

**SENATE BILL No. 345**

By Committee on Public Health and Welfare

1-21

1 AN ACT concerning professions regulated by the Kansas state board of  
2 cosmetology; relating to prohibited licensee activity; manicurist  
3 licensure; apprentice licensure; reciprocal licensure; amending K.S.A.  
4 2015 Supp. 65-1902, 65-1904b, 65-1906 and 65-1912 and repealing the  
5 existing sections.  
6

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

8 New Section 1. (a) Upon application to the Kansas state board of  
9 cosmetology on a form provided for a manicurist license, accompanied by  
10 the application fee, a person practicing as a manicurist under the laws of  
11 another state or jurisdiction shall be granted a license entitling the person  
12 to practice in this state if:

13 (1) The person is not less than 17 years of age and is a graduate of an  
14 accredited high school, or equivalent thereof, or the person has held a  
15 current license in another state or jurisdiction as a manicurist for not less  
16 than 10 years prior to the date of application;

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

18 (3) the person has completed the number of training hours required  
19 for licensure in this state;

20 (4) the person submits to the board verification that such person has  
21 completed the required training hours and that such person holds a current  
22 manicurist license in another state; and

23 (5) the person has passed the written and practical examination  
24 administered by the board or the person is an active member of the army,  
25 navy, marine corps, air force, air or army national guard of any state, coast  
26 guard or any branch of military reserves of the United States, or has been  
27 separated from military service with an honorable discharge or a general  
28 discharge under honorable conditions, or is the spouse of such individual,  
29 and has passed the written examination administered by the board for  
30 license renewal under K.S.A. 65-1904(a), and amendments thereto.

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

33 Sec. 2. K.S.A. 2015 Supp. 65-1902 is hereby amended to read as  
34 follows: 65-1902. (a) Except as provided in subsection (b), no person  
35 shall:

36 (1) Engage in practice of cosmetology, esthetics, nail technology or

1 electrology unless the person holds a valid license, issued by the board, to  
2 engage in that practice;

3 (2) engage in the practice of tattooing, cosmetic tattooing or body  
4 piercing unless the person holds a valid license, issued by the board, to  
5 engage in such practice;

6 (3) teach cosmetology in a licensed school unless the person holds a  
7 valid cosmetology instructor's license issued by the board;

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

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

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

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

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

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

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

23 (11) teach or practice cosmetology, esthetics, nail technology or  
24 electrology in a school, salon or clinic unless the owner or operator of the  
25 school, salon or clinic holds a valid school, salon or clinic license issued  
26 by the board; ~~or~~

27 (12) provide a service constituting the practice of cosmetology, nail  
28 technology, esthetics or electrology by use of a medical device registered  
29 with the federal food and drug administration, or as defined in federal or  
30 state law which may be distributed only upon the order of a physician.  
31 This act does not prohibit a board of cosmetology licensee from providing  
32 services using a medical device upon the order and under the supervision  
33 of a physician and in a location maintained by the physician; *or*

34 (13) *employ an individual or allow any individual to engage in any*  
35 *activity for which a license is required by article 19 of chapter 65 of the*  
36 *Kansas Statutes Annotated, and amendments thereto, unless such*  
37 *individual holds a current valid license issued to such individual.*

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

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

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

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

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

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

11 (d) If the board determines that an individual has violated subsection  
12 (a), in addition to any other penalties imposed by law, the board, in  
13 accordance with the Kansas administrative procedure act, may issue a  
14 cease and desist order against such individual or may assess such  
15 individual a fine of not to exceed \$1,500, or may issue such order and  
16 assess such fine. In determining the amount of fine to be assessed, the  
17 board may consider the following factors: (1) Willfulness of the violation;  
18 (2) repetitions of the violation; and (3) risk of harm to the public caused by  
19 the violation.

20 (e) A violation of subsection (a) of this section is a class C  
21 misdemeanor.

22 Sec. 3. K.S.A. 2015 Supp. 65-1904b is hereby amended to read as  
23 follows: 65-1904b. (a) Upon application to the Kansas state board of  
24 cosmetology on a form provided ~~for application~~ for a cosmetologist,  
25 esthetician or electrologist license, accompanied by the application fee, a  
26 person practicing as a cosmetologist, esthetician or electrologist under the  
27 laws of another state or jurisdiction shall be granted a license entitling the  
28 person to practice in this state if:

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

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

35 (3) the person *submits to the board verification of such person's*  
36 *completed training hours and that such person* holds a current license in  
37 another state in the area of practice in which the person seeks a license and  
38 meets at least one of the following criteria:

39 ~~(A) The person passes a written and a practical examination~~  
40 ~~administered by the board relating to the area of practice in which the~~  
41 ~~person seeks a license has completed the number of training hours~~  
42 ~~required for licensure in this state; or~~

43 (B) the person has ~~the number of hours of training required for~~

1 ~~licensure in this state and passes the written examination administered for~~  
2 ~~license renewal under subsection (a) of K.S.A. 65-1904, and amendments~~  
3 ~~thereto been licensed in another state for a period of at least five years;~~

4 (C) *the person has passed both a written examination and a practical*  
5 *examination administered by a testing company approved to administer*  
6 *exams in the state where such examination was taken, excluding states*  
7 *whose licensing body conducts their own written or practical*  
8 *examinations. If a practical examination is not a condition of licensure in*  
9 *the state where the written examination was taken, then the person shall*  
10 *only be required to have passed a written examination; or*

11 (D) *the person is an active member of the army, navy, marine corps,*  
12 *air force, air or army national guard of any state, coast guard or any*  
13 *branch of military reserves of the United States, or has separated from*  
14 *military service with an honorable discharge or a general discharge under*  
15 *honorable conditions or is the spouse of such individual; and*

16 (4) *the person has passed the written examination administered by*  
17 *the board for license renewal under K.S.A. 65-1904(a), and amendments*  
18 *thereto.*

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

21 Sec. 4. K.S.A. 2015 Supp. 65-1906 is hereby amended to read as  
22 follows: 65-1906. (a) Each licensed cosmetologist, cosmetology  
23 technician, esthetician, manicurist, electrologist and instructor shall  
24 display such person's license in a conspicuous place in the salon, clinic or  
25 school where the holder thereof is employed or working.

26 (b) *Each licensed school and electrology school, clinic or*  
27 *establishment shall display each apprentice's license in a conspicuous*  
28 *location in such school, clinic or establishment.*

29 (c) Each holder of a salon, clinic or school license shall display the  
30 license and most recent inspection report and the sanitation standards  
31 prescribed by the secretary of health and environment pursuant to K.S.A.  
32 65-1,148, and amendments thereto, in a conspicuous place in the salon,  
33 clinic or school.

34 Sec. 5. K.S.A. 2015 Supp. 65-1912 is hereby amended to read as  
35 follows: 65-1912. (a) Any person desiring to practice as an apprentice shall  
36 be required to pay to the board the fee required pursuant to K.S.A. 65-  
37 1904, and amendments thereto, and obtain an apprentice license from the  
38 board *prior to providing cosmetology, esthetics or nail technology services*  
39 *to consumers in a licensed school or electrology services to consumers in*  
40 *a licensed electrology school, clinic or establishment.* ~~Application for an~~  
41 ~~apprentice license allowing a person to practice in a licensed school shall~~  
42 ~~be submitted to the board not more than 15 days after the person's~~  
43 ~~enrollment in the school.~~

1 (b) (1) An applicant for examination and licensure as a cosmetologist  
2 shall be required to have practiced as an apprentice in a licensed school for  
3 not less than 1,500 clock hours or, if the applicant has attended a licensed  
4 school electing to base the course of instruction and practice on credit  
5 hours as provided in K.S.A. 65-1903, and amendments thereto, the  
6 applicant shall have practiced as an apprentice for not less than those  
7 credit hours which are the equivalent of 1,500 clock hours under the  
8 formula for conversion used by the licensed school.

9 (2) (A) Before July 1, 2009, an applicant for examination and  
10 licensure as an esthetician shall be required to have practiced as an  
11 apprentice in a licensed school for not less than 650 clock hours or, if the  
12 applicant has attended a licensed school electing to base the course of  
13 instruction and practice on credit hours as provided in K.S.A. 65-1903, and  
14 amendments thereto, the applicant shall have practiced as an apprentice for  
15 not less than those credit hours which are the equivalent of 650 clock  
16 hours under the formula for conversion used by the licensed school.

17 (B) On and after July 1, 2009, an applicant for examination and  
18 licensure as an esthetician shall be required to have practiced as an  
19 apprentice in a licensed school for not less than 1,000 clock hours, or, if  
20 the applicant has attended a licensed school electing to base the course of  
21 instruction and practice on credit hours as provided in K.S.A. 65-1903, and  
22 amendments thereto, the applicant shall have practiced as an apprentice for  
23 not less than those credit hours which are the equivalent of 1,000 clock  
24 hours under the formula for conversion used by the licensed school.

25 (3) An applicant for examination and licensure as a manicurist shall  
26 be required to have practiced as an apprentice in a licensed school of  
27 cosmetology or nail technology for not less than 350 clock hours or, if the  
28 applicant has attended a licensed school electing to base the course of  
29 instruction and practice on credit hours as provided in K.S.A. 65-1903, and  
30 amendments thereto, the applicant shall have practiced as an apprentice for  
31 not less than those credit hours which are the equivalent of 350 clock  
32 hours under the formula for conversion used by the licensed school.

33 (4) An applicant for examination and licensure as an electrologist  
34 shall be required to have practiced as an apprentice: (A) In a licensed  
35 school of cosmetology or electrology for not less than 500 clock hours or,  
36 if the applicant has attended a licensed school electing to base the course  
37 of instruction and practice on credit hours as provided in K.S.A. 65-1903,  
38 and amendments thereto, the applicant shall have practiced as an  
39 apprentice for not less than those credit hours which are the equivalent of  
40 500 clock hours under the formula for conversion used by the licensed  
41 school; or (B) in a licensed clinic or establishment for not less than 1,000  
42 clock hours of training. The duration of practice as an apprentice in a clinic  
43 or establishment must be in the clinic or establishment in which practice

1 was commenced, except that the board may permit, upon written  
2 application and for good cause, the transfer of the apprentice to another  
3 clinic or establishment for completion of the term of apprenticeship. Any  
4 licensed cosmetologist who is practicing electrology in a licensed clinic or  
5 establishment on July 1, 1987, may apply for and be issued an  
6 electrologist's license without examination.

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

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

14 Sec. 6. K.S.A. 2015 Supp. 65-1902, 65-1904b, 65-1906 and 65-1912  
15 are hereby repealed.

16 Sec. 7. This act shall take effect and be in force from and after its  
17 publication in the statute book.