

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2154**

As Agreed to April 30, 2014

Brief*

Senate Sub. for HB 2154 would amend several statutes governing licensees of the Kansas Board of Cosmetology (Board). Among the amendments, the bill would establish a senior status license and a related licensure fee, change the licensing renewal period for salons and clinics, and modify an education requirement for certain out-of-state licensure applicants. The bill also would create apprentice licenses and temporary permits for the practice of cosmetic tattooing, tattooing, or body piercing, and would change the license expiration period for body art practitioners from one year to two years. Additionally, the bill would make technical amendments.

Licensees of the Board—Senior Status License

The bill would establish a senior status license, applicant criterion, and a one-time licensure fee of \$30. The bill also would specify that senior status licensees would not be entitled to practice cosmetology.

Applicants for licensure would be required to:

- Hold a license issued by the Board for at least 40 years and be 70 years or older;

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- Not be regularly engaged in cosmetology practice in the state; and
- Pay the one-time senior status license fee.

***Facility License Renewal; Education Requirements,
Out-of-State Applicants***

The bill also would amend the licensing renewal period for salons and clinics licensed by the Board. Under current law, all salon and clinic licenses expire on June 30, with renewal applications and renewal fees due to the Board before July 1 of each year.

The bill would change the facility license expiration date from June 30 to one year from the last day of the month of its issuance. The renewal application and fee would be due to the Board prior to the expiration date of the license. On or after July 1, 2013, the Board would prorate salon and clinic renewal application fees to reflect an expiration date one year from the last day of the month of the initial issuance of the license.

The bill would require payment of the annual renewal fee in addition to the delinquent renewal fee if an applicant was seeking renewal within 60 days after the date of expiration of the last license. Current law requires only the delinquent renewal fee in this instance.

The bill would change the requirements for out-of-state applicants to obtain a cosmetologist, esthetician, or electrologist license from the Board. The bill would eliminate the high school graduation or equivalent requirement if the applicant has held a current license in another state or jurisdiction in the area of practice in which the applicant seeks a license for not less than ten years prior to the date of application.

Apprentice Licenses and Temporary Permits

The bill also would create apprentice licenses and temporary permits for the practice of cosmetic tattooing, tattooing, or body piercing regulated by the Board, and would change the license expiration period for body art practitioners from one year to two years.

The bill would require an applicant for apprentice licensure to pay a non-refundable fee, submit an application to the Board, and meet the following requirements:

- Be no less than 18 years of age;
- Have a high school diploma or equivalent education; and
- Will be studying under a Board-approved trainer.

The bill would provide for issuance of a temporary permit for the practice of cosmetic tattooing, tattooing, or body piercing to any applicant possessing the necessary qualifications to take an examination, as determined by the Board, upon application and payment of a non-refundable fee. The temporary permit would remain valid until the next regular examination conducted by the Board.

Under the bill, licenses issued for the practice of cosmetic tattooing, tattooing, or body piercing, excluding temporary licenses, would expire two years after the date of issuance. Current law provides for license expiration one year after the date of issuance.

Conference Committee Action

The Conference Committee agreed to the Senate amendments and further amended the bill to clarify provisions relating to the senior status license established by the bill. As agreed to by the Conference Committee, a senior status

license would not need to be renewed and the associated fee would be a one-time fee. The Conference Committee deleted the delinquent senior status license renewal fee and deleted a provision that would have allowed a senior status licensee to be entitled to all privileges attendant to the cosmetology practice.

Background

The substitute bill incorporated provisions of the underlying bill, as amended by the House Committee, and HB 2155, as amended by the House Committee. HB 2155 includes provisions relating to the Board of Cosmetology and the issuance of apprentice licenses and temporary permits for the practice of cosmetic tattooing, tattooing, or body piercing. The substitute bill was recommended by the Senate Committee on Public Health and Welfare.

The Senate Committee of the Whole amended the bill to establish a senior status license and qualifications for this licensure. Additionally, the amendments established a statutory fee cap for the senior status licensee fee (\$30) and the delinquent senior status license renewal fee (\$25). Technical amendments also were made to update statutory references to the 2013 Supplement.

HB 2154 Background

HB 2154 was introduced by the House Committee on Health and Human Services at the request of the Kansas Board of Cosmetology, whose executive director indicated the bill would allow clinic and salon license renewals to be staggered. The director testified a staggered license renewal system would create a more even and steady work flow and therefore would eliminate the need for temporary staffing. There was no opponent testimony on the bill.

The House Committee on Health and Human Services

amended the bill by inserting a statute on the licensure requirements for a cosmetologist, esthetician, or electrologist. The statute was amended to exempt out-of-state applicants for those licenses from the high school graduation or the equivalent requirement if the applicants have held current licenses in another state or jurisdiction in the same area of practice for not less than ten years prior to the date of application.

The fiscal note prepared by the Division of the Budget on the original bill states the Board indicates the bill would provide a savings associated with a reduction in temporary staff needed during the current expiration period. If the bill were enacted, the Board estimates a possible decrease in fines from salons and clinics renewing their licenses on a timely basis and a greater degree of legal compliance across the cosmetology profession.

The fiscal note for HB 2155, as introduced, states the Board indicates passage of the bill would cause fee revenue to decrease because of the change in the expiration period of body art practitioner licenses. According to the Board, each of the current 165 body art practitioners pays \$100 per year to renew a license for a total of \$16,500 per year, which would be reduced to \$8,250 per year if the bill is enacted. The Board also indicates there would be a small increase in revenue received because of the creation of the apprentice license and the temporary permit for the body art profession, but the increase would be negligible.

Any fiscal effect associated with the substitute bill is not reflected in *The FY 2015 Governor's Budget Report*.

Health; cosmetology; licensure

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