

Approved: 2-25-96  
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 19, 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:

Connie Hubbell, Commissioner, Income Maintenance and Employment Preparation Services, SRS  
Andrew O'Donovan, Commissioner, Alcohol and Drug Abuse Services, SRS

Others attending: See attached list

**Subcommittee Report and Action on HB 2692 - Licensing master level psychologists, marriage and family therapists, and professional psychologists**

The Chair briefed the Committee on the Subcommittee report on HB 2692 with regard to fees and implementation date for licensure, the grandfathering issue, board composition change from 7 to 11, transition renewals and staggered renewal dates, as well as technical changes suggested by staff.

Senator Ramirez made a conceptual motion the Committee adopt the subcommittee report on HB 2692 with amendments as noted, seconded by Senator Lee. The motion carried.

Senator Ramirez made a motion the Committee recommended HB 2692 as amended favorably for passage, seconded by Senator Papay. The motion carried with Senator Jones voting no.

**Subcommittee Report and Action on HB 2423 - Alcohol and drug screening program for welfare recipients**

Senator Langworthy, Chair of the Subcommittee on HB 2423, submitted written testimony from James O'Connell, Secretary, Kansas Department of Health and Environment, that was presented to the Subcommittee with regard to Section 2 of the bill. Secretary O'Connell noted that he had discussed the revised regulations with Representative Swenson, and those regulation changes, which would go into effect within approximately 30 days, adequately addressed Representative Swenson's concerns. Representative Swenson has withdrawn his support for Section 2 of HB 2423 based on the revised regulations and the actions taken to adopt such regulations. (Attachment 1)

Subcommittee Chair Langworthy called upon SRS Commissioners Connie Hubbell and Andrew O'Donovan who addressed many of the concerns expressed by the Committee at a previous Committee meeting regarding the funding and process of the drug screening program.

Senator Langworthy made a motion the Committee adopt the subcommittee report, that the bill apply only to KanWork recipients the first year, sunset the second year, and strike Sections 2, 3, 4 and 5 of the bill, seconded by Senator Ramirez. The motion carried.

Senator Langworthy made a motion the Committee recommend HB 2423 as amended favorably for passage, seconded by Senator Ramirez. The motion carried with Senator Jones voting no.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S  
Statehouse, at 10:00 a.m. on March 19, 1996.

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

Staff briefed the Committee on the balloon of the bill regarding amendments relating to the definition of permanent color technology, exemption of certain persons and effective date of act - January 1, 1997. (Attachment 2)

Senator Langworthy made a motion the Committee adopt the balloon amendments to the bill, seconded by Senator Papay. The motion carried.

Senator Langworthy made a motion the Committee recommend **HB 2916 as amended** favorably for passage, seconded by Senator Harrington. The motion carried.

**Action on HB 2304 - Practice of dental hygienists authorized in adult care home, hospital, state institution or school**

Senator Ramirez made a motion that dental hygienists be allowed to practice in adult care homes only under general supervision, seconded by Senator Papay. The motion carried.

Senator Ramirez made a motion the Committee recommend **HB 2304 as amended** favorably for passage, seconded by Senator Papay. The motion carried.

**Approval of minutes**

Senator Papay made a motion to approve the Committee minutes of March 5 and 6, 1996, seconded by Senator Ramirez. The motion carried.

**Adjournment**

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

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-19-96

NAME	REPRESENTING
Bary Hankmark	KPA
Suzanne Linn	KPA
Mary Ann Gabel	BSRB
Kinderknecht	BSRB
Meggen Griggs	KNASLJ
Jim Youssley	KDHA
Gene Johnson	Ko. A. S. A. P. Assn
<del>Shelby Smith</del>	KPM A
Sandy Strayd	KS Advocates for Better Care
Phillip G. Jeffrey	Alliance of Ind. Mental Health Patients
Daniel R. How	KAMFT
Boyd G. Lewis	KAMP
Gary Barber	Inkslinger's tattoo op. ks
Wanda Lynn Meyer	1 Stop Shop, Inc.
Janeet Quall	Myself -
Henry Rini	KAFES
Robert L. Kunder	KCA
Melissa Wangemann	Hein Ebert & Weir
Weg Henson	KMS

# SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3/19/96

NAME	REPRESENTING
JASON PITSCENBERGER	BRAD SMOOT
LISA BENLON	HOUSE
Andrew & Annette	SRS.
Conie Huerter	SRS
Phil Baum	KDOT
B. Boyne Hanel	Fine Line Tattoo Inc
Samantha Caruthers	Permanent Make-up Inc.
Nancy Shobe	Ks Bd of Cosmetology
Paul & Lori Wittz	Ks F.H. & myself
JOHN FEDERICO	Pete McGill + Assoc
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEES ON PUBLICATION FOR KANSAS

2690

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Public Health and Welfare Subcommittee

by

The Kansas Department of Health and Environment

H. B. 2423

Thank you for the opportunity to address the Subcommittee with regard to House Bill 2423. My testimony will be limited to New Section 2 and those parts of Section 3 that would amend K.S.A. 65-1,107.

During the latter part of calendar 1995, KDHE undertook a review of its regulations related to laboratory testing for controlled substances. The goals of this review were to update the regulations to reflect current practices and available techniques, to correct provisions that could interfere with the use of screening tests for urgent patient care needs, particularly in emergency rooms, and to adjust training and experience of personnel and other requirements to be comparable to the Clinical Laboratory Improvement Act of 1988 (CLIA '88) standards. The federal regulations adopted to carry out this act are the standards applied to clinical laboratory testing to assist in the diagnosis and treatment of the sick and injured. Though CLIA '88 regulations do not address testing for controlled substances, they provide what KDHE believes to be a valid basis on which controlled substance testing requirements should be developed.

A public hearing was held in January, 1996 on the draft regulations. Comments received included a number of areas where it was felt the regulations were too lenient. House Bill 2423 apparently reflects the belief that this input would not be adequately reflected in final regulations.

Revised draft regulations were provided to the full committee and subsequently to the bill's sponsor, Representative Swenson. KDHE opposed this bill in its testimony because some of its provisions are too stringent and may raise cost and other barriers, but more importantly because we believe it is not appropriate to incorporate detailed regulatory-type requirements in statute, particularly in a field of ever-changing technology.

I have discussed the revised regulations with Representative Swenson and he stated that they adequately address his concerns. He has urged their prompt adoption and we have begun the review process with the Department of Administration and the Attorney General. We expect to have these regulations in effect within approximately 30 days. Based on the revised regulations and the actions being taken to adopt them, Representative Swenson has informed me by telephone that he will withdraw his support for HB 2423.

With respect to Section 3 of the bill, the amended language on page 6, lines 12 and 13, appears to be intended to refer to the new Section 2, not Section 1 as printed. In any case, this amendment would not be appropriate if action to adopt Section 2 is not taken. In addition, lines 22 and 23 on page 7 will add the crime labs in Johnson and Sedgwick Counties to the list of facilities exempted from statutory and regulatory requirements for controlled substances testing. We support the exemption of these two facilities.

Testimony presented by: James J. O'Connell  
Secretary  
KS Department of Health and Environment  
March 14, 1996

HOUSE BILL No. 2916

By Representatives Ballou and Mason, Becker, Gilmore, Landwehr,  
O'Connor, Tomlinson and Vickrey

2-5

13 AN ACT relating to tattooing; licensure of tattoo artists; limitation on  
14 body piercing; amending K.S.A. 74-2701 and repealing the existing  
15 section.

16  
17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. As used in this act, unless the context otherwise re-  
19 quires:

- 20 (a) "Board" means the Kansas state board of cosmetology.  
21 (b) "Director" means the executive director of the board.  
22 (c) "Department" means the department of health and environment.  
23 (d) "Secretary" means the secretary of health and environment.  
24 (e) "Licensed permanent color technician and tattoo artist" means a  
25 person licensed under this act to practice tattooing **or permanent color**  
26 **technology, or both.**  
27 (f) "Permanent color technician and tattoo artist" means a person  
28 who practices tattooing **or permanent color technology, or both,** pur-  
29 suant to this act.  
30 (g) "Body piercing" means puncturing the skin of a person by aid of  
31 needles or other instruments designed or used to puncture the skin for  
32 the purpose of inserting jewelry or other objects in or through the human  
33 body, except puncturing the external part of the human ear shall not be  
34 included in this definition.  
35 (h) "Physician" means a person licensed to practice medicine and  
36 surgery **by the state board of healing arts.**  
37 (i) "Tattoo" means the indelible mark, figure or decorative design  
38 introduced by insertion of nontoxic dyes or pigments into or under the  
39 subcutaneous portion of the skin upon the body of a live human being.  
40 (j) "Tattooing" means the process by which the skin is marked or  
41 colored by insertion of nontoxic dyes or pigments into or under the sub-  
cutaneous portion of the skin so as to form indelible marks for cosmetic;  
~~medical~~ or figurative purposes.

2-2

1 (k) "Tattoo facility" means any room or space or any part thereof  
2 where tattooing is practiced or where the business of tattooing is con-  
3 ducted.

4 (l) "Body piercing facility" means any room space, or any part thereof,  
5 where body piercing is practiced or where the business of body piercing  
6 is conducted.

7 New Sec. 2. No person, including a permanent color technician and  
8 tattoo artist, shall perform tattooing, display a sign or in any other way  
9 advertise or purport to be a permanent color technician and tattoo artist  
10 unless that person holds a valid license issued by the board. No person  
11 shall perform body piercing, display a sign or in any other way advertise  
12 or purport to be in the business of body piercing unless that person holds  
13 a valid license issued by the board. This act does not prevent or affect  
14 the use of tattooing/for body piercing by a physician, a person under the  
15 control and supervision of a physician/for any other person specifically  
16 permitted to use electrolysis or tattooing by law.

(m) "Permanent color technology" means the process by  
which the skin is marked or colored by insertion of nontoxic  
dyes or pigments into or under the subcutaneous portion of  
the skin so as to form indelible marks for cosmetic or figura-  
tive purposes.

, permanent color technology

, a dentist, a person under the control and supervision of a  
dentist, an individual performing tattooing, permanent color  
technology or body piercing solely on such individual's body

17 New Sec. 3. No person shall:

- 18 (a) Sell, barter or offer to sell or barter a license;
- 19 (b) purchase or procure by barter a license with intent to use it as  
20 evidence of the person's qualification to practice tattooing or body pier-  
21 ing;
- 22 (c) alter materially a license with fraudulent intent;
- 23 (d) use or attempt to use as a valid license a license which has been  
24 purchased, fraudulently obtained, counterfeited or materially altered; or
- 25 (e) willfully make a false, material statement in an application for  
26 licensure or for renewal of a license.

27 New Sec. 4. An applicant for licensure shall pay a fee established by  
28 rules and regulations adopted by the board and shall show to the satis-  
29 faction of the board that the applicant:

- 30 (a) Has complied with the provisions of this act and the applicable  
31 rules and regulations of the secretary;
- 32 (b) is not less than 18 years of age;
- 33 (c) has a high school diploma or equivalent education;
- 34 (d) has submitted evidence of completion of education or training  
35 prescribed and approved by the board as follows:

36 (1) (A) A training program under the direct supervision of a licensed  
37 permanent color technician and tattoo artist **in a state approved by the**  
38 **board, or a person or school in this state designated by the board,**  
39 if the application is for a permanent color technician and tattoo artist  
40 license; or

(B) a training program under the direct supervision of a person li-  
censed in a state approved by the board or a person or school in this state  
43 designated by the board if the application is for a license to perform body



2-3

1 be the treasurer of the board and shall keep a record of the proceedings  
2 and perform such other duties as the board shall direct. The executive  
3 director shall be a practicing cosmetologist and have the same educational  
4 qualifications which are required of an instructor of cosmetology.

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

10 (e) *The board of cosmetology shall have an advisory member ap-*  
11 *pointed by the governor who shall be qualified in the area of permanent*  
12 *color technician [technology] and tattooing or in the area of body pierc-*  
13 *ing. Such member shall serve for a term of three years and until a suc-*  
14 *cessor is appointed and qualified. The advisory member may attend board*  
15 *meetings, but shall not be a voting member of the board.*

16 Sec. ~~16~~ 17. K.S.A. 74-2701 is hereby repealed.

17 Sec. ~~17~~ 18. This act shall take effect and be in force from and after January 1, 1997, and  
18 its publication in the statute book.