

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 8, 2001 in Room 231-N of the Capitol.

All members were present except: Senator Steineger

Committee staff present: Ms. Emalene Correll, Legislative Research Department
Mr. Norman Furse, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Rebecca Zapick, Intern for Senator Barnett
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Ms. Mary Lou Davis, Board of Cosmetology
Ms. Kelley Benentende, Associate Counselor,
for the Board of Healing Arts

Others attending: See attached guest list.

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

Upon calling the meeting to order, Chairperson Wagle announced that there would be a hearing on **HB 2275** and asked that Mr. Norman Furse, Revisor of Statutes, give an overview of the bill.

Mr. Furse began by stating that the bill relates to the Board of Cosmetology and called attention to the supplemental information which summarizes major policy changes, pointed out the bill was introduced at the request of a representative of the State Board of Cosmetology and otherwise summarized contents of the bill. Highlights of some of the more outstanding policy issues and some changes moving language around are as follows:

Regarding the title, this was a section not amended in the bill and is a little section all by itself, regarding the violation of 65-1942. This change has been picked up in the bill and put into 65-1492 on page 3 so that the other section can be repealed outright. Two terms are being stricken on page 1 ("Director" is being deleted and "Department" and "Secretary" are being stricken (both are policy changes); also on page 3 "ear" changed to "earlobe".

At this time Chairperson Wagle recognized Senator Haley who asked for a clarification from Mr. Furse. Was the bill stating that the upper part of the ear would no longer be included, this then would be body piercing? Mr. Furse stated this needed to be clarified by the Board. Mr. Furse continued his overview by covering the three new licenses being proposed (trainer, apprentice, and temporary), rehabilitation of persons accused of a felony and have had their license suspended, and what the Boards powers of duty are. He stood before the Committee for questions.

Discussion between Senators Praeger and Haley with Mr. Furse regarding who requested the bill, when was tattooing added, what is the rationale of adding the felony conviction to the list of exclusions for applicants, to is it grand fathered for those who currently hold felony convictions or who are paroled.

Chairperson Wagle then introduced the first proponent conferee, Ms. Mary Lou Davis, Board of Cosmetology who stated that "with the implementation of the statutes and through the knowledge gained in the past 4 years, the Board believes other revisions, which she went on to explain, are necessary. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

Chairperson Wagle then asked Ms. Davis to address the questions already asked of Mr. Furse that he said would have to be addressed by the Board regarding KDHE, the earlobe, the training program, "temporary" permit being replaced by "demonstration", and the felony language.

Chairperson Wagle then informed the Committee that she had asked the Board of Healing Arts to comment today on the bill to get a physician's point of view. She then introduced Ms. Kelley Benentende, Associate Counselor for the Kansas Board of Healing Arts addressed three areas of concern of the Committee regarding the type of body piercing which is being performed, who is performing the body piercing, and the performance of piercing on minors without parental consent. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes by reference.

As there was no opponent or neutral testimony, Chairperson Wagle asked for questions or comments from the Committee. A discussion ensued between Senators Praeger, Barnett, Brungardt, and Wagle and concerning where does cosmetic surgery fit in (ex. Injections and implants), where does Health and Environment fit in, the law based on Oregon Bill, what kind of litigation is coming out of these examples given in Ms. Benentende's testimony, and how protective are we of our young people.

Adjournment

As the Senate convened at 2:30 p.m., Chairperson Wagle said that the Committee will discuss further at a later date. The meeting was adjourned at 2:32 p.m.

The next meeting is scheduled for March 12, 2001.