

Approved: 3-19-96
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 6, 1996 in Room 526-S of the Capitol.

All members were present except:
Committee staff present:

Bill Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

John House, attorney, SRS
Sherry Diel, Kansas Advocacy and Protective Services
Jane Rhys, Kansas Council on Developmental Disabilities
Carol Macdonald, Kansas Dental Board
David Hanzlick, Kansas Dental Association
State Representative John Ballou
State Representative William G. Mason
Rogene Handlon, R.N., Topeka
Glenda Cafer, Board of Cosmetology
Donald R. Seifert, City of Olathe
Gary L. Barber, Inkslinger Tattoo Studio, Overland Park
E. R. Kimber, East Coast Al's Studio, Kansas City

Others attending: See attached list

Hearing on HB 2957 - Communications between SRS and community care

John House, SRS staff attorney, testified before the Committee in support of HB 2957 which would implement the provisions of the Developmental Disabilities Reform Act passed last session. Mr. House noted that the bill would allow the direct exchange of information for the limited purposes stated, those being to allow the Community Developmental Disability Organizations to determine whether a proposed admission to a state institution could be avoided where community services would meet the needs of that person; determine when an individual already institutionalized might be able to be served in the community; and help to plan for continued services for someone about to leave a state institution. He emphasized that nothing in this amendment allows the CDDO to unilaterally prohibit an admission to a state institution, require a discharge, or force any person to receive any community service they do not want. (Attachment 1) Senator Jones requested staff provide a summary of the 1995 legislation that created the DD Reform and CDDO Act.

Sherry Diel, Kansas Advocacy and Protective Services, spoke in support of HB 2957 and stated that the bill, as amended by the House, would help to ensure that the Developmental Disabilities Reform Act is implemented as intended by the legislature. She noted that KAPS staff believes that in order for a guardian to meet their duties under Kansas law, they must be open to explore the service options available in order to make an informed decision as to what option is in their ward's best interest. HB 2957 would ensure that information is easily exchanged between the institution and the CDDO without the necessity of the institution obtaining a release before a determination can be made. (Attachment 2)

Also testifying in support of the bill was Jane Rhys, Kansas Council on Developmental Disabilities. Ms. Rhys noted that they strongly believe in informed choice and support institutions providing information to the CDDOs regarding persons who are moving from the institution to the community. (Attachment 3)

There were no opponents to the bill.

Action on HB 2957

Senator Papay made a motion the Committee recommend HB 2957 favorably for passage, seconded by Senator Jones. The motion carried.

Hearing on HB 2813 - Dental Practices Act Amendments

Carol Macdonald, Kansas Dental Board, testified in support of HB 2813 which would allow the family or agent of a deceased dentist to hire dentists to keep the practice open until it can be sold for a period of up to one year. Ms. Macdonald noted that the bill changes the annual license renewal process from annual to biennial. Amendments to KSA 65-1436 would clarify several items relating to disciplinary action against a licensee and KSA 65-1447 amendments would increase the maximum renewal fee authorized by law to reflect the change from

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on March 6, 1996.

annual to biennial licensure renewal. (Attachment 4) During Committee discussion staff noted language needed to be clarified on page 2, line 17 of the bill relating to the renewal application of a dental hygienist licensee.

David Hanzlick, speaking for Taylor Markle, D.D.S., Kansas Dental Association, testified in support of the bill and noted that the biennial licensure will provide the Dental Board with administrative cost savings. (Attachment 5)

Action on HB 2813

Senator Langworthy made a conceptual motion that language in the bill be amended as noted by staff regarding dental hygienist licensee, seconded by Senator Hardenburger. The motion carried.

Senator Langworthy made a motion the Committee recommend **HB 2813 as amended** favorably for passage, seconded by Senator Hardenburger. The motion carried.

Hearing on HB 2916 - Tattooing and licensure of tattoo artists and body piercing

State Representative John Ballou testified in support of HB 2916 and noted that he co-sponsored the bill because he feels the tattoo industry needs some basic regulations to insure the health and safety of all those concerns. Representative Ballou felt that because tattooing has risen in popularity drastically in recent years, that it only makes sense to require licensure of this industry by the Board of Cosmetology. It was pointed out that the Board of Cosmetology would cover the initial shortfall from the start up costs, which was estimated to be about \$6,000 the first year, and that this short fall would be covered by proceeds collected in the subsequent years. (Attachment 6)

State Representative William G. Mason expressed his support for HB 2916 stating that he was prompted to co-sponsor this piece of legislation because of an experience with one of his constituents in which he found there were no regulations of any kind on the tattoo industry. (Attachment 7) It was pointed out during Committee discussion that ear piercing was not included in this bill.

Rogene Handlon, R.N. and co-owner of a tattoo and body piercing business in Topeka, testified in support of the bill stating that the fear of communicable diseases caused by improperly done tattoos is not AIDS, but hepatitis. She pointed out that piercing regulations are important, and that ideally their industry would rather be regulated under the Department of Health and Environment, but would be content with regulations under the Board of Cosmetology as long as they have a voice in the policy making procedures. (Attachment 8)

Glenda Cafer, representing the Executive Director for the board of Cosmetology, stated that State Representative Ballou approached the board about this proposed legislation, and it was the consensus of the board that they could accept the responsibility if certain amendments were made. (Attachment 9) Committee discussion related to the definition and regulation of a permanent color technician and whether the executive director of the board of cosmetology should be a practicing cosmetologist.

Donald R. Seifert, Management Services Director, City of Olathe, spoke in favor of the bill noting that the City of Olathe has a proposed ordinance that would require parental consent before performing tattooing and body piercing on any person under the age of 18. (Attachment 10)

Gary L. Barber, Inkslinger Tattoo Studio in Overland Park, testified in support of HB 2916 because he believes in providing a safe and quality service to his customers. Mr. Barber noted that the average cost of a medium size tattoo in his studio is approximately \$100.00. (Attachment 11)

E. R. Kimber, owner of East Coast Al's Studio, Kansas City, testified in opposition to HB 2916. Mr. Kimber noted that the bill does not give the piercists the same consideration as the color technicians and tattoo artists. He also felt that the bill would enable minors of any age under 18 to be tattooed or pierced, and that if the age restriction limit is set at 18, most parents would be relieved from the responsibility of letting their children annoy, torment or pester them into a possible decision that may be regretted later in life. (Attachment 12) Committee discussion related to restricting minors from obtaining tattoos.

Approval of minutes

Senator Jones made a motion to approve the Committee minutes from February 12 to February 26, seconded by Senator Hardenburger. The motion carried.

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 11, 1996.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-6-96

| NAME | REPRESENTING |
|----------------------------------|--|
| Carl Schmitt ^{hennepin} | Kansas Dental Assn |
| Crystal Cokoy | |
| Janet Edwards | |
| Arthur Adams | |
| Scott Williams | |
| JOHN C. BOTTENBERG | KS Delta Dental Plan |
| Dawn Reed | KSNA |
| Kyle Doherty | KAP |
| Sherry Diehl | KAPS |
| Josie Torres | Families Together, Inc. |
| Jane Rhys | Ks Council on Dev. Disabilities |
| Don Seibert | City of Olathe |
| Alan Holmes | Division of Budget |
| Dyane Fiedler | Doctor for Day ^{Kan. Academy of} Family Practice |
| Not Bellomy | Rep. |
| Samantha Carythers | Permanent Make-up Inc. |
| son Handerson | Five Line |
| Eugene Hardin | Five Line Tattoo Inc Topeka KS |
| Rep Bill Mason | |

Red Powers

Rep #81

**Kansas Department of Social and Rehabilitation Services
Rochelle Chronister, Secretary**

Senate Committee on Public Health & Welfare

Testimony on H.B. No. 2957

March 6, 1996

To the Chairman and Members of the Committee, on behalf of Secretary Chronister, thank you for this opportunity to speak in favor of HB 2957. My name is John House, Staff Attorney within the Department of Social and Rehabilitation Services. This Bill was introduced at the request of the department. We believe it is necessary to implement the provisions of the Disability Disabilities (DD) Reform Act passed last session. In the Reform Act, now found at KSA 39-1801 and following sections, Community Developmental Disability Organizations (DCCOs) were made the central point of application and referral for DD services. The CDDO is now the agency that determines who is and who is not eligible for community services and at what level of care they can best be served. The CDDO is responsible for being familiar with the types of services available in the community, and has the responsibility to inform persons seeking DD services about those community services and what might be available to assist them.

The Secretary's draft implementing regulations for the Reform Act further builds upon this concept of the CDDO being the central focus of obtaining services by giving the CDDO a "gatekeeper" role with regard to admissions into the state institutions. This is intended to complete the circle or mirror the central point role the CDDO has with regard to planning for community services whenever a person being served in a state institution is ready to or is thought possibly ready to exit an institution.

The intent behind the proposed amendment to KSA 76-12b11 which this Bill would make is to facilitate the CDDO's role. Normally, signed releases of information and consents will be utilized to allow the CDDO and the state institution to exchange records and information in order to allow the CDDO to make judgments as to whether particular individuals would be appropriate to be or are not yet ready to be served by community providers. However, we need this alternative authority written into the law to address four problem areas:

- (1) timeliness - to allow the process to proceed when guardians don't act promptly—mislay the release and consent forms—do not understand what they are and mistakenly toss them out—delays in getting to the guardian information or 2nd sets of the forms.
- (2) lost guardians - guardians who move and don't leave clear forwarding addresses—guardians who become themselves ill or die.

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- (3) practical problems - is this document covered by the release?—what about new records created after the release has been signed?—to address the professionals comfort level.
- (4) frightened guardians - guardians who are not sure about D.D. Reform and choose to do nothing out of fear of doing the wrong thing—gives us knowledge before any action needs to be taken.

This amendment simply allows the direct exchange of information for the limited purposes stated, those being to allow the CDDO to:

- 1) determine whether a proposed admission to a state institution could be avoided where community services would meet the needs of that person;
- 2) determine when an individual already institutionalized might be able to be served in the community; and
- 3) help to plan for continued services for someone about to leave a state institution.

Nothing in this amendment allows the CDDO to unilaterally prohibit an admission to a state institution, or require a discharge, or force any person to receive any community service they do not want. The consent of the person, their parent if the person is a minor, or their guardian if one has been appointed, is still required to do any of those things -- which is consistent with current law. It is only intended by this amendment to give to the CDDO the information the CDDO needs to fulfill its role in assessing and matching persons to potential community services.

Thank you and I'd be happy to answer any questions the Committee might have.

John House
Staff Attorney
296-3967

KAPS KANSAS ADVOCACY & PROTECTIVE SERVICES, INC.

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MEMO TO: Senate Public Health and Welfare Committee
FROM: Kansas Advocacy & Protective Services, Inc.
DATE: March 6, 1996
RE: Staff Report on HB 2957

INTRODUCTION

My name is Sherry Diel. I am an attorney with Kansas Advocacy & Protective Services, Inc. (KAPS) which is a federally funded non-profit corporation which advocates for the rights of Kansans with disabilities. We currently administer four (4) different federal programs: (1) Protection and Advocacy for Individuals with Developmental Disabilities (PADD); (2) Protection and Advocacy for Individuals with Mental Illness (PAIMI); (3) Protection and Advocacy for Individual Rights (PAIR); and (4) Protection and Advocacy for Assistive Technology (PAAT).

Pursuant to our federal mandates, it is the duty of KAPS staff to advocate for the expressed interests of persons with disabilities. As many of you know, the Kansas Guardianship Program was a part of KAPS until July 1995, when the guardianship program spun off as a quasi-public agency. As some of you may not know, KAPS separated from the guardianship program due to potential conflicts of interest which may arise between a KAPS client and the guardian which was recruited by the guardianship program. The issues raised by HB 2957 is a good example of such a such a potential conflict of interest because approximately 80 of the wards at WSH were determined by SRS to be in need of guardians and most of the volunteer guardians were recruited by the guardianship program at the time that the guardianship program was part of KAPS. It is our understanding that all the KGP guardians have signed, or will sign, releases so that information can be exchanged between SRS and the CDDOs for their wards at Winfield State Hospital.

KAPS' GUIDING PRINCIPLES WITH RESPECT TO GUARDIANSHIPS AND HOSPITAL CLOSURE

With hospital closure on the horizon, KAPS staff believes:

- (1) SRS should explore the possibility of re-establishing family relationships between residents of Winfield State Hospital (WSH) and their family members. It is our understanding that only guardians have been contacted by SRS thus far. However, there have been instances

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where, due to distance or other reasons, family members were not appointed guardian of the person residing in WSH. With the availability of increased services in the community, those family members may now desire to become guardians.

(2) KAPS staff believes that persons with disabilities should reside in the least restrictive environment which meets their needs. We believe that the family member or guardian must advocate for the least restrictive environment available to meet the needs of their ward pursuant to Kansas law. [See K.S.A. 59-3018(e)(1)]

(3) KAPS staff has grave concerns about the appropriateness of a guardian who refuses to release information which would allow SRS to explore: a) whether family relationships can be re-established; and b) whether the consumer's needs can be served in a least restrictive environment.

(4) KAPS staff will endeavor to commit staff resources to ensure that both consumers and their family members and/or guardians have the information available to them to make informed decisions concerning the consumer's life. We believe it is critical that education be provided to all persons with disabilities and their legal representatives.

(5) KAPS staff strongly believes that every person presently residing at WSH must have a community integration plan formulated, whether or not it is actually effectuated, for purposes of assisting the determination by the CDDOs, as the gatekeeper, whether the person's needs can be met in the community.

KAPS POSITION WITH RESPECT TO HB 2957

KAPS staff supports HB 2957, as amended by the House, because this will help to ensure that the Developmental Disabilities (DD) Reform Act is implemented as intended by the Legislature.

The proposed amendment allows for disclosure of patient records for three limited purposes related solely to promoting continuity of care between state institutions and community providers:

- 1) arranging admission to an institution;
- 2) for periodic review purposes as required by K.S.A. 76-12b05; or
- 3) in planning for the discharge of a person from an institution to community care.

KAPS staff believes that in order for a guardian to meet their duties under Kansas law, they must be open to explore the service options available in order to make an informed decision as to what option is in their ward's best interests.

Developmental Disabilities Select Committee

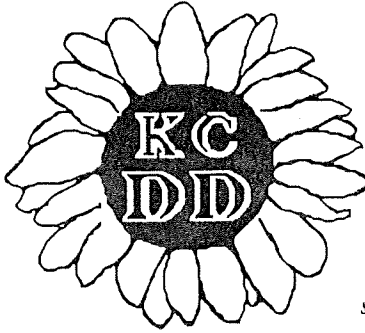
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HB 2957, as amended, ensures that information is easily exchanged between the institution and the CDDO without the necessity of the institution obtaining a release before a determination can be made whether, and to what extent, options are available in the community to meet the particular ward's needs. This is not to say that the family and guardian have no say in the decision as to whether their family member or ward will reside. In other words, HB 2957, as amended, only ensures that CDDOs have the information necessary to perform their duties as "gatekeepers" as required by the DD Reform Act, such as screening proposed residents for admission to state institutions; participation in the annual review process to determine whether a resident's needs could be served in the community; and coordination of the discharge of person from an institution to community care.

For the above reasons, KAPS staff respectfully requests the Committee to recommend HB 2957, as amended by the House, for passage.

Thank you for the opportunity to address your Committee. If you have any questions, I will be happy to address them.



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor
TCM ROSE, Chairperson
JANE RHYS, Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (913) 296-2608, FAX (913) 296-2861

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

COMMITTEE ON PUBLIC HEALTH AND WELFARE

MARCH 6, 1996

Testimony in Regard to H.B. 2957 AN ACT CONCERNING SOCIAL AND REHABILITATION SERVICES INSTITUTIONS AND COMMUNITY CARE; COMMUNICATION.

To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities.

Madame Chairperson, Members of the Committee, I am appearing today on behalf of the Kansas Council on Developmental Disabilities in support of H.B. 2957, amending the Developmental Disabilities Reform Act to permit state institutions to exchange information with Community Developmental Disability Organizations (CDDOs).

The Kansas Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor. At least half of the membership are persons with developmental disabilities or their immediate relatives. We also have representatives from the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices regarding their participation in society.

We strongly believe in *informed* choice and do not see how one can make an informed decision unless all the options are known. Therefore we support institutions providing information to the CDDOs regarding persons who are moving from the institution to the community.

The main concern here must and is the consumer. For that reason, and after much discussion with parents and consumers, we will support this amendment. We appreciate your time and the opportunity of providing testimony and would be happy to answer any questions you may have.

Jane Rhys, Ph. D., Executive Director
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570

Senate Public Health & Welfare
Date: 3-6-96
Attachment No. 3

STATE OF KANSAS



BILL GRAVES
GOVERNOR

BOARD OF DENTAL EXAMINERS

KANSAS DENTAL BOARD
BUSINESS OFFICE
3601 SW 29TH STREET, S-134
TOPEKA, KANSAS 66614-2062
TELEPHONE NO. (913) 273-0780

March 6, 1996

Senator Prager
Members of the Committee

House Bill No. 2813 has been proposed and is supported by the Kansas Dental Board.

The bill will allow the family or agent of a deceased dentist to hire dentists to keep the practice open until it can be sold, for a period of up to one year. This is needed because the statutes say only a dentist can hire a dentist.

This bill changes the annual license renewal process from annual to biennial. The Dental Board is a biennial budget agency. We will license dentists one year, hygienists the next. This will save money in postage, and other supplies related to renewals. The board has only one full time employee and about 3700 licensees.

The disciplinary portion of the statute, K.S.A. 65-1436 would be amended, on advice of an assistant attorney general and private counsel, to allow action to be taken against a licensee who has been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction; failed to keep adequate records; has had a license revoked suspended or limited in another jurisdiction. It defines professionally incompetent, as it is defined by the Board of Healing Arts and the Board of Pharmacy.

K.S.A. 74-1404 is amended to allow the Dental Hygiene Association to submit the names of three persons whom they have selected to fill the dental hygiene position on the Dental Board, directly to the Governor. The current statute requires them to submit the names to the Kansas Dental Association.

K.S.A. 65-1463 was adopted in 1982 in order that one person who did not qualify for Kansas licensure be licensed to practice at the Larned state hospital. This would be repealed.

The Kansas Dental Board would appreciate your support of these changes to the dental statutes.

Testimony of Carol Macdonald
Administrative Secretary
Kansas Dental Board

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Attachment No. 4



**Statement by Taylor L. Markle, D.D.S.
In Support of H.B. 2813
Senate Committee on Public Health and Welfare
March 6, 1996**

Chairman Praeger and members of the Committee, I am Taylor Markle. I am a practicing oral and maxillofacial surgeon in Shawnee, Kansas. I serve as Chairman of the Kansas Dental Association's Council on Dental Legislation.

I appreciate having the opportunity to appear today to offer the Kansas Dental Association's support of H.B. 2813 as written. We believe the changes contained in this measure are positive.

Specifically, the legislation offers survivors of a deceased or a disabled dentist a window of opportunity to transfer the practice to another dentist. The biennial licensure will provide the Dental Board with administrative cost savings. Changes in the disciplinary section will provide the Board with additional tools in protecting the public.

Again, Chairman Praeger and members of the Committee, the Kansas Dental Association supports H.B. 2813 as written.

Thank you for your consideration.

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Senate Public Health & Welfare
Date: 3-6-96
Attachment No. 5

JOHN BALLOU
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS

March 6, 1996

TESTIMONY ON HB-2916

Madam Chairman and Members of the Senate Public Health & Welfare Committee:

I appear before you today to ask your support of HB-2916. Rep. Mason and I sponsored this bill because we feel some basic regulation of this industry is needed to insure the health and safety of all those it concerns.

Those who practice the art of tattooing need to be educated about the possible spread of disease. Brenda Garza of the Centers for Disease Control AIDS/HIV division, was quoted as saying in the February 1996 issue of State Legislatures, "Personal Service workers who do tattooing or body piercing should be educated about how HIV is transmitted and the precaution to prevent transmission in those settings." Practitioners of this art must be made completely aware of the importance of using clean needles to prevent the spread of disease.

It is also very important for the clients of tattoo artists to be educated about possible infections that may occur. They need to be informed of the possible symptoms that may develop so they will know whether they should seek medical attention.

Some people may argue that regulation of this industry is not

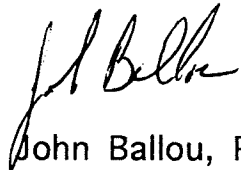
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necessary because there has not been a problem so far. I feel that it is only logical to pass this basic regulation to insure we don't have a problem in the near future. The popularity of tattooing has risen drastically in recent years. (There are approximately 4,000 tattoo parlors operating in the United States today.) It only makes sense that if we require someone to be licensed to cut hair, we should also require at least the same of those who penetrate the skin with a needle.

Cost is not a concern when considering this legislation. The Board of Cosmetology will cover the initial shortfall from the start up costs. This short fall will be covered by proceeds collected in the subsequent years.

\$6,000
per year

Members of the committee, I urge you to support this bill in order to insure the health and safety of those who choose to participate in this art form.



John Ballou, Representative
43rd District

WILLIAM G. (BILL) MASON
 REPRESENTATIVE, 75TH DISTRICT
 BUTLER COUNTY



TOPEKA

HOUSE OF
 REPRESENTATIVES

TESTIMONY
 SENATE PUBLIC HEALTH AND WELFARE
 MARCH 6, 1996

COMMITTEE ASSIGNMENTS
 CHAIRMAN: EDUCATION
 MEMBER: FEDERAL AND STATE AFFAIRS
 BOARD MEMBER: KANSAS TECHNOLOGY
 ENTERPRISE CORPORATION

Madame Chairman Praeger and Members of the Committee:

Thank you for the opportunity to appear before you today in support of **HB 2916**. This bill would bring some measure of regulation to the tattoo and body piercing business.

My initial interest in this issue was prompted by the experience of Mr. Marvin Daniels who is one of my constituents. In follow-up on Mr. Daniel's experience, we found that there is no regulation of any kind on the tattoo industry. The legitimate artists using good sterile practices in this business agree that there should be regulations and oversight. They want to protect their business and reputation from those that practice unprofessionally.

The huge growth in body piercing prompted many questions as well. It is my belief that anytime that the skin is pierced or tattooed that there is a potential, though it may be very slight, for the transmission of a number of blood disorders, in particular Hepatitis. It is hard for me to believe that we do not have any licensing guidelines or good medical practices for this industry to follow. While I am normally an advocate for less government control, I believe that the growth of this practice and some of the abuses of the system would make it imperative that we have some measure to ensure the health and safety of the public and the reputation of the legitimate practitioner.

I appreciate Representative Ballou taking on this issue and putting together a much better bill than the original I introduced three years ago.

Thanks for hearing this bill and allowing me to testify on it. While I have received my share of ribbing on this issue over the past three years, I believe that there is a very serious problem that can be corrected by this bill. I urge you to pass out **HB 2916** favorably.

While Representative Ballou is more prepared to answer questions, I would be happy to respond to any questions you may have of me.

TESTIMONY
HEALTH AND HUMAN SERVICES
February 14, 1996

Dear Fellow Kansans:

First, I wish to thank Representative Mason for inviting me here today and I thank all of you for allowing me to speak about this new bill.

I strongly feel a bill such as this is seriously needed today. You are probably asking why it is of such importance? Let me ask, how many of you have children and grandchildren? I want you to keep them in mind as you hear my words.

There are laws governing alcohol, smoking, drugs, selling of pornographic material and many more, all on the basis of protecting our children. Granted, we, as parents, feel these measure are needed in order to exercise control and exposure of such influences on their lives. We all know that sometime, or another, they will have to make their own decisions.

However, there is one area that has been untouched and is left unattended. One that has been overlooked and long ignored and has serious consequences. That is the tattoo industry. It has no guidelines, regulation and is under no authority, unless, a small amount locally and that is not often the case. For example, Wichita's only ordinance states that parlors must be located outside city limits. There is no law governing or restricting minors access to these establishments. There are no current health codes or inspections enforced locally or state wide.

How would you feel if one of your family members came home with tattoos or parts of their body pierced? Think of the many implications as a result of no laws. Would you be concerned about the health conditions of the business? We regulate the food industry and the medical industry is under strict guidelines. What about the influence and lifestyles of some of the operators? Do you want your kinds around ex-cons? I'm not condemning the people. I'm not judging them either. Let's not turn this into a moral issue, as some will indicate this is. When the state requires seatbelts and helmets, they too, fall under one's own right to choose. It's time to get serious about this area.

My son did just that when he was 17. He drove the 30 miles from Eldorado to Wichita, where he receive his "glorious marks for life". He was never questioned about his age, but show what type of tattoo and how much it would cost. The thing is, it wasn't even "pretty". This didn't happen just once, but twice while underage and two more times later. All this against our wishes and his up-bringing. Check out the cost of having one done and the treatment the first few days afterward.

Lack of regulations and certification is also a loss of taxable revenue. The state taxes and raises taxes on property, fuel, alcohol cigarettes and recreation. Is there any in this area? No!

We need a bill to regulate, inspect and enforce guidelines over this industry, as well. There are too many "back alleys" and "in-home operators" who could care less about the end result. This is where a serious problem of contagious diseases exists. Do we ever hear about such cases? Probably not. The same holds true for body piercing.

I don't want my 16 year old daughter to come home with her lips and eyelids pierced. But, that is very possible because of no law in effect.

We have a moral obligation to protect our children from this industry. They need to be educated about the realities and consequences. Tattoos just don't wash off. There are a few techniques used for removal, but they are painful, expensive and leave scarring. Some people usually regret having them done after a period of time. I know my son has expressed this now after only three years of having them.

The chances of getting aids, hepatitis and other spreadable diseases is a concern of the state. Children are educated in school, by the media and other areas in the use of condoms for "safe sex" and the spread of diseases. How about the "needle"? We shouldn't encourage them, nor make it easily accessible. Our children need to be taught the dangers involved here as well.

Maybe some of you have never noticed how wide spread this industry is. Nor have you realized the vulgarity displayed or available. Yes, there are some that are appealing and in good taste.

I challenge each and everyone of you to investigate it before you vote on this bill. Check out your home areas; visit some businesses; look at magazines that are published dealing with the business; read the ads in back; and, talk to someone who has one. Look at all aspects of this industry and see what the end result could be.

Most people don't realize there are no guidelines enforced in this business. They never gave it a thought, but are shocked and surprised when informed.

It is my understanding there is support of such a bill by owner/operators who wish to see that "back alley operators" don't jeopardize their business. There is support from the cosmetology board, which could undertake inspection of such businesses. Much greater support from communities could be enlisted, if they were aware of the facts.

It is time we face this issue head on with all seriousness. So please search your hearts and do the right thing. Vote yes

The future of our children and older people too, depend on your vote. All people are susceptible to the spread of diseases, not just kids.

In closing I must say, don't just pass a bill but enforce it. Too many others have been swept away and hidden. This is too important to forget. It does and will affect us all someday, somehow, someday.

Thank you, once again.

Marvin Daniels

TESTIMONY FOR HOUSE BILL 2916
SENATE SUBCOMMITTEE
SENATOR SANDY PRAEGER, CHAIRPERSON
MARCH 6, 1996

Madam Chairman and distinguished members of the committee, my name is Rogene Handlon, I am a registered nurse and co-owner (along with my husband Jon, daughter Teddie and son Ira) of Fine Line Tattoo, Inc. and Body Piercing, here in Topeka, Kansas. We are one of Kansas' oldest and best known tattoo and piercing studio. We are a family owned and operated business and have worked here in Kansas since 1984. We have been an advocate of having tattoo regulations for the state of Kansas for several years as Representative Mason can confirm.

Our business depends on a quality product and consumer safety. We have always practiced cleanliness and sterility in our procedures. One of our policies has been to educate the consumer on how to obtain a quality risk free tattoo.

Right now in the state of Kansas, there is probably someone in most towns doing tattoos. They think if they can draw they can tattoo. They buy a start up kit from a magazine, or someone else's who did and failed, or make their own from a cassette motor and guitar string. They practice on their friends, at home, or at parties, under unsanitary conditions with no concept of how to operate the equipment and no clue on how to do it properly and safely. These "scratchers" can cause great damage to the consumer as well as to the professional tattoo establishments.

The fear of communicable diseases caused by improperly done tattoos is not aids, but hepatitis. Many simple procedures and products will kill HIV, but only autoclave sterilization will kill hepatitis. Not only are clean sterile needles important, but the cleanliness and/or sterility of everything that touches the client are just as important.

Piercing regulations are just as important. Piercing is very popular right now. It sprang up about five years ago in what was thought to be a fad, but is gaining momentum. Not only is it being done in tattoo studios, but also beauty salons, tanning salons, body shops, piercing shops, and at home to each other. Very few know the proper techniques and placement, let alone the sanitary conditions it should be done under.

Many are using the "piercing gun" on all parts of the body. "Piercing guns" cannot be sterilized. "Piercing guns" also insert non-compatible, improperly sized jewelry, and cut off circulation to the body part.

Very few piercers are really qualified to be piercing. Since it is a fad, many newspaper and school publications are doing articles on piercing establishments giving the consumer false security saying piercing in these establishments must be OK.

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H.B. 2916
Testimony by Rogene Handlon

We started piercing in our shop one year ago, only after seeing many improperly done and infected piercings. I went to San Francisco to the Gauntlet (the ultimate piercers in the piercing world) to learn proper technique and procedures. We are not masters in piercing, but we are probably better educated in this profession than most here in Kansas.

I myself do not like the government to regulate our lives but the consumer expects the government to protect them. By not having any regulations on these invasive procedures we are not doing them justice.

The ideal would be to have us regulated under the Department of Health with our own governing board. We can live with being under the Board of Cosmetology as long as we have a voice in the policy making procedures regulating our profession.

I will be happy to answer any questions that you may have.

Thank you for your time.

8-2



2708 NW Topeka Blvd.
Topeka, Kansas 66617-1139
Phone: (913) 296-3155
Fax: (913) 296-3002

TESTIMONY FOR HB 2916
SENATE SUB COMMITTEE
SENATOR SANDY PRAEGER, CHAIRPERSON
MARCH 6, 1996

Madame chairman and distinguished members of the committee, I am Nancy Shobe, the Executive Director for the Board of Cosmetology. I thank you for the opportunity to provide you with the Board's position with regards to HB 2916.

The Board of Cosmetology was created, by statute, in 1929 primarily for the protection of the public, with regards to beauty salons. We have been given more and more responsibilities since that time. If the legislative body passes legislation that requires us to regulate the profession of permanent cosmetics, tattooing and body piercing, we are willing to accept that responsibility. We did not seek this legislation, however, it is apparent that it is an industry that needs oversight, since it is an invasive procedure to the skin, and could be potentially dangerous.

Representative Ballou approached the board about this legislation, and it was the consensus of the board that we could accomplish it with certain amendments. Those amendments were made in the house. This board is very dedicated to the protection of the public. We will always attempt to be cooperative with the legislative body.

We already regulate the profession of Electrolysis, which is very similar in that it is an invasive procedure. We have rules and regulations in place for Electrolysis that are more restrictive than beauty salons in that for electrolysis we require sterilization by means of an autoclave. We have been inspecting these establishments since 1987. Our inspectors are trained to look for and check the appropriate methods of sterilization.

In 1992 we accepted the responsibility of regulating the tanning industry. We have been successful in this mission. We believe that all establishments are licensed and taking the necessary steps to inform the public of the dangers of improper tanning.

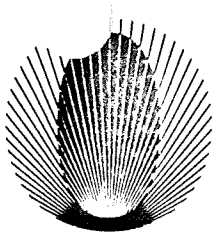
If we are asked to regulate this profession we will do the necessary research to adopt effective rules and regulations. We will also seek out a fair, valid, reliable and legally defensible test to determine qualifications to enter the profession. We will inspect and license facilities to determine that they are clean and safe. This will give a certain amount of assurance to the public that if they visit a licensed facility that it has met minimum standards. If the person performing the procedure is licensed,

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that they have met minimum requirements for licensure.

Can you promise that all people receiving these services are safe? No. What you can say is that you did all you could do to protect the public. This is a rapidly growing profession and if you make it clear, early in the process, that Kansas has a position, it may hinder those who will not practice safely. Whether you agree with the procedure or not, there is a safe way to perform it.

Thank you for your time.



City of Olathe

MEMORANDUM

TO: Members of the Senate Public Health & Welfare Committee
FROM: Donald R. Seifert, Management Services Director *DRS*
SUBJECT: HB 2916; Regulation and Licensing of Tattoo Artists
DATE: March 6, 1996

On behalf of the city of Olathe, thank you for the opportunity to express support for HB 2916, a bill that would provide for state regulation and licensing of persons engaged in the practice of tattooing and body piercing. Last year, Olathe city officials received some complaints from parents whose minor children had received tattoos without their knowledge. We were surprised to learn that these activities were not already regulated by the state. Even before introduction of this bill, the city was considering a local ordinance which would require parental consent before performing these activities on any person under the age of 18. The city's proposed ordinance is much like Section 14 of the bill.

The city agrees with the broad regulatory approach to tattooing and body piercing taken in this bill. The city has no quarrel with legitimate businesses operating properly. However, since these procedures involve penetration of the human body, it seems logical from a public health standpoint that they be done by competent individuals in licensed facilities. The state, through its Department of Health and Environment, has the necessary technical expertise to regulate these activities. HB 2916 would simply place tattooing and body piercing on par with a number of other far less invasive body procedures already regulated by the state, including barbering, cosmetology, electrolysis, and tanning salons.

Thank you again for the opportunity to support this bill. The city urges the Committee to recommend it favorably for passage.

rc

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Response to Proposed
Legislation H.B. 2916

Public Health & Welfare
Committee on H.B. 2916
Ks. State Capitol Hill
March 6, 1996

Gary L. Barber
Inkslinger Tattoo Studio
10235 W. 75th Street
Overland Park, Ks. 66204
(913-631-4889)

Before I begin my comments this morning, let me take this opportunity to thank you all for your willingness to consider "all sides" of the issue--tattooing--that, for some people, can be very unsettling and maybe even frightening. I hope to change all that, since neither reaction is necessary.

I would also like to commend those who initiated these proceedings for their interest in applying some regulations to a profession that should, to a large degree, be regulated for the protection of the general public. I have belonged to a national association that is in total agreement; that, for the sake of the health and welfare of anyone who seeks a tattoo, certain standards must be in force to protect them from those who could jeopardize their safety.

First of all, I would like to tell you that not all tattooists are greasy, long-haired, unsanitary, dog-kicking, outlaw bikers. Many of us take great pride in the strides we have taken in the area of sanitation and health protection--to say nothing of the advance we've made in the refinement of the actual art applied in tattooing. Second of all permit me to point out the obvious by saying that not all people who have tattoos are Ex-cons, Bikers, drunken sailors or teenage delinquents. Members of the Congress, the legal and medical professions, great military, industrial, political and social leaders--people throughout history in prominent, responsible and critical positions--have and have had..and will always have..tattoos. Role models like former Senator and Statesman Barry Goldwater, Vice President Dan Quayle, England King Edward, past King's of Denmark the Zar Nickolas, all have or had tattoos and I don't believe any of them even had a motorcycle.

I am telling you all this because I want you to understand..if you don't already..that having a tattoo doesn't mean a person is bad or untrustworthy

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a. at the same time, that being a tattooist doesn't mean that a person is bad or untrustworthy. I am here not in an adversarial role but, rather, as someone who agrees with you that some regulations of my profession is called for. Regardless of what is decided with respect to this proposed bill, there are many people who will want tattoos and seek out those who can provide them.. people who might not be concerned with principles or ethics--who know nothing about and care nothing for sanitation and safety.

If tattooing were made illegal--if having tattoos were made illegal--it would make no difference. Many would do it anyway. It makes sense to me..as it obviously does to you..that this practice should be made as safe as possible. It makes sense that a well-thought-out code of practices be drafted to assure that anyone who practices the art of tattooing in Overland Park or anywhere in Kansas be held to reasonable and logical standards of hygiene, safety and ethics. I've been tattooed for 30 years and I have practiced my art in Johnson County for the past 15 years without any incident of infection or injury of any problems whatever with law enforcement or health department violations. I have applied the most demanding standards which available technology will allow. Whenever new, safety and more effective measures are developed, I have always tried to immediately incorporate them into what I do because like all of you, I take great pride in doing what I do and doing it as well as possible.

For the past 6 years, within my community, I have lectured thru UMKS communitivist and other locations on a regular basis, reaching as many people as possible about the rich 5000 year history of tattooing, to what to look for in the modern shops of today. With this background to recommend me, I want you to know that I am anxious to assist in anyway with H.B. 2916 to create reasonable and applicable regulation of the profession of tattooing. The concept of legally binding regulations on the profession of tattooing is a good one for the State of Kansas and if carefully considered and drafted, for all those concerned.

I would like to be a part of this process because it is my intention to provide a safe and quality service in Overland Park for a long time to come and I don't wish to be at odds with anyone over the way I earn my living.

Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script that reads "Gary L. Barber". The signature is written in black ink and is positioned above the typed name.

Gary L. Barber
Master Tattooist

6TH MARCH 1996

HEALTH AND WELFARE COMMITTEE:

SENATOR'S PRAEGER, LANGWORTHY, HARDENBERGER, HARRINGTON, PAPAY, RAMIREZ, WALKER, JONES, AND LEE

MY NAME IS E.R.KIMBER AND I HAVE BEEN WORKING IN THE TATTOO INDUSTRY FOR 16 YEARS, LICENSED IN KANSAS FOR THE LAST 12 YEARS, AND BODY PIERCING FOR 11 YEARS. I AM A MEMBER OF, NATIONAL TATTOO ASSOCIATION WITH A 12 YEAR STANDING AND A MEMBER OF THE ALLIANCE OF PROFESSIONAL TATTOOISTS FOR THE LAST 3 YEARS.

I'M HERE TODAY TO SPEAK TO YOU ABOUT SEVERAL POINTS IN HOUSE BILL 2916. FIRST, EVEN THOUGH THE BILL DOES TAKE INTO CONSIDERATION ALL PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS THAT HAVE BEEN WORKING IN GOOD FAITH UNDER ALL APPROPRIATE LAWS AND UNDER THE REQUIRED OCCUPATIONAL LICENSES IN THE STATE OF KANSAS THE LICENSING FORMAT DOES NOT GIVE THE PIERCISTS THE SAME CONSIDERATION.

SECOND EVEN THOUGH WE TRY OUR BEST TO PROTECT MINORS FROM MISADVENTURE AND THE ERRONEOUS DECISIONS OF THEIR YOUTH, THIS BILL WOULD ENABLE MINORS OF ANY AGE UNDER 18 TO BE TATTOOED OR PIERCED. IF THE AGE LIMIT IS SET AT 18 (MOST ALL) PARENTS WOULD BE RELIEVED FROM THE RESPONSIBILITY OF LETTING THEIR CHILDREN ANNOY, TORMENT, OR PESTER THEM INTO A POSSIBLE DECISION THAT MAY BE REGRETTED LATER IN LIFE. I FOR ONE DO NOT ASCRIBE TO TATTOOING OR PIERCING OF MINORS (NOR SHOULD ANYONE IN THESE PROFESSIONS WITH ETHICS)

IN THE GOVERNING OF ANY PROFESSION, IT IS IMPORTANT THAT ISSUES PERTAINING TO THAT INDUSTRY BE APPROACHED WITH KNOWLEDGE. EVEN THOUGH BODY PIERCING, TATTOOING, AND COLOR TECHNOLOGY SHARE THE SAME STERILIZATION AND SANITATION TECHNIQUES ALL THREE ARE DIFFERENT INDUSTRIES, AND SHOULD BE AFFORDED A PLACE ON THE BOARD ALONG WITH A HEALTH OFFICIAL, AND SHOULD HAVE VOTING RIGHTS ON ALL ISSUES PERTAINING TO THEIR INDUSTRIES.

TATTOO TRADE SHOWS AND CONVENTIONS ARE OF MAJOR IMPORTANCE TO THE FURTHERING OF EDUCATION FOR TATTOOISTS, PIERCISTS, AND THE GENERAL PUBLIC. HERE IN THE UNITED STATES IT IS BASICALLY THE ONLY PLACE WHERE SEMINARS ON PREVENTING DISEASE TRANSMISSION AND PROPER STERILIZATION TECHNIQUES, TO NAME A FEW, ARE HELD. YET THERE ARE NO PROVISIONS FOR THIS OR VISITING TATTOOISTS, PIERCISTS WHO ARE LICENSED IN OTHER STATES TO COME TO KANSAS TO LEARN AND WORK TEMPORARILY DURING THIS TYPE OF EVENT. WITHOUT RE-LICENSING IN KANSAS. TRADE SHOWS AND CONVENTIONS ARE A MAJOR SOURCE OF REVENUE FOR MANY CITIES AND STATES.

IN CLOSING I WOULD LIKE TO SAY THAT CONCERN FOR PUBLIC SAFETY, AWARENESS AND SAFETY OF THE PRACTITIONER IS ONE OF MY HIGHEST PRIORITIES. AT THIS TIME I OFFER YOU THE USE OF MY MANY YEARS IN THIS BUSINESS FOR ANY INFORMATION OR QUESTIONS YOU MIGHT HAVE PERTAINING TO ITS PRACTICE AND EVOLUTION.

THANK YOU

E.R. KIMBER 1507 CENTRAL AVE. KANSAS CITY KS. 66102 PH # 913-321-1214
OWNER: EAST COAST AL'S STUDIO, KISSIMMEE TATTOO COMPANY
MEMBER: NATIONAL TATTOO ASSOCIATION, ALLIANCE OF PROFESSIONAL TATTOOISTS,
CENTRAL AVENUE BETTERMENT ASSOCIATION, BETTER BUSINESS BUREAU

Senate Public Health and Welfare

Date: 3-6-96

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