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

New Section 1. (a) The name of the Kansas state board of cosmetology is hereby changed to the Kansas board of barbering, cosmetology and body arts. All properties, moneys, appropriations, rights and authorities now vested in the Kansas state board of cosmetology are hereby vested in the Kansas board of barbering, cosmetology and body arts. Whenever the title of the Kansas state board of cosmetology, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas board of barbering, cosmetology and body arts. Nothing in this section shall be construed to abolish the Kansas state board of cosmetology or the office of the executive director of the Kansas state board of cosmetology or to reestablish the same.

(b) On and after the effective date of this section, all powers, duties and functions of the Kansas board of barbering are hereby transferred to and imposed upon the Kansas board of barbering, cosmetology and body arts. The Kansas board of barbering, cosmetology and body arts shall be the successor in every way to the powers, duties and functions of the Kansas board of barbering that were vested prior to the effective date of this section. Every act performed by or under the authority of the Kansas board of barbering, cosmetology and body arts in the exercise of such transferred powers, duties and functions shall have the same force and effect as if performed by the Kansas board of barbering prior to the effective date of this section.

(c) On the effective date of this section, the Kansas board of barbering and the position of administrative officer of the Kansas board of
barbering are hereby abolished.

(d) Whenever the Kansas board of barbering or words of like effect are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas board of barbering, cosmetology and body arts.

(e) All rules and regulations, orders and directives of the Kansas board of barbering that are in effect on the effective date of this section shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the Kansas board of barbering, cosmetology and body arts until revised, amended, revoked or nullified pursuant to law.

(f) The balances of all funds or accounts appropriated or reappropriated for the Kansas board of barbering are hereby transferred within the state treasury to the Kansas board of barbering, cosmetology and body arts and shall be used only for the purpose for which the appropriation or reappropriation was originally made.

(g) Liability for all accrued compensation or salaries of officers and employees who are transferred from the Kansas board of barbering to the Kansas board of barbering, cosmetology and body arts pursuant to this section shall be assumed and paid by the Kansas board of barbering, cosmetology and body arts pursuant to this section.

(h) The Kansas board of barbering, cosmetology and body arts shall succeed to all property, property rights and records that were used for or pertain to the performance of powers, duties and functions transferred by this section to the Kansas board of barbering, cosmetology and body arts. When any conflict arises as to the disposition of any property, personnel, record, power, duty, function or unexpended balance of any appropriation as a result of any transfer made by or under the authority of this section, the conflict shall be resolved by the governor, whose decision shall be final.

(i) No suit, action or other proceeding, whether judicial or administrative, lawfully commenced or that could have been commenced by or against any state agency named in this section or by or against any officer of the state in such officer's official duties shall abate by reason of the transfers effected pursuant to this section. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any state agency or officer named in this section.

(j) No criminal action commenced or that could have been commenced by the state shall abate by any provision of this section.

(k) All officers and employees of the Kansas board of barbering who, immediately prior to the effective date of this section, are engaged in the exercise and performance of the powers, duties and functions transferred by this section and who are determined by the Kansas board of barbering,
cosmetology and body arts to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this section are hereby transferred to the Kansas board of barbering, cosmetology and body arts. All classified officers and employees so transferred shall retain such classified status.

(l) Officers and employees of the Kansas board of barbering transferred by this act shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfer, layoff or abolition of classified service positions under the Kansas civil service act shall be made in accordance with civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas board of barbering prior to the date of transfer.

(m) Notwithstanding the effective date of this section prescribing the transfer of officers and employees from the Kansas board of barbering to the Kansas board of barbering, cosmetology and body arts, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 2. K.S.A. 2016 Supp. 39-938 is hereby amended to read as follows: 39-938. Adult care homes shall comply with all the lawfully established requirements and rules and regulations of the secretary for aging and disability services and the state fire marshal, and any other agency of government so far as pertinent and applicable to adult care homes, their buildings, operators, staffs, facilities, maintenance, operation, conduct, and the care and treatment of residents. The administrative rules and regulations of the state board of barber examiners or the state Kansas board of barbering, cosmetology and body arts shall not apply to adult care homes.

Sec. 3. K.S.A. 65-1,148 is hereby amended to read as follows: 65-1,148. (a) As used in this section, "sanitation standards" means standards for personal and environmental sanitation and for the prevention of infectious and contagious diseases.

(b) The secretary of health and environment shall adopt rules and regulations establishing sanitation standards for professions, shops, salons, facilities, clinics, schools and colleges regulated by the state board of barber examiners or the state Kansas board of barbering, cosmetology and body arts.

Sec. 4. K.S.A. 65-1809 is hereby amended to read as follows: 65-1809. As used in this act:

(a) "Board" means the Kansas board of barbering, cosmetology and
body arts;
(b) "administrative officer" means the administrative officer of the board;
(e) "license" means a license entitling the person to whom issued to practice barbering, or to operate a barber school, barber college or barber shop;
(d) "barber shop" means any place, shop or establishment, wherein the practice of barbering is engaged in or carried on;
(e) (d) "barber school" or "barber college" means any place or establishment wherein the practice, fundamentals, theories or practical applications of barbering are taught; and
(e) (e) "barbering" means any one or any combinations of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the purpose of diseases or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally, upon male or female): shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, singeing, shampooing or dyeing, arranging, perming or waving the hair, or applying tonics; applying cosmetic preparations, antiseptic powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body.

Sec. 5. K.S.A. 2016 Supp. 65-1812 is hereby amended to read as follows: 65-1812. (a) Any person shall be qualified to receive a license to practice barbering if such person:
(1) Is at least 16 years of age and of good moral character and temperate habits;
(2) has graduated from a high school accredited by the appropriate accrediting agency or has otherwise obtained the equivalent of a high school education;
(3) is a graduate of a barber school or barber college approved by the board or has satisfactorily completed the barber course at an institution under the control of the secretary of corrections or the disciplinary barracks at Fort Leavenworth or has been certified in a related industry, such as barbering in any branch of the United States military service, and has completed a course of study in a licensed Kansas barber college or barber school as prescribed by the board under K.S.A. 65-1810(e), and amendments thereto, or has been a cosmetologist licensed by the Kansas board of barbering, cosmetology and body arts and has completed a course of study in a licensed Kansas barber college or barber school as prescribed by the board under K.S.A. 65-1810(e), and amendments thereto; and
(4) has paid an examination fee and has passed the examination
conducted by the board to determine the fitness of such person to practice barbering.

(b) Any person who fails to pass an examination conducted by the board to determine such person's fitness to practice barbering shall be entitled to take the next examination conducted by the board.

(c) The board may issue a temporary license to practice barbering to any person who has graduated from an approved barber school or barber college and who makes application to take the next examination for licensure to practice barbering. Such license shall be effective only until the results of the examination are announced. No more than three temporary licenses shall be issued to any one person.

Sec. 6. K.S.A. 65-1825a is hereby amended to read as follows: 65-1825a. (a) Except with regard to sanitation standards provided for by K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and regulations necessary to carry out the provisions of this act. The rules and regulations of the board shall be posted for public inspection in the main office of the board and a certified copy thereof shall be filed in the office of the administrative officer executive director of the board. The board may also publish such rules and regulations in publications representing the barbering industry.

(b) The board shall furnish a copy of the sanitation standards adopted pursuant to K.S.A. 65-1,148, and amendments thereto, to each person to whom a license is granted and a copy shall be posted in a conspicuous place in each barber shop, barber school and barber college by the manager thereof of the barber shop, barber school or barber college.

Sec. 7. K.S.A. 65-1826 is hereby amended to read as follows: 65-1826. The practice and procedure of the board with respect to any investigation made by it under authority of this act shall be in accordance with rules and regulations adopted by the board.

Each person who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena, shall receive for attendance the fees and mileage provided by law for witnesses in civil cases in the district courts of this state. Such fees and mileage shall be paid by the board in the same manner as other expenses are paid by the board. No witless subpoenaed at the instance of a party other than the board or one of its members, or its administrative officer the board's executive director, shall be entitled to fees and mileage unless the board shall certify that the witness' testimony was material to the matter investigated.

Sec. 8. K.S.A. 2016 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 Kansas board of barbering, cosmetology and body arts.

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" shall not include 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.
(e) "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.

(f) "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 subsection (f) paragraph (2).

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

(h) "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.

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

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

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

Sec. 9. K.S.A. 2016 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

(1) Engage in practice of cosmetology, esthetics, nail technology or electrology unless the person holds a valid license, issued by the board, to engage in that practice;
(2) engage in the practice of tattooing, cosmetic tattooing or body piercing unless the person holds a valid license, issued by the board, to engage in such practice;
(3) teach cosmetology in a licensed school unless the person holds a valid cosmetology instructor's license issued by the board;
(4) conduct a school for teaching nail technology unless the person holds a valid license, issued by the board, to conduct the school;
(5) teach nail technology in a licensed school unless the person holds a valid cosmetology or manicuring instructor's license issued by the board;
(6) conduct a school for teaching electrology unless the person holds a valid license, issued by the board, to conduct the school;
(7) teach electrology in a licensed school or clinic unless the person holds a valid electrology instructor's license issued by the board;
(8) conduct a school for teaching esthetics unless the person holds a valid license, issued by the board, to conduct the school;  
(9) teach esthetics in a licensed school unless the person holds a valid cosmetology or esthetics instructor's license issued by the board;  
(10) own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced unless the person holds a valid school, salon or clinic license issued by the board;  
(11) teach or practice cosmetology, esthetics, nail technology or electrology in a school, salon or clinic unless the owner or operator of the school, salon or clinic holds a valid school, salon or clinic license issued by the board; or  
(12) provide a service constituting the practice of cosmetology, nail technology, esthetics or electrology by use of a medical device registered with the federal food and drug administration, or as defined in federal or state law which may be distributed only upon the order of a physician. This act does not prohibit a Kansas board of barbering, cosmetology and body arts licensee from providing services using a medical device upon the order and under the supervision of a physician and in a location maintained by the physician.

(b) The provisions of this act shall not apply to:  
(1) Any person licensed as a barber or apprentice barber;  
(2) any person licensed to practice medicine and surgery, chiropractic, optometry, nursing or dentistry, while engaged in that practice;  
(3) any person who is a licensed physical therapist or certified physical therapist assistant while engaged in that practice; or  
(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons.

c) A person holding a license as a cosmetology technician on the day immediately preceding the effective date of this act shall continue to be a licensed cosmetology technician and perform the functions of a cosmetology technician, as such term was defined immediately prior to the effective date of this act, and may renew such license subject to the payment of fees and other conditions and limitations on the renewal of licenses under article 19 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof.

d) If the board determines that an individual has violated subsection (a), in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual or may assess such individual a fine of not to exceed $1,500, or may issue such order and assess such fine. In determining the amount of fine to be assessed, the board may consider the following factors: (1) Willfulness of the violation; (2) repetitions of the violation; and (3) risk of harm to the public caused by
the violation.

(e) A violation of subsection (a) of this section is a class C misdemeanor.

Sec. 10. K.S.A. 2016 Supp. 65-1904a is hereby amended to read as follows: 65-1904a. (a) Any licensed cosmetologist, esthetician, electrologist, manicurist, or person desiring to establish a salon or clinic shall make application, on a form provided, to the Kansas state board of barbering, cosmetology and body arts, accompanied by the new salon or clinic license fee established under K.S.A. 65-1904, and amendments thereto. Upon filing of the application, the board shall inspect the equipment as to safety and sanitary condition of the premises and if the equipment and premises are found to comply with the rules and regulations of the secretary of health and environment and the rules and regulations of the Kansas state board of barbering, cosmetology and body arts, the board shall issue a new salon or clinic license.

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

(c) Licensed salons and clinics may be reinspected in accordance with a schedule determined by the board by rules and regulations or upon a complaint made to the board that such salon or clinic is not being maintained in compliance with rules and regulations of the board. The license shall expire one year from the last day of the month of its issuance. Any such license may be renewed upon application accompanied by the salon or clinic license renewal fee made to the board prior to the expiration date of the license. Any license may be renewed by the applicant within 60 days after the date of expiration of the last license upon payment of the
annual renewal fee plus the delinquent renewal fee.

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

Sec. 11. K.S.A. 2016 Supp. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state board of barbering, cosmetology and body arts on a form provided for application for a cosmetologist, esthetician or electrologist license, accompanied by the application fee, a person practicing as a cosmetologist, esthetician or electrologist under the laws of another state or jurisdiction shall be granted a license entitling the person to practice in this state if:

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

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

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

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

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

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

Sec. 12. K.S.A. 2016 Supp. 65-1909 is hereby amended to read as follows: 65-1909. (a) No person shall:

(1) Employ an individual or allow any individual to engage in any activity for which a license is required pursuant to K.S.A. 65-1902, and amendments thereto, unless such individual holds a currently valid license issued to such individual;

(2) violate any order or ruling of the state Kansas board of barbering, cosmetology and body arts;

(3) fail or refuse to comply with rules and regulations prescribed by the board or applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto; or

(4) violate any of the provisions of article 19 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.
(b) Violation of subsection (a) is a misdemeanor punishable by a fine of not less than $10 nor more than $100, or by imprisonment in the county jail for not less than 10 days nor more than 90 days, or by both such fine and imprisonment.

(c) The board may bring an action in its own name in a court of competent jurisdiction to enjoin any person from practicing or teaching cosmetology, aesthetics, nail technology or electrology or from operating a salon, clinic or school where such courses are taught without a currently valid license. In any civil action brought under this section, it shall be presumed that irreparable damage will occur where the board alleges and proves a person committed a violation of such licensing laws. In addition to issuing an order for injunctive relief, the court also may assess a fine of not to exceed $1,500 against such person.

Sec. 13. K.S.A. 65-1920 is hereby amended to read as follows: 65-1920. (a) As used in this act:

(1) "Authorized agent" means an employee of the state Kansas board of barbering, cosmetology and body arts designated by the board to enforce this act.

(2) "Board" means the state Kansas board of barbering, cosmetology and body arts.

(3) "Phototherapy device" means equipment that emits ultraviolet radiation that is used in the treatment of disease or other medical use.

(4) "Tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air that is used for tanning of human skin and includes any accompanying items incidental to operation of the tanning device.

(5) "Tanning facility" means any facility, whether independent or part of a salon, health spa or any other facility, which provides access to tanning devices but shall not include private residences if access to tanning devices is provided without charge.

(b) This act does not apply to use of a phototherapy device by or under supervision of a person licensed to practice medicine and surgery.

Sec. 14. K.S.A. 2016 Supp. 65-1940 is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

(a) "Board" means the Kansas state board of barbering, cosmetology and body arts or its the board's designee.

(b) "Director" means the executive director of the board.

(c) "Department" means the department of health and environment.

(d) "Secretary" means the secretary of health and environment.

(e) "Tattoo artist" and "cosmetic tattoo artist" mean a person who practices tattooing or cosmetic tattooing or both pursuant to this act.

(f) "Body piercer" means a person engaged in the practice of body
piercing pursuant to this act.

(g) "Body piercing" means puncturing the skin of a person by aid of
needles designed or used to puncture the skin for the purpose of inserting
removable jewelry through the human body, except puncturing the external
part of the human earlobe shall not be included in this definition. This act
shall not be construed to authorize a licensed body piercer to implant or
embed foreign objects into the human body or otherwise to engage in the
practice of medicine and surgery.

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

(i) "Tattooing" means the process by which the skin is marked or
colored by insertion of nontoxic dyes or pigments by use of a needle into
or under the subcutaneous portion of the skin so as to form indelible marks
for cosmetic or figurative purposes.

(j) "Tattoo establishment" means any room or space, or any part
thereof, where tattooing is practiced or where the business of tattooing is
conducted.

(k) "Body piercing establishment" means any room or space, or any
part thereof, where body piercing is practiced or where the business of
body piercing is conducted.

(l) "Cosmetic tattooing" means the process by which the skin is
marked or colored by insertion of nontoxic dyes or pigments into or under
the subcutaneous portion of the skin, by use of a needle, so as to form
indelible marks for cosmetic or figurative purposes.

(m) "Cosmetic tattooing establishment" means any room, or space, or
any part thereof, where cosmetic tattooing is practiced or where the
business of cosmetic tattooing is conducted.

(n) "Court appointed guardian" means one who is appointed by a
court and has legal authority and duty to care for another person,
especially because of the other's infancy, incapacity or disability.

(o) "Needle" means a sharp, pointed implement used for the purpose
of tattooing, cosmetic tattooing or body piercing. The term "needle" does
not include any implements or objects altered to be used as needles.

(p) "Trainer" means a licensed individual who guides another in
tattooing, cosmetic tattooing or body piercing.

(q) "Apprentice" means any person licensed by the board to engage in
learning the practice of tattooing, cosmetic tattooing or body piercing.

Sec. 15. K.S.A. 2016 Supp. 65-2872 is hereby amended to read as
follows: 65-2872. The practice of the healing arts shall not be construed to
include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

(b) Persons gratuitously administering ordinary household remedies.

(c) The members of any church practicing their religious tenets
provided they shall not be exempt from complying with all public health
regulations of the state.

(d) Students while in actual classroom attendance in an accredited
healing arts school who, after completing one year's study, treat diseases
under the supervision of a licensed instructor.

(e) Students upon the completion of at least three years study in an
accredited healing arts school and who, as a part of their academic
requirements for a degree, serve a preceptorship not to exceed 180 days
under the supervision of a licensed practitioner.

(f) Persons who massage for the purpose of relaxation, muscle
conditioning, or figure improvement, provided no drugs are used and such
persons do not hold themselves out to be physicians or healers.

(g) Persons whose professional services are performed under the
supervision or by order of or referral from a practitioner who is licensed
under this act.

(h) Persons in the general fields of psychology, education and social
work, dealing with the social, psychological and moral well-being of
individuals or groups, or both, provided they do not use drugs and do not
hold themselves out to be the physicians, surgeons, osteopathic physicians
or chiropractors.

(i) Practitioners of the healing arts in the United States army, navy, air
force, public health service, and coast guard or other military service when
acting in the line of duty in this state.

(j) Practitioners of the healing arts licensed in another state when and
while incidentally called into this state in consultation with practitioners
licensed in this state.

(k) Dentists practicing their professions, when licensed and practicing
in accordance with the provisions of article 14 of chapter 65 of the Kansas
Statutes Annotated, and amendments thereto, and any interpretation
thereof by the supreme court of this state.

(l) Optometrists practicing their professions, when licensed and practicing
under and in accordance with the provisions of article 15 of
chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
any interpretation thereof by the supreme court of this state.

(m) Nurses practicing their profession when licensed and practicing
under and in accordance with the provisions of article 11 of chapter 65 of
the Kansas Statutes Annotated, and amendments thereto, and any
interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and
practicing under and in accordance with the provisions of article 20 of
chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
any interpretation thereof by the supreme court of this state.

(o) Every act or practice falling in the field of the healing arts, not
specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and
practicing under and in accordance with the provisions of article 16 of
chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14
of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,
who administers general and local anesthetics to facilitate medical
procedures conducted by a person licensed to practice medicine and
surgery if such dentist is certified by the board of healing arts under K.S.A.
65-2899, and amendments thereto, to administer such general and local
anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of
another state who do not open an office or maintain or appoint a place to
regularly meet patients or to receive calls within this state, but who order
services which are performed in this state in accordance with rules and
regulations of the board. The board shall adopt rules and regulations
identifying circumstances in which professional services may be
performed in this state based upon an order by a practitioner of the healing
arts licensed under the laws of another state.

(s) Acupuncturists, when licensed and practicing in accordance with
K.S.A. 2016 Supp. 65-7601 through 65-7624, and amendments thereto,
rules and regulations adopted thereunder, and interpretations
thereof by the supreme court of this state.

(t) Persons licensed by the state Kansas board of barbering,
cosmetology and body arts practicing their professions, when licensed and
practicing under and in accordance with the provisions of article 19 of
chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
any interpretation thereof by the supreme court of this state.

Sec. 16. K.S.A. 74-1807 is hereby amended to read as follows: 74-
1807. Upon presentation of proper credentials, any member of the board,
the administrative officer executive director or the board's inspectors shall
have the authority to enter, inspect and enforce rules and regulations
pertaining to barber shops, barber schools or barber colleges at any time
during business hours.

Sec. 17. K.S.A. 74-2701 is hereby amended to read as follows: 74-
2701. (a) There is hereby created the Kansas state board of barbering,
cosmetology and body arts, the members of which shall be appointed by
the governor, to regulate the practice of the profession professions of
cosmetology and barbering in Kansas. Not more than four six members
shall be of the same political party. Three members shall be licensed under
the provisions of K.S.A. 65-1901 through 65-1912, and amendments
thereto, at least two of whom shall be licensed cosmetologists; one
member shall be a licensed permanent color technician and tattoo artist or
an licensed body piercer; one member shall be an owner and licensed
operator of a tanning facility; one member shall be a person who holds a
valid school license issued by the board or a person who is engaged in the
day-to-day operation of a school licensed by the board; and two members
shall represent the general public interest; and three members shall be
licensed barbers. If none of the licensed cosmetologist members of the
board is an African-American, at least one member representing the
general public interest shall be an African-American. No manufacturer,
wholesaler or retailer of cosmetic supplies or equipment used by the
profession of cosmetology or barbering, or any representative of such
manufacturer, wholesaler or retailer, shall become a member of the board.

(b) Members of the board serving prior to the effective date of this act
may be reappointed as provided in this section. Of the members first-
appointed to the board on and after the effective date of this act, two-
members shall be appointed for terms of one year, two members shall be
appointed for terms of two years and three members shall be appointed for
terms of three years. Of the three members added to the board pursuant to
the amendments to this section made by this act: One member shall be
appointed for a term of one year; one member shall be appointed for a
term of two years; and one member shall be appointed for a term of three
years. Thereafter each member of the board shall be appointed for a term
of three years; and until a successor is appointed and qualifies. The board
shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve
at the pleasure of the governor. The executive director shall also be the
treasurer of the board and shall keep a record of the proceedings and
perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the
board shall have the prescribed qualifications. All vacancies in the board
shall be filled by the governor for the unexpired terms. The members of
the board shall take the oath of office prescribed for public officers before
entering upon the discharge of their duties.

Sec. 18. K.S.A. 74-2702 is hereby amended to read as follows: 74-
2702. (a) The Kansas state board of cosmetology shall meet immediately
after appointment and determine policies of the board and conduct any-
business that may be before such board, and said officers thereafter The
board shall meet as required by law, at times designated by the board and
shall also meet on the call of the chairperson. The executive
director shall not be entitled to vote at such meetings. Said The board shall
keep a record of its proceedings and a register of the names of applicants
for licenses, showing whether the licenses were granted or refused. Said
The board shall have a seal, and each of said the members of said the
board shall have the authority and be empowered, for all purposes and
duties of said the board in connection therewith, to administer oaths. The
chairman chairperson, with the approval of the board, shall have the
power to appoint inspectors who shall perform all of the inspection duties
of the board and may employ such additional help as may in his or her the
chairperson's judgment be necessary to properly carry out the provisions
of this act.

(b) All employees appointed as herein authorized, except the
executive director, shall be within the classified service of the Kansas civil
service act. The executive director shall be within the unclassified service
of the Kansas civil service act and shall receive an annual salary to be
fixed by the board, with the approval of the state finance council.
Members of the state Kansas board of barbering, cosmetology and body
arts attending meetings of such board, or attending a subcommittee
meeting thereof authorized by such board, shall be paid compensation,
subsistence allowances, mileage and other expenses as provided in K.S.A.
75-3223, and amendments thereto.

Sec. 19. K.S.A. 74-2702a is hereby amended to read as follows: 74-
2702a. The Kansas state board of barbering, cosmetology and body
arts may adopt rules and regulations as may be necessary for the administration
of matters within the jurisdiction of the board.

Sec. 20. K.S.A. 2016 Supp. 74-2704 is hereby amended to read as
follows: 74-2704. All fees and payments required to be paid by applicants
for examinations or licenses, shall be paid to the executive director of the
Kansas state board of barbering, cosmetology and body arts or the board's
designee. The executive director, or the board's designee, shall remit all
moneys received from fees, charges or penalties to the state treasurer in
accordance with the provisions of K.S.A. 75-4215, and amendments
thereto. Upon receipt of each such remittance, the state treasurer shall
deposit the entire amount in the state treasury. Ten percent of each such
deposit shall be credited to the state general fund and the balance shall be
credited to the cosmetology fee fund. All expenditures from such fund
shall be made in accordance with appropriation acts upon warrants of the
director of accounts and reports issued pursuant to vouchers approved by
the executive director or by a person or persons designated by the board.

Sec. 21. K.S.A. 74-2706 is hereby amended to read as follows: 74-
2706. (a) Not later than January 1, 2003, the secretary of health and
environment shall review all rules and regulations related to methods of
and procedures for tattooing, permanent color technology and body-
piercing. Not later than the first day of the 2003 legislative session, the
secretary of health and environment shall report the results of the review
pursuant to this subsection to the appropriate standing committees of the
house and senate.
(b)—All rules and regulations of the Kansas state board of barbering, cosmetology and body arts in effect on the effective date of this act which establish sanitation standards, as defined in K.S.A. 65-1,148, and amendments thereto, for tanning facilities, tattoo facilities, body piercing facilities, permanent color technicians and tattoo artists and persons performing body piercing shall continue to be effective and shall be deemed to be rules and regulations of the secretary of health and environment under K.S.A. 65-1,148, and amendments thereto, until revised, amended, revoked or nullified by the secretary of health and environment, or otherwise, pursuant to law.

Sec. 22. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative coordinating council and all officers and employees of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians.
or technologists or respiratory therapists, who are licensed professional
nurses or licensed practical nurses, or who are in job classes which are
designated for this purpose by the chancellor of the university of Kansas
upon a finding by the chancellor that such designation is required for the
university of Kansas medical center to recruit or retain personnel for
positions in the designated job classes; and employees of any institution
under the state board of regents who are medical technologists;
(g) operations, maintenance and security personnel employed to
implement agreements entered into by the adjutant general and the federal
national guard bureau, and officers and enlisted persons in the national
guard and the naval militia;
(h) persons engaged in public work for the state but employed by
contractors when the performance of such contract is authorized by the
legislature or other competent authority;
(i) persons temporarily employed or designated by the legislature or
by a legislative committee or commission or other competent authority to
make or conduct a special inquiry, investigation, examination or
installation;
(j) officers and employees in the office of the attorney general and
special counsel to state departments appointed by the attorney general,
except that officers and employees of the division of the Kansas bureau of
investigation shall be in the classified or unclassified service as provided
in K.S.A. 75-711, and amendments thereto;
(k) all employees of courts;
(l) client, patient and inmate help in any state facility or institution;
(m) all attorneys for boards, commissions and departments;
(n) the secretary and assistant secretary of the Kansas state historical
society;
(o) physician specialists, dentists, dental hygienists, pharmacists,
medical technologists and long term care workers employed by the Kansas
department for aging and disability services;
(p) physician specialists, dentists and medical technologists employed
by any board, commission or department or by any institution under the
jurisdiction thereof;
(q) student employees enrolled in public institutions of higher
learning;
(r) administrative officers, directors and teaching personnel of the
state board of education and the state department of education and of any
institution under the supervision and control of the state board of
education, except that this subsection (1)(r) shall not be construed to
include the custodial, clerical or maintenance employees, or any
employees performing duties in connection with the business operations of
any such institution, except administrative officers and directors;
(s) all officers and employees in the office of the secretary of state;
(t) one personal secretary and one special assistant to the following:
The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;
(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
(w) one public information officer and one chief attorney for the following: The department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;
(x) if designated by the appointing authority, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, in any state agency;
(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
(z) specifically designated by law as being in the unclassified service;
(aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency;
(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-
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1 715a, and amendments thereto; and
2 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
3 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
4 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
5 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
6 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
7 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
8 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
9 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
10 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
11 12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and
12 amendments thereto, any vacant position within the classified service may
13 be converted by the appointing authority to an unclassified position.
14 (2) The classified service comprises all positions now existing or
15 thereafter created which are not included in the unclassified service.
16 Appointments in the classified service shall be made according to merit
17 and fitness from eligible pools which so far as practicable shall be
18 competitive. No person shall be appointed, promoted, reduced or
19 discharged as an officer, clerk, employee or laborer in the classified
20 service in any manner or by any means other than those prescribed in the
21 Kansas civil service act and the rules adopted in accordance therewith.
22 (3) For positions involving unskilled, or semiskilled duties, the
23 secretary of administration, as provided by law, shall establish rules and
24 regulations concerning certifications, appointments, layoffs and
25 reemployment which may be different from the rules and regulations
26 established concerning these processes for other positions in the classified
27 service.
28 (4) Officers authorized by law to make appointments to positions in
29 the unclassified service, and appointing officers of departments or
30 institutions whose employees are exempt from the provisions of the
31 Kansas civil service act because of the constitutional status of such
32 departments or institutions shall be permitted to make appointments from
33 appropriate pools of eligibles maintained by the division of personnel
34 services.
35 (5) On and after the effective date of this act, any state agency that
36 has positions in the classified service within the Kansas civil service act to
37 satisfy any requirement of maintaining personnel standards on a merit
38 basis pursuant to federal law or the rules and regulations promulgated
39 thereunder by the federal government or any agency thereof, shall adopt a
40 binding statement of agency policy pursuant to K.S.A. 77-415, and
41 amendments thereto, to satisfy such requirements if the appointing
42 authority has made any such position unclassified.

Sec. 23. K.S.A. 2016 Supp. 75-3717 is hereby amended to read as
follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, 2000, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter. Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency;

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program; and

(3) a listing of the sources and amounts of all federal funds received or budgeted for by a state agency for the purpose of homeland security or for the purpose of sustaining, enhancing or improving the safety and security of the state, the amount of such funds budgeted for expenditure on administrative cost and the amount of such funds budgeted for expenditure on aid to each unit of local government.

(b) At the same time as each state agency submits to the division of the budget a copy of its budget estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department for legislative use.

(c) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to the director's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy, posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the
senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

(d) The director of the budget may prepare budget estimates for any state agency failing to file a request.

(e) As used in this section, "services for children and their families" includes, but is not limited to, any of the following services, whether provided directly or made accessible through subsidies or other payments:

(1) Financial support for children and families with children or enforcement of the obligation to support a child or a family with one or more children;

(2) prenatal care, health care for children or immunizations for children;

(3) mental health or retardation services for children;

(4) nutrition for children or families with children or nutritional counseling or supplements for pregnant or nursing women;

(5) child care, early childhood education or parenting education;

(6) licensure or regulation of child care or early childhood education programs;

(7) treatment, counseling or other services to preserve families;

(8) care, treatment, placement or adoption of children without functioning families;

(9) services to prevent child abuse and to treat and protect child abuse victims;

(10) services for children who are pregnant, substance abusers or otherwise involved in high risk behavior;

(11) services related to court proceedings involving children; and

(12) youth employment services.

(f) On a biennial basis, the following state agencies shall file budget estimates under the provisions of subsection (a): Abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, consumer credit commissioner, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, Kansas state board of barbering, cosmetology and body arts, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, governmental ethics commission, state department of credit unions, and Kansas home inspectors registration board.

Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.