

HOUSE BILL No. 2125

By Committee on Commerce, Labor and Economic Development

1-20

1 AN ACT concerning the Kansas state board of cosmetology; relating to  
2 powers, duties and functions thereof; requiring certain administrative  
3 actions to be in accordance with the Kansas administrative procedure  
4 act and reviewable under the Kansas judicial review act; providing for  
5 charitable event permits and demonstration permits to provide  
6 tattooing, cosmetic tattooing or body piercing services; authorizing  
7 cease and desist orders against unlicensed providers of tattooing,  
8 cosmetic tattooing or body piercing services; **requiring tattoo artists,  
9 cosmetic tattoo artists and body piercers to keep case history cards  
10 for three years instead of five years;** }amending K.S.A. 65-1941 **{and  
11 65-1946}** and repealing the existing ~~section~~ **{sections}**.  
12

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

14 New Section 1. (a) For all professions regulated by the Kansas state  
15 board of cosmetology pursuant to K.S.A. 65-1940 through 65-1954, and  
16 amendments thereto, the board shall conduct any action in any  
17 administrative proceeding in accordance with the Kansas administrative  
18 procedure act. Such actions shall be reviewable in accordance with the  
19 Kansas judicial review act. Judicial review shall be taken if the petitioner  
20 files with the clerk of the reviewing court a bond with a sufficient surety,  
21 conditioned on the payment of all assessed costs, if the decision of the  
22 board is sustained. If appellate review of the district court's decision is  
23 sought in accordance with K.S.A. 77-623, and amendments thereto, then  
24 the board shall not be required to give a bond on such review.

25 (b) For all professions regulated by the board pursuant to K.S.A. 65-  
26 1940 through 65-1954, and amendments thereto, if the board's order in any  
27 administrative proceeding under K.S.A. 65-1940 through 65-1954, and  
28 amendments thereto, is adverse to the applicant, apprentice or licensee,  
29 then the costs incurred by the board in conducting any investigation or  
30 proceeding under the Kansas administrative procedure act may be assessed  
31 against the parties to the proceeding in such proportion as the board may  
32 determine upon consideration of all relevant circumstances, including the  
33 nature of the proceeding and the level of participation by the parties. If the  
34 board is not the prevailing party in any such action, then such costs shall

1 be paid from the cosmetology fee fund.

2 (c) The board shall include any assessment of costs incurred as part  
3 of a final order rendered in a proceeding. The order shall include findings  
4 and conclusions in support of the assessment of costs.

5 (d) For purposes of this section, "costs incurred" includes, but is not  
6 limited to:

7 (1) Presiding officer fees and expenses, only if the board has  
8 designated or retained the services of an independent contractor or the  
9 office of administrative hearings to perform presiding officer functions;

10 (2) costs of preparing any transcripts;

11 (3) reasonable investigative costs;

12 (4) witness fees and expenses; and

13 (5) mileage, travel expenses and subsistence allowances of board  
14 employees and fees and expenses of agents of the board who provide  
15 services under K.S.A. 74-2702, and amendments thereto.

16 (e) All moneys collected by the board following or arising from board  
17 proceedings shall be remitted to the state treasurer in accordance with  
18 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
19 remittance, the state treasurer shall deposit the entire amount into the state  
20 treasury to the credit of the cosmetology fee fund.

21 (f) This section shall be a part of and supplemental to K.S.A. 65-1940  
22 through 65-1954, and amendments thereto.

23 New Sec. 2. (a) Any person may apply to the Kansas state board of  
24 cosmetology for a charitable event permit. Any such application shall be  
25 on a form and in a manner approved by the board and accompanied by the  
26 fee established under K.S.A. 65-1950, and amendments thereto.

27 (b) The board may grant a charitable event permit for any event at  
28 any location in the state of Kansas where persons licensed by the board to  
29 practice any profession regulated under K.S.A. 65-1940 through 65-1954,  
30 and amendments thereto, will provide services authorized under K.S.A.  
31 65-1940 through 65-1954, and amendments thereto, at no cost to  
32 recipients. Any charitable event permit granted under this section shall  
33 expire not later than 30 days after issuance by the board.

34 (c) The board shall adopt rules and regulations as necessary to  
35 implement and administer this section. **Such rules and regulations shall**  
36 **be adopted on or before December 31, 2023.**

37 (d) As used in this section:

38 (1) "Charitable event" means an event conducted for a charitable  
39 purpose, whether indoors or outdoors, that is held at a specified time and  
40 location where services are provided by licensed practitioners at no cost to  
41 recipients, as a charity to recipients, or charitable causes approved by the  
42 board.

43 (2) "Charitable purpose" means any purpose that promotes, or

1 purports to promote, directly or indirectly, the well-being, in general or  
2 limited to certain activities, endeavors or projects, of the public at large,  
3 any number of persons or any humane purpose.

4 (e) This section shall be a part of and supplemental to K.S.A. 65-1940  
5 through 65-1954, and amendments thereto.

6 New Sec. 3. (a) Any person may apply to the Kansas state board of  
7 cosmetology for a demonstration permit. Any such application shall be on  
8 a form and in a manner approved by the board and accompanied by the fee  
9 established under K.S.A. 65-1950, and amendments thereto.

10 (b) (1) The board may grant a demonstration permit to a person to  
11 provide services authorized under K.S.A. 65-1940 through 65-1954, and  
12 amendments thereto, at a state or national convention ~~or as a guest artist at,~~  
13 an establishment licensed by the Kansas state board of cosmetology; **or**  
14 **any other event location approved by the board. If a person who**  
15 **applies for a demonstration permit to provide such services is not**  
16 **licensed in this state, the board may grant a demonstration permit if:**

17 (A) Such person is licensed to practice such profession regulated  
18 under K.S.A. 65-1940 through 65-1954, and amendments thereto, in  
19 another state or jurisdiction; and

20 (B) such license has not been revoked, suspended or conditioned  
21 from the practice of such profession.

22 (2) If an application for a demonstration permit is submitted by a  
23 citizen of a foreign country who has not been issued a social security  
24 number and who has not been licensed by any other state, the board shall  
25 not require the applicant to submit a social security number and shall  
26 instead accept a valid visa or passport identification number.

27 (3) Any demonstration permit issued under this section shall expire  
28 not later than 14 days after issuance of the board.

29 (c) The board shall adopt rules and regulations as necessary to  
30 implement and administer this section. **Such rules and regulations shall**  
31 **be adopted on or before December 31, 2023.**

32 (d) This section shall be a part of and supplemental to K.S.A. 65-  
33 1940 through 65-1954, and amendments thereto.

34 Sec. 4. K.S.A. 65-1941 is hereby amended to read as follows: 65-  
35 1941. (a) No person, including a tattoo artist, cosmetic tattoo artist or body  
36 piercer, shall perform tattooing, cosmetic tattooing or body piercing on  
37 another person, display a sign or in any other way advertise or purport to  
38 be a tattoo artist, cosmetic tattoo artist or body piercer unless that person  
39 holds a valid license issued by the board. This act does not prevent or  
40 affect the use of tattooing, cosmetic tattooing or body piercing by a  
41 physician, a person under the control and supervision of a physician, a  
42 licensed dentist, a person under the control and supervision of a licensed  
43 dentist; *or* an individual performing tattooing, cosmetic tattooing or body

1 piercing solely on such individual's body.

2 (b) Violation of subsection (a) is a class A nonperson misdemeanor.

3 (c) The board may bring an action to enjoin any person required to be  
4 licensed under K.S.A. 65-1940 through 65-1954, and amendments thereto,  
5 from practicing body piercing, tattooing or cosmetic tattooing if such  
6 person does not hold a currently valid license authorizing the person to  
7 engage in such practice. The board may bring an action to enjoin any  
8 person from operating an establishment required to be licensed under  
9 K.S.A. 65-1940 through 65-1954, and amendments thereto, if such person  
10 does not hold a currently valid establishment license.

11 (d) The board may order the remedying of any violations of rules and  
12 regulations of the board or any provision of this act, and the board may  
13 issue a cease and desist order upon board determination that ~~the holder of a~~  
14 ~~license a person~~ has violated any order of the board, any rules and  
15 regulations of the board or any provision of K.S.A. 65-1940 through 65-  
16 1954, and amendments thereto.

17 **{Sec. 5. K.S.A. 65-1946 is hereby amended to read as follows: 65-**  
18 **1946. Licensed practicing tattoo artists, cosmetic tattoo artists and**  
19 **body piercers shall meet the following standards and any others the**  
20 **board may adopt by rules and regulations:**

21 (a) **Tattoo artists, cosmetic tattoo artists and body piercers, and**  
22 **their establishments shall comply with all applicable sanitation**  
23 **standards adopted by the secretary pursuant to K.S.A. 65-1,148, and**  
24 **amendments thereto;**

25 (b) **practicing tattoo artists, cosmetic tattoo artists and body**  
26 **piercers shall be equipped with appropriate sterilizing equipment,**  
27 **with availability of hot and cold running water and a covered waste**  
28 **receptacle; and**

29 (c) **case history cards shall be kept for each client for a period of**  
30 **~~five~~ three years.}**

31 ~~Sec. 5. {6.}~~ K.S.A. 65-1941 ~~is~~ **{and 65-1946 are}** hereby repealed.

32 ~~Sec. 6. {7.}~~ This act shall take effect and be in force from and after its  
33 publication in the statute book.