

## Senate Substitute for HOUSE BILL No. 2154

By Committee on Public Health and Welfare

3-20

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1 AN ACT concerning cosmetology; relating to licensure and renewal of  
2 persons, salons and clinics; amending K.S.A. 65-1904a and K.S.A.  
3 2012 Supp. 65-1904b, 65-1905, 65-1943, 65-1945 and 65-1950 and  
4 repealing the existing sections.  
5

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

7 Section 1. K.S.A. 65-1904a is hereby amended to read as follows: 65-  
8 1904a. (a) Any licensed cosmetologist, esthetician, electrologist,  
9 manicurist, or person desiring to establish a salon or clinic shall make  
10 application, on a form provided, to the Kansas state board of cosmetology,  
11 accompanied by the new salon or clinic license fee established under  
12 K.S.A. 65-1904, and amendments thereto. Upon filing of the application,  
13 the board shall inspect the equipment as to safety and sanitary condition of  
14 the premises and if the equipment and premises are found to comply with  
15 the rules and regulations of the secretary of health and environment and  
16 the rules and regulations of the Kansas state board of cosmetology, the  
17 board shall issue a new salon or clinic license.

18 (b) Nothing herein contained shall be construed as preventing any  
19 licensed cosmetologist, manicurist, esthetician or electrologist from  
20 practicing in the field for which licensed in such licensee's private home or  
21 residence if the home or residence complies with rules and regulations of  
22 the secretary and the state board. A licensed cosmetologist, manicurist,  
23 esthetician or electrologist may provide services in the field in which  
24 licensed in a place other than the licensed salon or clinic or a private home  
25 or residence of the licensed cosmetologist, manicurist, esthetician or  
26 electrologist. Excluding services provided by a licensed cosmetologist,  
27 manicurist, esthetician or electrologist in a health care facility, hospital or  
28 nursing home or in the residence of a person requiring home care arising  
29 from physical or mental disabilities, in order to provide such services, such  
30 licensed cosmetologist, manicurist, esthetician or electrologist shall be  
31 employed in a salon or clinic or in the licensed cosmetologist's,  
32 manicurist's, esthetician's or electrologist's private home or residence for at  
33 least 51% of the total hours per week employed; and shall attest by  
34 affidavit that such cosmetology, manicuring, esthetics or electrology  
35 services shall be provided only in the residence or office of the person  
36 receiving services.

1 (c) Licensed salons and clinics may be reinspected in accordance with  
2 a schedule determined by the board by rules and regulations or upon a  
3 complaint made to the board that such salon or clinic is not being  
4 maintained in compliance with rules and regulations of the board. ~~The~~  
5 ~~license shall expire on June 30 following its issuance. Any such license~~  
6 ~~may be renewed upon application accompanied by the salon or clinic~~  
7 ~~license renewal fee made to the board before July 1 of the year in which~~  
8 ~~the license expires~~ *The license shall expire one year from the last day of*  
9 *the month of its issuance. Any such license may be renewed upon*  
10 *application accompanied by the salon or clinic license renewal fee made*  
11 *to the board prior to the expiration date of the license.* Any license may be  
12 renewed by the applicant within 60 days after the date of expiration of the  
13 last license upon payment of ~~a~~ *the annual renewal fee plus the delinquent*  
14 *renewal fee.*

15 (d) *On or after July 1, 2013, salon and clinic renewal application*  
16 *fees will be prorated to reflect an expiration date one year from the last*  
17 *day of the month of the initial issuance of the license.*

18 Sec. 2. K.S.A. 2012 Supp. 65-1904b is hereby amended to read as  
19 follows: 65-1904b. (a) Upon application to the Kansas state board of  
20 cosmetology on a form provided for application for a cosmetologist,  
21 esthetician or electrologist license, accompanied by the application fee, a  
22 person practicing as a cosmetologist, esthetician or electrologist under the  
23 laws of another state or jurisdiction shall be granted a license entitling the  
24 person to practice in this state if:

25 (1) The person is not less than 17 years of age and a graduate of an  
26 accredited high school, or equivalent thereof, *or the person has held a*  
27 *current license in another state or jurisdiction in the area of practice in*  
28 *which the person seeks a license for not less than 10 years prior to the*  
29 *date of application;*

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

31 (3) the person holds a current license in another state in the area of  
32 practice in which the person seeks a license and meets at least one of the  
33 following criteria:

34 (A) The person passes a written and a practical examination  
35 administered by the board relating to the area of practice in which the  
36 person seeks a license; or

37 (B) the person has the number of hours of training required for  
38 licensure in this state and passes the written examination administered for  
39 license renewal under subsection (a) of K.S.A. 65-1904, and amendments  
40 thereto.

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

43 Sec. 3. K.S.A. 2012 Supp. 65-1905 is hereby amended to read as

1 follows: 65-1905. (a) All examinations held or conducted by the board  
2 shall be in accordance with rules and regulations adopted by the board.  
3 The examinations shall include a written test administered at the  
4 completion of 1,000 hours of training. If the applicant has attended a  
5 licensed school electing to base the course of instruction and practice on  
6 credit hours as provided in K.S.A. 65-1903, and amendments thereto, the  
7 written test shall be administered at the completion of the credit hours  
8 which are the equivalent of 1,000 clock hours under the formula for  
9 conversion used by the licensed school. A practical test may be  
10 administered prior to licensure. Examinations to qualify for an instructor's  
11 license shall be limited to written tests.

12 (b) Each applicant for licensure by examination shall:

13 (1) Be at least 17 years of age;

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

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

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

20 (c) Any person making application who ~~apparently~~ possesses the  
21 necessary qualifications to take an examination provided herein, upon  
22 application and payment of the nonrefundable temporary permit fee, may  
23 be issued a temporary permit by the board to practice cosmetology until  
24 the next regular examination conducted by the board.

25 Sec. 4. K.S.A. 2012 Supp. 65-1943 is hereby amended to read as  
26 follows: 65-1943. (a) An applicant for licensure shall pay a non-refundable  
27 fee established by rules and regulations adopted by the board and shall  
28 show to the satisfaction of the board that the applicant:

29 (1) Has complied with the provisions of this act and the applicable  
30 rules and regulations of the secretary;

31 (2) is not less than 18 years of age;

32 (3) has a high school diploma or equivalent education;

33 (4) has submitted evidence of completion of education or training  
34 prescribed and approved by the board as follows:

35 (A) A training program under the direct supervision of a licensed  
36 tattoo artist, cosmetic tattoo artist or body piercer approved and licensed as  
37 a trainer by the board, or another state, in the area of practice in which the  
38 person seeks licensure;

39 (B) has performed at least 50 completed procedures;

40 (C) pays a non-refundable application fee set by the board;

41 (D) provides verification of training;

42 (E) completes eight hours of continuing education, approved by the  
43 board, in infection control and blood-borne pathogens, in addition to the

1 infection control curriculum requirement; and

2 (F) has successfully completed an examination approved,  
3 administered or recognized by the board.

4 (b) *An applicant for apprentice licensure shall be required to pay a*  
5 *non-refundable fee established by rules and regulations adopted by the*  
6 *board and shall submit an application to the board showing to the*  
7 *satisfaction of the board that the applicant:*

8 (1) *Is not less than 18 years of age;*

9 (2) *has a high school diploma or equivalent education; and*

10 (3) *will be studying under a trainer approved by the board.*

11 (c) *Any applicant who possesses the necessary qualifications to take*  
12 *an examination, as determined by the board, upon application and*  
13 *payment of a non-refundable fee established by rules and regulations*  
14 *adopted by the board, may be issued a temporary permit by the board to*  
15 *practice cosmetic tattooing, tattooing or body piercing until the next*  
16 *regular examination conducted by the board.*

17 (d) ~~As a condition of annual~~ *As a condition of annual* biennial license renewal, licensees shall  
18 complete five hours of continuing education, approved by the board, in  
19 infection control and blood-borne pathogens, in addition to paying any  
20 non-refundable renewal fee set by the board. Successfully completing the  
21 exam is not a substitute for continuing education requirements.

22 ~~(e)~~ (e) If an applicant seeks renewal within six months after the  
23 expiration of the practitioner's license, the license may be renewed by  
24 submitting, within the six month late renewal period:

25 (1) The non-refundable renewal fee;

26 (2) the non-refundable delinquent fee; and

27 (3) documentation of completion of eight hours of continuing  
28 education, approved by the board, in infection control and blood-borne  
29 pathogens.

30 ~~(f)~~ (f) If an applicant seeks renewal more than six months after the  
31 expiration of a practitioner's license, the license may be renewed by  
32 submitting:

33 (1) The application and application fee;

34 (2) the renewal fee;

35 (3) the delinquent fee; and

36 (4) documentation of completion of eight hours of continuing  
37 education, approved by the board, in infection control and blood-borne  
38 pathogens. The continuing education hours shall have been obtained  
39 within two months of the submission of the application and fees.

40 ~~(g)~~ (g) An applicant seeking a license as a trainer shall:

41 (1) Pay any fees set by the board;

42 (2) concurrently maintain a practitioner's license;

43 (3) have no more than one apprentice at any time; and

1 (4) maintain direct supervision of the apprentice.

2 ~~(f)~~ (h) All application, renewal and delinquent fees shall be non-  
3 refundable.

4 Sec. 5. K.S.A. 2012 Supp. 65-1945 is hereby amended to read as  
5 follows: 65-1945. (a) Except as otherwise provided in this section, a  
6 license issued under K.S.A. 65-1950, and amendments thereto, expires ~~one~~  
7 *year two years* after the date of issue unless renewed by payment of the  
8 required non-refundable renewal fee. If payment is transmitted by postal  
9 service, the envelope must be postmarked on or before the expiration of  
10 the license.

11 (b) All tattoo artists, cosmetic tattoo artists and body piercers must  
12 participate in continuing education, with guidelines and effective date to  
13 be established by rules and regulations of the board.

14 Sec. 6. K.S.A. 2012 Supp. 65-1950 is hereby amended to read as  
15 follows: 65-1950. (a) The board shall assess, by rules and regulations  
16 adopted by the board, such non-refundable fees as are necessary to carry  
17 out the provisions of this act.

18 (b) The board shall license each applicant, without discrimination,  
19 who proves to the satisfaction of the board, fitness for such licensure as  
20 required by this act and upon payment of a non-refundable fee established  
21 by the board under this section. Except as provided in K.S.A. 65-1945, and  
22 amendments thereto, the board shall issue to the applicant a license that  
23 expires ~~one year~~ *two years* after the date of issuance.

24 (c) The board shall establish all fees under this act. The fees and  
25 charges established under this section shall not exceed the cost of  
26 administering the regulatory program under this act pertaining to the  
27 purpose for which the fee or charge is established.

28 Sec. 7. K.S.A. 65-1904a and K.S.A. 2012 Supp. 65-1904b, 65-1905,  
29 65-1943, 65-1945 and 65-1950 are hereby repealed.

30 Sec. 8. This act shall take effect and be in force from and after its  
31 publication in the statute book.