

HOUSE BILL No. 2540

By Representative Wasinger

1-18

1 AN ACT concerning public health; relating to the practice of cosmetology;
2 definitions, exempting the practice of hair removal by sugaring from
3 the definition of cosmetology; amending K.S.A. 2023 Supp. 65-1901
4 and 65-1928 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2023 Supp. 65-1901 is hereby amended to read as
8 follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and
9 amendments thereto:

10 (a) "Apprentice" means any person engaged in learning the practice
11 of cosmetology, nail technology, esthetics or electrology in a school of
12 cosmetology, nail technology, esthetics or electrology licensed by the
13 board, except until such time as an electrology school is established in this
14 state apprenticing of electrology will be subject to approval by the board in
15 a clinic or establishment.

16 (b) "Board" means the state board of cosmetology.

17 (c) "Cosmetologist" means any person, other than a manicurist or
18 esthetician, who practices the profession of cosmetology for
19 compensation.

20 (d) (1) "Cosmetology" means the profession of:

21 (A) Arranging, dressing, permanently curling, curling, waving,
22 cleansing, temporarily or permanently coloring, bleaching, relaxing,
23 conditioning or cutting the hair;

24 (B) cleansing, stimulating or performing any other noninvasive
25 beautifying process on any skin surface by means of hands or mechanical
26 or electrical appliances, other than electric needles, provided for esthetic
27 rather than medical purposes;

28 (C) temporary hair removal from the face or any part of the body by
29 use of the hands or mechanical or electrical appliances other than electric
30 needles;

31 (D) using cosmetic preparations, antiseptics, lotions, creams or other
32 preparations in performing any of the practices described in paragraphs
33 (A), (B) and (C) of this subsection (d)(1); or

34 (E) manicuring, pedicuring or sculpturing nails.

35 (2) "Cosmetology" does not include:

36 (A) A service that results in tension on hair strands or roots by

1 twisting, wrapping, weaving, extending, locking, or braiding by hand or
2 mechanical device so long as the service does not include the application
3 of dyes, reactive chemicals or other preparations to alter the color of the
4 hair or to straighten, curl or alter the structure of the hair and so long as the
5 requirements of K.S.A. 65-1928, and amendments thereto, are met.
6 Nothing in this paragraph shall be construed to preclude a licensed
7 cosmetologist from performing the service described in this paragraph; or

8 (B) *temporary hair removal by sugaring or* threading, so long as the
9 requirements of K.S.A. 65-1928, and amendments thereto, are met.
10 Nothing in this paragraph shall be construed to preclude a licensed
11 cosmetologist or esthetician from performing *sugaring or* threading.

12 (e) "Electrologist" means any person who, for compensation, removes
13 hair from, or destroys hair on, the human body for beautification by use of
14 an electric needle only.

15 (f) "Esthetician" means any person who, for compensation practices
16 the profession of cosmetology only to the following extent:

17 (1) Eyebrow and eyelash services, cleansing, stimulating or
18 performing any other noninvasive beautifying process on any skin surface
19 by means of hands or mechanical or electrical appliances, other than
20 electric needles, provided for esthetic rather than medical purposes;

21 (2) temporary hair removal from the face or any part of the body by
22 use of the hands or mechanical or electrical appliances other than electric
23 needles; or

24 (3) using cosmetic preparations, antiseptics, lotions, creams or other
25 preparations in performing any of the practices described in this
26 subsection.

27 (g) "Instructor-in-training" means a licensed cosmetologist who has
28 met the board's training requirements for obtaining an instructor-in-
29 training permit.

30 (h) "Manicurist" means any person who, for compensation practices
31 the profession of cosmetology only to the extent of:

32 (1) Nail technology;

33 (2) cleansing, stimulating or performing similar work on the arms,
34 hands or ankles and feet by means of hands or mechanical or electrical
35 appliances, other than electric needles; or

36 (3) using cosmetic preparations, antiseptics, lotions, creams or other
37 preparations in performing any practice described in paragraph (2).

38 (i) "Nail technology" means manicuring, pedicuring and sculpturing
39 nails.

40 (j) "Person" means any individual, corporation, partnership,
41 association or other entity.

42 (k) "Physician" means a person licensed to practice medicine and
43 surgery by the state board of healing arts.

1 (l) "*Sugaring*" means a method of temporary hair removal from the
2 body by use of a paste made from sugar, lemon and water, or its
3 equivalent, to pull hair from follicles. "*Sugaring*" may include the use of
4 over-the-counter sugaring pastes or astringents, gels, powders,
5 instruments used to spread or remove sugaring pastes, tweezers or
6 scissors incidental to sugaring, but does not include the use of chemicals,
7 electric needles or any type of wax.

8 (m) "Threading" means a method of temporary hair removal from the
9 face or the front of the neck by use of a strand of thread to pull hair from
10 follicles. "Threading" may include the use of over-the-counter astringents,
11 gels, powders, tweezers or scissors incidental to threading, but does not
12 include the use of chemicals, electric needles, heat or any type of wax or
13 the manipulation of thread using teeth.

14 Sec. 2. K.S.A. 2023 Supp. 65-1928 is hereby amended to read as
15 follows: 65-1928. (a) The secretary of health and environment shall
16 develop a brochure containing information about infection control
17 techniques that are appropriate for hair braiding, *sugaring* and threading
18 outside the salon setting. This brochure shall be made available through
19 the department of health and environment's website or by mail, upon
20 request, for a fee to cover the department of health and environment's
21 printing costs. The brochure shall contain a self-test with questions on the
22 information contained in the brochure.

23 (b) For an individual engaged in hair braiding, *sugaring* or threading
24 to be exempt from the practice of cosmetology under K.S.A. 65-1901, and
25 amendments thereto, such individual shall complete the self-test part of the
26 brochure and keep the brochure and completed self-test available at the
27 location where the individual is braiding hair or threading.

28 Sec. 3. K.S.A. 2023 Supp. 65-1901 and 65-1928 are hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.