

HOUSE BILL No. 2408

By Committee on Health and Human Services

2-10

1 AN ACT concerning health and healthcare; relating to the practice of
2 barbering and cosmetology; exempting adult care homes from statutes
3 governing barbering and cosmetology facilities; amending K.S.A. 65-
4 1904a and 74-1807 and repealing the existing sections.

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

7 Section 1. K.S.A. 65-1904a is hereby amended to read as follows: 65-
8 1904a. (a) Any licensed cosmetologist, esthetician, electrologist,
9 manicurist, or person desiring to establish a salon or clinic shall make
10 application, on a form provided, to the Kansas state board of cosmetology,
11 accompanied by the new salon or clinic license fee established under
12 K.S.A. 65-1904, and amendments thereto. Upon filing of the application,
13 the board shall inspect the equipment as to safety and sanitary condition of
14 the premises and if the equipment and premises are found to comply with
15 the rules and regulations of the secretary of health and environment and
16 the rules and regulations of the Kansas state board of cosmetology, the
17 board shall issue a new salon or clinic license. *An adult care home, as*
18 *defined in K.S.A. 39-923, and amendments thereto, or a long-term care*
19 *unit of a medical care facility, as defined in K.S.A. 65-425, and*
20 *amendments thereto, shall be exempted from the provisions of this section*

21 (b) ~~Nothing herein contained in this section shall be construed as~~
22 ~~preventing any licensed cosmetologist, manicurist, esthetician or~~
23 ~~electrologist from practicing in the field for which licensed in such~~
24 ~~licensee's private home or residence if the home or residence complies~~
25 ~~with rules and regulations of the secretary and the state board. A licensed~~
26 ~~cosmetologist, manicurist, esthetician or electrologist may provide services~~
27 ~~in the field in which licensed in a place other than the licensed salon or~~
28 ~~clinic or a private home or residence of the licensed cosmetologist,~~
29 ~~manicurist, esthetician or electrologist. Excluding services provided by a~~
30 ~~licensed cosmetologist, manicurist, esthetician or electrologist in a health~~
31 ~~care healthcare facility, hospital or nursing home adult care home or in the~~
32 ~~residence of a person requiring home care arising from physical or mental~~
33 ~~disabilities, in order to provide such services, such licensed cosmetologist,~~
34 ~~manicurist, esthetician or electrologist shall:~~

35 (1) Be employed in a salon or clinic or in the licensed
36 cosmetologist's, manicurist's, esthetician's or electrologist's private home

1 or residence for at least 51% of the total hours per week employed; and
2 ~~shall~~

3 (2) attest by affidavit that such cosmetology, manicuring, esthetics or
4 electrology services shall be provided only in the residence or office of the
5 person receiving services.

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

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

19 Sec. 2. K.S.A. 74-1807 is hereby amended to read as follows: 74-
20 1807. (a) Upon presentation of proper credentials, any member of the
21 board, the administrative officer or the board's inspectors shall have the
22 authority to enter, inspect and enforce rules and regulations pertaining to
23 barber shops, barber schools or barber colleges at any time during business
24 hours.

25 (b) *The provisions of this section shall not include or apply to an*
26 *adult care home, as defined in K.S.A. 39-923, and amendments thereto, or*
27 *a long-term care unit of a medical care facility, as defined in K.S.A. 65-*
28 *425, and amendments thereto.*

29 Sec. 3. K.S.A. 65-1904a and 74-1807 are hereby repealed.

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