

SENATE BILL No. 253

By Committee on Public Health and Welfare

2-7

1 AN ACT concerning health professions and practices; enacting the
2 massage therapist licensure act; providing for regulation and licensing
3 of massage therapists; powers, duties and functions of the state board of
4 healing arts; amending K.S.A. 2024 Supp. 22-4714 and repealing the
5 existing section.
6

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

8 New Section 1. Sections 1 through 17, and amendments thereto, shall
9 be known and may be cited as the massage therapist licensure act.

10 New Sec. 2. As used in the massage therapist licensure act:

- 11 (a) "Act" means the massage therapist licensure act.
- 12 (b) "Board" means the state board of healing arts.
- 13 (c) "Compensation" means the payment, loan, advance, donation,
14 contribution, barter, deposit or gift of money or anything of value.
- 15 (d) "Licensed massage therapist" means an individual who meets the
16 requirements of the massage therapist licensure act and who engages in the
17 practice of massage therapy.
- 18 (e) "Massage school" means a massage therapy educational program
19 that meets the standards for training and curriculum as set forth by the
20 state board of regents under the Kansas private and out-of-state
21 postsecondary educational institution act or comparable legal authority in
22 another state.
- 23 (f) "Massage therapy" and "massage" means a healthcare service
24 involving the external manipulation or pressure of soft tissue for
25 therapeutic purposes. It is the application of a system of structured touch,
26 pressure, movement and holding of the soft tissue of the human body in
27 which the primary intent is to relieve pain, improve circulation, relieve
28 stress, increase relaxation and enhance or restore the health and well-being
29 of the client. The practice of "massage therapy" includes complementary
30 methods, including the external application of water, heat, cold,
31 lubrication, salt scrubs, body wraps or other topical preparations and
32 electromechanical devices that mimic or enhance the actions of humans.
 - 33 (1) "Massage" or "massage therapy" does not include:
 - 34 (A) Medical or nursing diagnosis of injury, illness or disease;
 - 35 (B) therapeutic exercise;
 - 36 (C) chiropractic diagnosis of injury, illness or disease and treatment

1 including chiropractic joint adjustment;

2 (D) physical therapy joint mobilization or manipulation;

3 (E) electrical stimulation or application of ultrasound; or

4 (F) dispensing or issuing prescriptions or pharmaceutical agents.

5 (2) "Massage" or "massage therapy" includes, but is not limited to:

6 (A) Development, implementation and modification of a massage
7 therapy treatment plan that addresses the client's soft tissue manifestations,
8 needs and concerns including identifying indications, contraindications
9 and precautions of massage therapy within the scope of the massage
10 therapist licensure act;

11 (B) obtaining informed consent regarding the risks and benefits of the
12 massage therapy treatment plan and application and modification of the
13 massage therapy treatment plan as needed;

14 (C) using effective interpersonal communication in the professional
15 relationship;

16 (D) utilizing an ethical decision-making process that conforms to the
17 ethical standards of the profession, as set forth in the massage therapist
18 licensure act and in rules and regulations adopted by the board;

19 (E) establishing and maintaining a practice environment that provides
20 for the client's health, safety and comfort; and

21 (F) establishing and maintaining client records, professional records
22 and business records in compliance with standards of professional conduct
23 as required by rules and regulations adopted by the board.

24 (g) "Professional massage therapy association" or "bodywork therapy
25 association" means a state or nationally chartered professional membership
26 organization that has been recognized by the board as offering services to
27 massage therapists and that requires that its members adhere to the
28 organization's established code of ethics and standards of practice.

29 New Sec. 3. Upon application to the board and the payment of the
30 required fees, an applicant for a license as a massage therapist may be
31 licensed as a massage therapist if the applicant meets all the requirements
32 of the massage therapist licensure act and provides documentation
33 acceptable to the board that the applicant:

34 (a) Has obtained a high school diploma or its equivalent;

35 (b) is 18 years of age or older;

36 (c) has no other record of disqualifying conduct as defined by the
37 board;

38 (d) is a citizen or legal permanent resident of the United States;

39 (e) has successfully completed a course of instruction approved by
40 the board consisting of at least 625 in-classroom hours of supervised
41 instruction, including massage therapy technique and theory,
42 contraindications, ethics, sanitation, hygiene, business training, anatomy,
43 physiology and pathology; and

1 (f) has successfully passed, including prior to the effective date of the
2 massage therapist licensure act, a nationally recognized competency
3 examination in massage therapy that meets acceptable psychometric
4 principles, is statistically validated through a job-task analysis under
5 current standards for educational and professional testing and has been
6 approved by the board.

7 New Sec. 4. Prior to July 1, 2026, the board shall commence a
8 grandfathering period for currently practicing massage therapists in the
9 state of Kansas. The board shall issue a license as a massage therapist to
10 any individual who meets the requirements of section 3(a)(1), (2), (3) and
11 (4), amendments thereto, and one of the following requirements verified to
12 the board by affidavit that the individual has:

13 (a) Completed at least 625 hours of instruction relating to massage
14 therapy at a massage school or comparable entity in another state;

15 (b) completed at least 300 hours of training in massage therapy
16 during the three years immediately preceding such individual's license
17 application;

18 (c) practiced massage therapy for at least three years;

19 (d) been an active member in good standing of a professional
20 massage or bodywork therapy association as a massage or bodywork
21 therapist for a period of at least 12 months; or

22 (e) passed an examination meeting the requirements of section 3(a)
23 (5), and amendments thereto, or a nationally recognized certification
24 examination.

25 New Sec. 5. (a) The board may issue a license to practice massage
26 therapy as a licensed massage therapist to an applicant who has been duly
27 licensed as a massage therapist by examination under the laws of another
28 state, territory, the District of Columbia or a foreign country if, in the
29 opinion of the board, the applicant meets the qualifications required for
30 licensure as a massage therapist in this state. Verification of the applicant's
31 licensure status shall be required from the original state of licensure.

32 (b) The board may issue a temporary permit to practice massage
33 therapy as a licensed massage therapist for a period not to exceed 120
34 days. A temporary permit may be issued to an applicant for licensure as a
35 licensed massage therapist who is a graduate of a massage school in a
36 foreign country after verification of licensure in that foreign country and
37 approval of educational credentials.

38 New Sec. 6. (a) Nothing in the massage therapist licensure act shall:

39 (1) Be construed to restrict any individual licensed or regulated by the
40 state of Kansas from engaging in the profession or practice for which they
41 are licensed or regulated, including, but not limited to, acupuncture,
42 athletic training, barbering, chiropractic, cosmetology, dentistry,
43 electrology, esthetics, manicuring, medicine, naturopathic medicine,

1 nursing, occupational therapy, osteopathy, physical therapy, podiatry,
2 professional counseling, psychology, social work or veterinary medicine or
3 any other profession licensed or regulated by the state of Kansas;

4 (2) prohibit:

5 (A) The practice of massage therapy by an individual employed by
6 the government of the United States while the individual is engaged in the
7 performance of duties prescribed by the laws and regulations of the United
8 States;

9 (B) the practice of massage therapy by individuals duly licensed,
10 registered or certified in another state, territory, the District of Columbia or
11 a foreign country when incidentally called into this state to teach a course
12 related to massage therapy or to consult with an individual licensed under
13 the massage therapist licensure act;

14 (C) students enrolled in a massage school while completing a clinical
15 requirement or supervised massage therapy fieldwork experience for
16 graduation performed under the supervision of an individual licensed
17 under the massage therapist licensure act, so long as the student does not
18 hold oneself out as a licensed massage therapist and does not receive
19 compensation for services performed;

20 (D) any individual from performing massage therapy services in the
21 state, if those services are performed without compensation and are
22 performed in cooperation with a charitable organization or as part of an
23 emergency response team working in conjunction with disaster relief
24 officials;

25 (E) the practice, conduct and activities or services of an individual
26 who is employed by a non-resident performance team, entertainer or
27 athletic team to the extent that such services or activities are provided
28 solely to the team or entertainer in the state for not more than 30 days;

29 (F) individuals giving massage to members of such person's
30 immediate or extended family without compensation;

31 (G) individuals who restrict their manipulation of the soft tissues of
32 the human body to the hands, feet or ears and do not hold themselves out
33 to be massage therapists; and

34 (H) members of any church practicing their religious tenets; or

35 (3) be construed to prevent or restrict the practice of any individual in
36 this state who:

37 (A) Uses touch, words and directed movement to deepen awareness
38 of existing patterns of movement in the body and to suggest new
39 possibilities of movement while engaged within the scope of practice of a
40 profession with established standards and ethics, so long as their services
41 are not designated or implied to be massage or massage therapy. Such
42 practices include, but are not limited to: The Feldenkrais method of
43 somatic education, the Rolf institute's Rolf movement integration, the

1 Trager approach to movement education and body-mind centering;

2 (B) uses touch to affect the energy systems, acupoints or qi meridians
3 or channels of energy, of the human body while engaged within the scope
4 of practice of a profession with established standards and ethics, provided
5 that their services are not designated or implied to be massage or massage
6 therapy. Such practices include, but are not limited to: Acupressure, Asian
7 bodywork therapy, jin shin do bodymind acupressure, polarity, polarity
8 therapy and polarity therapy bodywork, qigong, reiki, shiatsu and tuina; or

9 (C) uses touch to effect change in the structure of the body while
10 engaged in the practice of structural integration including, but not limited to,
11 practitioners of Rolwing structural integration, the Rolf method of
12 structural integration and Hellerwork.

13 (b) Practitioners described in paragraph (a)(2) shall be recognized by
14 or meet the established standards of either a professional organization or
15 credentialing body that represents or certifies the respective practice based
16 on a minimal level of training, demonstration of competency and
17 adherence to ethical standards.

18 New Sec. 7. (a) An individual licensed under the massage therapist
19 licensure act as a massage therapist shall:

20 (1) Use the letters "LMT" to identify themselves to patients or the
21 public; and

22 (2) be authorized to use words that indicate that such individual is a
23 massage therapist licensed under the massage therapist licensure act,
24 including: "Massage therapist," "massagist," "massotherapist,"
25 "myotherapist," "body therapist," "massage technician," "massage
26 practitioner," "masseur," "masseuse" or any derivation thereof.

27 (b) (1) On and after September 1, 2025, it shall be unlawful for any
28 individual who is not licensed under the massage therapist licensure act as
29 a massage therapist or whose license has been suspended, revoked or
30 lapsed to promote oneself to the public in any manner as a licensed
31 massage therapist or to engage in the practice of massage therapy.

32 (2) A violation of this subsection is a class B person misdemeanor.

33 (3) A violation of this subsection constitutes an unconscionable act or
34 practice in violation under K.S.A. 50-627, and amendments thereto,
35 whether or not it involves a consumer, a consumer transaction or a
36 supplier, as defined in K.S.A. 50-624, and amendments thereto.
37 Notwithstanding the provisions of K.S.A. 50-634, and amendments
38 thereto, no private right of action under the Kansas consumer protection
39 act may be brought alleging a violation of this subsection.

40 (c) No statute granting authority to persons licensed or registered by
41 the board shall be construed to confer authority upon a massage therapist
42 to engage in any activity not conferred by the massage therapist licensure
43 act.

1 New Sec. 8. (a) A massage therapy advisory committee of six
 2 members, consisting of two board members and four non-board members,
 3 shall be established by the board to advise and assist the board in
 4 implementing the massage therapist licensure act as determined by the
 5 board. The advisory committee shall meet at least annually. Members of
 6 the advisory committee shall be paid compensation, subsistence
 7 allowances, mileage and other expenses as provided in K.S.A. 75-3223(e),
 8 and amendments thereto, for each day of actual attendance at any meeting
 9 of the advisory committee or any subcommittee meeting authorized by the
 10 board.

11 (b) The two board members of the massage therapy advisory
 12 committee shall be appointed by the board. Three of the non-board
 13 members of the massage therapy advisory committee shall be massage
 14 therapists appointed by the board who shall also be United States citizens
 15 and residents of the state. Not more than one member of the board may be
 16 an owner of a massage school. The fourth non-board member shall be
 17 appointed by the Kansas attorney general. The members of the committee
 18 shall be appointed for terms of two years and shall serve at the pleasure of
 19 the board.

20 New Sec. 9. (a) The board shall biennially charge and collect in
 21 advance fees provided for in the massage therapist licensure act as fixed
 22 by the board by rules and regulations, subject to the following limitations:

23 Application fee, not more than.....\$80
 24 Temporary permit fee, not more than.....25
 25 License renewal fee, not more than.....75
 26 License reinstatement fee, not more than.....80
 27 Certified copy of license, not more than.....25
 28 Written verification of license, not more than.....30
 29 Inactive license fee, not more than.....20

30 (b) The board may require that fees paid for any examination under
 31 the massage therapist licensure act be paid directly to the examination
 32 service by the individual taking the examination.

33 (c) The board shall accept personal checks, certified checks, cashier's
 34 checks, money orders or credit cards for payment of fees under this
 35 section. The board may designate other methods of payment but shall not
 36 refuse payment in the form of a personal check. The board may impose
 37 additional fees and recover any costs incurred by reason of payments made
 38 by personal checks with insufficient funds and payments made by credit
 39 cards.

40 New Sec. 10. (a) All licenses issued under the provisions of the
 41 massage therapist licensure act, whether initial or renewal, shall expire
 42 every two years. The expiration date shall be established by rules and
 43 regulations adopted by the board. The board shall send a notice for

1 renewal of license to every massage therapist at least 60 days prior to the
2 expiration date of such person's license. Every individual so licensed who
3 desires to renew such license shall file with the board, on or before the
4 date of expiration of such license, a renewal application with the
5 prescribed biennial renewal fee. Every licensee who is no longer engaged
6 in the active practice of massage therapy may so state by affidavit and
7 submit such affidavit with the renewal application. An inactive license
8 may be requested along with payment of a fee fixed by rules and
9 regulations of the board. Except for the first renewal for a license that
10 expires within 30 months following licensure examination or for renewal
11 of a license that expires within the first nine months following licensure by
12 reinstatement or endorsement, every licensee with an active massage
13 therapy license shall submit with the renewal application evidence of
14 satisfactory completion of a program of continuing massage therapy
15 education.

16 (b) As a condition for renewal of a license, the board shall require
17 completion of not more than 24 hours biennially of continuing education
18 approved by the board in rules and regulations. Upon receipt of the
19 renewal application, payment of fee and evidence of satisfactory
20 completion of the required program of continuing massage therapy
21 education and upon a finding that the applicant meets the requirements set
22 forth by law in effect at the time of initial licensure of the applicant, the
23 board shall verify the accuracy of the application and grant renewal of the
24 license.

25 (c) Continuing education courses shall be offered by providers
26 approved by the board. The courses shall be completed within the 24
27 months immediately preceding the date renewal is due. Hours in excess of
28 the total number required may not be carried over to future renewals. The
29 continuing education requirements shall not apply to a massage therapist
30 within the biennium during which the massage therapist is first licensed,
31 except that such requirements shall apply to licensees every biennium
32 thereafter.

33 (d) Any individual who fails to secure a license renewal within the
34 time specified herein may secure a reinstatement of such lapsed license by
35 making verified application therefor on a form provided by the board,
36 furnishing proof that the applicant is competent and qualified to act as a
37 massage therapist and satisfying all of the requirements for reinstatement,
38 including payment to the board of a reinstatement fee as established by the
39 board by rules and regulations. An application for reinstatement of a
40 license shall be held awaiting completion of documentation as may be
41 required, except that such application shall not be held for a period of time
42 in excess of that specified in rules and regulations of the board.

43 (e) (1) Each licensee shall notify the board in writing of:

1 (A) A change in name or address within 30 days of the change; or
2 (B) a conviction of any felony or misdemeanor that is specified in
3 rules and regulations adopted by the board within 30 days from the date
4 the conviction becomes final.

5 (2) As used in this subsection, "conviction" means:

6 (A) The entry of a plea or verdict of guilty or a conviction following a
7 plea of nolo contendere and without regard to whether the sentence was
8 suspended or probation was granted after such conviction;

9 (B) a forfeiture of bail, bond or collateral deposited to secure a
10 defendant's appearance in court if such forfeiture has not been vacated; or

11 (C) entering into a diversion agreement in lieu of further criminal
12 proceedings alleging a violation of any offense specified by the board in
13 rules and regulations.

14 (f) (1) The board shall require an initial applicant for licensure as a
15 massage therapist to be fingerprinted and submit to a state and national
16 criminal history record check, pursuant to K.S.A. 2024 Supp. 22-4714, and
17 amendments thereto.

18 (2) The board shall fix a fee for fingerprinting and conducting a state
19 and national criminal history record check of applicants or licensees as
20 may be required by the board in an amount necessary to reimburse the
21 board for the cost. Fees collected under this subsection shall be remitted to
22 the state treasurer in accordance with K.S.A. 75-4215, and amendments
23 thereto. Upon receipt of each such remittance, the state treasurer shall
24 deposit the entire amount in the state treasury to the credit of the healing
25 arts fee fund.

26 (3) As used in this subsection, "initial applicant" means an individual
27 who has submitted an application for licensure as a massage therapist in
28 this state for the first time.

29 New Sec. 11. (a) The board may refuse to grant licensure to, or may
30 suspend, revoke, condition, limit, qualify or restrict the licensure issued
31 under the massage therapist licensure act of any individual whom the
32 board, after the opportunity for a hearing, determines:

33 (1) Is incompetent to practice massage therapy or is found to engage
34 in the practice of massage therapy in a manner harmful or dangerous to a
35 client or to the public;

36 (2) has been convicted by a court of competent jurisdiction of a
37 felony or a misdemeanor crime against persons, even if not related to the
38 practice of massage therapy;

39 (3) is currently listed on a child abuse registry or an adult protective
40 services registry as the result of a substantiated finding of abuse or neglect
41 by any state agency, agency of another state or the United States, the
42 District of Columbia, territory of the United States or another country and
43 the applicant or licensee has not demonstrated to the board's satisfaction

1 that such person has been sufficiently rehabilitated to merit the public
2 trust;

3 (4) has violated a provision of the massage therapist licensure act or
4 one or more of the rules and regulations of the board;

5 (5) has obtained or attempted to obtain a license or license renewal by
6 bribery or fraudulent representation;

7 (6) has knowingly made a false statement on a form required by the
8 board for license or license renewal;

9 (7) has failed to obtain continuing education credits required by rules
10 and regulations of the board;

11 (8) has been found guilty of unprofessional conduct as defined by
12 rules and regulations of the board; or

13 (9) has had a registration, license or certificate as a massage therapist
14 revoked, suspended or limited, or has had other disciplinary action taken,
15 or an application for registration, license or certificate denied by the proper
16 regulatory authority of another state or the United States, the District of
17 Columbia, territory of the United States or another country, with a certified
18 copy of the record of the action of the other jurisdiction being conclusive
19 evidence thereof.

20 (b) Upon filing of a sworn complaint with the board charging an
21 individual with having been guilty of any of the unlawful practices
22 specified in subsection (a), two or more members of the board shall
23 investigate the charges, or the board may designate and authorize an
24 employee or employees of the board to conduct an investigation. After
25 investigation, the board may institute charges. If an investigation, in the
26 opinion of the board, reveals reasonable grounds for believing the
27 applicant or licensee is guilty of the charges, the board shall fix a time and
28 place for proceedings, and such proceedings shall be conducted in
29 accordance with the provisions of the Kansas administrative procedure act.

30 (c) No person shall be excused from testifying in any proceedings
31 before the board under the massage therapist licensure act or in any civil
32 proceedings under this act before a court of competent jurisdiction on the
33 ground that such testimony may incriminate the person testifying, except
34 that such testimony shall not be used against the person for the prosecution
35 of any crime under the laws of this state excluding the crime of perjury as
36 defined in K.S.A. 21-5903, and amendments thereto.

37 (d) If final agency action of the board in a proceeding under this
38 section is adverse to the applicant or licensee, the costs of the board's
39 proceedings shall be charged to the applicant or licensee as in ordinary
40 civil actions in the district court. If the board is the unsuccessful party, the
41 costs shall be paid by the board. Witness fees and costs may be taxed by
42 the board according to the statutes relating to procedure in the district
43 court. All costs accrued by the board, when it is the successful party and

1 the attorney general certifies such costs cannot be collected from the
2 applicant or licensee, shall be paid from the healing arts fee fund. All
3 moneys collected following board proceedings shall be credited in full to
4 the healing arts fee fund.

5 (e) The denial, suspension, revocation or limitation of a license or
6 public or private censure of a licensee may be ordered by the board after
7 notice and hearing on the matter in accordance with the provisions of the
8 Kansas administrative procedure act. The board shall also notify the local
9 law enforcement agency of a disciplinary action. Upon the end of the
10 period of not less than two years for the revocation of a license,
11 application may be made to the board for reinstatement. The board shall
12 have discretion to accept or reject an application for reinstatement and may
13 hold a hearing to consider such reinstatement. An application for
14 reinstatement of a revoked license shall be accompanied by the license
15 reinstatement fee established under section 9, and amendments thereto.

16 (f) The board, in addition to any other penalty prescribed in
17 subsection (a), may assess a civil fine, after proper notice and an
18 opportunity to be heard, against a licensee for unprofessional conduct in an
19 amount not to exceed \$1,000 for the first violation, \$2,000 for the second
20 violation and \$3,000 for the third or subsequent violation. All fines
21 assessed and collected under this section shall be remitted to the state
22 treasurer in accordance with the provisions of K.S.A. 75-4215, and
23 amendments thereto. Upon receipt of each such remittance, the state
24 treasurer shall deposit the entire amount in the state treasury to the credit
25 of the state general fund.

26 (g) The board, upon request, shall receive from the Kansas bureau of
27 investigation such criminal history record information relating to arrests
28 and criminal convictions as necessary for the purpose of determining
29 initial and continuing qualifications of licensees and applicants for
30 licensure by the board.

31 New Sec. 12. Except as provided in section 10(f)(2) and section 11(f),
32 and amendments thereto, the board shall remit all moneys received from
33 fees, charges or penalties under the massage therapist licensure act to the
34 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
35 amendments thereto. Upon receipt of each such remittance, the state
36 treasurer shall deposit the entire amount in the state treasury, and 10% of
37 each such remittance shall be credited to the state general fund and the
38 balance shall be credited to the healing arts fee fund. All expenditures from
39 such fund shall be made in accordance with appropriation acts upon
40 warrants of the director of accounts and reports issued pursuant to
41 vouchers approved by the president of the board or by an individual
42 designated by the president of the board.

43 New Sec. 13. A local unit of government shall not establish or

1 maintain professional licensing requirements for a massage therapist
2 licensed under the massage therapist licensure act. Nothing in the massage
3 therapist licensure act shall affect local zoning requirements. Local
4 government law enforcement agencies may inspect massage therapy
5 registrations and the business premises where massage therapy is practiced
6 for compliance with applicable laws. Nothing in this section shall be
7 construed to preclude criminal prosecution for a violation of any criminal
8 law. If such inspection reveals the practice of massage therapy by an
9 individual without a valid license, the individual may be charged with a
10 violation of section 6(b), and amendments thereto, and the board shall be
11 notified.

12 New Sec. 14. (a) When it appears to the board that any individual is
13 violating any of the provisions of the massage therapist licensure act, the
14 board may bring an action in a court of competent jurisdiction for an
15 injunction against such violation without regard to whether proceedings
16 have been or may be instituted before the board or whether criminal
17 proceedings have been or may be instituted.

18 (b) The provisions of this section shall take effect on and after
19 September 1, 2026.

20 New Sec. 15. All state agency adjudicative proceedings under the
21 massage therapist licensure act shall be conducted in accordance with the
22 provisions of the Kansas administrative procedure act and shall be
23 reviewable in accordance with the Kansas judicial review act.

24 New Sec. 16. Professional liability insurance coverage shall be
25 maintained in effect by each massage therapist as a condition to rendering
26 professional service as a massage therapist in this state. An applicant for
27 initial or renewal licensure shall provide proof to the board that the
28 applicant currently has professional liability insurance with minimum
29 coverage of \$2,000,000 per claim and \$6,000,000 in aggregate.

30 New Sec. 17. On July 1, 2025, nothing in the massage therapist
31 licensure act or in the provisions of K.S.A. 40-2,100 through 40-2,105d,
32 and amendments thereto, shall be construed to require that any individual,
33 group or blanket policy of accident and sickness, medical or surgical
34 expense insurance coverage or any provision of a policy, contract, plan or
35 agreement for medical service issued on or after July 1, 2025, reimburse or
36 indemnify an individual licensed under the massage therapist licensure act
37 for services provided as a massage therapist.

38 Sec. 18. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as
39 follows: 22-4714. (a) A governmental agency other than a criminal justice
40 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
41 in subsection (b) may require a person to be fingerprinted and shall submit
42 such fingerprints to the Kansas bureau of investigation and the federal
43 bureau of investigation for a search of the state and federal database.

1 Fingerprints provided pursuant to this section may be used to identify a
2 person and to determine whether such person has a record of criminal
3 history in this state or in another jurisdiction. An agency identified in
4 subsection (b) may use the information obtained from the criminal history
5 record check for the purposes of verifying the identification of a person
6 and in the official determination of the qualifications and fitness of such
7 person to be issued or maintain employment, licensure, registration,
8 certification or a permit, act as an agent of a licensee, hold ownership of a
9 licensee or serve as a director or officer of a licensee.

10 (b) (1) The Kansas bureau of investigation shall release criminal
11 history record information related to adult convictions, adult non-
12 convictions, adult diversions, adult expunged records, juvenile
13 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
14 expunged records to the Kansas department for children and families or
15 the Kansas department for aging and disability services for initial or
16 continuing employment or participation in any program administered for
17 the placement, safety, protection or treatment of vulnerable children or
18 adults as described in K.S.A. 75-53,105, and amendments thereto.

19 (2) The Kansas bureau of investigation shall release criminal history
20 record information related to adult convictions, adult non-convictions,
21 adult diversions, adult expunged records and juvenile expunged records to:

22 (A) The state lottery for candidates for employees as defined in
23 K.S.A. 74-8702, and amendments thereto, in connection with such
24 employment as described in K.S.A. 74-8704, and amendments thereto; and

25 (B) the Kansas racing and gaming commission for candidates for
26 employees or licensees as defined in K.S.A. 74-8802, and amendments
27 thereto, in connection with such employment or license as described in
28 K.S.A. 74-8804, and amendments thereto, including an applicant for a
29 simulcasting license.

30 (3) The Kansas bureau of investigation shall release criminal history
31 record information related to adult convictions, adult non-convictions,
32 adult diversions, adult expunged records, juvenile adjudications, juvenile
33 non-adjudications and juvenile diversions to:

34 (A) The emergency medical services board for applicants as defined
35 in K.S.A. 65-6129, and amendments thereto, in connection with such
36 application as described in K.S.A. 65-6129, and amendments thereto;

37 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,
38 and amendments thereto, in connection with such application as described
39 in K.S.A. 75-7c05, and amendments thereto; and

40 (C) the department of administration for candidates for sensitive
41 employees as defined in K.S.A. 75-3707e, and amendments thereto, in
42 connection with such employment as described in K.S.A. 75-3707e, and
43 amendments thereto.

1 (4) The Kansas bureau of investigation shall release criminal history
2 record information related to adult convictions, adult non-convictions,
3 adult diversions and adult expunged records to:

4 (A) The supreme court and state board of law examiners for
5 applicants as defined in K.S.A. 7-127, and amendments thereto, in
6 connection with such application as described in K.S.A. 7-127, and
7 amendments thereto;

8 (B) the state gaming agency for candidates for employees and
9 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
10 connection with such employment or license as described in K.S.A. 74-
11 9805, and amendments thereto;

12 (C) the attorney general for applicants as defined in K.S.A. 75-7b01,
13 and amendments thereto, in connection with such application as described
14 in K.S.A. 75-7b04, and amendments thereto;

15 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
16 and amendments thereto, in connection with such application for
17 certification as described in K.S.A. 75-7b21, and amendments thereto; and

18 (E) the commission on peace officers' standards and training for
19 applicants for certification under the Kansas law enforcement training act
20 as described in K.S.A. 74-5607, and amendments thereto.

21 (5) The Kansas bureau of investigation shall release criminal history
22 record information related to adult convictions, adult non-convictions,
23 adult diversions and juvenile adjudications to:

24 (A) The athletic commission within the Kansas department of
25 commerce for a candidate for boxing commission as defined in K.S.A. 74-
26 50,182, and amendments thereto, in connection with such appointment as
27 described in K.S.A. 74-50,184, and amendments thereto; and

28 (B) the secretary of health and environment for employees at a child
29 care facility as defined in K.S.A. 65-503, and amendments thereto, in
30 connection with such employment as described in K.S.A. 65-516, and
31 amendments thereto.

32 (6) The Kansas bureau of investigation shall release criminal history
33 record information related to adult convictions and juvenile adjudications
34 to:

35 (A) The secretary for aging and disability services for applicants as
36 defined in K.S.A. 39-970, and amendments thereto, in connection with
37 such application as described in K.S.A. 39-970, and amendments thereto;

38 (B) the Kansas department for aging and disability services for
39 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
40 connection with such application as described in K.S.A. 39-2009, and
41 amendments thereto; and

42 (C) the secretary for aging and disability services for applicants as
43 defined in K.S.A. 65-5117, and amendments thereto, in connection with

1 such application as described in K.S.A. 65-5117, and amendments thereto.

2 (7) The Kansas bureau of investigation shall release criminal history
3 record information related to adult convictions and adult non-convictions
4 to:

5 (A) The division of motor vehicles within the department of revenue
6 for applicants for reinstatement of a license to drive a commercial motor
7 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

8 (B) the board of examiners in optometry for applicants or licensees as
9 defined in K.S.A. 65-1501, and amendments thereto, in connection with
10 such application or an investigation as described in K.S.A. 65-1505, and
11 amendments thereto;

12 (C) the board of pharmacy for fingerprint candidates as defined in
13 K.S.A. 65-1626, and amendments thereto, in connection with such
14 application or license as described in K.S.A. 65-1696, and amendments
15 thereto;

16 (D) the state board of healing arts for applicants or licensees as
17 defined in K.S.A. 65-2802, and amendments thereto, in connection with
18 such application or an investigation as described in K.S.A. 65-28,129, and
19 amendments thereto;

20 (E) the state board of healing arts for applicants or licensees as
21 defined in K.S.A. 65-2901, and amendments thereto, in connection with
22 such application or an investigation as described in K.S.A. 65-2924, and
23 amendments thereto;

24 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
25 and amendments thereto, in connection with such application as described
26 in K.S.A. 74-1112, and amendments thereto;

27 (G) the behavioral sciences regulatory board for licensees as defined
28 in K.S.A. 74-7511, and amendments thereto, in connection with such
29 application or license as described in K.S.A. 74-7511, and amendments
30 thereto;

31 (H) the state lottery for a vendor to whom a major procurement
32 contract is to be awarded in connection with an investigation as described
33 in K.S.A. 74-8705, and amendments thereto;

34 (I) the attorney general for appointees of the governor to positions
35 subject to confirmation by the senate and judicial appointees as described
36 in K.S.A. 75-712, and amendments thereto;

37 (J) appointing authorities as defined in K.S.A. 75-4315d, and
38 amendments thereto, for nongubernatorial appointees as described in
39 K.S.A. 75-4315d, and amendments thereto;

40 (K) the Kansas real estate commission for applicants as defined in
41 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
42 K.S.A. 58-3035, and amendments thereto, in connection with an
43 investigation as described in K.S.A. 58-3039, and amendments thereto;

1 (L) the insurance commissioner for applicants for licensure as an
2 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
3 connection with such application as described in K.S.A. 40-4905, and
4 amendments thereto; and

5 (M) the insurance commissioner for applicants as defined in K.S.A.
6 40-5501, and amendments thereto, in connection with such application as
7 described in K.S.A. 40-5505, and amendments thereto.

8 (8) The Kansas bureau of investigation shall release criminal history
9 record information related to adult convictions to:

10 (A) The department of agriculture for hemp employees as defined in
11 K.S.A. 2-3901, and amendments thereto, in connection with such
12 employment as described in K.S.A. 2-3902, and amendments thereto;

13 (B) the department of agriculture for applicants for licensure as a
14 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
15 connection with such application as described in K.S.A. 2-3906, and
16 amendments thereto;

17 (C) the office of state fire marshal for applicants for registration as a
18 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
19 connection with such application as described in K.S.A. 2-3907, and
20 amendments thereto;

21 (D) the department of agriculture for hemp destruction employees as
22 defined in K.S.A. 2-3901, and amendments thereto, in connection with
23 such employment as described in K.S.A. 2-3911, and amendments thereto;

24 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
25 508, and amendments thereto, in connection with such application as
26 described in K.S.A. 9-509, and amendments thereto;

27 (F) the bank commissioner for an applicant for employment as a new
28 executive officer or director with a money transmitter company as
29 described in K.S.A. 9-513e, and amendments thereto;

30 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
31 1719, and amendments thereto, in connection with such application as
32 described in K.S.A. 9-1722, and amendments thereto;

33 (H) the bank commissioner for an applicant, registrant or licensee as
34 defined in K.S.A. 9-2201, and amendments thereto, in connection with
35 such application, registration or license as described in K.S.A. 9-2209, and
36 amendments thereto;

37 (I) the state banking board for any officer, director or organizer of a
38 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
39 amendments thereto, in connection with such role as described in K.S.A.
40 9-2302, and amendments thereto;

41 (J) municipalities for applicants for merchant or security police as
42 described in K.S.A. 12-1679, and amendments thereto;

43 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-

1 104, and amendments thereto, in connection with such application as
2 described in K.S.A. 16a-6-104, and amendments thereto;

3 (L) the state department of credit unions for every candidate as
4 defined in K.S.A. 17-2234, and amendments thereto, in connection with
5 such employment as described in K.S.A. 17-2234, and amendments
6 thereto;

7 (M) the division of alcoholic beverage control within the department
8 of revenue for applicants as defined in K.S.A. 41-102, and amendments
9 thereto, in connection with such application as described in K.S.A. 41-
10 311b, and amendments thereto;

11 (N) the division of post audit for employees as defined in K.S.A. 46-
12 1103, and amendments thereto, in connection with such employment as
13 described in K.S.A. 46-1103, and amendments thereto;

14 (O) the bank commissioner for licensees as defined in K.S.A. 50-
15 1126, and amendments thereto, in connection with such license as
16 described in K.S.A. 50-1128, and amendments thereto;

17 (P) the real estate appraisal board for licensees as defined in K.S.A.
18 58-4102, and amendments thereto, in connection with an application or
19 investigation as described in K.S.A. 58-4127, and amendments thereto;

20 (Q) the real estate appraisal board for applicants as defined in K.S.A.
21 58-4703, and amendments thereto, in connection with such application as
22 described in K.S.A. 58-4709, and amendments thereto;

23 (R) the department of health and environment for an employee as
24 defined in K.S.A. 65-2401, and amendments thereto, in connection with
25 such employment as described in K.S.A. 65-2402, and amendments
26 thereto;

27 (S) the Kansas commission on veterans affairs office for candidates
28 as defined in K.S.A. 73-1210a, and amendments thereto, in connection
29 with an application as described in K.S.A. 73-1210a, and amendments
30 thereto;

31 (T) a senate standing committee for a member named, appointed or
32 elected to the public employee retirement systems board of trustee
33 membership as described in K.S.A. 74-4905, and amendments thereto;

34 (U) the attorney general for applicants as defined in K.S.A. 75-7e01,
35 and amendments thereto, in connection with such application as described
36 in K.S.A. 75-7e03, and amendments thereto;

37 (V) the department of revenue for employees as defined in K.S.A. 75-
38 5133c, and amendments thereto, in connection with such employment as
39 described in K.S.A. 75-5133c, and amendments thereto;

40 (W) the division of motor vehicles within the department of revenue
41 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
42 connection with such employment as described in K.S.A. 75-5156, and
43 amendments thereto;

1 (X) the Kansas commission for the deaf and hard of hearing for
2 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
3 connection with such application as described in K.S.A. 75-5393a, and
4 amendments thereto;

5 (Y) the Kansas commission for the deaf and hard of hearing for
6 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
7 connection with such employment as described in K.S.A. 75-5393c, and
8 amendments thereto;

9 (Z) the department of health and environment for employees as
10 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
11 such employment as described in K.S.A. 75-5609a, and amendments
12 thereto; ~~and~~

13 (AA) an executive branch agency head for employees as defined in
14 K.S.A. 75-7241, and amendments thereto, in connection with such
15 employment as described in K.S.A. 75-7241, and amendments thereto;
16 *and*

17 *(BB) the state board of healing arts for initial applicants, as defined*
18 *in section 10, and amendments thereto, in connection with an application*
19 *for licensure as described in this act, and amendments thereto.*

20 (c) State and local law enforcement agencies shall assist with taking
21 fingerprints of individuals as authorized by this section.

22 (d) Any board, commission, committee or other public body shall
23 recess into a closed executive session pursuant to K.S.A. 75-4319, and
24 amendments thereto, to receive and discuss criminal history record
25 information obtained pursuant to this section.

26 (e) The Kansas bureau of investigation may charge a reasonable fee
27 for conducting a criminal history record check.

28 (f) (1) Fingerprints and criminal history record information received
29 pursuant to this section shall be confidential and shall not be subject to the
30 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
31 amendments thereto. The provisions of this paragraph shall expire on July
32 1, 2029, unless the legislature reviews and reenacts this provision pursuant
33 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

34 (2) Disclosure or use of any information received pursuant to this
35 section for any purpose other than the purpose described in this section
36 shall be a class A nonperson misdemeanor and shall constitute grounds for
37 removal from office.

38 Sec. 19. K.S.A. 2024 Supp. 22-4714 is hereby repealed.

39 Sec. 20. This act shall take effect and be in force from and after its
40 publication in the statute book.