted in this or any other state of a crime related to  
37 the practice of tattooing or body piercing;

38 (c) has knowingly misrepresented, misstated or failed to disclose per-  
39 sonal qualifications or other information necessary to practice tattooing  
40 or body piercing in any communication to the ~~board~~ *secretary* or the  
41 department;

42 (d) has used, caused or promoted the use of any advertising matter,  
43 promotional literature, warranty, label, insignia or any other representa-

1 tion, however disseminated or published, that is false, misleading or  
2 deceptive;

3 (e) has knowingly deceived the public by acting in a manner as to  
4 mislead clients as to the person's professional status;

5 (f) has employed directly or indirectly any suspended or unlicensed  
6 person to perform any tattooing or body piercing covered by this act;

7 (g) has permitted another person to use the license;

8 (h) has practiced tattooing or body piercing under a false, misleading  
9 or deceptive name;

10 (i) has failed, if a licensed permanent color technician and tattoo artist  
11 or if licensed to perform body piercing, to maintain a business address  
12 and telephone number at which the licensee may be reached during busi-  
13 ness hours;

14 (j) has failed, if a nonpracticing permanent color technician and tattoo  
15 artist or a person licensed to perform body piercing, to provide the ~~board~~  
16 *secretary* with a home address and telephone number;

17 (k) has failed to properly and reasonably accept responsibility for the  
18 actions of employees;

19 (l) has practiced tattooing or body piercing with a mental or physical  
20 illness that affects ability to perform or endangers the public;

21 (m) has demonstrated gross incompetence in performing tattooing or  
22 body piercing; or

23 (n) has violated any of the provisions of this act or rules and regula-  
24 tions adopted by the ~~board~~ *secretary* pursuant to this act.

25 Sec. 9. On July 1, 2003, K.S.A. 2001 Supp. 65-1948 is hereby  
26 amended to read as follows: 65-1948. The powers and duties of the ~~board~~  
27 *secretary* as related to this act are as follows:

28 (a) To authorize all disbursements necessary to carry out the provi-  
29 sions of this act;

30 (b) to determine training and experience requirements for taking the  
31 examination and to supervise and administer examinations to test the  
32 knowledge of applicants for licensure;

33 (c) to license persons who apply to the ~~board~~ *secretary* and who have  
34 qualified to practice tattooing or body piercing;

35 (d) to rent facilities when necessary to carry out the examination of  
36 applicants for licensure;

37 (e) to renew licenses;

38 (f) to suspend or revoke licenses or place licensees on probation in  
39 the manner provided by this act;

40 (g) to appoint representatives to conduct or supervise the examina-  
41 tion of applicants for licensure;

42 (h) to designate the time and place for examining applicants for  
43 licensure;

1 (i) to carry out, ~~together with the department or separately,~~ the pe-  
2 riodic inspection of facilities of persons who are licensed to practice tat-  
3 tooing or body piercing *and to enter into contracts for the performance*  
4 *of such inspections;*

5 (j) to issue a tattoo facility license to qualified applicants upon com-  
6 pliance with this act;

7 (k) to issue a body piercing facility license to qualified applicants upon  
8 compliance with this act; and

9 (l) to appoint or employ subordinate employees.

10 Sec. 10. On July 1, 2003, K.S.A. 2001 Supp. 65-1949 is hereby  
11 amended to read as follows: 65-1949. (a) The ~~board~~ *secretary* shall adopt  
12 rules and regulations to prescribe education and training standards for  
13 the practice of tattooing and separate education and training standards  
14 for the licensure of body piercing.

15 (b) An applicant seeking licensure as a permanent color technician  
16 and tattoo artist or to be licensed to perform body piercing shall be re-  
17 quired to demonstrate safety, sanitation and sterilization techniques by  
18 means of an inspection conducted by the ~~board~~ *secretary* to test the ap-  
19 plicant's knowledge of infection control practices and requirements.

20 Sec. 11. On July 1, 2003, K.S.A. 2001 Supp. 65-1950 is hereby  
21 amended to read as follows: 65-1950. (a) The ~~board~~ *secretary* shall assess,  
22 by rules and regulations adopted by the ~~board~~ *secretary*, the following  
23 fees and any other fees necessary to carry out the provisions of this act:

24 (1) Application fee;

25 (2) examination fees;

26 (3) reexamination fees;

27 (4) reciprocity fee;

28 (5) license fee;

29 (6) license renewal fee, active and inactive;

30 (7) late fee;

31 (8) reactivation fee;

32 (9) duplicate license fee;

33 (10) demonstration permit;

34 (11) tattoo facility fee and renewal fee, active or inactive; and

35 (12) body piercing facility fee renewal fee.

36 (b) The ~~board~~ *secretary* shall license each applicant, without discrim-  
37 ination, who proves to the satisfaction of the ~~board~~ *secretary*, fitness for  
38 such licensure as required by this act and upon payment of a fee estab-  
39 lished by the ~~board~~ *secretary* under this section. Except as provided in  
40 K.S.A. 2001 Supp. 65-1945, *and amendments thereto* the ~~board~~ *secretary*  
41 shall issue to the applicant a license that expires one year after the date  
42 of issuance.

43 (c) An applicant who is employed as a permanent color technician



1 and tattoo artist on the day immediately preceding the effective *date* of  
2 this act shall be licensed by the ~~board~~ *secretary*, even though the applicant  
3 does not meet the training requirements of this act, so long as the appli-  
4 cant successfully passes an examination required by the ~~board~~ *secretary*.

5 (d) The ~~board~~ *secretary* shall establish all fees under this act. The  
6 fees and charges established under this section shall not exceed the cost  
7 of administering the regulatory program under this act pertaining to the  
8 purpose for which the fee or charge is established.

9 Sec. 12. On July 1, 2003, K.S.A. 2001 Supp. 65-1951 is hereby  
10 amended to read as follows: 65-1951. The ~~board, the director~~ *secretary*  
11 or a person authorized by the ~~board~~ *secretary* shall remit all moneys  
12 received ~~by or for it~~ *under the provisions of K.S.A. 2001 Supp. 65-1940*  
13 *through 65-1954, and amendments thereto*, from fees, charges or penal-  
14 ties to the state treasurer in accordance with the provisions of K.S.A. 72-  
15 4215, and amendments thereto. Upon receipt of each such remittance  
16 the state treasurer shall deposit the entire amount in the state treasury.  
17 Twenty percent of each such deposit shall be credited to the state general  
18 fund and the balance shall be credited to the ~~cosmetology~~ *tattoo and body*  
19 *piercing* fee fund.

20 Sec. 13. On July 1, 2003, K.S.A. 2001 Supp. 65-1954 is hereby  
21 amended to read as follows: 65-1954. (a) The ~~board~~ *secretary*, in addition  
22 to any other penalty prescribed under the act governing permanent color  
23 technicians and tattoo artists, may assess civil fines and costs, including  
24 attorney fees, after proper notice and an opportunity to be heard, against  
25 any person or entity for a violation of the statutes, rules and regulations  
26 or orders enforceable by the ~~board~~ *secretary* in an amount not to exceed  
27 \$5,000 for the first violation, \$10,000 for the second violation and \$15,000  
28 for the third violation and for each subsequent violation.

29 (b) In determining the amount of penalty to be assessed pursuant to  
30 this section, the ~~board~~ *secretary* may consider the following factors among  
31 others: (1) Willfulness of the violation; (2) repetitions of the violation; and  
32 (3) magnitude of the risk of harm caused by the violation.

33 (c) In addition to a civil penalty and costs, the ~~board~~ *secretary* may  
34 assess investigation and hearing costs against a licensee for proceedings  
35 which have resulted in a successful action by the ~~board~~ *secretary* against  
36 the license of the licensee under K.S.A. 2001 Supp. 65-1947, and amend-  
37 ments thereto.

38 (d) All civil fines assessed and collected under this section shall be  
39 remitted to the state treasurer in accordance with the provisions of K.S.A.  
40 75-4215, and amendments thereto. Upon receipt of each such remittance,  
41 the state treasurer shall deposit the entire amount in the state treasury  
42 to the credit of the state general fund. All costs assessed under this section  
43 shall be remitted to the state treasurer in accordance with the provisions

1 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
2 remittance, the state treasurer shall deposit the entire amount in the state  
3 treasury to the credit of the ~~cosmetology~~ *tattoo and body piercing* fee  
4 fund.

5 Sec. 14. On July 1, 2003, K.S.A. 2001 Supp. 74-2701 is hereby  
6 amended to read as follows: 74-2701. (a) There is hereby created the  
7 Kansas state board of cosmetology, which shall be composed of ~~seven~~ *six*  
8 members, appointed by the governor, to regulate the practice of the pro-  
9 fession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-  
10 4315c and amendments thereto, a member shall be appointed from each  
11 congressional district and the remainder from the state at large. Not more  
12 than four members shall be of the same political party. Four members  
13 shall be licensed cosmetologists; ~~one member shall be a licensed per-~~  
14 ~~manent color technician and tattoo artist or a licensed body piercer,~~ and  
15 two members shall represent the general public interest, except that no  
16 manufacturer, wholesaler or retailer of cosmetic supplies or equipment  
17 used by the profession of cosmetology, or any representative of such man-  
18 ufacturer, wholesaler or retailer, shall become a member of the board.

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

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

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

40 ***Sec. 15. On July 1, 2003, K.S.A. 39-938 is hereby amended to***  
41 ***read as follows: 39-938. Adult care homes shall comply with all the***  
42 ***lawfully established requirements and rules and regulations of the***  
43 ***secretary of health and environment and the state fire marshal, and***

1 *any other agency of government so far as pertinent and applicable*  
2 *to adult care homes, their buildings, operators, staffs, facilities,*  
3 *maintenance, operation, conduct, and the care and treatment of res-*  
4 *idents. The administrative rules and regulations of the ~~state board~~*  
5 *of secretary of health and environment relating to cosmetology and of*  
6 *the Kansas board of barbering shall not apply to adult care homes.*

7 **Sec. 16.** *On July 1, 2003, K.S.A. 65-1,148 is hereby amended to*  
8 *read as follows: 65-1,148. (a) As used in this section, “sanitation*  
9 *standards” means standards for personal and environmental sani-*  
10 *tation and for the prevention of infectious and contagious diseases.*

11 *(b) The secretary of health and environment shall adopt rules*  
12 *and regulations establishing sanitation standards for professions,*  
13 *shops, salons, clinics, schools and colleges regulated by the state*  
14 *board of barber examiners or the ~~state board of practice of~~*  
15 *cosmetology.*

16 **Sec. 17.** *On July 1, 2003, K.S.A. 2001 Supp. 65-1901 is hereby*  
17 *amended to read as follows: 65-1901. As used in K.S.A. 65-1901*  
18 *through 65-1912, and amendments thereto:*

19 *(a) “Apprentice” means any person engaged in learning the*  
20 *practice of cosmetology, nail technology, esthetics or electrology in*  
21 *a school of cosmetology, nail technology, esthetics or electrology*  
22 *licensed by the ~~board~~ secretary, except until such time as an elec-*  
23 *trology school is established in this state apprenticing of electrology*  
24 *will be subject to approval by the board in a clinic or establishment.*

25 *(b) “Board” means the state board of cosmetology. “Secretary” means*  
26 *the secretary of health and environment.*

27 *(c) “Cosmetologist” means any person, other than a manicurist*  
28 *or esthetician, who practices the profession of cosmetology for*  
29 *compensation.*

30 *(d) (1) “Cosmetology” means the profession of:*

31 *(A) Arranging, dressing, permanently curling, curling, waving,*  
32 *cleansing, temporarily or permanently coloring, conditioning or*  
33 *cutting the hair;*

34 *(B) massaging, cleansing, stimulating, manipulating or per-*  
35 *forming similar work on the scalp, face, neck, arms or hands, by use*  
36 *of either the hands or mechanical or electrical appliances;*

37 *(C) removing superfluous hair from the face or any part of the*  
38 *body by use of either the hands or mechanical or electrical appli-*  
39 *ances other than electric needles;*

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

43 *(E) manicuring, pedicuring or sculpturing nails; or*

1 (F) performing any other beautifying process on any person.

2 (2) “Cosmetology” shall not include a service that results in ten-  
3 sion on hair strands or roots by twisting, wrapping, weaving, ex-  
4 tending, locking, or braiding by hand or mechanical device so long  
5 as the service does not include the application of dyes, reactive  
6 chemicals or other preparations to alter the color of the hair or to  
7 straighten, curl or alter the structure of the hair and so long as the  
8 requirements of K.S.A. 2000 Supp. 65-1928 and amendments  
9 thereto are met. Nothing in this paragraph shall be construed to  
10 preclude a licensed cosmetologist from performing the service de-  
11 scribed in this paragraph.

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

14 (1) Performing facials, skin care and eyebrow and eyelash serv-  
15 ices; or

16 (2) removing superfluous hair from the face or body, using ei-  
17 ther the hands or mechanical or electrical appliances other than  
18 electric needles.

19 (f) “Manicurist” means any person who, for compensation prac-  
20 tices the profession of cosmetology only to the extent of manicuring,  
21 pedicuring and sculpturing nails.

22 (g) “Nail technology” means manicuring, pedicuring and sculp-  
23 turing nails.

24 (h) “Electrologist” means any person who, for compensation re-  
25 moves hair from, or destroys hair on, the human body for beauti-  
26 fication by use of an electric needle only.

27 (i) “Person” means any individual, corporation, partnership,  
28 association or other entity.

29 **Sec. 18. On July 1, 2003, K.S.A. 2001 Supp. 65-1902 is hereby**  
30 **amended to read as follows: 65-1902. (a) Except as provided in sub-**  
31 **section (b), no person shall:**

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

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

38 (3) teach cosmetology in a licensed school unless the person  
39 holds a valid cosmetology instructor’s license issued by the board  
40 secretary;

41 (4) conduct a school for teaching nail technology unless the per-  
42 son holds a valid license, issued by the board secretary, to conduct  
43 the school;

1     **(5) teach nail technology in a licensed school unless the person**  
2 **holds a valid cosmetology or manicuring instructor’s license issued**  
3 **by the ~~board~~ secretary;**

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

7     **(7) teach electrology in a licensed school or clinic unless the**  
8 **person holds a valid electrology instructor’s license issued by the**  
9 **~~board~~ secretary;**

10    **(8) conduct a school for teaching esthetics unless the person**  
11 **holds a valid license, issued by the ~~board~~ secretary, to conduct the**  
12 **school;**

13    **(9) teach esthetics in a licensed school unless the person holds**  
14 **a valid cosmetology or esthetics instructor’s license issued by the**  
15 **~~board~~ secretary;**

16    **(10) own or operate a school, salon or clinic where cosmetology,**  
17 **esthetics, nail technology or electrology is taught or practiced un-**  
18 **less the person holds a valid school, salon or clinic license issued**  
19 **by the ~~board~~ secretary; or**

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

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

25    **(1) Any person licensed as a barber or apprentice barber;**

26    **(2) any person licensed to practice medicine and surgery, chi-**  
27 **ropractic, optometry, nursing or dentistry, while engaged in that**  
28 **practice;**

29    **(3) any person who is a registered physical therapist or certified**  
30 **physical therapist assistant while engaged in that practice; or**

31    **(4) any teacher while engaged in instructing elementary or sec-**  
32 **ondary school students in the proper care of their own persons.**

33    **(c) A person holding a license as a cosmetology technician on**  
34 **the day immediately preceding the effective date of this act shall**  
35 **continue to be a licensed cosmetology technician and perform the**  
36 **functions of a cosmetology technician, as such term was defined**  
37 **immediately prior to the effective date of this act, and may renew**  
38 **such license subject to the payment of fees and other conditions and**  
39 **limitations on the renewal of licenses under article 19 of chapter 65**  
40 **of the Kansas Statutes Annotated and acts amendatory of the pro-**  
41 **visions thereof.**

42    **Sec. 19. On July 1, 2003, K.S.A. 2001 Supp. 65-1903 is hereby**  
43 **amended to read as follows: 65-1903. (a) Licensed schools may be**

1 *established and maintained in this state where the profession of*  
2 *cosmetology may be taught or acquired, under the following con-*  
3 *ditions and regulations:*

4 (1) *Any person may apply to the board secretary for a license for*  
5 *conducting a school for the teaching of the profession of cosmetol-*  
6 *ogy. The license shall be granted by the board secretary upon proper*  
7 *and sufficient showing of competency of the applicant and assur-*  
8 *ance of compliance by the applicant with the requirements of this*  
9 *act, all reasonable rules and regulations adopted by the board sec-*  
10 *retary for the proper conduct of the school and all applicable sani-*  
11 *tation standards adopted by the secretary of health and environ-*  
12 *ment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to*  
13 *issuance of the license, the applicant shall pay to the board secretary*  
14 *the nonrefundable license application fee established under K.S.A.*  
15 *65-1904 and amendments thereto. School licenses shall be renewed*  
16 *before July 1 of each year by submitting an application and pay-*  
17 *ment of the nonrefundable license renewal fee established under*  
18 *K.S.A. 65-1904 and amendments thereto. No license fee shall be*  
19 *required of schools operating under the state board of regents or*  
20 *any tax-supported school. Nothing in this act shall prohibit any per-*  
21 *son who is a licensed electrologist, while acting as owner and man-*  
22 *ager of the person's clinic or establishment, from teaching electrol-*  
23 *ogy in the regular course of the person's business, but at no time*  
24 *shall any clinic or establishment have more than one apprentice or*  
25 *charge tuition for its teaching services.*

26 (2) *Each school licensed under this subsection (a) shall remain*  
27 *under the constant supervision of the board secretary. Each licensed*  
28 *school at all times shall employ and maintain a sufficient number*  
29 *of instructors, duly licensed in the practices they teach, to provide*  
30 *at least one instructor for every 25 students. Each licensed school*  
31 *shall provide a course of training requiring not less than 1,500 clock*  
32 *hours of instruction and practice in preparation for the profession*  
33 *of cosmetology covering a period of not less than nine nor more*  
34 *than 12 months of training for full-time students. In addition, the*  
35 *school may provide a course of training of 350 clock hours of in-*  
36 *struction and practice in the profession of nail technology, and a*  
37 *course of training of 650 clock hours of instruction and practice in*  
38 *the profession of esthetics. Such course of training shall include the*  
39 *practices of cosmetology for all major ethnic groups residing in the*  
40 *state, and the board secretary shall require by rules and regulations*  
41 *that each school shall provide instruction for part-time students*  
42 *who are unable to attend a full schedule of classes each week be-*  
43 *cause of part-time employment; enrollment in an accredited public*

1 or private school of secondary education by a student who is pur-  
2 suing a course of study leading to a diploma from such school; en-  
3 rollment in a cooperative industrial training program, approved by  
4 the division of vocational education of the state department of ed-  
5 ucation, by a student who is working toward an occupational ob-  
6 jective; or the principles or tenets of the student's religion prevent-  
7 ing full-time attendance. Instruction of a part-time student shall be  
8 completed by the student within 18 months after the student's en-  
9 rollment in the school.

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

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

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

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

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

25 (d) *Any person who teaches nail technology in a licensed school*  
26 *of cosmetology or nail technology shall be required to obtain a man-*  
27 *icuring instructor's license from the board secretary, unless the per-*  
28 *son holds a valid cosmetology instructor's license issued under sub-*  
29 *section (b). To qualify for a manicuring instructor's license, the*  
30 *applicant must (1) be licensed as a cosmetologist or manicurist un-*  
31 *der this act, (2) have practiced as a manicurist or cosmetologist for*  
32 *one year prior to licensure, with 300 hours of instructor training,*  
33 *(3) pass a manicuring instructor exam, administered by the board*  
34 *secretary or the board's secretary's designee and (4) pay a nonrefund-*  
35 *able instructor license application fee established by K.S.A. 65-1904*  
36 *and amendments thereto. A manicuring instructor license shall ex-*  
37 *pire every two years and shall be renewed by furnishing satisfactory*  
38 *evidence that the applicant, except the first renewal period follow-*  
39 *ing licensure for applicants not holding a manicuring instructor*  
40 *license on the effective date of this act, has completed 20 clock hours*  
41 *of continuing education, approved by the board secretary, in the*  
42 *practice of manicuring and teaching skills and methods and paying*  
43 *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*  
3 *state where the profession of esthetics may be taught or acquired,*  
4 *under the following conditions and regulations:*

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

22 *(2) Each school licensed under this subsection (e) shall remain*  
23 *under the constant supervision of the board secretary. Each licensed*  
24 *school at all times shall employ and maintain a sufficient number*  
25 *of instructors, duly licensed in the practices they teach, to provide*  
26 *at least one full-time instructor for every 25 students. Each licensed*  
27 *school shall provide a course of training requiring not less than 650*  
28 *clock hours of instruction and practice in esthetics.*

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

1 *tive date of this act, has completed 20 clock hours of continuing*  
2 *education, approved by the board secretary, in the practice of es-*  
3 *thetics and teaching skills and methods and by paying the nonre-*  
4 *fundable 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*  
7 *state where the profession of electrology may be taught or acquired,*  
8 *under the following conditions and regulations:*

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

32 *(2) Each school licensed under this subsection (e) shall remain*  
33 *under the constant supervision of the board secretary. Each licensed*  
34 *school at all times shall employ and maintain a sufficient number*  
35 *of instructors, duly licensed in the practices they teach, to provide*  
36 *at least one full-time instructor for every four students. Each li-*  
37 *icensed school shall provide a course of training requiring not less*  
38 *than 500 clock hours of instruction and practice in electrology cov-*  
39 *ering a period of not less than four months of training for full-time*  
40 *students and not less than eight months of training for part-time*  
41 *students.*

42 *(h) Any person who teaches electrology in a licensed school of*  
43 *cosmetology or electrology shall be required to obtain an electrol-*

1 **ogy instructor's license from the board secretary. To qualify for an**  
2 **electrology instructor's license, the applicant must (1) be licensed**  
3 **as an electrologist under this act, (2) have practiced as an electrol-**  
4 **ogist for one year prior to licensure, with 300 hours of instructor**  
5 **training, (3) pass an electrology instructor exam, administered by**  
6 **the board secretary or the board's secretary's designee and (4) pay a**  
7 **nonrefundable instructor license application fee established under**  
8 **K.S.A. 65-1904 and amendments thereto. Electrology instructor li-**  
9 **censes shall expire every two years and may be renewed by fur-**  
10 **nishing satisfactory evidence that the applicant, except the first re-**  
11 **newal period following licensure for applicants not holding an**  
12 **electrology instructor license on the effective date of this act, has**  
13 **completed 20 clock hours of continuing education, approved by the**  
14 **board secretary, in the practice and teaching of electrology and pay-**  
15 **ing the nonrefundable license renewal fee established under K.S.A.**  
16 **65-1904 and amendments thereto. To teach in a licensed salon, the**  
17 **electrologist is issued a license for the period of training for the**  
18 **student. To qualify they must: (1) Be a licensed practicing electrol-**  
19 **ogist for a three-year period and (2) pay a nonrefundable instructor**  
20 **license application fee established under K.S.A. 65-1904 and**  
21 **amendments thereto.**

22 **(i) The board secretary may adopt through rules and regulations**  
23 **a curriculum for cosmetology, nail technology, esthetics and elec-**  
24 **trology instructor training to be provided in a licensed school of**  
25 **cosmetology.**

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

36 **Sec. 20. On July 1, 2003, K.S.A. 2001 Supp. 65-1904 is hereby**  
37 **amended to read as follows: 65-1904. (a) Unless revoked for cause,**  
38 **all licenses of cosmetologists, cosmetology technicians, estheticians,**  
39 **electrologists and manicurists issued or renewed by the board sec-**  
40 **retary shall expire on the expiration dates established by rules and**  
41 **regulations adopted by the board secretary under this section. Sub-**  
42 **ject to the other provisions of this subsection, each such license shall**  
43 **be renewable on a biennial basis upon the filing of a renewal ap-**

1 *plication prior to the expiration of the license, payment of the non-*  
2 *refundable license renewal fee established under this section and*  
3 *with renewal applications filed on and after July 1, 2000, the filing*  
4 *of a successfully completed written renewal examination prescribed*  
5 *by the board secretary under this subsection. For renewal applica-*  
6 *tions filed on and after July 1, 2000, the board secretary shall pre-*  
7 *scribe a written renewal examination for each classification of li-*  
8 *censee under this subsection which will test the applicant's*  
9 *understanding of the laws relating to the practice for which the*  
10 *applicant holds a license, will test the applicant's understanding of*  
11 *health and sanitation matters relating to the practice for which the*  
12 *applicant holds a license and will test the understanding of the ap-*  
13 *plicant about safety matters relating to the practice for which the*  
14 *applicant holds a license. The board secretary shall fix the score for*  
15 *the successful completion of a written renewal examination. The*  
16 *board secretary shall develop an information booklet to be sent to an*  
17 *applicant for renewal of a license along with the written renewal*  
18 *examination. The information booklet shall contain information on*  
19 *the subjects to be tested on the written renewal examination and*  
20 *shall be provided to the applicant along with the written renewal*  
21 *examination at least 30 days prior to the date on which the renewal*  
22 *application is to be filed. The written renewal examination may be*  
23 *prepared by the applicant with the use of the information booklet.*

24 *(b) Any cosmetologist's, cosmetology technician's, esthetician's,*  
25 *electrologist's or manicurist's license may be renewed by the appli-*  
26 *cant within six months after the date of expiration of the applicant's*  
27 *last license upon submission of proof, satisfactory to the board sec-*  
28 *retary, of the applicant's qualifications to renew practice as a cos-*  
29 *metologist, cosmetology technician, esthetician, electrologist or*  
30 *manicurist, and payment of the applicable nonrefundable renewal*  
31 *fee and delinquent fee prescribed pursuant to this section. Any ap-*  
32 *plicant whose license as a cosmetologist, cosmetology technician,*  
33 *esthetician, electrologist or manicurist expires on or after January*  
34 *1, 2000, and has been expired for more than six months may obtain*  
35 *reinstatement of such license upon application to the board secretary,*  
36 *upon filing with the board secretary a successfully completed written*  
37 *renewal examination and upon payment of the applicable nonre-*  
38 *fundable delinquent renewal fee and a nonrefundable renewal pen-*  
39 *alty fee of \$100.*

40 *(c) Any applicant for a license other than a renewal license shall*  
41 *make a verified application to the board secretary on such forms as*  
42 *the board secretary may require and, upon payment of the license*  
43 *application fee and the examination fee shall be examined by the*

1 ~~board secretary or their~~ *the secretary's appointees and shall be issued*  
 2 *a license, if found to be duly qualified to practice the profession of*  
 3 *cosmetologist, esthetician, electrologist or manicurist.*

4 *(d) The board secretary is hereby authorized to adopt rules and*  
 5 *regulations fixing the amount of nonrefundable fees for the follow-*  
 6 *ing items and to charge and collect the amounts so fixed, subject to*  
 7 *the following limitations:*

8	<i>Cosmetologist license application fee, for two years—not more</i>	
9	<i>than.....</i>	<i>\$60</i>
10	<i>Cosmetologist license renewal fee .....</i>	<i>60</i>
11	<i>Delinquent cosmetologist renewal fee.....</i>	<i>25</i>
12	<i>Cosmetology technician license renewal fee, for two years—not</i>	
13	<i>more than.....</i>	<i>35</i>
14	<i>Delinquent cosmetology technician renewal fee .....</i>	<i>25</i>
15	<i>Electrologist license application fee, for two years—not more</i>	
16	<i>than.....</i>	<i>35</i>
17	<i>Electrologist license renewal fee.....</i>	<i>35</i>
18	<i>Delinquent electrologist renewal fee .....</i>	<i>25</i>
19	<i>Manicurist license application fee, for two years—not more than ..</i>	<i>30</i>
20	<i>Manicurist license renewal fee .....</i>	<i>30</i>
21	<i>Delinquent manicurist renewal fee .....</i>	<i>25</i>
22	<i>Esthetician license application fee, for two years—not more than ..</i>	<i>30</i>
23	<i>Esthetician license renewal fee.....</i>	<i>30</i>
24	<i>Delinquent esthetician renewal fee .....</i>	<i>25</i>
25	<i>Any apprentice license application fee—not more than .....</i>	<i>15</i>
26	<i>New school license application fee .....</i>	<i>150</i>
27	<i>School license renewal fee—not more than.....</i>	<i>75</i>
28	<i>Delinquent school license fee—not more than .....</i>	<i>50</i>
29	<i>New cosmetology services salon or electrology clinic license appli-</i>	
30	<i>cation fee—not more than .....</i>	<i>50</i>
31	<i>Cosmetology services salon or electrology clinic license renewal</i>	
32	<i>fee—not more than .....</i>	<i>30</i>
33	<i>Delinquent cosmetology services salon or electrology clinic renewal</i>	
34	<i>fee.....</i>	<i>30</i>
35	<i>Cosmetologist's examination—not more than .....</i>	<i>50</i>
36	<i>Electrologist's examination—not more than.....</i>	<i>50</i>
37	<i>Manicurist's examination—not more than.....</i>	<i>50</i>
38	<i>Esthetician examination—not more than .....</i>	<i>50</i>
39	<i>Instructor's examination—not more than.....</i>	<i>75</i>
40	<i>Reciprocity application fee—not more than.....</i>	<i>50</i>
41	<i>Verification of licensure .....</i>	<i>20</i>
42	<i>Any duplicate of license.....</i>	<i>25</i>

43

1 *Instructor’s license application fee, for two years—not more*  
 2 *than.....* 75  
 3 *Renewal of instructor’s license fee.....* 50  
 4 *Delinquent instructor’s renewal fee—not more than.....* 75  
 5 *Temporary permit fee .....* 15  
 6 *Statutes and regulations book.....* 5

7 *(e) Whenever the board secretary determines that the total*  
 8 *amount of revenue derived from the fees collected pursuant to this*  
 9 *section is insufficient to carry out the purposes for which the fees*  
 10 *are collected, the board secretary may amend its rules and regula-*  
 11 *tions to increase the amount of the fee, except that the amount of*  
 12 *the fee for any item shall not exceed the maximum amount author-*  
 13 *ized by this subsection. Whenever the amount of fees collected pur-*  
 14 *suant to this section provides revenue in excess of the amount nec-*  
 15 *essary to carry out the purposes for which such fees are collected,*  
 16 *it shall be the duty of the board secretary to decrease the amount of*  
 17 *the fee for one or more of the items listed in this subsection by*  
 18 *amending the rules and regulations which fix the fees.*

19 *(f) Any person who failed to obtain a renewal license while in*  
 20 *the armed forces of the United States shall be entitled to a renewal*  
 21 *license upon filing application and paying the nonrefundable re-*  
 22 *newal fee for the current year during which the person has been*  
 23 *discharged on and after July 1, 1996.*

24 *(g) Any person who is currently licensed as a cosmetologist, cos-*  
 25 *metology technician, esthetician, electrologist or manicurist on in-*  
 26 *active status shall be deemed licensed on active status. Upon appli-*  
 27 *cation for renewal of the license as provided in rules and*  
 28 *regulations, the person shall be issued a license which does not in-*  
 29 *dicat inactive status. Prior to application for renewal of the license*  
 30 *and upon request to the board secretary, such person may obtain a*  
 31 *license which does not indicate inactive status.*

32 *(h) From and after the effective date of this act, there shall be*  
 33 *no continuing education requirement imposed by the board secretary*  
 34 *upon any person who was formerly or is currently licensed as a*  
 35 *cosmetologist, cosmetology technician, esthetician, electrologist or*  
 36 *manicurist as a condition of reinstatement or renewal of the per-*  
 37 *son’s license to practice.*

38 *Sec. 21. On July 1, 2003, K.S.A. 2001 Supp. 65-1904a is hereby*  
 39 *amended to read as follows: 65-1904a. Any licensed cosmetologist,*  
 40 *esthetician, electrologist, manicurist, or person desiring to establish*  
 41 *a salon or clinic shall make application, on a form provided, to the*  
 42 *Kansas state board of cosmetology secretary, accompanied by the new*  
 43 *salon or clinic license fee established under K.S.A. 65-1904 and*

1 *amendments thereto. Upon filing of the application, the board sec-*  
2 *retary shall inspect the equipment as to safety and sanitary condi-*  
3 *tion of the premises and if the equipment and premises are found*  
4 *to comply with the rules and regulations of the secretary of health*  
5 *and environment and the rules and regulations of the Kansas state board*  
6 *of cosmetology, the board secretary shall issue a new salon or clinic*  
7 *license. Nothing herein contained shall be construed as preventing*  
8 *any licensed person from practicing cosmetology or electrology in*  
9 *a licensed cosmetologist's private home or residence if the home or*  
10 *residence complies with rules and regulations of the secretary and*  
11 *the state board. A licensed cosmetologist may provide cosmetology*  
12 *services in a place other than the licensed salon or clinic or a private*  
13 *home or residence of the licensed cosmetologist. Excluding services*  
14 *provided by a licensed cosmetologist in a health care facility, hos-*  
15 *pital or nursing home or in the residence of a person requiring home*  
16 *care arising from physical or mental disabilities, in order to provide*  
17 *such services, such licensed cosmetologist shall be employed in a*  
18 *salon or clinic or in the licensed cosmetologist's private home or*  
19 *residence for at least 51% of the total hours per week employed;*  
20 *and shall attest by affidavit that such cosmetology services shall be*  
21 *provided only in the residence or office of the person receiving serv-*  
22 *ices. Licensed salons and clinics may be reinspected in accordance*  
23 *with a schedule determined by the board secretary by rules and reg-*  
24 *ulations or upon a complaint made to the board secretary that such*  
25 *salon or clinic is not being maintained in compliance with rules and*  
26 *regulations of the board secretary. The license shall expire on June*  
27 *30 following its issuance. Any such license may be renewed upon*  
28 *application accompanied by the salon or clinic license renewal fee*  
29 *made to the board secretary before July 1 of the year in which the*  
30 *license expires. Any license may be renewed by the applicant within*  
31 *60 days after the date of expiration of the last license upon payment*  
32 *of a delinquent renewal fee.*

33 *Sec. 22. On July 1, 2003, K.S.A. 2001 Supp. 65-1904b is hereby*  
34 *amended to read as follows: 65-1904b. (a) Upon application to the*  
35 *Kansas state board of cosmetology secretary on a form provided for*  
36 *application for a cosmetologist, esthetician, electrologist or mani-*  
37 *curist license, accompanied by the application fee, a person prac-*  
38 *ticing as a cosmetologist, esthetician, electrologist or manicurist un-*  
39 *der the laws of another state or jurisdiction shall be granted a*  
40 *license entitling the person to practice in this state if:*

- 41 (1) *The person is not less than 17 years of age and a graduate*  
42 *of an accredited high school, or equivalent thereof;*
- 43 (2) *the person submits to the board secretary verification of date*

1 of birth;

2 (3) *the person submits to the ~~board~~ secretary a written statement*  
3 *from a person licensed to practice medicine and surgery under the*  
4 *laws of any state showing that the person is free from infectious or*  
5 *contagious disease; and*

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

7 (A) *The person's training and qualifications, including exami-*  
8 *nation requirements, are equal to the requirements for licensure in*  
9 *this state; or*

10 (B) *the person has been licensed in a state or jurisdiction which*  
11 *has substantially the same requirements for licensure as this state.*

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

15 **Sec. 23.** *On July 1, 2003, K.S.A. 2001 Supp. 65-1905 is hereby*  
16 *amended to read as follows: 65-1905. (a) All examinations held or*  
17 *conducted by the ~~board~~ secretary shall be in accordance with rules*  
18 *and regulations adopted by the ~~board~~ secretary. The examinations*  
19 *shall include practical and written tests. Examinations to qualify*  
20 *for an instructor's license shall be limited to written tests.*

21 (b) *Each applicant for licensure by examination shall:*

22 (1) *Be at least 17 years of age;*

23 (2) *be a graduate of an accredited high school, or equivalent*  
24 *thereof. The provisions of this paragraph shall not apply to any*  
25 *applicant who was at least 25 years of age and licensed as an ap-*  
26 *prentice on May 21, 1998;*

27 (3) *submit to the ~~board~~ secretary verification of date of birth;*

28 (4) *submit to the ~~board~~ secretary a written statement from a per-*  
29 *son licensed to practice medicine and surgery under the laws of any*  
30 *state showing that the applicant is free from contagious and infec-*  
31 *tious diseases; and*

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

34 (c) *Any person making application who apparently possesses*  
35 *the necessary qualifications to take an examination provided*  
36 *herein, upon application and payment of the nonrefundable tem-*  
37 *porary permit fee, may be issued a temporary permit by the ~~board~~*  
38 *secretary to practice cosmetology until the next regular examination*  
39 *conducted by the ~~board~~ secretary.*

40 **Sec. 24.** *On July 1, 2003, K.S.A. 2001 Supp. 65-1907 is hereby*  
41 *amended to read as follows: 65-1907. The ~~chairperson, with the ap-~~*  
42 *approval of the ~~board,~~ secretary shall employ inspectors to inspect*  
43 *schools, salons and clinics and the inspectors shall perform all of*



1 *the inspection duties of the board secretary, as required by this act,*  
2 *rules and regulations of the board secretary and sanitation standards*  
3 *adopted by the secretary of health and environment pursuant to K.S.A.*  
4 *65-1,148 and amendments thereto. The board secretary shall provide*  
5 *training to the inspectors to enable the inspectors to provide current*  
6 *information to school, salon and clinic personnel regarding require-*  
7 *ments of applicable statutes and regulations. It shall be the duty of*  
8 *the board secretary to determine the number of hours and practice*  
9 *work required of students in each subject of cosmetology, nail tech-*  
10 *nology, esthetics and electrology taught in a licensed school.*

11 **Sec. 25. On July 1, 2003, K.S.A. 2001 Supp. 65-1908 is hereby**  
12 **amended to read as follows: 65-1908. (a) The state board of cosme-**  
13 **tology secretary may revoke any license provided for by this act, may**  
14 **censure, limit or condition any license or may refuse to issue, renew**  
15 **or suspend any license or assess a fine, not to exceed \$1,000 per**  
16 **violation, for any of the following reasons:**

17 (1) *Failure to comply with the sanitary requirements prescribed*  
18 *by the secretary of health and environment pursuant to K.S.A. 65-*  
19 *1,148 and amendments thereto;*

20 (2) *failure to comply with any provision of this act, with the*  
21 *rules and regulations of the board of cosmetology secretary or with*  
22 *any order issued by the board secretary;*

23 (3) *has become a danger to the public by reason of alcohol or*  
24 *drug abuse;*

25 (4) *conviction of a felony unless the applicant or licensee is able*  
26 *to demonstrate to the board's secretary's satisfaction that such person*  
27 *has been sufficiently rehabilitated to warrant the public trust;*

28 (5) *the obtaining of, or the attempt to obtain, a license by fraud-*  
29 *ulent misrepresentation or bribery;*

30 (6) *advertising by means of false or knowingly deceptive matter*  
31 *or statement;*

32 (7) *failure to display the annual license or inspection report as*  
33 *provided for in this act; or*

34 (8) *being found guilty of gross negligence or unprofessional con-*  
35 *duct as defined by rules and regulations of the board secretary.*

36 (b) *The board secretary may order the remedying of any viola-*  
37 *tions of rules and regulations of the board secretary or any provision*  
38 *of this act, and the board secretary may issue a cease and desist order*  
39 *upon the secretary's determination that the holder of a license*  
40 *has violated any order of the board secretary, any rules and regula-*  
41 *tions of the board secretary or any provision of this act.*

42 (c) *Inspectors employed by the board secretary shall have such*  
43 *powers as the board secretary may prescribe by rules and regulations*

1 **to make inspections, investigations, and inquiries, except that a per-**  
2 **manent order for closing any establishment licensed by the board**  
3 **secretary shall be issued only by the board secretary.** The secretary  
4 may contract for the conduct of inspections under the provisions of article  
5 19 of chapter 65 of the Kansas Statutes Annotated and amendments  
6 thereto.

7 **(d) All proceedings under this section shall be conducted in ac-**  
8 **cordance with the provisions of the Kansas administrative proce-**  
9 **dure act.**

10 **Sec. 26. On July 1, 2003, K.S.A. 2001 Supp. 65-1909 is hereby**  
11 **amended to read as follows: 65-1909. (a) No person shall:**

12 **(1) Knowingly employ an individual to engage in any activity**  
13 **for which a license is required pursuant to K.S.A. 65-1902 and**  
14 **amendments thereto unless such individual holds a currently valid**  
15 **license issued to such individual;**

16 **(2) violate any order or ruling of the state board of cosmetology**  
17 **secretary under this act;**

18 **(3) fail or refuse to comply with rules and regulations pre-**  
19 **scribed by the board secretary or applicable sanitation standards**  
20 **adopted by the secretary of health and environment pursuant to K.S.A.**  
21 **65-1,148 and amendments thereto; or**

22 **(4) violate any of the provisions of article 19 of chapter 65 of**  
23 **Kansas Statutes Annotated and amendments thereto.**

24 **(b) Violation of subsection (a) is a misdemeanor punishable by**  
25 **a fine of not less than \$10 nor more than \$100, or by imprisonment**  
26 **in the county jail for not less than 10 days nor more than 90 days,**  
27 **or by both such fine and imprisonment.**

28 **(c) The board secretary may bring an action to enjoin any person**  
29 **from practicing or teaching cosmetology, esthetics, nail technology**  
30 **or electrology or from operating a salon, clinic or school if such**  
31 **person does not hold a currently valid license. If the court finds that**  
32 **such person is unlawfully teaching or practicing cosmetology, es-**  
33 **thetics, nail technology or electrology or operating a salon, clinic**  
34 **or school without a currently valid license, the court shall enter an**  
35 **injunction restraining such person from such unlawful acts.**

36 **Sec. 27. On July 1, 2003, K.S.A. 2001 Supp. 65-1912 is hereby**  
37 **amended to read as follows: 65-1912. (a) Any person desiring to**  
38 **practice as an apprentice shall be required to pay to the board sec-**  
39 **retary the fee required pursuant to K.S.A. 65-1904 and amendments**  
40 **thereto and obtain an apprentice license from the board secretary.**  
41 **Application for an apprentice license allowing a person to practice**  
42 **in a licensed school shall be submitted to the board secretary not**  
43 **more than 15 days after the person's enrollment in the school.**

1     **(b) (1) An applicant for examination and licensure as a cos-**  
2 **metologist shall be required to have practiced as an apprentice in**  
3 **a licensed school for not less than 1,500 clock hours.**

4     **(2) An applicant for examination and licensure as an esthetician**  
5 **shall be required to have practiced as an apprentice in a licensed**  
6 **school for not less than 650 clock hours.**

7     **(3) An applicant for examination and licensure as a manicurist**  
8 **shall be required to have practiced as an apprentice in a licensed**  
9 **school of cosmetology or nail technology for not less than 350 clock**  
10 **hours.**

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

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

29     **(d) For purposes of subsection (b), a person is not required to**  
30 **have practiced as an apprentice continuously or without interrup-**  
31 **tion in obtaining the required number of hours.**

32     **Sec. 28. On July 1, 2003, K.S.A. 65-1920 is hereby amended to**  
33 **read as follows: 65-1920. (a) As used in this act:**

34     **(1) "Authorized agent" means an employee of the state board of**  
35 **cosmetology secretary designated by the board secretary to enforce this**  
36 **act.**

37     ~~**(2) "Board" means the state board of cosmetology.**~~

38     ~~**(3) (2) "Phototherapy device" means equipment that emits ul-**~~  
39 **traviolet radiation that is used in the treatment of disease or other**  
40 **medical use.**

41     ~~**(4) (3) "Tanning device" means equipment that emits electro-**~~  
42 **magnetic radiation with wavelengths in the air that is used for tan-**  
43 **ning of human skin and includes any accompanying items incidental**

1 *to operation of the tanning device.*

2 ~~(5)~~ (4) *“Tanning facility” means any facility, whether independ-*  
3 *ent or part of a salon, health spa or any other facility, which pro-*  
4 *vides access to tanning devices but shall not include private resi-*  
5 *dences if access to tanning devices is provided without charge.*

6 (5) *“Secretary” means the secretary of health and environment.*

7 (b) *This act does not apply to use of a phototherapy device by*  
8 *or under supervision of a person licensed to practice medicine and*  
9 *surgery.*

10 **Sec. 29. On July 1, 2003, K.S.A. 65-1925 is hereby amended to**  
11 **read as follows: 65-1925. (a) The board secretary may adopt rules**  
12 **and regulations to implement this act. The board, after consultation**  
13 **with the secretary of health and environment, secretary shall adopt rules**  
14 **and regulations relating to the safe functioning of tanning devices.**

15 (b) *An authorized agent shall have access at all reasonable times*  
16 *to any tanning facility to inspect the facility to determine compli-*  
17 *ance with this act.*

18 (c) *If an authorized agent finds that a person has violated, or is*  
19 *violating or threatening to violate this act and that the violation or*  
20 *threat of violation creates an immediate threat to the health and*  
21 *safety of the public, the authorized agent may petition the district*  
22 *court for a temporary restraining order to restrain the violation or*  
23 *threat of violation.*

24 (d) *If a person has violated, or is violating or threatening to*  
25 *violate this act, the board secretary, after a hearing in accordance*  
26 *with the administrative procedure act, may suspend the license of*  
27 *a tanning facility until such time that the tanning facility can dem-*  
28 *onstrate to the board secretary that it has corrected deficiencies and*  
29 *is in compliance with this act and rules and regulations adopted*  
30 *pursuant to this act.*

31 (e) *On application for injunctive relief and a finding that a per-*  
32 *son is violating or threatening to violate this act, the district court*  
33 *shall grant any injunctive relief warranted by the facts.*

34 **Sec. 30. On July 1, 2003, K.S.A. 2001 Supp. 65-1926 is hereby**  
35 **amended to read as follows: 65-1926. (a) On and after January 1, 1993,**  
36 **A person may not operate a tanning facility without a valid license**  
37 **issued by the board secretary.**

38 (b) *The license shall be displayed in a conspicuous place in the*  
39 *tanning facility.*

40 (c) *On application, on forms provided by the board secretary, and*  
41 *on receipt of the appropriate fee, a license shall be renewed by the*  
42 *board secretary.*

43 (d) *The board secretary may adopt a system under which licenses*

1 *expire on various dates during the year. As part of this system the*  
2 *annual renewal fee may be prorated on a monthly basis to reflect*  
3 *the actual number of months the license is valid.*

4 *(e) The board secretary may revoke, cancel, suspend or place on*  
5 *probation a license to operate a tanning facility for any of the fol-*  
6 *lowing reasons:*

7 *(1) A failure to pay a license fee or an annual renewal fee for a*  
8 *license;*

9 *(2) the applicant obtained or attempted to obtain a license by*  
10 *fraud or deception;*

11 *(3) a violation of any of the provisions of this act; or*

12 *(4) a violation of a rule and regulation of the board secretary*  
13 *adopted under this act.*

14 *(f) The board secretary shall establish appropriate licensure and*  
15 *renewal fees, not to exceed \$100 per year for each tanning facility,*  
16 *by adoption of rules and regulations. The board secretary may es-*  
17 *tablish the fees based upon the number of beds used for tanning*  
18 *which the facility maintains. In addition to the fee for licensure and*  
19 *the fee for renewal of a license, the board secretary may establish a*  
20 *fee not to exceed \$150 for delinquent renewal of a license and a fee*  
21 *not to exceed \$200 for reinstatement of a license.*

22 *(g) The executive director of the board secretary shall remit all*  
23 *moneys received from fees under this act to the state treasurer in*  
24 *accordance with the provisions of K.S.A. 75-4215, and amendments*  
25 *thereto. Upon receipt of each such remittance, the state treasurer*  
26 *shall deposit the entire amount in the manner specified under K.S.A.*  
27 *74-2704, and amendments thereto.*

28 *New Sec. 31. (a) There is hereby created the state advisory*  
29 *board on cosmetology, which shall be composed of seven members,*  
30 *appointed by the governor, to advise the secretary of health and*  
31 *environment on the administration of article 19 of chapter 40 of the*  
32 *Kansas Statutes Annotated and amendments thereto. A member*  
33 *shall be appointed from each congressional district and the remain-*  
34 *der from the state at large. Not more than four members shall be of*  
35 *the same political party. Four members shall be licensed cosmetol-*  
36 *ogists; one member shall be a licensed permanent color technician*  
37 *and tattoo artist or a licensed body piercer; and two members shall*  
38 *represent the general public interest, except that no manufacturer,*  
39 *wholesaler or retailer of cosmetic supplies or equipment used by*  
40 *the profession of cosmetology, or any representative of such man-*  
41 *ufacturer, wholesaler or retailer, shall become a member of the*  
42 *board.*

43 *(b) Of the members first appointed to the advisory board on and*

1 *after the effective date of this act, two members shall be appointed*  
2 *for terms of one year, two members shall be appointed for terms of*  
3 *two years and three members shall be appointed for terms of three*  
4 *years. Thereafter each member of the advisory board shall be ap-*  
5 *pointed for a term of three years, and until a successor is appointed*  
6 *and qualifies. The advisory board shall annually select a chairper-*  
7 *son from its membership.*

8 (c) *When a vacancy occurs by death or resignation, appointees*  
9 *to the board shall have the prescribed qualifications. All vacancies*  
10 *in the board shall be filled by the governor for the unexpired terms.*  
11 *The members of the board shall take the oath of office prescribed*  
12 *for public officers before entering upon the discharge of their du-*  
13 *ties.*

14 (d) *The advisory board shall meet on the call of the chairperson,*  
15 *except that for the first meeting after the effective date of this act*  
16 *the advisory board shall meet on call of the governor. Members of*  
17 *the advisory board attending meetings of such board, or attending*  
18 *a subcommittee meeting thereof authorized by such board, shall be*  
19 *paid amounts provided in subsection (e) of K.S.A. 75-3223 and*  
20 *amendments thereto.*

21 (e) *This section shall take effect and be in force on and after*  
22 *July 1, 2003.*

23 *New Sec. 32. On and after July 1, 2003, the secretary of health*  
24 *and environment or the secretary's designee, shall remit all moneys*  
25 *received from fees, charges or penalties under article 19 of chapter*  
26 *65 of the Kansas Statutes Annotated and amendments thereto to the*  
27 *state treasurer at least monthly. Upon receipt of any such remit-*  
28 *tance the state treasurer shall deposit the entire amount thereof in*  
29 *the state treasury. Twenty percent of each such deposit shall be*  
30 *credited to the state general fund and the balance shall be credited*  
31 *to the cosmetology fee fund. On and after July 1, 2003, all expend-*  
32 *itures from such fund shall be made in accordance with appropri-*  
33 *ation acts upon warrants of the director of accounts and reports*  
34 *issued pursuant to vouchers approved by the secretary or by a per-*  
35 *son or persons designated by the secretary.*

36 *Sec. 33. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby*  
37 *amended to read as follows: 75-3717. (a) As provided in this section,*  
38 *each state agency, not later than October 1 of each year, shall file*  
39 *with the division of the budget its budget estimates for the next fiscal*  
40 *year, and all amendments and revisions thereof, except that, in lieu*  
41 *of such annual filing, each agency listed in subsection (f), not later*  
42 *than October 1, 2000, and every two years thereafter, shall file*  
43 *budget estimates for the next fiscal year and for the ensuing fiscal*

1 *year thereafter. Each agency listed in subsection (f) may file ad-*  
2 *justments to such agency's budget that was approved by the legis-*  
3 *lature during a prior fiscal year. All such budget estimates shall be*  
4 *in the form provided by the director of the budget. Each agency's*  
5 *budget estimates shall include:*

6 (1) *A full explanation of the agency's request for any appropri-*  
7 *ations for the expansion of present services or the addition of new*  
8 *activities, including an estimate of the anticipated expenditures for*  
9 *the next fiscal year and for each of the three ensuing fiscal years*  
10 *which would be required to support each expansion of present serv-*  
11 *ices or addition of new services as requested by the state agency;*  
12 *and*

13 (2) *a listing of all programs of the agency that provide services*  
14 *for children and their families and the following information re-*  
15 *garding each such program: Of the amount of the agency's request*  
16 *for appropriations to fund the program, that amount which will be*  
17 *spent on services for children or families with children and the num-*  
18 *ber of children or families with children who are served by the*  
19 *program.*

20 (b) *At the same time as each state agency submits to the division*  
21 *of the budget a copy of its budget estimate, and all amendments and*  
22 *revisions thereof, each such state agency shall submit a copy of such*  
23 *estimate, and all amendments and revisions thereof, directly to the*  
24 *legislative research department for legislative use.*

25 (c) *The director of the budget shall require the agencies to sub-*  
26 *mit a sufficient number of copies of their budget estimates, and all*  
27 *amendments and revisions thereof, to the director's office to satisfy*  
28 *the requirements of such office and one additional copy for legis-*  
29 *lative use which shall be retained in the division of the budget until*  
30 *the budget of the governor is submitted to the legislature. On or*  
31 *before the day that such budget is submitted to the legislature such*  
32 *legislative use copy, posted to reflect the governor's budget rec-*  
33 *ommendations, shall be submitted to the legislative research de-*  
34 *partment for use by the ways and means committee of the senate*  
35 *and the committee on appropriations of the house of representa-*  
36 *tives. Following presentation of the governor's budget report to the*  
37 *legislature, the legislative research department may request and*  
38 *shall receive detailed information from the division of the budget*  
39 *on the governor's budget recommendations.*

40 (d) *The director of the budget may prepare budget estimates for*  
41 *any state agency failing to file a request.*

42 (e) *As used in this section, "services for children and their fam-*  
43 *ilies" includes but is not limited to any of the following services,*

1 *whether provided directly or made accessible through subsidies or*  
2 *other payments:*

3 (1) *Financial support for children and families with children or*  
4 *enforcement of the obligation to support a child or a family with*  
5 *one or more children;*

6 (2) *prenatal care, health care for children or immunizations for*  
7 *children;*

8 (3) *mental health or retardation services for children;*

9 (4) *nutrition for children or families with children or nutri-*  
10 *tional counseling or supplements for pregnant or nursing women;*

11 (5) *child care, early childhood education or parenting educa-*  
12 *tion;*

13 (6) *licensure or regulation of child care or early childhood ed-*  
14 *ucation programs;*

15 (7) *treatment, counseling or other services to preserve families;*

16 (8) *care, treatment, placement or adoption of children without*  
17 *functioning families;*

18 (9) *services to prevent child abuse and to treat and protect child*  
19 *abuse victims;*

20 (10) *services for children who are pregnant, substance abusers*  
21 *or otherwise involved in high risk behavior;*

22 (11) *services related to court proceedings involving children;*  
23 *and*

24 (12) *youth employment services.*

25 (f) *On a biennial basis, the following state agencies shall file*  
26 *budget estimates under the provisions of subsection (a): Abstract-*  
27 *ers' board of examiners, behavioral sciences regulatory board,*  
28 *board of accountancy, board of examiners in optometry, board of*  
29 *nursing, consumer credit commissioner, Kansas board of barbering,*  
30 *Kansas board of examiners in fitting and dispensing of hearing aids,*  
31 *Kansas dental board, Kansas real estate commission, ~~Kansas state~~*  
32 *board of cosmetology, office of the securities commissioner of Kansas,*  
33 *real estate appraisal board, state bank commissioner, state board*  
34 *of healing arts, state board of mortuary arts, state board of phar-*  
35 *macy, state board of technical professions, state board of veterinary*  
36 *examiners, governmental ethics commission and state department*  
37 *of credit unions.*

38 ~~Sec. 15-34.~~ K.S.A. 2000 Supp. 65-1940, as amended by section 6 of  
39 chapter 193 of the 2001 Kansas Session Laws, 65-1941, as amended by  
40 section 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as  
41 amended by section 8 of chapter 193 of the 2001 Session Laws of Kansas,  
42 65-1944, as amended by section 9 of chapter 193 of the 2001 Session  
43 Laws of Kansas, 65-1945, as amended by section 10 of chapter 193 of the



1 2001 Session Laws of Kansas, 65-1946, as amended by section 11 of chap-  
2 ter 193 of the 2001 Session Laws of Kansas, 65-1947, as amended by  
3 section 12 of chapter 193 of the 2001 Session Laws of Kansas, 65-1948,  
4 as amended by section 13 of chapter 193 of the 2001 Session Laws of  
5 Kansas, 65-1949, as amended by section 14 of chapter 193 of the 2001  
6 Session Laws of Kansas, 65-1950, as amended by section 15 of chapter  
7 193 of the 2001 Session Laws of Kansas, 65-1951, as amended by section  
8 16 of chapter 193 of the 2001 Session Laws of Kansas, 65-1954, as  
9 amended by section 17 of chapter 193 of the 2001 Session Laws of Kansas,  
10 74-2701, as amended by section 19 of chapter 193 of the 2001 Session  
11 Laws of Kansas and section 21 of chapter 193 of the 2001 Session Laws  
12 of Kansas and K.S.A. 2001 Supp. 65-1955 are hereby repealed.

13 Sec. ~~46~~ **35**. On July 1, 2003, **K.S.A. 39-938, 65-1,148, 65-1920**  
14 **and 65-1925 and** K.S.A. 2001 Supp. **65-1901, 65-1902, 65-1903, 65-**  
15 **1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909,**  
16 **65-1912, 65-1926,** 65-1940, 65-1941, 65-1943, 65-1944, 65-1945, 65-  
17 1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954 ~~and~~, 74-  
18 2701 **and 75-3717** are hereby repealed.

19 Sec. ~~47~~ **36**. This act shall take effect and be in force from and after  
20 its publication in the statute book.

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