

Approved: 3-28-01  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 21, 2001 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Legislative Research Department  
Mr. Norman Furse, Revisor of Statutes  
Ms. Lisa Montgomery, Revisor of Statutes  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached guest list.

**Approval of Minutes**

The meeting called to order and the minutes of February 1, 5, 6, March 5, 6, 7, 8, 12, 13, and 15 were distributed to the Committee. As shown on the face sheet of this packet, if there were no comments received from the Committee to the Committee Secretary by the end of the day of March 28, 2001, the above Minutes would stand as approved. The same would also hold true for today's Minutes which will be distributed by the end of this week.

**Discussion on HB 2275 - Board of Cosmetology, regulation of permanent color technology, tattooing and body piercing.**

Chairperson Wagle announced that there would be a discussion on HB 2275 and she presented a balloon of the bill. As she was concerned about the KDHE not being involved enough especially in regards to the health issues, she and Senator Praeger came up with a balloon to put everything under the KDHE.

Senator Praeger stated she felt more comfortable to keep in the public health arena.

Handouts were made available regarding the bill. Senator Wagle stated that the first page was a summarization of the proposed amendment stating what the bill would do. Highlights of the information she provided regarding the balloon included: transfer language on page 6 and 7, advisory board language on page 41, cosmo fee fund; and the rest of the sections basically was changing the terminology. A copy of the proposed amendments, the balloon, and a "Reports of Standing Committee" is (Attachment #1) attached hereto and incorporated into the Minutes by reference.

A discussion ensued with comments and questions from Senators Praeger, Salmans, Haley, Wagle, Steineger and Ms. Correll and Mr. Furse ranging from: transferring sanitation to Public Health and Environment from the Board of Cosmetology; the fee fund transferring to KDHE who would have sole control this would involve a 20% transfer fee; instead of the Secretary actually making investigations or how it is done now, the Secretary would appoint someone, funds available; to contract for services for inspections.

Chairperson Wagle then stated they were only interested in working the balloon. Again discussion ensued from Senator Steineger having concerns regarding the coloring of hair, Senator Haley asking if there was anywhere else in statute where felons are prohibited from about people convicted of a felony, to Ms. Correll asking if a grandfather clause was needed.

**Action on HB 2275**

A motion was made by Senator Harrington to adopt the language. The motion was seconded by Senator Praeger. The motion carried.

Senator Praeger then made a motion for a conceptual motion to allow KDHE to contract for inspections. Senator Jordan seconded the motion. The motion carried.

A third discussion arose ranging from conceptually take the responsibility away from KDHE and put it where it needs to go, not have summer committees, introduce at another committee, to striking the language of felony reference.

A motion was made by Senator Praeger to pass the bill as amended. Senator Steineger seconded the motion. The motion carried.

**Adjournment**

As it was 2:35, the meeting adjourned.



Proposed Amendments to HB 2275

1. Abolish the state board of cosmetology and transfer its powers and duties to the secretary of health and environment.
2. Creates an advisory board on cosmetology appointed by the governor to advise the secretary.
3. Deletes board of cosmetology throughout the statutes and inserts secretary of health and environment.
4. Redefines the term "body piercing" as recommended by staff of the board of healing arts.
5. Amends 65-1953 from a class C to a class A misdemeanor if a tattoo artist or body piercer fails to obtain written and notarized parental consent to administer such tattooing or body piercing to a minor.
6. Reinserts the stricken language on page 2, line 34.

Senate Public Health & Welfare Committee  
Meeting Date March 21, 2001  
Attachment 1-1

HOUSE BILL No. 2275

By Committee on Health and Human Services

2-1

[Material within brackets would be deleted.]

Attachment 1-2

9 ~~AN ACT concerning the state board of cosmetology; persons and practices regulated by the board; permanent color technology, tattooing and body piercing; amending K.S.A. 2000 Supp. 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950 and 65-1954 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1952.~~

strike and replace

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

17 Section 1. K.S.A. 2000 Supp. 65-1940 is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- 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) (b) "Licensed permanent color technician and tattoo artist" means

"Secretary" means the secretary of health and environment.

25 a person licensed under this act to practice tattooing or permanent color technology, or both.

27 (c) "Permanent color technician and tattoo artist" means a person who practices tattooing or permanent color technology, or both pursuant to this act.

30 (d) "Body piercing" means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting jewelry or other objects [in or] through the human body, except puncturing the external part of the human ear ear-lobe shall not be included in this definition.

removable

35 (e) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

37 (f) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.

40 (g) "Tattooing" 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 figurative purposes.

Attachment 1.3

~~(k) "Tattoo facility:"~~ (h) "Facility" means any room or space or any part thereof where tattooing is, permanent color technology or body piercing, or any combination thereof, are practiced or where the business of tattooing is, permanent color technology or body piercing, or any combination thereof, are conducted.

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

~~(m)~~ (i) "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 figurative purposes.

(j) "Dentist" means a person licensed to practice dentistry by the Kansas dental board.

(k) "Licensed body piercer" means a person licensed under this act to practice body piercing.

Sec. 2. K.S.A. 2000 Supp. 65-1941 is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the [board]. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the [board]. No person shall operate a facility where permanent color technology, tattooing or body piercing is practiced unless that person holds a valid facility license issued by the [board]. No person shall knowingly employ an individual to engage in permanent color technology, tattooing or body piercing unless such individual holds a currently valid license issued by the [board]. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a physician, a person under the control and supervision of a physician, 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 own body or any other person specifically permitted to use electrolysis or tattooing by law.

secretary

or any other person specifically permitted to use electrolysis or tattooing by law

secretary

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

(c) The [board] may bring an action to enjoin any person from practicing permanent color technology, tattooing or body piercing if such person does not hold a currently valid license. The [board] may bring an action to enjoin any person from operating a facility where permanent color technology, tattooing or body piercing is practiced if such person does not hold a currently valid facility license.

(d) The [board] may order the remedying of any violations of rules and

1 regulations of the ~~board~~ or any provision of this act and the ~~board~~ may  
 2 issue a cease and desist order upon ~~board~~ determination that the holder  
 3 of a license has violated any order of the ~~board~~, any rules and regulations  
 4 of the ~~board~~ or any provision of this act. secretary

5 Sec. 3. K.S.A. 2000 Supp. 65-1942 is hereby amended to read as  
 6 follows: 65-1942. (a) No person shall:

- 7 (a) (1) Sell, barter or offer to sell or barter a license;
- 8 (b) (2) purchase or procure by barter a license with intent to use it  
 9 as evidence of the person's qualification to practice tattooing or body  
 10 piercing;
- 11 (c) (3) alter materially a license with fraudulent intent;
- 12 (d) (4) use or attempt to use as a valid license a license which has  
 13 been purchased, fraudulently obtained, counterfeited or materially al-  
 14 tered; or
- 15 ~~(e) willfully make a false, material statement in an application for  
 16 licensure or for renewal of a license.~~

17 (b) A violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) is a class A  
 18 nonperson misdemeanor.

19 Sec. 4. K.S.A. 2000 Supp. 65-1943 is hereby amended to read as  
 20 follows: 65-1943. An applicant for licensure as a permanent color tech-  
 21 nician and tattoo artist or as a body piercer shall pay a fee established by  
 22 rules and regulations adopted by the ~~board~~ and shall show to the satis-  
 23 faction of the ~~board~~ that the applicant:

- 24 (a) Has complied with the provisions of this act and the applicable  
 25 rules and regulations of the ~~secretary board~~; secretary
- 26 (b) is not less than 18 years of age;
- 27 (c) has a high school diploma or equivalent education;
- 28 (d) has submitted evidence of completion of education or training  
 29 prescribed and approved by the ~~board~~ as follows:

30 (1) (A) If the application is for a permanent color technician and  
 31 tattoo artist, a training program under the direct supervision of a licensed  
 32 permanent color technician and tattoo artist in a state approved by in  
 33 accordance with rules and regulations of the ~~board~~ or a person or school  
 34 in this state designated by the board, if the application is for a permanent  
 35 color technician and tattoo artist license; or

36 (B) if the application is for a license to practice body piercing, a train-  
 37 ing program under the direct supervision of a person licensed in a state  
 38 body piercer approved by in accordance with rules and regulations of the  
 39 ~~board~~ or a person or school in this state designated by the board if the  
 40 application is for a license to perform body piercing; and secretary

41 (2) if the license is applied for under either subpart (A) or (B); has  
 42 passed an examination approved, administered or recognized by the  
 43 ~~board~~

Attachment 1-4

1 New Sec. 5. (a) Any person who teaches and trains the profession of  
2 tattooing, permanent color technology or body piercing shall be required  
3 to obtain a trainer's license from the [board]. An applicant for a trainer's  
4 license shall submit an application on forms approved by the [board] and  
5 pay the trainer license application fee.

6 (b) To qualify as a permanent color technician and tattoo artist  
7 trainer, the applicant shall have four years of full-time active practice and  
8 shall be currently licensed as a permanent color technician and tattoo  
9 artist.

10 (c) To qualify as a body piercing trainer, the applicant shall have three  
11 years of full-time active practice and shall be currently licensed as a body  
12 piercer.

13 (d) The trainer license shall expire one year following its issuance and  
14 may be renewed upon application accompanied by the trainer license  
15 renewal fee made to the [board] before the license expires. A trainer license  
16 may be renewed by the applicant within six months after the date of  
17 expiration of the license upon payment of the renewal fee and payment  
18 of a delinquent renewal fee. An applicant whose trainer's license has been  
19 expired for more than six months may obtain a trainer's license in the  
20 same manner and on payment of the same fees as provided for an appli-  
21 cant for an original trainer's license.

22 New Sec. 6. (a) Any person desiring to practice tattooing, permanent  
23 color technology or body piercing while completing a training program  
24 shall be required to obtain an apprentice license. The applicant shall pay  
25 the apprentice license fee and submit an application on a form approved  
26 by the [board] which indicates the name of the licensed trainer or trainers  
27 under whose supervision the apprentice will practice and the name and  
28 address and telephone number of the licensed facility or facilities in which  
29 the apprentice will practice. The applicant shall also comply with appli-  
30 cable rules and regulations of the [board]. The application for an apprentice  
31 license shall be submitted to the [board] before the person begins the  
32 training program. The person shall not practice tattooing, permanent  
33 color technology or body piercing until the apprentice license has been  
34 issued. An apprentice shall practice tattooing, permanent color technol-  
35 ogy or body piercing under the direct supervision of the licensed trainer  
36 or trainers who are indicated on the application form. An apprentice shall  
37 keep the apprentice license conspicuously posted in the licensed facility  
38 where the apprentice practices.

39 (b) An apprentice license issued by the [board] shall expire at such  
40 time as final action on the application for licensure as a permanent color  
41 technician and tattoo artist or body piercer is completed or 18 months  
42 after the date of issuance of the apprentice license.

43 New Sec. 7. Upon application to the [board] on a form provided, ac-

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Attachment 1.5

Attachment 1-6

1 accompanied by the application fee, a person licensed to practice perma-  
2 nent color technology, tattooing or body piercing under the laws of an-  
3 other state or jurisdiction shall be granted a license entitling the person  
4 to practice in this state if:

5 (a) The person has complied with the provisions of this act and the  
6 applicable rules and regulations of the [board]

secretary

- 7 (b) the person is not less than 18 years of age;
- 8 (c) has a high school diploma or equivalent education; and
- 9 (d) the person meets at least one of the following criteria:

10 (1) The person's education, training and experience, including ex-  
11 amination requirements, are equal to the requirements for licensure in  
12 this state; or

13 (2) the person has been licensed in a state or jurisdiction which has  
14 substantially the same requirements for licensure as this state; and

15 (3) the person submits to the [board] a written statement from a person  
16 licensed to practice medicine and surgery under the laws of any state that  
17 the person applying is free from infectious or contagious disease.

18 Sec. 8. K.S.A. 2000 Supp. 65-1944 is hereby amended to read as  
19 follows: 65-1944. (a) A person who holds a license as a permanent color  
20 technician and tattoo artist or as a body piercer shall notify the [board] in  
21 writing of the regular address and telephone number of the place or places  
22 where the person performs or intends to perform permanent color tech-  
23 nology, tattooing or body piercing and shall keep the license conspicu-  
24 ously posted in the such place of business or places at all times. Such  
25 person shall also keep the [board] notified in writing of the person's home  
26 address and telephone number.

secretary

27 (b) The [board] shall keep a record of the place or places of business  
28 of where each person who holds a license performs permanent color tech-  
29 nology, tattooing or body piercing.

30 (c) Any notice required to be given by the [board] to a person who  
31 holds a license may be given by mailing the notice to the address of the  
32 last place of business practice of which the person has notified the [board].

33 (d) The [board] shall issue to each qualified applicant a license to op-  
34 erate a tattoo facility or a body piercing facility, whether mobile or sta-  
35 tionary, where permanent color technology, tattooing or body piercing is  
36 practiced and to advertise permanent new color technology, tattooing or  
37 body piercing services for which the facility is licensed. Any person de-  
38 siring to operate a tattoo and permanent color technology facility or a  
39 body piercing facility shall make application to the [board], on a form pro-  
40 vided by the [board], accompanied by a facility license fee. Upon filing of  
41 the application, the [board] shall inspect the facility and equipment as to  
42 safety and sanitary conditions and, if the equipment and facility are found  
43 to comply with the provisions of this act and with the rules and regulations

secretary

1 of the ~~board~~ the ~~board~~ shall issue a facility license.

2 (e) A facility license issued during the twelve-month period preceding  
3 July 1, 2001, shall expire on December 31, 2001, and may be renewed  
4 upon application accompanied by the facility license renewal fee made to  
5 the ~~board~~ before the license expires. For those facility licenses issued dur-  
6 ing the twelve-month period preceding July 1, 2001, and that would have  
7 otherwise expired between January 1, 2002, and June 30, 2002, renewal  
8 applicants shall pay a prorated facility license renewal fee that gives the  
9 applicant a credit of \$8.33 per month for each month the license would  
10 otherwise have been in effect.

11 (f) A facility license issued on or after July 1, 2001, shall expire on  
12 the December 31 following its issuance and may be renewed upon appli-  
13 cation accompanied by the facility license renewal fee made to the ~~board~~  
14 before the license expires.

15 (g) A license may be renewed by the applicant within 60 days after  
16 the date of expiration of the last license upon payment of the renewal fee  
17 and a delinquent renewal fee. An applicant whose license has been expired  
18 for more than 60 days may obtain a facility license in the same manner  
19 and on payment of the same fees as provided for an applicant for an  
20 original license.

21 (h) Licensed facilities shall be reinspected in accordance with a sched-  
22 ule determined by the ~~board~~ by rules and regulations or upon a complaint  
23 made to the ~~board~~ that such facility is not being maintained in compliance  
24 with the provisions of this act or with the rules and regulations of the  
25 ~~board~~.

26 Sec. 9. K.S.A. 2000 Supp. 65-1945 is hereby amended to read as  
27 follows: 65-1945. (a) Except as otherwise provided in this section, a per-  
28 manent color technician and tattoo artist or body piercer license issued  
29 under ~~K.S.A. 2000 Supp. 65-1050~~ expires one year after the date of issue  
30 unless renewed by payment of the required renewal fee. The ~~board~~ may  
31 vary the date of license renewal by giving to the applicant written notice  
32 of the renewal date being assigned and by making prorated adjustments  
33 in the renewal fee. If payment is transmitted by postal service, the en-  
34 velope must be postmarked on or before the expiration of the license. If  
35 the license expires, the license may be renewed within six months of the  
36 expiration date on payment of a renewal fee and late penalty delinquent  
37 renewal fee established by the ~~board~~ under this act.

38 ~~(b) The board may suspend the license of any person who fails to~~  
39 ~~renew. A suspended license may be reactivated upon the payment of a~~  
40 ~~reactivation fee established by the board under this act and all past unpaid~~  
41 ~~renewal fees.~~

42 ~~(c) A person applying for reactivation shall not be required to take~~  
43 ~~an examination as a condition of reactivation if the reactivation occurs~~

secretary

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Attachment 1-7

1 ~~within three years after the date the license expired.~~

2 (b) An applicant whose license has expired for more than six months  
3 after the date of expiration may obtain a license in the same manner and  
4 on payment of the same fees as provided for an applicant for an original  
5 license and upon proof that such applicant has satisfactorily completed a  
6 program of continuing education required by the [board] for applicants  
7 whose licenses have expired.

8 ~~(c)~~ (c) All licensed permanent color technicians; and tattoo artists and  
9 persons who are licensed to perform body piercing ~~must shall be required~~  
10 to participate in continuing education, with guidelines and effective date  
11 to be established by rules and regulations of the [board].

secretary

12 New Sec. 10. (a) Any person desiring to practice as a permanent  
13 color technician and tattoo artist or as a body piercer for no more than  
14 15 continuous days may apply for a temporary license by submitting an  
15 application on a form approved by the [board] and submitting a temporary  
16 license fee at least 30 days prior to the date on which the applicant intends  
17 to practice in this state. To qualify for a temporary license, a person shall  
18 meet the requirements of subsections (a) through (d) of section 7 and  
19 amendments thereto.

secretary

20 (b) Any person desiring to operate a facility, whether mobile or sta-  
21 tionary, where permanent color technology, tattooing or body piercing is  
22 practiced for no more than 15 continuous days may apply for a temporary  
23 facility license by submitting an application on a form provided by the  
24 [board] which specifies the location and submitting a temporary facility  
25 license fee at least 30 days prior to the date on which the applicant intends  
26 to operate the facility in this state. Upon filing of the application, the  
27 [board] shall inspect the facility and equipment as to safety and sanitary  
28 conditions and if the equipment and facility are found to comply with the  
29 provisions of this act and with the rules and regulations of the [board], the  
30 [board] shall issue a temporary facility license for the location specified in  
31 the application.

secretary

secretary

32 Sec. 11. K.S.A. 2000 Supp. 65-1946 is hereby amended to read as  
33 follows: 65-1946. Licensed practicing permanent color technicians and  
34 tattoo artists and persons who are licensed to perform body piercing shall  
35 meet the following standards and any ~~others~~ other standards the [board]  
36 may adopt by rules and regulations:

37 (a) Tattooing, permanent color technology and body piercing instru-  
38 ments shall be sterilized in accordance with methods approved by rules  
39 and regulations of the [board] and such rules and regulations shall be ap-  
40 proved by the secretary before adoption or amendment.

secretary

41 (b) practicing licensed permanent color technicians and tattoo artists  
42 and persons licensed to perform body piercing shall be equipped with  
43 appropriate sterilizing equipment, with availability of hot and cold run-

Attachment 1-8

1 ning water and a covered waste receptacle; and

2 (c) ~~case history cards~~ a client record shall be kept for each client for  
3 a period of ~~five~~ three years.

4 Sec. 12. K.S.A. 2000 Supp. 65-1947 is hereby amended to read as  
5 follows: 65-1947. The [board] may revoke, suspend, refuse to issue, limit  
6 or condition a license or renewal or ~~place on probation~~ censure any li-  
7 censee upon proof that a person or licensee:

secretary

8 (a) Has been convicted of a violation under K.S.A. 2000 Supp. 65-  
9 1942 and amendments thereto;

10 (b) has been convicted in this or any other state of a crime related to  
11 the practice of *permanent color technology*, tattooing or body piercing;

12 (c) ~~has knowingly misrepresented, misstated or failed to disclose per-  
13 sonal qualifications or other information necessary to practice tattooing  
14 or body piercing in any communication to the board or the department  
15 made a material false, misleading or deceptive statement or made a ma-  
16 terial omission in an application for licensure or renewal of a license or  
17 in any communication to the [board];~~

secretary

18 (d) has used, caused or promoted the use of any advertising matter,  
19 promotional literature, warranty, label, insignia or any other representa-  
20 tion, however disseminated or published, that is false, misleading or  
21 deceptive;

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

24 (f) has employed directly or indirectly any suspended or unlicensed  
25 person to perform any *permanent color technology*, tattooing or body  
26 piercing covered by this act;

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

28 (h) has practiced *permanent color technology*, tattooing or body  
29 piercing under a false, misleading or deceptive name;

30 (i) has failed, if a licensed permanent color technician and tattoo artist  
31 or ~~if licensed to perform body piercing, body piercer to maintain a busi-  
32 ness provide the [board] with an address and telephone number at which  
33 the licensee may be reached during business hours;~~

34 (j) ~~has failed, if a nonpracticing permanent color technician and tattoo  
35 artist or a person licensed to perform body piercing, to provide the board  
36 with a home address and telephone number become a danger to the public  
37 by reason of alcohol or drug abuse;~~

secretary's

38 (k) ~~has failed to properly and reasonably accept responsibility for the  
39 actions of employees been convicted of a felony, and the licensee or ap-  
40 plicant for a license is unable to demonstrate to the [board's] satisfaction  
41 that such person has been sufficiently rehabilitated to warrant the public  
42 trust;~~

43 (l) has practiced *permanent color technology*, tattooing or body pierc-

Attachment 1-9

1 ing with a mental or physical illness that affects ability to perform or  
2 endangers the public;

3 (m) has demonstrated gross incompetence or gross negligence in per-  
4 forming permanent color technology, tattooing or body piercing; or

5 (n) has violated any of the provisions of this act or any order of the  
6 [board] or the rules and regulations adopted by the [board] pursuant to this  
7 act.

8 Sec. 13. K.S.A. 2000 Supp. 65-1948 is hereby amended to read as  
9 follows: 65-1948. The powers and duties of the [board] as related to this  
10 act are as follows:

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

13 (b) to determine training, education and experience requirements for  
14 taking the examination and to supervise and administer examinations to  
15 test the knowledge of applicants for licensure;

16 (c) to license persons who apply to the [board] and who have qualified  
17 to practice permanent color technology and tattooing or body piercing, to  
18 license persons who apply to the [board] and who have qualified for a  
19 trainer's license, to license persons who apply to the [board] and who have  
20 qualified for an apprentice license;

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

23 (e) to renew licenses;

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

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

28 (h) to designate the time and place for examining applicants for  
29 licensure;

30 (i) to carry out, together with the department or separately, the pe-  
31 riodic inspection of facilities of persons who are licensed to practice tat-  
32 tooing or body piercing operate a facility where tattooing, permanent  
33 color technology or body piercing is practiced;

34 (j) to issue a tattoo facility license to operate a facility where tattooing,  
35 permanent color technology or body piercing is practiced to qualified  
36 applicants upon compliance with this act;

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

39 (l) (k) to appoint or employ subordinate employees.

40 Sec. 14. K.S.A. 2000 Supp. 65-1949 is hereby amended to read as  
41 follows: 65-1949. (a) The [board] shall adopt rules and regulations to pre-  
42 scribe education, experience and training standards for the practice of  
43 permanent color technology, tattooing and separate education and train-

34 who proves to the satisfaction of the [board], fitness for such licensure,  
35 who proves to the satisfaction of the [board], fitness for such licensure as  
required by this act and upon payment of a fee established by the [board]

secretary

for the purposes of administering this act

secretary

secretary

Attachment 1-10

1 —(d) (c) The [board] shall establish all fees under this act. The fees and  
2 charges established under this section shall not exceed the cost of admin-  
3 istering the regulatory program under this act pertaining to the purpose  
4 for which the fee or charge is established.

5 Sec. 16. K.S.A. 2000 Supp. 65-1954 is hereby amended to read as  
6 follows: 65-1954. (a) The [board], in addition to any other penalty pre-  
7 scribed under the act governing *body piercers*, permanent color techni-  
8 cians and tattoo artists, may assess civil fines and costs, including attorney  
9 fees, after proper notice and an opportunity to be heard, against any  
10 person or entity for a violation of the statutes, rules and regulations or  
11 orders enforceable by the [board] in an amount not to exceed \$5,000 for  
12 the first violation, \$10,000 for the second violation and \$15,000 for the  
13 third violation and for each subsequent violation.

14 (b) In determining the amount of penalty to be assessed pursuant to  
15 this section, the [board] may consider the following factors among others:  
16 (1) Willfulness of the violation; (2) repetitions of the violation; and (3)  
17 magnitude of the risk of harm caused by the violation.

18 (c) In addition to a civil penalty and costs, the [board] may assess in-  
19 vestigation and hearing costs against a licensee or an *unlicensed person*  
20 for proceedings which have resulted in a successful action by the [board]  
21 against the license of the licensee or the *unlicensed person* under K.S.A.  
22 ~~2000 Supp. 65-1947~~ *this act* and amendments thereto.

23 (d) All civil fines assessed and collected under this section shall be  
24 remitted to the state treasurer at least monthly and shall be deposited in  
25 the state treasury and credited to the state general fund. All costs assessed  
26 under this section shall be remitted to the state treasurer at least monthly  
27 and shall be deposited in the state treasury and credited to the cosme-  
28 tology fee fund.

29 ~~Sec. 17. K.S.A. 2000 Supp. 65-1940, 65-1941, 65-1942, 65-1943, 65-~~  
30 ~~1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1952~~  
31 ~~and 65-1954~~ are hereby repealed.

32 Sec. 18. This act shall take effect and be in force from and after its  
33 publication in the statute book.

secretary

secretary

(see attached)

strike and replace

Attachment 1-11

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Public Health and Welfare** recommends **HB 2275** be amended on page 1, in line 20, by striking all after "(a)" and inserting: "'Secretary" means the secretary of health and environment."; in line 32, after "inserting" by inserting "removable"; in line 34, after the period, by inserting: "This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.";

On page 2, in line 21, by striking "board" and inserting "secretary"; in line 24, by striking "board" and inserting "secretary"; in line 27, by striking "board" and inserting "secretary"; in line 29, by striking "board" and inserting "secretary"; in line 35, before the period, by inserting: "or any other person specifically permitted to use electrolysis or tattooing by law"; in line 37, by striking "board" and inserting "secretary"; in line 39, by striking "board" and inserting "secretary"; in line 43, by striking "board" and inserting "secretary";

On page 3, in line 1, by striking "board" where it appears for the first time and inserting "secretary"; also in line 1, by striking "board" where it appears for the last time and inserting "secretary"; in line 2, by striking "board" and inserting

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"secretary"; in line 3, by striking "board" and inserting "secretary"; in line 4, by striking "board" and inserting "secretary"; in line 22, by striking "board" and inserting "secretary"; in line 23, by striking "board" and inserting "secretary"; in line 25, by striking "board" and inserting "secretary"; in line 29, by striking "board" and inserting "secretary"; in line 33, by striking "board"; in line 35, before the semicolon, by inserting "secretary"; in line 39, by striking "board"; in line 40, before the semicolon, by inserting "secretary"; in line 43, by striking "board" and inserting "secretary";

On page 4, in line 3, by striking "board" and inserting "secretary"; in line 4, by striking "board" and inserting "secretary"; in line 15, by striking "board" and inserting "secretary"; in line 26, by striking "board" and inserting "secretary"; in line 30, by striking "board" and inserting "secretary"; in line 31, by striking "board" and inserting "secretary"; in line 39, by striking "board" and inserting "secretary"; in line 43, by striking "board" and inserting "secretary";

On page 5, in line 6, by striking "board" and inserting "secretary"; in line 15, by striking "board" and inserting "secretary"; in line 20, by striking "board" and inserting "secretary"; in line 25, by striking "board" and inserting "secretary"; in line 27, by striking "board" and inserting "secretary"; in line 30, by striking "board" and inserting

"secretary"; in line 32, by striking "board" and inserting "secretary"; in line 33, by striking "board" and inserting "secretary"; in line 39, by striking "board" and inserting "secretary"; in line 40, by striking "board" and inserting "secretary"; in line 41, by striking "board" and inserting "secretary";

On page 6, in line 1, by striking "board" where it appears for the first time and inserting "secretary"; also in line 1, by striking "board" where it appears for the last time and inserting "secretary"; in line 5, by striking "board" and inserting "secretary"; in line 13, by striking "board" and inserting "secretary"; in line 22, by striking "board" and inserting "secretary"; in line 23, by striking "board" and inserting "secretary"; in line 25, by striking "board" and inserting "secretary"; in line 30, by striking "board" and inserting "secretary"; in line 37, by striking "board" and inserting "secretary";

On page 7, in line 6, by striking "board" and inserting "secretary"; in line 11, by striking "board" and inserting "secretary"; in line 15, by striking "board" and inserting "secretary"; in line 24, by striking "board" and inserting "secretary"; in line 27, by striking "board" and inserting "secretary"; in line 29, by striking "board" and inserting "secretary"; in line 30, by striking "board" and inserting "secretary"; in line 35, by striking "board" and inserting "secretary"; in line 39, by striking "board"; in line 40, before

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the semicolon by inserting "secretary";

On page 8, in line 5, by striking "board" and inserting "secretary"; in line 17, by striking "board" and inserting "secretary"; in line 32, by striking "board" and inserting "secretary"; in line 40, by striking "board's" and inserting "secretary's";

On page 9, in line 6, by striking "board" where it appears for the first time and inserting "secretary"; also in line 6, by striking "board" where it appears for the last time and inserting "secretary"; in line 9, by striking "board" and inserting "secretary"; in line 16, by striking "board" and inserting "secretary"; in line 18, by striking "board" and inserting "secretary"; in line 19, by striking "board" and inserting "secretary"; in line 39, before the period, by inserting: "for the purposes of administering this act"; in line 41, by striking "board" and inserting "secretary";

On page 10, in line 6, by striking "board" and inserting "secretary"; in line 10, by striking "board" and inserting "secretary"; in line 11, by striking "board" and inserting "secretary"; in line 33, by striking "board" and inserting "secretary"; in line 34, by striking "board" and inserting "secretary"; in line 35, by striking "board" and inserting "secretary";

On page 11, in line 1, by striking "board" and inserting "secretary"; in line 6, by striking "board" and inserting "secretary"; in line 11, by striking "board" and inserting

"secretary"; in line 15, by striking "board" and inserting "secretary"; in line 18, by striking "board" and inserting "secretary"; in line 20, by striking "board" and inserting "secretary"; by striking all in lines 29 through 31 and inserting in lieu thereof the following:

"Sec. 17. K.S.A. 2000 Supp. 65-1953 is hereby amended to read as follows: 65-1953. No person shall perform body piercing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given is granted by a guardian, shall be retained by the person administering such body piercing or tattooing for a period of five years. Violation of this section is a class E A misdemeanor.

New Sec. 18. (a) On and after July 1, 2001, the state board of cosmetology established under K.S.A. 74-2701 and amendments thereto and the position of executive director established under K.S.A. 74-2701 and amendments thereto are hereby abolished.

(b) On July 1, 2001, all of the powers, duties and functions of the state board of cosmetology and the position of executive director thereof are hereby transferred to and imposed upon the secretary of health and environment.

(c) On and after July 1, 2001, whenever the state board of cosmetology or the executive director thereof are referred to or

designated by this act, any other statute, rule and regulation, contract or other document, such reference or designation shall apply to the secretary of health and environment.

(d) All rules and regulations of the state board of cosmetology in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment under this act until revised, amended, revoked or nullified pursuant to law.

(e) All orders and directives of the state board of cosmetology in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of health and environment under this act until revised, amended or nullified pursuant to law.

(f) On July 1, 2001, all books, records and other property of the state board of cosmetology are hereby transferred to the secretary of health and environment.

(g) On July 1, 2001, officers and employees who immediately prior to the effective date of this act were engaged in the exercise and performance of the powers, duties and functions specified in this section and who, in the opinion of the secretary of health and environment, are necessary to perform the powers, duties and functions transferred under this section shall become officers and employees of the department of health and environment. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had

accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

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

Sec. 19. K.S.A. 39-938 is hereby amended to read as follows: 39-938. Adult care homes shall comply with all the lawfully established requirements and rules and regulations of the secretary of health and environment and the state fire marshal, and any other agency of government so far as pertinent and applicable to adult care homes, their buildings, operators, staffs, facilities, maintenance, operation, conduct, and the care and treatment of residents. The administrative rules and regulations of the ~~state--board--of~~ secretary of health and environment relating to cosmetology and of the Kansas board of barbering shall not apply to adult care homes.

Sec. 20. K.S.A. 65-1,148 is hereby amended to read as follows: 65-1,148. (a) As used in this section, "sanitation standards" means standards for personal and environmental

sanitation and for the prevention of infectious and contagious diseases.

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

Sec. 21. K.S.A. 2000 Supp. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amendments thereto:

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

(b) ~~"Board"-means-the-state-board-of-cosmetology~~ "Secretary" means the secretary of health and environment.

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

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

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

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

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

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

(E) manicuring, pedicuring or sculpturing nails; or

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

(2) "Cosmetology" shall not include a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device so long as the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair and so long as the requirements of K.S.A. 2000 Supp. 65-1928 and amendments thereto are met. Nothing in this paragraph shall be construed to preclude a licensed cosmetologist from performing the service described in this paragraph.

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

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

(2) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances other than electric needles.

(f) "Manicurist" means any person who, for compensation practices the profession of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

(g) "Nail technology" means manicuring, pedicuring and sculpturing nails.

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

(i) "Person" means any individual, corporation, partnership, association or other entity.

Sec. 22. K.S.A. 2000 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

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

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

(3) teach cosmetology in a licensed school unless the person

holds a valid cosmetology instructor's license issued by the board secretary;

(4) conduct a school for teaching nail technology unless the person holds a valid license, issued by the board secretary, to conduct the school;

(5) teach nail technology in a licensed school unless the person holds a valid cosmetology or manicuring instructor's license issued by the board secretary;

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

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

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

(9) teach esthetics in a licensed school unless the person holds a valid cosmetology or esthetics instructor's license issued by the board secretary;

(10) own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced unless the person holds a valid school, salon or clinic license issued by the board secretary; or

(11) teach or practice cosmetology, esthetics, nail technology or electrology in a school, salon or clinic unless the

owner or operator of the school, salon or clinic holds a valid school, salon or clinic license issued by the board secretary.

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

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

(2) any person licensed to practice medicine and surgery, chiropractic, optometry, nursing or dentistry, while engaged in that practice;

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

(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons.

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

Sec. 23. K.S.A. 2000 Supp. 65-1903 is hereby amended to read as follows: 65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and

regulations:

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

(2) Each school licensed under this subsection (a) shall

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remain under the constant supervision of the board secretary. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students. In addition, the school may provide a course of training of 350 clock hours of instruction and practice in the profession of nail technology, and a course of training of 650 clock hours of instruction and practice in the profession of esthetics. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the board secretary shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within

18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology shall be required to obtain a cosmetology instructor's license from the board secretary. To qualify for a cosmetology instructor's license, the applicant must (1) be licensed as a cosmetologist under this act, (2) have practiced as a cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass a cosmetology instructor exam, administered by the board secretary or the board's secretary's designee, and (4) pay the nonrefundable instructor license application fee established by K.S.A. 65-1904 and amendments thereto. A cosmetology instructor license shall be renewed every two years by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act, has completed 20 clock hours of continuing education approved by the board secretary in the practice of cosmetology and teaching skills and methods, and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

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

(1) Any person may apply to the board secretary for a license for conducting a school for the teaching of nail technology. The license shall be granted by the board secretary

upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board secretary for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board secretary the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (c) shall remain under the constant supervision of the board secretary. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 350 clock hours of instruction and practice in preparation for the profession of manicurist. The board secretary shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of

part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of all students shall be completed by the student within six months after the student's enrollment in the school.

(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 secretary, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for a manicuring instructor's license, the applicant must (1) be licensed as a cosmetologist or manicurist under this act, (2) have practiced as a manicurist or cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass a manicuring instructor exam, administered by the board secretary or the board's secretary's designee and (4) pay a nonrefundable instructor license application fee established by K.S.A. 65-1904 and amendments thereto. A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not

holding a manicuring instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board secretary, in the practice of manicuring and teaching skills and methods and paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

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

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

tax-supported school.

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

(f) Any person who teaches esthetics in a licensed school of cosmetology or esthetics shall be required to obtain an esthetics instructor's license from the board secretary, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for an esthetics instructor's license, the applicant must (1) be licensed as a cosmetologist or esthetician under this act, (2) have practiced as an esthetician or cosmetologist for one year prior to licensure, with 300 hours of instructor training, (3) pass an esthetician instructor exam, administered by the board secretary or the board's secretary's designee and (4) pay a nonrefundable license application fee established by K.S.A. 65-1904 and amendments thereto. An esthetics instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act, has completed 20 clock hours of

continuing education, approved by the board secretary, in the practice of esthetics and teaching skills and methods and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904 and amendments thereto.

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

(1) Any person may apply to the board secretary for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the board secretary upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board secretary for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board secretary the nonrefundable license application fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed instructor of electrology

or who is and has been for at least three years a licensed electrologist, while acting as owner and manager of the person's salon, clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any salon, clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board secretary. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every four students. Each licensed school shall provide a course of training requiring not less than 500 clock hours of instruction and practice in electrology covering a period of not less than four months of training for full-time students and not less than eight months of training for part-time students.

(h) Any person who teaches electrology in a licensed school of cosmetology or electrology shall be required to obtain an electrology instructor's license from the board secretary. To qualify for an electrology instructor's license, the applicant must (1) be licensed as an electrologist under this act, (2) have practiced as an electrologist for one year prior to licensure, with 300 hours of instructor training, (3) pass an electrology instructor exam, administered by the board secretary or the board's secretary's designee and (4) pay a nonrefundable instructor license application fee established under K.S.A.

65-1904 and amendments thereto. Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board secretary, in the practice and teaching of electrology and paying the nonrefundable license renewal fee established under K.S.A. 65-1904 and amendments thereto. To teach in a licensed salon, the electrologist is issued a license for the period of training for the student. To qualify they must: (1) Be a licensed practicing electrologist for a three-year period and (2) pay a nonrefundable instructor license application fee established under K.S.A. 65-1904 and amendments thereto.

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

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

application fee from the month of the date of application to the month of the date of expiration of the license to practice cosmetology, nail technology, esthetics or electrology.

Sec. 24. K.S.A. 2000 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board secretary shall expire on the expiration dates established by rules and regulations adopted by the board secretary under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board secretary under this subsection. For renewal applications filed on and after July 1, 2000, the board secretary 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 secretary shall fix the score for the successful completion of a written renewal examination. The board secretary 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.~~

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board secretary, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has expired for more than six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an

original license.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board secretary on such forms as the board secretary may require and, upon payment of the license application fee and the examination fee shall be examined by the board secretary or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

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

Cosmetologist license application fee, for two years--not more than.....	\$60
Cosmetologist license renewal fee.....	60
Delinquent cosmetologist renewal fee.....	25
Cosmetology technician license renewal fee, for two years--not more than.....	35
Delinquent cosmetology technician renewal fee.....	25
Electrologist license application fee, for two years--not more than.....	35
Electrologist license renewal fee.....	35
Delinquent electrologist renewal fee.....	25
Manicurist license application fee, for two years--not more than.....	30
Manicurist license renewal fee.....	30
Delinquent manicurist renewal fee.....	25
Esthetician license application fee, for two years--not more than.....	30

Esthetician license renewal fee.....	30
Delinquent esthetician renewal fee.....	25
Any apprentice license application fee--not more than	15
New school license application fee.....	150
School license renewal fee--not more than.....	75
Delinquent school license fee--not more than.....	50
New cosmetology services salon or electrology clinic license application fee--not more than.....	50
Cosmetology services salon or electrology clinic license renewal fee--not more than.....	30
Delinquent cosmetology services salon or electrology clinic renewal fee.....	30
Cosmetologist's examination--not more than.....	50
Electrologist's examination--not more than.....	50
Manicurist's examination--not more than.....	50
Esthetician examination--not more than.....	50
Instructor's examination--not more than.....	75
Reciprocity application fee--not more than.....	50
Verification of licensure.....	20
Any duplicate of license.....	25
Instructor's license application fee, for two years--not more than.....	75
Renewal of instructor's license fee.....	50
Delinquent instructor's renewal fee--not more than...	75
Temporary permit fee.....	15
Statutes and regulations book.....	5

(e) Whenever the board secretary determines that the total amount of revenue derived from the fees collected pursuant to

this section is insufficient to carry out the purposes for which the fees are collected, the board secretary may amend its the rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board secretary to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

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

~~(g) -- Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist -- or -- a manicurist -- and -- whose -- license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon -- payment -- of the applicable delinquent renewal fee.~~

(h) (g) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as

provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board secretary, such person may obtain a license which does not indicate inactive status.

(†) (h) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board secretary upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.

Sec. 25. K.S.A. 2000 Supp. 65-1904a is hereby amended to read as follows: 65-1904a. Any licensed cosmetologist, esthetician, electrologist, manicurist, or person desiring to establish a salon or clinic shall make application, on a form provided, to the ~~Kansas-state-board-of-cosmetology~~ secretary, accompanied by the new salon or clinic license fee established under K.S.A. 65-1904 and amendments thereto. Upon filing of the application, the board secretary shall inspect the equipment as to safety and sanitary condition of the premises and if the equipment and premises are found to comply with the rules and regulations of the ~~secretary of health and environment and the rules and regulations of the Kansas state board of cosmetology~~, the board secretary shall issue a new salon or clinic license. Nothing herein contained shall be construed as preventing any licensed person from practicing cosmetology or electrology in a

licensed cosmetologist's private home or residence if the home or residence complies with rules and regulations of the secretary ~~and--the--state--board~~. A licensed cosmetologist may provide cosmetology services in a place other than the licensed salon or clinic or a private home or residence of the licensed cosmetologist. Excluding services provided by a licensed cosmetologist in a health care facility, hospital or nursing home or in the residence of a person requiring home care arising from physical or mental disabilities, in order to provide such services, such licensed cosmetologist shall be employed in a salon or clinic or in the licensed cosmetologist's private home or residence for at least 51% of the total hours per week employed; and shall attest by affidavit that such cosmetology services shall be provided only in the residence or office of the person receiving services. Licensed salons and clinics may be reinspected in accordance with a schedule determined by the board secretary by rules and regulations or upon a complaint made to the board secretary that such salon or clinic is not being maintained in compliance with rules and regulations of the board secretary. The license shall expire on June 30 following its issuance. Any such license may be renewed upon application accompanied by the salon or clinic license renewal fee made to the board secretary before July 1 of the year in which the license expires. Any license may be renewed by the applicant within 60 days after the date of expiration of the last license upon payment of a delinquent renewal fee.

Sec. 26. K.S.A. 2000 Supp. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state-board-of-cosmetology secretary on a form provided for application for a cosmetologist, esthetician, electrologist or manicurist license, accompanied by the application fee, a person practicing as a cosmetologist, esthetician, electrologist or manicurist under the laws of another state or jurisdiction shall be granted a license entitling the person to practice in this state if:

(1) The person is not less than 17 years of age and a graduate of an accredited high school, or equivalent thereof;

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

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

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

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

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

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

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thereto.

Sec. 27. K.S.A. 2000 Supp. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the board secretary shall be in accordance with rules and regulations adopted by the board secretary. The examinations shall include practical and written tests. Examinations to qualify for an instructor's license shall be limited to written tests.

(b) Each applicant for licensure by examination shall:

(1) Be at least 17 years of age;

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

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

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

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

(c) Any person making application who apparently possesses the necessary qualifications to take an examination provided herein, upon application and payment of the nonrefundable temporary permit fee, may be issued a temporary permit by the

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board secretary to practice cosmetology until the next regular examination conducted by the board secretary.

Sec. 28. K.S.A. 2000 Supp. 65-1907 is hereby amended to read as follows: 65-1907. The ~~chairperson, with the approval of the board,~~ secretary shall employ inspectors to inspect schools, salons and clinics and the inspectors shall perform all of the inspection duties of the board secretary, as required by this act, rules and regulations of the board secretary and sanitation standards adopted ~~by the secretary of health and environment~~ pursuant to K.S.A. 65-1,148 and amendments thereto. The board secretary shall provide training to the inspectors to enable the inspectors to provide current information to school, salon and clinic personnel regarding requirements of applicable statutes and regulations. It shall be the duty of the board secretary to determine the number of hours and practice work required of students in each subject of cosmetology, nail technology, esthetics and electrology taught in a licensed school.

Sec. 29. K.S.A. 2000 Supp. 65-1908 is hereby amended to read as follows: 65-1908. (a) The ~~state board of cosmetology~~ secretary may revoke any license provided for by this act, may censure, limit or condition any license or may refuse to issue, renew or suspend any license or assess a fine, not to exceed \$1,000 per violation, for any of the following reasons:

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

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

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

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

(5) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;

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

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

(8) being found guilty of gross negligence or unprofessional conduct as defined by rules and regulations of the board secretary.

(b) The board secretary may order the remedying of any violations of rules and regulations of the board secretary or any provision of this act, and the board secretary may issue a cease and desist order upon ~~board~~ the secretary's determination that the holder of a license has violated any order of the board secretary, any rules and regulations of the board secretary or any provision of this act.

(c) Inspectors employed by the board secretary shall have

such powers as the board secretary may prescribe by rules and regulations to make inspections, investigations, and inquiries, except that a permanent order for closing any establishment licensed by the board secretary shall be issued only by the board secretary.

(d) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 30. K.S.A. 2000 Supp. 65-1909 is hereby amended to read as follows: 65-1909. (a) No person shall:

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

(2) violate any order or ruling of the ~~state--board--of~~ cosmetology under this act;

(3) fail or refuse to comply with rules and regulations prescribed by the board secretary or applicable sanitation standards adopted ~~by-the--secretary--of--health--and--environment~~ pursuant to K.S.A. 65-1,148; or

(4) violate any of the provisions of article 19 of chapter 65 of Kansas Statutes Annotated.

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

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

Sec. 31. K.S.A. 2000 Supp. 65-1912 is hereby amended to read as follows: 65-1912. (a) Any person desiring to practice as an apprentice shall be required to pay to the board secretary the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the board secretary. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the board secretary not more than 15 days after the person's enrollment in the school.

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

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

(3) An applicant for examination and licensure as a

manicurist shall be required to have practiced as an apprentice in a licensed school of cosmetology or nail technology for not less than 350 clock hours.

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

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

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

Sec. 32. K.S.A. 65-1920 is hereby amended to read as

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follows: 65-1920. (a) As used in this act:

(1) "Authorized agent" means an employee of the ~~state-board of-cosmetology~~ secretary designated by the ~~board~~ secretary to enforce this act.

~~{2} -- "Board" means the state-board-of-cosmetology.~~

~~{3}~~ (2) "Phototherapy device" means equipment that emits ultraviolet radiation that is used in the treatment of disease or other medical use.

~~{4}~~ (3) "Tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air that is used for tanning of human skin and includes any accompanying items incidental to operation of the tanning device.

~~{5}~~ (4) "Tanning facility" means any facility, whether independent or part of a salon, health spa or any other facility, which provides access to tanning devices but shall not include private residences if access to tanning devices is provided without charge.

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

Sec. 33. K.S.A. 65-1925 is hereby amended to read as follows: 65-1925. (a) The ~~board~~ secretary may adopt rules and regulations to implement this act. The ~~board, after consultation with the secretary of health and environment,~~ secretary shall adopt rules and regulations relating to the safe functioning of tanning devices.

(b) An authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine compliance with this act.

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

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

(e) On application for injunctive relief and a finding that a person is violating or threatening to violate this act, the district court shall grant any injunctive relief warranted by the facts.

Sec. 34. K.S.A. 65-1926 is hereby amended to read as follows: 65-1926. (a) ~~On and after January 17, 1993,~~ A person may not operate a tanning facility without a valid license issued by the board secretary.

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

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

(d) The board secretary may adopt a system under which licenses expire on various dates during the year. As part of this system the annual renewal fee may be prorated on a monthly basis to reflect the actual number of months the license is valid.

(e) The board secretary may revoke, cancel, suspend or place on probation a license to operate a tanning facility for any of the following reasons:

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

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

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

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

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

(g) The ~~executive--director--of--the--board~~ secretary shall remit all moneys received from fees under this act to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit such moneys in the manner specified under K.S.A. 74-2704 and amendments thereto.

Sec. 35. K.S.A. 2000 Supp. 65-1951 is hereby amended to read as follows: 65-1951. The ~~board,--the--director~~ secretary or a person authorized by the ~~board~~ secretary shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund.

New Sec. 36. (a) There is hereby created the state advisory board on cosmetology, which shall be composed of seven members, appointed by the governor, to advise the secretary of health and environment on the administration of article 19 of chapter 40 of the Kansas Statutes Annotated. A member shall be appointed from each congressional district and the remainder from the state at large. Not more than four members shall be of the same political party. Four members shall be licensed cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; and two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the

profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) Of the members first appointed to the advisory board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the advisory board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The advisory board shall annually select a chairperson from its membership.

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

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

New Sec. 37. The secretary of health and environment or the secretary's designee, shall remit all moneys received from fees,

charges or penalties under article 19 of chapter 65 of the Kansas Statutes Annotated to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 38. K.S.A. 2000 Supp. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, 2000, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter. Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the

addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency; and

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program.

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

(c) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to the director's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy,

posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

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

(e) As used in this section, "services for children and their families" includes but is not limited to any of the following services, whether provided directly or made accessible through subsidies or other payments:

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

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

(3) mental health or retardation services for children;

(4) nutrition for children or families with children or nutritional counseling or supplements for pregnant or nursing women;

(5) child care, early childhood education or parenting education;

(6) licensure or regulation of child care or early childhood

education programs;

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

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

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

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

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

(12) youth employment services.

(f) On a biennial basis, the following state agencies shall file budget estimates under the provisions of subsection (a): Abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, consumer credit commissioner, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, ~~Kansas-state-board--of--cosmetology~~, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, governmental ethics commission and state department of credit unions.

Sec. 39. K.S.A. 39-938, 65-1,148, 65-1920, 65-1925, 65-1926,

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74-2702 and 74-2705 and K.S.A. 2000 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1952, 65-1953, 65-1954, 74-2701, 74-2702a, 74-2703, 74-2704 and 75-3717 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, after the semicolon, by inserting: "abolishing such board and transferring the powers, duties and functions thereof to the secretary of health and environment;"; in line 10, by striking "by the board"; in line 11, by striking all after "amending"; by striking all in lines 12 through 14 and inserting in lieu thereof the following: "K.S.A. 39-938, 65-1,148, 65-1920, 65-1925 and 65-1926 and K.S.A. 2000 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1953, 65-1954 and 75-3717 and repealing the existing sections; also repealing K.S.A. 74-2702 and 74-2705 and K.S.A. 2000 Supp. 65-1952, 74-2701, 74-2702a, 74-2703 and 74-2704."; and the bill be passed as amended.

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Chairperson

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