

SENATE BILL No. 434

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

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

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

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

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

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

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

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

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

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

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

(E) manicuring, pedicuring or sculpturing nails.

(2) "Cosmetology" does not include:

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

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

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

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

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

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

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

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

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

(1) Nail technology;

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

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

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

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

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

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

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

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

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

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.