

Approved: 4-3-98
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 3:00 p.m. on March 31, 1998 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Robin Kempf, Legislative Research Department
Norman Furse, Revisor of Statutes
JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Discussion and Action on Sub HB 2609 - Certain cosmetologists exempted from continuing education

Staff briefed the Committee on a balloon of **Sub HB 2609** showing proposed amendments to the bill. The Committee discussed the proposed amendments and recommended striking new language that would bring the bill back to current law on page 1, line 40, and reinserting language on page 2, line 2, as well as striking new language on lines 3 and 4 relating to "performing any other external application intended to beautify or improve the complexion, skin, nails or hair". New language relating to renewal of licenses was also discussed which would take effect on and after July 1, 2000, and be conducted much like a driver's license renewal. Other changes to the balloon of the bill related to technical clean up and renumbering of subsections by staff. (See Attachment 1)

Senator Hardenburger made a motion to adopt the amendments as shown in the balloon of the bill with the recommended changes, seconded by Senator Becker. The motion carried.

Senator Jones made a motion that the Committee recommend **Sub HB 2609 as amended** favorably for passage, seconded by Senator Hardenburger. The motion carried.

Discussion on SB 375 - Abuse, neglect and exploitation of certain persons

Staff briefed the Committee on **SB 375**. The Committee discussed the bill, but no action was taken.

Adjournment

The meeting was adjourned at 4:00 p.m.

No meeting date has been set for the next meeting.

Substitute FOR HOUSE BILL No. 2609

By Committee on Education

2-24

10 AN ACT concerning the state board of cosmetology; persons and prac-
11 tices regulated by the board; amending K.S.A. 65-1904a, 65-1904b,
12 65-1905, 65-1906, 65-1909, 74-2703 and 74-2704 and K.S.A. 1997
13 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907, 65-1908, 65-1912
14 and 74-2701 and repealing the existing sections.

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

16 Section 1. K.S.A. 1997 Supp. 65-1901 is hereby amended to read as
17 follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amend-
18 ments thereto:

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

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

26 (c) "Cosmetologist" means any person, other than a manicurist or
27 esthetician, who practices the profession of cosmetology for compensa-
28 tion.

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

30 (1) Arranging, dressing, permanently curling, curling, waving, ~~singe-~~
31 ~~ing~~, cleansing, ~~dyeing temporarily or permanently coloring, conditioning~~
32 or ~~bobbing~~ *cutting* the hair;

33 (2) massaging, cleansing, stimulating, manipulating or performing
34 similar work on the scalp, face, neck, arms or hands, by use of either the
35 hands or mechanical or electrical appliances;

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

39 ~~(4) performing facials, skin care, eyebrow and eyelash services;~~

40 ~~(4)~~ (5) using cosmetic preparations, antiseptics, lotions, creams or
41 other preparations in performing any of the practices described in pro-
visions (d)(1), (2) ~~and~~, (3) ~~and~~ (4);

? line 40

1-2

revised
? line 2
Strike

- 1 ~~(5)~~ (6) manicuring, pedicuring or sculpturing nails; or
- 2 ~~(6)~~ performing any other beautifying process on any person
- 3 ~~(7)~~ performing any other external application intended to beautify or
- 4 improve the complexion, skin, nails or hair.
- 5 (e) "Esthetician" means any person who, for compensation practices
- 6 the profession of cosmetology only to the following extent:
- 7 (1) Performing facials, skin care and eyebrow and eyelash services;
- 8 or
- 9 (2) removing superfluous hair from the face or body, using either the
- 10 hands or mechanical or electrical appliances other than electric needles.
- 11 (f) "Manicurist" means any person who, for compensation practices
- 12 the profession of cosmetology only to the extent of manicuring, pedicur-
- 13 ing and sculpturing nails.
- 14 (g) "Nail technology" means ~~the information related to~~ manicuring,
- 15 pedicuring and sculpturing nails.
- 16 (h) "Electrologist" means any person who, for compensation removes
- 17 hair from, or destroys hair on, the human body for beautification by use
- 18 of an electric needle only.
- 19 (i) "Person" means any individual, corporation, partnership, associa-
- 20 tion or other entity.
- 21 Sec. 2. K.S.A. 1997 Supp. 65-1902 is hereby amended to read as
- 22 follows: 65-1902. (a) Except as provided in subsection (b), no person shall:
- 23 (1) Engage in practice of cosmetology, esthetics, ~~manicuring nail~~
- 24 ~~technology~~ or electrology unless the person holds a valid license, issued
- 25 by the board, to engage in that practice;
- 26 (2) conduct a school for teaching cosmetology unless the person holds
- 27 a valid license, issued by the board, to conduct the school;
- 28 (3) teach cosmetology in a licensed school unless the person holds a
- 29 valid cosmetology instructor's license issued by the board;
- 30 (4) conduct a school for teaching nail technology unless the person
- 31 holds a valid license, issued by the board, to conduct the school;
- 32 (5) teach nail technology in a licensed school unless the person holds
- 33 a valid cosmetology or manicuring instructor's license issued by the board;
- 34 (6) conduct a school for teaching electrology unless the person holds
- 35 a valid license, issued by the board, to conduct the school;
- 36 (7) teach electrology in a licensed school or clinic unless the person
- 37 holds a valid electrology instructor's license issued by the board;
- 38 (8) conduct a school for teaching esthetics unless the person holds a
- 39 valid license, issued by the board, to conduct the school; ~~or~~
- 40 (9) teach esthetics in a licensed school unless the person holds a valid
- 41 cosmetology or esthetics instructor's license issued by the board.;
- 42 (10) ~~own or operate a school, salon or clinic where cosmetology, es-~~
- 43 ~~thetics, nail technology or electrology is taught or practiced unless the~~

1-3

1 electrology in the regular course of the person's business, but at no time
2 shall any clinic or establishment have more than one apprentice or charge
3 tuition for its teaching services.

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

28 (b) Any person who teaches the profession of cosmetology in a li-
29 censed school of cosmetology shall be required to obtain a cosmetology
30 instructor's license from the board. To qualify for a cosmetology instruc-
31 tor's license, the applicant must (1) be licensed as a cosmetologist under
32 this act, (2) have practiced as a cosmetologist for one year prior to licen-
33 sure, with 300 hours of instructor training, ~~or have obtained 600 hours of~~
34 ~~instructor training~~, (3) pass a cosmetology instructor exam, administered
35 by the board *or the board's designee*, and (4) pay the *nonrefundable in-*
36 *structor license application fee* established by K.S.A. 65-1904 and amend-
37 ments thereto. A cosmetology instructor license shall be renewed every
38 two years by furnishing satisfactory evidence that the applicant, *except*
39 *the first renewal period following the effective date of this act for appli-*
40 *cants holding a cosmetology instructor license on the effective date of this*
41 *act and the first renewal period following licensure for applicants not*
42 *holding a cosmetology instructor license on the effective date of this act,*
43 has completed an additional 20 (700) clock hours of continuing education

1 approved by the board in the practice of *cosmetology* and teaching of
2 ~~cosmetology~~ *skills and methods*, and by paying the *nonrefundable license*
3 renewal fee established by K.S.A. 65-1904 and amendments thereto.

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

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

22 (2) Each school licensed under this subsection (c) shall remain under
23 the constant supervision of the board. Each licensed school at all times
24 shall employ and maintain a sufficient number of instructors, duly li-
25 censed in the practices they teach, to provide at least one instructor for
26 every 25 students. Each licensed school shall provide a course of training
27 requiring not less than 350 clock hours of instruction and practice in
28 preparation for the profession of manicurist. The board shall require by
29 rules and regulations that each school shall provide instruction for part-
30 time students who are unable to attend a full schedule of classes each
31 week because of part-time employment; enrollment in an accredited pub-
32 lic or private school of secondary education by a student who is pursuing
33 a course of study leading to a diploma from such school; enrollment in a
34 cooperative industrial training program, approved by the division of vo-
35 cational education of the state department of education, by a student who
36 is working toward an occupational objective; or the principles or tenets
37 of the student's religion preventing full-time attendance. Instruction of a
38 ~~part-time student~~ *all students* shall be completed by the student within
39 six months after the student's enrollment in the school.

40 (d) Any person who teaches nail technology in a licensed school of
cosmetology or nail technology shall be required to obtain a manicuring
instructor's license from the board, unless the person holds a valid cos-
metology instructor's license issued under subsection (b). To qualify for

5-1

1 for cosmetology, ~~manicuring~~ *nail technology*, esthetics and electrology
2 instructor training to be provided in a licensed school of cosmetology.

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

12 Sec. 4. K.S.A. 1997 Supp. 65-1904 is hereby amended to read as
13 follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetol-
14 ogists, cosmetology technicians, electrologists and manicurists issued or
15 renewed by the board shall expire on the expiration dates established by
16 rules and regulations adopted by the board under this section. Subject to
17 the other provisions of this subsection, each such license, ~~other than the~~
18 ~~three-year senior cosmetologist license~~, shall be renewable on a biennial
19 basis upon the filing of a renewal application prior to the expiration of
20 the license, ~~and payment of the nonrefundable license renewal fee estab-~~
21 ~~lished under this section and, except for an apprentice license, the elec-~~
22 ~~trologist license and the senior cosmetologist license, for licenses renewed~~
23 ~~on and after July 1, 1997, furnishing evidence satisfactory to the board of~~
24 ~~the completion of a minimum of five clock hours annually of continuing~~
25 ~~education on health and safety related issues in the practice of cosme-~~
26 ~~tology approved by the board in the license category in which the licensee~~
27 ~~holds a license or if the licensee holds a license in more than one category,~~
28 ~~in the category specified by rules and regulations of the board for licens-~~
29 ~~ees holding more than one license. Applicants for renewal of an elec-~~
30 ~~trologist license shall furnish with the biennial renewal application evi-~~
31 ~~dence satisfactory to the board of the completion of 10 clock hours~~
32 ~~annually of continuing education on health and safety related issues in~~
33 ~~electrologist practice approved by the board. In order to provide for the~~
34 ~~establishment of a system of biennial renewal of licenses issued by the~~
35 ~~board, the board may provide by rules and regulations that licenses issued~~
36 ~~or renewed may expire less than two years from the date of issuance or~~
37 ~~renewal. In each case in which a license is issued or renewed for a period~~
38 ~~of time of less than two years, the board shall prorate to the nearest whole~~
39 ~~month the license or renewal fee established under this section.~~

40 (b) Any cosmetologist's, cosmetology technician's, esthetician's, elec-
41 trologist's or manicurist's license may be renewed by the applicant within
42 90 days ~~six months~~ after the date of expiration of the applicant's last
43 license upon submission of proof, satisfactory to the board, of the appli-

'

See insert

and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.

~~and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.~~