

Senate Substitute for HOUSE BILL No. 2154

By Committee on Public Health and Welfare

3-20

1 AN ACT concerning cosmetology; relating to licensure and renewal of
2 persons, salons and clinics; amending K.S.A. 65-1904a and K.S.A.
3 ~~2012~~{2013} Supp. {65-1904,} 65-1904b, 65-1905, 65-1943, 65-1945
4 and 65-1950 and repealing the existing sections.
5

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

7 *{Section 1. K.S.A. 2013 Supp. 65-1904 is hereby amended to read as*
8 *follows: 65-1904. (a) Unless revoked for cause, all licenses of*
9 *cosmetologists, cosmetology technicians, estheticians, electrologists and*
10 *manicurists issued or renewed by the board shall expire on the*
11 *expiration dates established by rules and regulations adopted by the*
12 *board under this section. Subject to the other provisions of this*
13 *subsection, each such license shall be renewable on a biennial basis*
14 *upon the filing of a renewal application prior to the expiration of the*
15 *license, payment of the nonrefundable license renewal fee established*
16 *under this section and the filing of a successfully completed written*
17 *renewal examination prescribed by the board under this subsection. For*
18 *renewal applications the board shall prescribe a written renewal*
19 *examination for each classification of licensee under this subsection*
20 *which will test the applicant's understanding of the laws relating to the*
21 *practice for which the applicant holds a license, will test the applicant's*
22 *understanding of health and sanitation matters relating to the practice*
23 *for which the applicant holds a license and will test the understanding of*
24 *the applicant about safety matters relating to the practice for which the*
25 *applicant holds a license. The board shall fix the score for the successful*
26 *completion of a written renewal examination. At least 30 days prior to*
27 *the expiration of a license, the board shall provide to the licensee notice*
28 *of the date of expiration of the license.*

29 *(b) (1) Any cosmetologist's, cosmetology technician's, esthetician's,*
30 *electrologist's or manicurist's license may be renewed by the applicant*
31 *within six months after the date of expiration of the applicant's last*
32 *license upon submission of proof, satisfactory to the board, of the*
33 *applicant's qualifications to practice as a cosmetologist, cosmetology*
34 *technician, esthetician, electrologist or manicurist, successfully*
35 *completing the renewal exam and payment of the applicable*
36 *nonrefundable renewal fee and delinquent fee prescribed pursuant to*

1 *this section.*

2 (2) *Any applicant whose license as a cosmetologist, cosmetology*
 3 *technician, esthetician, electrologist or manicurist has been expired for*
 4 *more than six months may obtain reinstatement of such license upon*
 5 *application to the board, upon filing with the board a successfully*
 6 *completed written renewal examination and upon payment of the*
 7 *applicable nonrefundable delinquent renewal fee and a nonrefundable*
 8 *renewal penalty fee of \$100.*

9 (c) *Any applicant for a license other than a renewal license shall*
 10 *make a verified application to the board on such forms as the board may*
 11 *require and, upon payment of the license application fee and the*
 12 *examination fee shall be examined by the board or their appointees and*
 13 *shall be issued a license, if found to be duly qualified to practice the*
 14 *profession of cosmetologist, esthetician, electrologist or manicurist.*

15 (d) *The board is hereby authorized to adopt rules and regulations*
 16 *fixing the amount of nonrefundable fees for the following items and to*
 17 *charge and collect the amounts so fixed, subject to the following*
 18 *limitations:*

19

20	<i>Cosmetologist license application fee, for two years—not</i>	
21	<i>more than.....</i>	<i>\$60</i>
22	<i>Cosmetologist license renewal fee.....</i>	<i>60</i>
23	<i>Delinquent cosmetologist renewal fee.....</i>	<i>25</i>
24	<i>Cosmetology technician license renewal fee, for two</i>	
25	<i>years—not more than</i>	<i>60</i>
26	<i>Delinquent cosmetology technician renewal fee.....</i>	<i>25</i>
27	<i>Electrologist license application fee, for two years—not</i>	
28	<i>more than</i>	<i>60</i>
29	<i>Electrologist license renewal fee.....</i>	<i>60</i>
30	<i>Delinquent electrologist renewal fee.....</i>	<i>25</i>
31	<i>Manicurist license application fee, for two years—not</i>	
32	<i>more than</i>	<i>60</i>
33	<i>Manicurist license renewal fee.....</i>	<i>60</i>
34	<i>Delinquent manicurist renewal fee.....</i>	<i>25</i>
35	<i>Esthetician license application fee, for two years—not</i>	
36	<i>more than.....</i>	<i>60</i>
37	<i>Esthetician license renewal fee</i>	<i>60</i>
38	<i>Delinquent esthetician renewal fee.....</i>	<i>25</i>
39	<i>Any apprentice license application fee—not more than.....</i>	<i>15</i>
40	<i>New school license application fee.....</i>	<i>150</i>
41	<i>School license renewal fee—not more than.....</i>	<i>75</i>
42	<i>Delinquent school license fee—not more than.....</i>	<i>50</i>
43	<i>New cosmetology services salon or electrology</i>	

1 *clinic license application fee—not more than*.....100
 2 *Cosmetology services salon or electrology*
 3 *clinic license renewal fee—not more than*50
 4 *Delinquent cosmetology services salon or*
 5 *electrology clinic renewal fee*.....30
 6 *Cosmetologist's examination—not more than*.....75
 7 *Electrologist's examination—not more than*.....75
 8 *Manicurist's examination—not more than*.....75
 9 *Esthetician examination—not more than*.....75
 10 *Instructor's examination—not more than*.....75
 11 *Reciprocity application fee—not more than*.....75
 12 *Senior status license fee*.....30
 13 *Delinquent senior status license renewal fee*.....25
 14 *Verification of licensure*.....20
 15 *Any duplicate of license*.....25
 16 *Instructor's license application fee, for two years—not*
 17 *more than*.....100
 18 *Renewal of instructor's license fee*.....75
 19 *Delinquent instructor's renewal fee—not more than*.....75
 20 *Temporary permit fee*.....15
 21 *Statutes and regulations book*.....5
 22 *Instructor-in-training permit*.....50

23

24 *(e) Whenever the board determines that the total amount of revenue*
 25 *derived from the fees collected pursuant to this section is insufficient to*
 26 *carry out the purposes for which the fees are collected, the board may*
 27 *amend its rules and regulations to increase the amount of the fee, except*
 28 *that the amount of the fee for any item shall not exceed the maximum*
 29 *amount authorized by this subsection. Whenever the amount of fees*
 30 *collected pursuant to this section provides revenue in excess of the*
 31 *amount necessary to carry out the purposes for which such fees are*
 32 *collected, it shall be the duty of the board to decrease the amount of the*
 33 *fee for one or more of the items listed in this subsection by amending the*
 34 *rules and regulations which fix the fees.*

35 *(f) Any person who has held a license issued by the board for at least*
 36 *40 years and is 70 years or more of age and not regularly engaged in*
 37 *cosmetology practice in Kansas shall be entitled to a senior status license*
 38 *upon application and payment of the senior status license fee. The holder*
 39 *of the senior status license shall not be required to complete a written*
 40 *renewal examination. A senior status license shall entitle the holder to all*
 41 *privileges attendant to the cosmetology practice in which such holder was*
 42 *engaged, except that such senior license shall not entitle the holder of*
 43 *such license to practice cosmetology.*

1 (g) *Any person who failed to obtain a renewal license while in the*
2 *armed forces of the United States shall be entitled to a renewal license*
3 *upon filing application, paying the nonrefundable renewal fee for the*
4 *current year during which the person has been discharged and*
5 *successfully completing the renewal exam.*}

6 ~~Section 1.~~ *{Sec. 2.}* K.S.A. 65-1904a is hereby amended to read as
7 follows: 65-1904a. (a) Any licensed cosmetologist, esthetician,
8 electrologist, manicurist, or person desiring to establish a salon or clinic
9 shall make application, on a form provided, to the Kansas state board of
10 cosmetology, accompanied by the new salon or clinic license fee
11 established under K.S.A. 65-1904, and amendments thereto. Upon filing of
12 the application, the board shall inspect the equipment as to safety and
13 sanitary condition of the premises and if the equipment and premises are
14 found to comply with the rules and regulations of the secretary of health
15 and environment and the rules and regulations of the Kansas state board of
16 cosmetology, the board shall issue a new salon or clinic license.

17 (b) Nothing herein contained shall be construed as preventing any
18 licensed cosmetologist, manicurist, esthetician or electrologist from
19 practicing in the field for which licensed in such licensee's private home or
20 residence if the home or residence complies with rules and regulations of
21 the secretary and the state board. A licensed cosmetologist, manicurist,
22 esthetician or electrologist may provide services in the field in which
23 licensed in a place other than the licensed salon or clinic or a private home
24 or residence of the licensed cosmetologist, manicurist, esthetician or
25 electrologist. Excluding services provided by a licensed cosmetologist,
26 manicurist, esthetician or electrologist in a health care facility, hospital or
27 nursing home or in the residence of a person requiring home care arising
28 from physical or mental disabilities, in order to provide such services, such
29 licensed cosmetologist, manicurist, esthetician or electrologist shall be
30 employed in a salon or clinic or in the licensed cosmetologist's,
31 manicurist's, esthetician's or electrologist's private home or residence for at
32 least 51% of the total hours per week employed; and shall attest by
33 affidavit that such cosmetology, manicuring, esthetics or electrology
34 services shall be provided only in the residence or office of the person
35 receiving services.

36 (c) Licensed salons and clinics may be reinspected in accordance with
37 a schedule determined by the board by rules and regulations or upon a
38 complaint made to the board that such salon or clinic is not being
39 maintained in compliance with rules and regulations of the board. ~~The~~
40 ~~license shall expire on June 30 following its issuance. Any such license~~
41 ~~may be renewed upon application accompanied by the salon or clinic~~
42 ~~license renewal fee made to the board before July 1 of the year in which~~
43 ~~the license expires~~ *The license shall expire one year from the last day of*

1 *the month of its issuance. Any such license may be renewed upon*
2 *application accompanied by the salon or clinic license renewal fee made*
3 *to the board prior to the expiration date of the license. Any license may be*
4 *renewed by the applicant within 60 days after the date of expiration of the*
5 *last license upon payment of ~~a~~ the annual renewal fee plus the delinquent*
6 *renewal fee.*

7 *(d) On or after July 1, ~~2013~~{2014}, salon and clinic renewal*
8 *application fees will be prorated to reflect an expiration date one year*
9 *from the last day of the month of the initial issuance of the license.*

10 Sec. ~~2~~ {3.} K.S.A. ~~2012~~{2013} Supp. 65-1904b is hereby amended to
11 read as follows: 65-1904b. (a) Upon application to the Kansas state board
12 of cosmetology on a form provided for application for a cosmetologist,
13 esthetician or electrologist license, accompanied by the application fee, a
14 person practicing as a cosmetologist, esthetician or electrologist under the
15 laws of another state or jurisdiction shall be granted a license entitling the
16 person to practice in this state if:

17 (1) The person is not less than 17 years of age and a graduate of an
18 accredited high school, or equivalent thereof, *or the person has held a*
19 *current license in another state or jurisdiction in the area of practice in*
20 *which the person seeks a license for not less than 10 years prior to the*
21 *date of application;*

22 (2) the person submits to the board verification of date of birth; and

23 (3) the person holds a current license in another state in the area of
24 practice in which the person seeks a license and meets at least one of the
25 following criteria:

26 (A) The person passes a written and a practical examination
27 administered by the board relating to the area of practice in which the
28 person seeks a license; or

29 (B) the person has the number of hours of training required for
30 licensure in this state and passes the written examination administered for
31 license renewal under subsection (a) of K.S.A. 65-1904, and amendments
32 thereto.

33 (b) The renewal of a license issued pursuant to this section shall be in
34 the manner provided in K.S.A. 65-1904, and amendments thereto.

35 Sec. ~~3~~ {4.} K.S.A. ~~2012~~{2013} Supp. 65-1905 is hereby amended to
36 read as follows: 65-1905. (a) All examinations held or conducted by the
37 board shall be in accordance with rules and regulations adopted by the
38 board. The examinations shall include a written test administered at the
39 completion of 1,000 hours of training. If the applicant has attended a
40 licensed school electing to base the course of instruction and practice on
41 credit hours as provided in K.S.A. 65-1903, and amendments thereto, the
42 written test shall be administered at the completion of the credit hours
43 which are the equivalent of 1,000 clock hours under the formula for

1 conversion used by the licensed school. A practical test may be
2 administered prior to licensure. Examinations to qualify for an instructor's
3 license shall be limited to written tests.

4 (b) Each applicant for licensure by examination shall:

5 (1) Be at least 17 years of age;

6 (2) be a graduate of an accredited high school, or equivalent thereof.

7 The provisions of this paragraph shall not apply to any applicant who was
8 at least 25 years of age and licensed as an apprentice on May 21, 1998;

9 (3) submit to the board verification of date of birth; and

10 (4) have served as an apprentice for the period of time provided by
11 K.S.A. 65-1912, and amendments thereto.

12 (c) Any person making application who ~~apparently~~ possesses the
13 necessary qualifications to take an examination provided herein, upon
14 application and payment of the nonrefundable temporary permit fee, may
15 be issued a temporary permit by the board to practice cosmetology until
16 the next regular examination conducted by the board.

17 Sec. ~~4~~ {5.} K.S.A. ~~2012~~{2013} Supp. 65-1943 is hereby amended to
18 read as follows: 65-1943. (a) An applicant for licensure shall pay a non-
19 refundable fee established by rules and regulations adopted by the board
20 and shall show to the satisfaction of the board that the applicant:

21 (1) Has complied with the provisions of this act and the applicable
22 rules and regulations of the secretary;

23 (2) is not less than 18 years of age;

24 (3) has a high school diploma or equivalent education;

25 (4) has submitted evidence of completion of education or training
26 prescribed and approved by the board as follows:

27 (A) A training program under the direct supervision of a licensed
28 tattoo artist, cosmetic tattoo artist or body piercer approved and licensed as
29 a trainer by the board, or another state, in the area of practice in which the
30 person seeks licensure;

31 (B) has performed at least 50 completed procedures;

32 (C) pays a non-refundable application fee set by the board;

33 (D) provides verification of training;

34 (E) completes eight hours of continuing education, approved by the
35 board, in infection control and blood-borne pathogens, in addition to the
36 infection control curriculum requirement; and

37 (F) has successfully completed an examination approved,
38 administered or recognized by the board.

39 (b) *An applicant for apprentice licensure shall be required to pay a*
40 *non-refundable fee established by rules and regulations adopted by the*
41 *board and shall submit an application to the board showing to the*
42 *satisfaction of the board that the applicant:*

43 (1) *Is not less than 18 years of age;*

1 (2) *has a high school diploma or equivalent education; and*

2 (3) *will be studying under a trainer approved by the board.*

3 (c) *Any applicant who possesses the necessary qualifications to take*
4 *an examination, as determined by the board, upon application and*
5 *payment of a non-refundable fee established by rules and regulations*
6 *adopted by the board, may be issued a temporary permit by the board to*
7 *practice cosmetic tattooing, tattooing or body piercing until the next*
8 *regular examination conducted by the board.*

9 (d) As a condition of ~~annual~~ biennial license renewal, licensees shall
10 complete five hours of continuing education, approved by the board, in
11 infection control and blood-borne pathogens, in addition to paying any
12 non-refundable renewal fee set by the board. Successfully completing the
13 exam is not a substitute for continuing education requirements.

14 ~~(e)~~ (e) If an applicant seeks renewal within six months after the
15 expiration of the practitioner's license, the license may be renewed by
16 submitting, within the six month late renewal period:

17 (1) The non-refundable renewal fee;

18 (2) the non-refundable delinquent fee; and

19 (3) documentation of completion of eight hours of continuing
20 education, approved by the board, in infection control and blood-borne
21 pathogens.

22 ~~(f)~~ (f) If an applicant seeks renewal more than six months after the
23 expiration of a practitioner's license, the license may be renewed by
24 submitting:

25 (1) The application and application fee;

26 (2) the renewal fee;

27 (3) the delinquent fee; and

28 (4) documentation of completion of eight hours of continuing
29 education, approved by the board, in infection control and blood-borne
30 pathogens. The continuing education hours shall have been obtained
31 within two months of the submission of the application and fees.

32 ~~(g)~~ (g) An applicant seeking a license as a trainer shall:

33 (1) Pay any fees set by the board;

34 (2) concurrently maintain a practitioner's license;

35 (3) have no more than one apprentice at any time; and

36 (4) maintain direct supervision of the apprentice.

37 ~~(h)~~ (h) All application, renewal and delinquent fees shall be non-
38 refundable.

39 Sec. ~~5.~~ {6.} K.S.A. ~~2012~~{2013} Supp. 65-1945 is hereby amended to
40 read as follows: 65-1945. (a) Except as otherwise provided in this section,
41 a license issued under K.S.A. 65-1950, and amendments thereto, expires
42 ~~one year~~ two years after the date of issue unless renewed by payment of
43 the required non-refundable renewal fee. If payment is transmitted by

1 postal service, the envelope must be postmarked on or before the
2 expiration of the license.

3 (b) All tattoo artists, cosmetic tattoo artists and body piercers must
4 participate in continuing education, with guidelines and effective date to
5 be established by rules and regulations of the board.

6 ~~Sec. 6.~~ {7.} K.S.A. ~~2012~~{2013} Supp. 65-1950 is hereby amended to
7 read as follows: 65-1950. (a) The board shall assess, by rules and
8 regulations adopted by the board, such non-refundable fees as are
9 necessary to carry out the provisions of this act.

10 (b) The board shall license each applicant, without discrimination,
11 who proves to the satisfaction of the board, fitness for such licensure as
12 required by this act and upon payment of a non-refundable fee established
13 by the board under this section. Except as provided in K.S.A. 65-1945, and
14 amendments thereto, the board shall issue to the applicant a license that
15 expires ~~one year~~ *two years* after the date of issuance.

16 (c) The board shall establish all fees under this act. The fees and
17 charges established under this section shall not exceed the cost of
18 administering the regulatory program under this act pertaining to the
19 purpose for which the fee or charge is established.

20 ~~Sec. 7.~~ {8.} K.S.A. 65-1904a and K.S.A. ~~2012~~{2013} Supp. {65-
21 1904,} 65-1904b, 65-1905, 65-1943, 65-1945 and 65-1950 are hereby
22 repealed.

23 ~~Sec. 8.~~ {9.} This act shall take effect and be in force from and after its
24 publication in the statute book.