

SENATE BILL No. 344

By Committee on Public Health and Welfare

1-21

1 AN ACT renaming the Kansas state board of cosmetology; amending
2 K.S.A. 65-1,148, 65-1920, 74-2701, 74-2702, 74-2702a and 74-2706
3 and K.S.A. 2015 Supp. 39-938, 65-1901, 65-1902, 65-1904a, 65-
4 1904b, 65-1909, 65-1940, 65-2872, 74-1806, 74-2704 and 75-3717 and
5 repealing the existing sections.
6

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

8 New Section 1. The name of the Kansas state board of cosmetology is
9 hereby changed to the Kansas board of beauty and body professions. All
10 properties, moneys, appropriations, rights and authorities now vested in
11 the Kansas state board of cosmetology shall be vested in the Kansas board
12 of body and beauty professions. Whenever the title of the Kansas state
13 board of cosmetology, or words of like effect, is referred to or designated
14 by any statute, contract or other document, such reference or designation
15 shall be deemed to apply to the Kansas board of beauty and body
16 professions.

17 Sec. 2. K.S.A. 2015 Supp. 39-938 is hereby amended to read as
18 follows: 39-938. Adult care homes shall comply with all the lawfully
19 established requirements and rules and regulations of the secretary for
20 aging and disability services and the state fire marshal, and any other
21 agency of government so far as pertinent and applicable to adult care
22 homes, their buildings, operators, staffs, facilities, maintenance, operation,
23 conduct, and the care and treatment of residents. The administrative rules
24 and regulations of the ~~state Kansas board of cosmetology~~ *beauty and body*
25 *professions* and of the Kansas board of barbering shall not apply to adult
26 care homes.

27 Sec. 3. K.S.A. 65-1,148 is hereby amended to read as follows: 65-
28 1,148. (a) As used in this section, "sanitation standards" means standards
29 for personal and environmental sanitation and for the prevention of
30 infectious and contagious diseases.

31 (b) The secretary of health and environment shall adopt rules and
32 regulations establishing sanitation standards for professions, shops, salons,
33 facilities, clinics, schools and colleges regulated by the state board of
34 barber examiners or the ~~state Kansas board of cosmetology~~ *beauty and*
35 *body professions*.

36 Sec. 4. K.S.A. 2015 Supp. 65-1901 is hereby amended to read as

1 follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and
2 amendments thereto:

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

9 (b) "Board" means the ~~state~~ *Kansas* board of ~~cosmetology~~ *beauty and*
10 *body professions*.

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

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

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

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

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

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

28 (E) manicuring, pedicuring or sculpturing nails.

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

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

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

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

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

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

9 (1) Nail technology;

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

13 (3) using cosmetic preparations, antiseptics, lotions, creams or other
14 preparations in performing any practice described in subsection (f)(2).

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

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

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

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

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

27 Sec. 5. K.S.A. 2015 Supp. 65-1902 is hereby amended to read as
28 follows: 65-1902. (a) Except as provided in subsection (b), no person
29 shall:

30 (1) Engage in practice of cosmetology, esthetics, nail technology or
31 electrology unless the person holds a valid license, issued by the board, to
32 engage in that practice;

33 (2) engage in the practice of tattooing, cosmetic tattooing or body
34 piercing unless the person holds a valid license, issued by the board, to
35 engage in such practice;

36 (3) teach cosmetology in a licensed school unless the person holds a
37 valid cosmetology instructor's license issued by the board;

38 (4) conduct a school for teaching nail technology unless the person
39 holds a valid license, issued by the board, to conduct the school;

40 (5) teach nail technology in a licensed school unless the person holds
41 a valid cosmetology or manicuring instructor's license issued by the board;

42 (6) conduct a school for teaching electrology unless the person holds
43 a valid license, issued by the board, to conduct the school;

1 (7) teach electrology in a licensed school or clinic unless the person
2 holds a valid electrology instructor's license issued by the board;

3 (8) conduct a school for teaching esthetics unless the person holds a
4 valid license, issued by the board, to conduct the school;

5 (9) teach esthetics in a licensed school unless the person holds a valid
6 cosmetology or esthetics instructor's license issued by the board;

7 (10) own or operate a school, salon or clinic where cosmetology,
8 esthetics, nail technology or electrology is taught or practiced unless the
9 person holds a valid school, salon or clinic license issued by the board;

10 (11) teach or practice cosmetology, esthetics, nail technology or
11 electrology in a school, salon or clinic unless the owner or operator of the
12 school, salon or clinic holds a valid school, salon or clinic license issued
13 by the board; or

14 (12) provide a service constituting the practice of cosmetology, nail
15 technology, esthetics or electrology by use of a medical device registered
16 with the federal food and drug administration, or as defined in federal or
17 state law which may be distributed only upon the order of a physician.
18 This act does not prohibit a *Kansas board of cosmetology beauty and body*
19 *professions* licensee from providing services using a medical device upon
20 the order and under the supervision of a physician and in a location
21 maintained by the physician.

22 (b) The provisions of this act shall not apply to:

23 (1) Any person licensed as a barber or apprentice barber;

24 (2) any person licensed to practice medicine and surgery, chiropractic,
25 optometry, nursing or dentistry, while engaged in that practice;

26 (3) any person who is a licensed physical therapist or certified
27 physical therapist assistant while engaged in that practice; or

28 (4) any teacher while engaged in instructing elementary or secondary
29 school students in the proper care of their own persons.

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

38 (d) If the board determines that an individual has violated subsection
39 (a), in addition to any other penalties imposed by law, the board, in
40 accordance with the Kansas administrative procedure act, may issue a
41 cease and desist order against such individual or may assess such
42 individual a fine of not to exceed \$1,500, or may issue such order and
43 assess such fine. In determining the amount of fine to be assessed, the

1 board may consider the following factors: (1) Willfulness of the violation;,
2 (2) repetitions of the violation; and (3) risk of harm to the public caused by
3 the violation.

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

6 Sec. 6. K.S.A. 2015 Supp. 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~~ *beauty and body professions*, accompanied by the new salon
11 or clinic license fee established under K.S.A. 65-1904, and amendments
12 thereto. Upon filing of the application, the board shall inspect the
13 equipment as to safety and sanitary condition of the premises and if the
14 equipment and premises are found to comply with the rules and
15 regulations of the secretary of health and environment and the rules and
16 regulations of the Kansas~~state~~ board of ~~cosmetology~~ *beauty and body*
17 *professions*, the board shall issue a new salon or clinic license.

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

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

1 date of the license. Any license may be renewed by the applicant within 60
2 days after the date of expiration of the last license upon payment of the
3 annual renewal fee plus the delinquent renewal fee.

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

7 Sec. 7. K.S.A. 2015 Supp. 65-1904b is hereby amended to read as
8 follows: 65-1904b. (a) Upon application to the Kansas~~state~~ board of
9 ~~cosmetology~~ *beauty and body professions* on a form provided for
10 application for a cosmetologist, esthetician or electrologist license,
11 accompanied by the application fee, a person practicing as a
12 cosmetologist, esthetician or electrologist under the laws of another state
13 or jurisdiction shall be granted a license entitling the person to practice in
14 this state if:

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

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

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

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

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

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

33 Sec. 8. K.S.A. 2015 Supp. 65-1909 is hereby amended to read as
34 follows: 65-1909. (a) No person shall:

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

39 (2) violate any order or ruling of the~~state~~ *Kansas* board of
40 ~~cosmetology~~ *beauty and body professions*;

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

1 thereto; or

2 (4) violate any of the provisions of article 19 of chapter 65 of Kansas
3 Statutes Annotated, *and amendments thereto*.

4 (b) Violation of subsection (a) is a misdemeanor punishable by a fine
5 of not less than \$10 nor more than \$100, or by imprisonment in the county
6 jail for not less than 10 days nor more than 90 days, or by both such fine
7 and imprisonment.

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

17 Sec. 9. K.S.A. 65-1920 is hereby amended to read as follows: 65-
18 1920. (a) As used in this act:

19 (1) "Authorized agent" means an employee of the ~~state~~ *Kansas* board
20 of ~~cosmetology~~ *beauty and body professions* designated by the board to
21 enforce this act.

22 (2) "Board" means the ~~state~~ *Kansas* board of ~~cosmetology~~ *beauty and*
23 *body professions*.

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

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

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

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

36 Sec. 10. K.S.A. 2015 Supp. 65-1940 is hereby amended to read as
37 follows: 65-1940. As used in this act, unless the context otherwise
38 requires:

39 (a) "Board" means the ~~Kansas state~~ board of ~~cosmetology~~ *beauty and*
40 *body professions* or its designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 Sec. 11. K.S.A. 2015 Supp. 65-2872 is hereby amended to read as
42 follows: 65-2872. The practice of the healing arts shall not be construed to
43 include the following persons:

- 1 (a) Persons rendering gratuitous services in the case of an emergency.
- 2 (b) Persons gratuitously administering ordinary household remedies.
- 3 (c) The members of any church practicing their religious tenets
- 4 provided they shall not be exempt from complying with all public health
- 5 regulations of the state.
- 6 (d) Students while in actual classroom attendance in an accredited
- 7 healing arts school who after completing one year's study treat diseases
- 8 under the supervision of a licensed instructor.
- 9 (e) Students upon the completion of at least three years study in an
- 10 accredited healing arts school and who, as a part of their academic
- 11 requirements for a degree, serve a preceptorship not to exceed 180 days
- 12 under the supervision of a licensed practitioner.
- 13 (f) Persons who massage for the purpose of relaxation, muscle
- 14 conditioning, or figure improvement, provided no drugs are used and such
- 15 persons do not hold themselves out to be physicians or healers.
- 16 (g) Persons whose professional services are performed under the
- 17 supervision or by order of or referral from a practitioner who is licensed
- 18 under this act.
- 19 (h) Persons in the general fields of psychology, education and social
- 20 work, dealing with the social, psychological and moral well-being of
- 21 individuals or groups, or both, provided they do not use drugs and do not
- 22 hold themselves out to be the physicians, surgeons, osteopathic physicians
- 23 or chiropractors.
- 24 (i) Practitioners of the healing arts in the United States army, navy, air
- 25 force, public health service, and coast guard or other military service when
- 26 acting in the line of duty in this state.
- 27 (j) Practitioners of the healing arts licensed in another state when and
- 28 while incidentally called into this state in consultation with practitioners
- 29 licensed in this state.
- 30 (k) Dentists practicing their professions, when licensed and practicing
- 31 in accordance with the provisions of article 14 of chapter 65 of the Kansas
- 32 Statutes Annotated, and amendments thereto, and any interpretation
- 33 thereof by the supreme court of this state.
- 34 (l) Optometrists practicing their professions, when licensed and
- 35 practicing under and in accordance with the provisions of article 15 of
- 36 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
- 37 any interpretation thereof by the supreme court of this state.
- 38 (m) Nurses practicing their profession when licensed and practicing
- 39 under and in accordance with the provisions of article 11 of chapter 65 of
- 40 the Kansas Statutes Annotated, and amendments thereto, and any
- 41 interpretation thereof by the supreme court of this state.
- 42 (n) Podiatrists practicing their profession, when licensed and
- 43 practicing under and in accordance with the provisions of article 20 of

1 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
2 any interpretation thereof by the supreme court of this state.

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

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

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

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

24 (s) Persons licensed by the ~~state~~ *Kansas* board of ~~cosmetology~~ *beauty*
25 *and body professions* practicing their professions, when licensed and
26 practicing under and in accordance with the provisions of article 19 of
27 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and
28 any interpretation thereof by the supreme court of this state.

29 Sec. 12. K.S.A. 2015 Supp. 74-1806 is hereby amended to read as
30 follows: 74-1806. (a) Except as provided in subsection (b), the board shall
31 meet immediately after appointment and determine the policies of the
32 board and may conduct any business that may be before such board.
33 Thereafter, the board shall meet as required by law, at times designated by
34 the board and on the call of the administrative officer. The board shall keep
35 a record of all its proceedings and a register of all applicants for licensure
36 and all licensees. Members of the board attending meetings of such board,
37 or attending a subcommittee meeting thereof authorized by such board,
38 shall be paid compensation, subsistence allowances, mileage and other
39 expenses as provided in K.S.A. 75-3223, and amendments thereto. The
40 board shall adopt rules and regulations for the purpose of carrying out the
41 provisions of this act. The administrative officer, with the approval of the
42 board, shall have authority to employ inspectors and office personnel as
43 may be deemed necessary to administer this act, and shall provide and

1 maintain offices. The inspectors so appointed shall perform all of the
2 inspection duties of the board. All employees of the board shall be within
3 the classified service of the Kansas civil service act, with the exception of
4 the administrative officer, who shall be in the unclassified service.

5 (b) The chairperson of the *Kansas* board of barbering, with the
6 approval of the board, may enter into an agreement with the chairperson of
7 the *Kansas* board of ~~cosmetology~~ *beauty and body professions* as to which
8 board's inspectors shall inspect a dual-licensed salon and barber shop.
9 Such designated inspectors shall perform all of the inspection duties of
10 both boards, as required by the applicable statutes and rules and
11 regulations of both boards and the sanitation standards adopted by the
12 secretary of health and environment pursuant to K.S.A. 65-1,148, and
13 amendments thereto. Such designated inspectors shall be trained by both
14 boards as required by the applicable statutes and rules and regulations of
15 both boards.

16 Sec. 13. K.S.A. 74-2701 is hereby amended to read as follows: 74-
17 2701. (a) There is hereby created the ~~Kansas-state~~ board of ~~cosmetology~~
18 *beauty and body professions*, the members of which shall be appointed by
19 the governor, to regulate the practice of the profession of cosmetology in
20 Kansas. Not more than four members shall be of the same political party.
21 Three members shall be licensed under the provisions of K.S.A. 65-1901
22 through 65-1912, and amendments thereto, at least two of whom shall be
23 licensed cosmetologists; one member shall be a licensed permanent color
24 technician and tattoo artist or a licensed body piercer; one member shall be
25 an owner and licensed operator of a tanning facility; one member shall be
26 a person who holds a valid school license issued by the board or a person
27 who is engaged in the day-to-day operation of a school licensed by the
28 board; and two members shall represent the general public interest. If none
29 of the licensed cosmetologist members of the board is an African-
30 American, at least one member representing the general public interest
31 shall be an African-American. No manufacturer, wholesaler or retailer of
32 cosmetic supplies or equipment used by the profession of cosmetology, or
33 any representative of such manufacturer, wholesaler or retailer, shall
34 become a member of the board.

35 (b) Members of the board serving prior to the effective date of this act
36 may be reappointed as provided in this section. Of the members first
37 appointed to the board on and after the effective date of this act, two
38 members shall be appointed for terms of one year, two members shall be
39 appointed for terms of two years and three members shall be appointed for
40 terms of three years. Thereafter each member of the board shall be
41 appointed for a term of three years, and until a successor is appointed and
42 qualifies. The board shall annually select a chairperson from its
43 membership.

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

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

10 Sec. 14. K.S.A. 74-2702 is hereby amended to read as follows: 74-
11 2702. (a) The Kansas~~state~~ board of ~~cosmetology~~ *beauty and body*
12 *professions* shall meet immediately after appointment and determine
13 policies of the board and conduct any business that may be before such
14 board, and ~~said~~ *the* officers thereafter shall meet as required by law, at
15 times designated by the board and shall also meet on the call of the
16 chairman. The executive director shall not be entitled to vote at such
17 meetings. ~~Said~~ *The* board shall keep a record of its proceedings and a
18 register of the names of applicants for licenses, showing whether the
19 licenses were granted or refused. ~~Said~~ *The* board shall have a seal, and
20 each of ~~said~~ *the* members of ~~said~~ *the* board shall have the authority and be
21 empowered, for all purposes and duties of ~~said~~ *the* board in connection
22 therewith, to administer oaths. The ~~chairman~~ *chairperson* with the
23 approval of the board shall have the power to appoint inspectors who shall
24 perform all of the inspection duties of the board and may employ such
25 additional help as may in ~~his or her~~ *the chairperson's* judgment be
26 necessary to properly carry out the provisions of this act.

27 (b) All employees appointed as herein authorized, except the
28 executive director, shall be within the classified service of the Kansas civil
29 service act. The executive director shall be within the unclassified service
30 of the Kansas civil service act and shall receive an annual salary to be
31 fixed by the board, with the approval of the state finance council.
32 Members of the ~~state~~ *Kansas* board of ~~cosmetology~~ *beauty and body*
33 *professions* attending meetings of such board, or attending a subcommittee
34 meeting thereof authorized by such board, shall be paid compensation,
35 subsistence allowances, mileage and other expenses as provided in K.S.A.
36 75-3223, *and amendments thereto*.

37 Sec. 15. K.S.A. 74-2702a is hereby amended to read as follows: 74-
38 2702a. The Kansas~~state~~ board of ~~cosmetology~~ *beauty and body*
39 *professions* may adopt rules and regulations as may be necessary for the
40 administration of matters within the jurisdiction of the board.

41 Sec. 16. K.S.A. 2015 Supp. 74-2704 is hereby amended to read as
42 follows: 74-2704. All fees and payments required to be paid by applicants
43 for examinations or licenses, shall be paid to the executive director of the

1 Kansas-state board of ~~cosmetology~~ *beauty and body professions* or the
2 board's designee. The executive director, or the board's designee, shall
3 remit all moneys received from fees, charges or penalties to the state
4 treasurer in accordance with the provisions of K.S.A. 75-4215, and
5 amendments thereto. Upon receipt of each such remittance, the state
6 treasurer shall deposit the entire amount in the state treasury. Ten percent
7 of each such deposit shall be credited to the state general fund and the
8 balance shall be credited to the cosmetology fee fund. All expenditures
9 from such fund shall be made in accordance with appropriation acts upon
10 warrants of the director of accounts and reports issued pursuant to
11 vouchers approved by the executive director or by a person or persons
12 designated by the board.

13 Sec. 17. K.S.A. 74-2706 is hereby amended to read as follows: 74-
14 2706. (a) ~~Not later than January 1, 2003, the secretary of health and~~
15 ~~environment shall review all rules and regulations related to methods of~~
16 ~~and procedures for tattooing, permanent color technology and body~~
17 ~~piercing. Not later than the first day of the 2003 legislative session, the~~
18 ~~secretary of health and environment shall report the results of the review~~
19 ~~pursuant to this subsection to the appropriate standing committees of the~~
20 ~~house and senate.~~

21 (b) ~~All rules and regulations of the Kansas-state board of cosmetology~~
22 *beauty and body professions* in effect on the effective date of this act
23 which establish sanitation standards, as defined in K.S.A. 65-1,148, and
24 amendments thereto, for tanning facilities, tattoo facilities, body piercing
25 facilities, permanent color technicians and tattoo artists and persons
26 performing body piercing shall continue to be effective and shall be
27 deemed to be rules and regulations of the secretary of health and
28 environment under K.S.A. 65-1,148, and amendments thereto, until
29 revised, amended, revoked or nullified by the secretary of health and
30 environment, or otherwise, pursuant to law.

31 Sec. 18. K.S.A. 2015 Supp. 75-3717 is hereby amended to read as
32 follows: 75-3717. (a) As provided in this section, each state agency, not
33 later than October 1 of each year, shall file with the division of the budget
34 its budget estimates for the next fiscal year, and all amendments and
35 revisions thereof, except that, in lieu of such annual filing, each agency
36 listed in subsection (f), not later than October 1, 2000, and every two years
37 thereafter, shall file budget estimates for the next fiscal year and for the
38 ensuing fiscal year thereafter. Each agency listed in subsection (f) may file
39 adjustments to such agency's budget that was approved by the legislature
40 during a prior fiscal year. All such budget estimates shall be in the form
41 provided by the director of the budget. Each agency's budget estimates
42 shall include:

43 (1) A full explanation of the agency's request for any appropriations

1 for the expansion of present services or the addition of new activities,
2 including an estimate of the anticipated expenditures for the next fiscal
3 year and for each of the three ensuing fiscal years which would be required
4 to support each expansion of present services or addition of new services
5 as requested by the state agency;

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

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

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

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

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

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

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

- 1 more children;
- 2 (2) prenatal care, health care for children or immunizations for
- 3 children;
- 4 (3) mental health or retardation services for children;
- 5 (4) nutrition for children or families with children or nutritional
- 6 counseling or supplements for pregnant or nursing women;
- 7 (5) child care, early childhood education or parenting education;
- 8 (6) licensure or regulation of child care or early childhood education
- 9 programs;
- 10 (7) treatment, counseling or other services to preserve families;
- 11 (8) care, treatment, placement or adoption of children without
- 12 functioning families;
- 13 (9) services to prevent child abuse and to treat and protect child abuse
- 14 victims;
- 15 (10) services for children who are pregnant, substance abusers or
- 16 otherwise involved in high risk behavior;
- 17 (11) services related to court proceedings involving children; and
- 18 (12) youth employment services.

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

32 Sec. 19. K.S.A. 65-1,148, 65-1920, 74-2701, 74-2702, 74-2702a and
33 74-2706 and K.S.A. 2015 Supp. 39-938, 65-1901, 65-1902, 65-1904a, 65-
34 1904b, 65-1909, 65-1940, 65-2872, 74-1806, 74-2704 and 75-3717 are
35 hereby repealed.

36 Sec. 20. This act shall take effect and be in force from and after its
37 publication in the statute book.