

SESSION OF 2011

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 92**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 92 would clarify the definition of an apprentice in the cosmetology profession and amend current law with regard to apprentice and student licensing by the State Board of Cosmetology (Board). Further, the bill would clarify the procedure for seeking an apprentice license for applicants who have been convicted of a felony. Technical amendments also would be made, including the elimination of grandfather clauses which are no longer applicable.

The bill would define an apprentice as a person engaged both in instruction and practice and would require a person to apply for an apprentice license prior to beginning a course of instruction and practice, deleting a time frame for enrollment specified in current law. (Current law allows an applicant to submit an application for an apprentice license not more than fifteen days after enrollment in a licensed school.) Schools, salons, clinics, and establishments would be unable to provide instruction or allow the practice of cosmetology, esthetics, nail technology or electrology, nor could a person engage in such instruction or practice, unless the person was licensed as an apprentice or written verification was provided to the school by the Board that the person had applied for an apprentice license. Hours of instruction and practice completed prior to licensure as an apprentice or prior to Board verification that a person had applied for an apprentice license would not count toward the hours required to be completed by an applicant for examination and licensure as a cosmetologist, esthetician, manicurist, or electrologist.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Board would be prohibited from issuing an apprentice license or from providing written verification of an apprentice application, for an applicant who had been convicted of a felony unless the applicant demonstrated to the Board's satisfaction that such applicant had been sufficiently rehabilitated to warrant the public trust.

Background

SB 92 was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Board of Cosmetology, whose representative stated the Board's initial intent was to clarify the statutes through regulation, but legal counsel advised a statute revision was necessary. According to the Board representative, student and school failure to submit apprentice applications and fees timely led to the issue of unlicensed apprentices which placed the Board in a position of whether or not the clock hours of training and instruction attained prior to the submission of the application should be credited. The representative further stated the Board has a statutory responsibility to review an applicant file when an applicant has been convicted of a felony; if the Board denies such an application and the student has accrued training hours, the student will have invested time, tuition and fees in training that may not lead to eventual licensure.

An owner and officer of The Superior Company (schools providing cosmetology educational services) testified in opposition to the bill at the Senate Committee hearing indicating the present system of apprentice licensing works because it balances the interests of the students who wish to expeditiously proceed with their education, and the interests of the public who are protected from professional services rendered by individuals who are determined to be unqualified for licensure. The individual stated the insertion of the phrase "course of instruction and practice" provides a degree of consistency, but additional provisions in the bill are unnecessary given the extensive history of success under the present statutory theme.

The Senate Committee on Public Health and Welfare recommended a substitute bill to incorporate amendments requested by the Board of Cosmetology. The amendments included requiring that Board verification of application for an apprentice license be in writing and amending the statute pertaining to prohibited activities to also prohibit providing instruction, allowing practice, or engaging in a course of instruction or practice without a valid apprentice license or written verification of application for an apprentice license. Technical amendments also were made.

The Senate Committee of the Whole amended the substitute bill to correct one instance of omission of the word "written" to specify the type of verification the Board is to provide with regard to an application for an apprentice license.

The fiscal note prepared by the Division of the Budget on the original bill indicates the Board stated that passage of the bill would not have a fiscal effect on agency operations.