

HOUSE Substitute for SENATE BILL No. 643

AN ACT concerning regulation of certain professions; relating to cosmetology, permanent color technology, tattooing and body piercing; amending K.S.A. 65-1,148, 65-1925 and 65-1927 and K.S.A. 2001 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1908, 65-1909, 65-1912, 65-1926, 65-1946 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1940, as amended by section 6 of chapter 193 of the 2001 Session Laws of Kansas, 65-1941, as amended by section 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as amended by section 8 of chapter 193 of the 2001 Session Laws of Kansas, 65-1944, as amended by section 9 of chapter 193 of the 2001 Session Laws of Kansas, 65-1945, as amended by section 10 of chapter 193 of the 2001 Session Laws of Kansas, 65-1946, as amended by section 11 of chapter 193 of the 2001 Session Laws of Kansas, 65-1947, as amended by section 12 of chapter 193 of the 2001 Session Laws of Kansas, 65-1948, as amended by section 13 of chapter 193 of the 2001 Session Laws of Kansas, 65-1949, as amended by section 14 of chapter 193 of the 2001 Session Laws of Kansas, 65-1950, as amended by section 15 of chapter 193 of the 2001 Session Laws of Kansas, 65-1951, as amended by section 16 of chapter 193 of the 2001 Session Laws of Kansas, 65-1954, as amended by section 17 of chapter 193 of the 2001 Session Laws of Kansas, 74-2701, as amended by section 19 of chapter 193 of the 2001 Session Laws of Kansas, section 21 of chapter 193 of the 2001 Session Laws of Kansas and K.S.A. 2001 Supp. 65-1955.

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

Section 1. K.S.A. 2001 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 board of cosmetology.

(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) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, neck, arms or hands, by use of either the 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 purposes other than treatment of medical, physical or mental ailments;~~

(C) removing superfluous hair from the face or any part of the body by use of either 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; ~~or~~

~~(F) performing any other beautifying process on any person.~~

(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. 2001 Supp. 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) Performing facials, skin care and eyebrow and eyelash services;

~~or~~

(2) *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 purposes other than treatment of medical, physical or mental ailments;*

~~(2)~~ (3) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances other than electric needles; *or*

(4) *using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in paragraph (1), (2) or (3) of subsection (e).*

(f) “Manicurist” means any person who, for compensation practices the profession of cosmetology only to the extent of ~~manicuring, pedicuring and sculpturing nails:~~

(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)(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.*

Sec. 2. K.S.A. 2001 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) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the board, to conduct the school;

(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; or

(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.

(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 registered 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. 3. K.S.A. 2001 Supp. 65-1903 is hereby amended to read as follows: 65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of cosmetology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the nonrefundable license application fee established under K.S.A. 65-1904, and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto. *Any license may be renewed by the applicant within 30 days after the expiration date of the last license upon payment of a delinquent renewal fee.* No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed electrologist, while acting as owner and manager of the person's clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (a) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. *One instructor in training shall count as an instructor toward the required ratio of instructors to students.* Each licensed school shall provide a course of ~~training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students.~~ *In addition, the school may provide a course of training of 350 clock hours of instruction and practice in the profession of nail technology, and a course of training of 650 clock hours of instruction and practice in the profession of esthetics. The course of instruction and practice shall require not less than 1,500 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined and defined by the board. Each licensed school of cosmetology shall cover a period of not less than nine nor more than 12 months of training for full-time students. In addition, the school may provide a course of instruction and practice in preparation for the profession of nail technology. The course of instruction and practice shall require not less than 350 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for*

the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined and defined by the board. Each licensed school of cosmetology may provide instruction and practice in the profession of esthetics. The course of instruction and practice shall require not less than 650 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined by the board. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology shall be required to obtain a cosmetology instructor's license from the board. To qualify for a cosmetology instructor's license, the applicant must: (1) Be licensed as a cosmetologist under this act; (2) *either (A) have practiced as a cosmetologist for one year prior to licensure, with and successfully completed 300 hours of instructor training; or (B) have successfully completed 450 hours of instructor training;* (3) pass a cosmetology instructor exam, administered by the board or the board's designee; and (4) pay the nonrefundable instructor license application fee established by K.S.A. 65-1904, and amendments thereto. A cosmetology instructor license shall be renewed every two years by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act, has completed 20 clock hours of continuing education approved by the board in the practice of cosmetology and teaching skills and methods, and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.

(c) Licensed schools may be established and maintained in this state where nail technology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of nail technology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the nonrefundable license application fee established under K.S.A. 65-1904, and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto. *Any license may be renewed by the applicant within 30 days after the expiration date of the last license upon payment of a delinquent renewal*

fee. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (c) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. *Not more than one instructor in training shall count as an instructor toward the required ratio of instructors to students.* Each licensed school shall provide a course of ~~training requiring not less than 350 clock hours of instruction and practice in preparation for the profession of manicurist.~~ *The course of instruction and practice shall require not less than 350 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined and defined by the board.* The board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of all students shall be completed by the student within six months after the student's enrollment in the school.

(d) Any person who teaches nail technology in a licensed school of cosmetology or nail technology shall be required to obtain a manicuring instructor's license from the board, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for a manicuring instructor's license, the applicant must: (1) Be licensed as a cosmetologist or manicurist under this act; (2) *either (A) have practiced as a manicurist or cosmetologist for one year prior to licensure, with and successfully completed 300 hours of instructor training; or (B) have successfully completed 450 hours of instructor training;* (3) pass a manicuring instructor exam, administered by the board or the board's designee; and (4) pay a nonrefundable instructor license application fee established by K.S.A. 65-1904, and amendments thereto. A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding a manicuring instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice of manicuring and teaching skills and methods and paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.

(e) Licensed schools may be established and maintained in this state where the profession of esthetics may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of esthetics. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the nonrefundable license application fee established under K.S.A. 65-1904, and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto.

Any license may be renewed by the applicant within 30 days after the date of expiration of the last license upon payment of a delinquent renewal fee. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every 25 students. *Not more than one instructor in training shall count as an instructor toward the required ratio of instructors to students.* Each licensed school shall provide a course of ~~training requiring not less than 650 clock hours of instruction and practice in esthetics preparation for the profession of esthetics.~~ *The course of instruction and practice shall require not less than 650 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined and defined by the board.*

(f) Any person who teaches esthetics in a licensed school of cosmetology or esthetics shall be required to obtain an esthetics instructor's license from the board, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for an esthetics instructor's license, the applicant must: (1) Be licensed as a cosmetologist or esthetician under this act; (2) *either (A) have practiced as an esthetician or cosmetologist for one year prior to licensure, with and successfully completed 300 hours of instructor training; or (B) have successfully completed 450 hours of instructor training;* (3) pass an esthetician instructor exam, administered by the board or the board's designee; and (4) pay a nonrefundable license application fee established by K.S.A. 65-1904, and amendments thereto. An esthetics instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice of esthetics and teaching skills and methods and by paying the nonrefundable license renewal fee established by K.S.A. 65-1904, and amendments thereto.

(g) Licensed schools may be established and maintained in this state where the profession of electrology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the nonrefundable license application fee established under K.S.A. 65-1904, and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto. *Any license may be renewed by the applicant within 30 days after the expiration date of the last license upon payment of a delinquent renewal fee.* No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed instructor of electrology or who is and has been for at least three years a licensed electrologist, while acting as owner and manager of the person's salon, clinic or establishment, from teaching electrology in the regular course of the person's business,

but at no time shall any salon, clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every four students. Each licensed school shall provide a course of ~~training requiring not less than 500 clock hours of instruction and practice in electrology covering a period of not less than four months of training for full-time students and not less than eight months of training for part-time students~~ *preparation for the profession of electrology. The course of instruction and practice shall require not less than 500 clock hours, or a licensed school may elect to base the course of instruction and practice on credit hours. The formula for conversion from clock hour to credit hour shall be provided by a recognized accrediting body which is approved by the United States department of education for the accreditation of schools of cosmetology and the licensed school applying the credit hour conversion must be accredited through the accrediting body providing the conversion formula. The formula for conversion from clock hour to credit hour shall be subject to review by the board. Each course of instruction and practice shall include those core areas of education as determined and defined by the board.*

(h) Any person who teaches electrology in a licensed school of cosmetology or electrology shall be required to obtain an electrology instructor's license from the board. To qualify for an electrology instructor's license, the applicant must: (1) Be licensed as an electrologist under this act; (2) *either* (A) have practiced as an electrologist for one year prior to licensure, ~~with and successfully completed~~ 300 hours of instructor training; *or* (B) *have successfully completed* 450 hours of instructor training; (3) pass an electrology instructor exam, administered by the board or the board's designee; and (4) pay a nonrefundable instructor license application fee established under K.S.A. 65-1904, and amendments thereto. Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant, except the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act, has completed 20 clock hours of continuing education, approved by the board, in the practice and teaching of electrology and paying the nonrefundable license renewal fee established under K.S.A. 65-1904, and amendments thereto. To teach in a licensed salon, the electrologist is issued a license for the period of training for the student. To qualify they must: (1) Be a licensed practicing electrologist for a three-year period and (2) pay a nonrefundable instructor license application fee established under K.S.A. 65-1904, and amendments thereto.

(i) The board may adopt through rules and regulations a curriculum for cosmetology, nail technology, esthetics and electrology instructor training to be provided in a licensed school of cosmetology.

~~(j) The board may provide by rules and regulations that instructor licenses may expire less than two years from the date of issuance in order for the expiration date of the instructor license to correspond with the expiration date of the individual's license to practice cosmetology, nail technology, esthetics or electrology. In each case in which an instructor license is issued for a period of time of less than two years, the board shall prorate the instructor license application fee from the month of the date of application to the month of the date of expiration of the license to practice cosmetology, nail technology, esthetics or electrology.~~

(j) Any instructor's license may be renewed by an applicant within one month after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's current hours and qualifications to renew practice as an instructor and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed in K.S.A. 65-1904, and amendments thereto. Any applicant whose instructor's license has expired for more than one month may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license.

(k) (1) The board shall provide by rules and regulations instructor-in-training permits for applicants wishing to become an instructor in any of the schools listed in subsections (a) through (i).

(2) *To obtain an instructor-in-training permit the applicant shall:*

(A) *One week prior to starting the 100 clock hours of teaching skills and methodology required under (B)(ii) submit to the board a notice of intent to become an instructor-in-training and be enrolled in a board-approved instructor's training program. This notification shall be on the application form for the instructor-in-training permit and accompanied by a nonrefundable fee set by the board.*

(B) *Upon the applicant's submitting to the board proof, satisfactory to the board, of achieving the following terms the applicant shall obtain the instructor-in-training permit:*

(i) *Be licensed as a cosmetologist or licensed in the profession in which the application would be instructing;*

(ii) *have completed 100 clock hours of the required clock hours of teaching skills and methodology; and*

(iii) *pay the required nonrefundable application fee.*

(3) *The instructor-in-training permit shall be good for six months. If the student does not complete the required training, the board, upon good cause shown, may extend the permit for an additional six months.*

(4) *For purposes of the required student-to-instructor ratio, there shall be only one student with a student instructor permit who may be a student instructor on the school staff.*

(5) *At no time shall an instructor-in-training practice without the supervision of a licensed instructor.*

(6) *Failure to complete the instructor curriculum or to take the required exam within six months of the date of application will require the submission of a new instructor's application and the required number of clock hours of instructor's training.*

Sec. 4. K.S.A. 2001 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet.

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

(2) Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing

with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

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

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

Cosmetologist license application fee, for two years—not more than	\$60
Cosmetologist license renewal fee.....	60
Delinquent cosmetologist renewal fee	25
Cosmetology technician license renewal fee, for two years—not more than.....	35 60
Delinquent cosmetology technician renewal fee.....	25
Electrologist license application fee, for two years—not more than	35 60
Electrologist license renewal fee.....	35 60
Delinquent electrologist renewal fee	25
Manicurist license application fee, for two years—not more than.....	30 60
Manicurist license renewal fee	30 60
Delinquent manicurist renewal fee	25
Esthetician license application fee, for two years—not more than	30 60
Esthetician license renewal fee.....	30 60
Delinquent esthetician renewal fee	25
Any apprentice license application fee—not more than....	15
New school license application fee	150
School license renewal fee—not more than.....	75
Delinquent school license fee—not more than	50
New cosmetology services salon or electrology clinic license application fee—not more than.....	50 100
Cosmetology services salon or electrology clinic license renewal fee—not more than	30 50
Delinquent cosmetology services salon or electrology clinic renewal fee.....	30
Cosmetologist's examination—not more than	50 75
Electrologist's examination—not more than.....	50 75
Manicurist's examination—not more than	50 75
Esthetician examination—not more than	50 75
Instructor's examination—not more than	75
Reciprocity application fee—not more than.....	50 75
Verification of licensure.....	20
Any duplicate of license.....	25
Instructor's license application fee, for two years—not more than	75 100
Renewal of instructor's license fee	50 75
Delinquent instructor's renewal fee—not more than	75
Temporary permit fee.....	15
Statutes and regulations book.....	5
<i>Instructor-in-training permit</i>	50

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one

or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application ~~and~~, paying the nonrefundable renewal fee for the current year during which the person has been discharged ~~on and after July 1, 1996 and successfully completing the renewal exam.~~

~~(g) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board, such person may obtain a license which does not indicate inactive status.~~

~~(h) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.~~

Sec. 5. K.S.A. 2001 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 cosmetology, 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 cosmetology, the board shall issue a new salon or clinic license.

(b) Nothing herein contained shall be construed as preventing any licensed ~~person from practicing cosmetology or electrology in a licensed cosmetologist's~~ *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 ~~cosmetology~~ *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 on June 30 following its issuance. Any such license may be renewed upon application accompanied by the salon or clinic license renewal fee made to the board before July 1 of the year in which the license expires. Any license may be renewed by the applicant within 60 days after the date of expiration of the last license upon payment of a delinquent renewal fee.

Sec. 6. K.S.A. 2001 Supp. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state board of cosmetology on a form provided for application for a cosmetologist, esthetician; ~~or electrologist or manicurist~~ license, accompanied by the application fee, a person practicing as a cosmetologist, esthetician; ~~or electrologist or manicurist~~ 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;

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

(3) the person submits to the board a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the person is free from infectious or contagious disease; and

(4) 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's training and qualifications, including examination requirements, are equal to the requirements for licensure in this state 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 been licensed in a state or jurisdiction which has substantially the same requirements for licensure as this state 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, 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. 7. K.S.A. 2001 Supp. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the board shall be in accordance with rules and regulations adopted by the board. The examinations shall include ~~practical and written tests~~ *a written test administered at the completion of 1,000 hours of training. If the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the written test shall be administered at the completion of the credit hours which are the equivalent of 1,000 clock hours under the formula for conversion used by the licensed school. A practical test may be administered prior to licensure.* Examinations to qualify for an instructor's license shall be limited to written tests.

(b) Each applicant for licensure by examination shall:

(1) Be at least 17 years of age;

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

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

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

(4) submit to the board a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the applicant is free from contagious and infectious diseases; and

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

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

Sec. 8. K.S.A. 2001 Supp. 65-1908 is hereby amended to read as follows: 65-1908. (a) The state board of cosmetology may revoke any license provided for by this act, may censure, limit or condition any license or may refuse to issue, renew or suspend any license or assess a fine, not to exceed \$1,000 per violation, for any of the following reasons:

(1) Failure to comply with the sanitary requirements prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto;

(2) failure to comply with any provision of this act, with the rules and regulations of the board of cosmetology or with any order issued by the board;

(3) has become a danger to the public by reason of alcohol or drug abuse;

(4) conviction of a felony unless the applicant or licensee is able to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust;

(5) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;

(6) advertising by means of false or knowingly deceptive matter or statement;

(7) failure to display the annual license or inspection report as provided for in this act; ~~or~~

(8) being found guilty of gross negligence or unprofessional conduct as defined by rules and regulations of the board; *or*

(9) *has had a license revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.*

(b) The board may order the remedying of any violations of rules and regulations of the board or any provision of this act, and the board may issue a cease and desist order upon board determination that the holder of a license *or any person* has violated any order of the board, any rules and regulations of the board or any provision of this act.

(c) Inspectors employed by the board shall have such powers as the board may prescribe by rules and regulations to make inspections, investigations, and inquiries, except that a permanent order for closing any establishment licensed by the board shall be issued only by the board.

(d) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 9. K.S.A. 2001 Supp. 65-1909 is hereby amended to read as follows: 65-1909. (a) No person shall:

(1) ~~Knowingly~~ Employ an 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 board of cosmetology;

(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.

(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, esthetics, nail technology or electrolysis or from operating a salon, clinic or school ~~if such person does not hold where such courses are taught without~~ a currently valid license. ~~If the court finds that such person is unlawfully teaching or practicing cosmetology, esthetics, nail technology or electrolysis or operating a salon, clinic or school without a currently valid license, the court shall enter an injunction restraining such person from such unlawful acts. 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. 10. K.S.A. 2001 Supp. 65-1912 is hereby amended to read as follows: 65-1912. (a) Any person desiring to practice as an apprentice shall be required to pay to the board the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the board. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the board not more than 15 days after the person's enrollment in the school.

(b) (1) An applicant for examination and licensure as a cosmetologist shall be required to have practiced as an apprentice in a licensed school for not less than 1,500 clock hours *or, if the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the applicant shall have practiced as an apprentice for not less than those credit hours which are the equivalent of 1,500 clock hours under the formula for conversion used by the licensed school.*

(2) An applicant for examination and licensure as an esthetician shall be required to have practiced as an apprentice in a licensed school for not less than 650 clock hours *or, if the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the applicant shall have practiced as an apprentice for not less than those credit hours which are the equivalent of 650 clock hours under the formula for conversion used by the licensed school.*

(3) An applicant for examination and licensure as a manicurist shall be required to have practiced as an apprentice in a licensed school of cosmetology or nail technology for not less than 350 clock hours *or, if the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the applicant shall have practiced as an apprentice for not less than those credit hours which are the equivalent of 350 clock hours under the formula for conversion used by the licensed school.*

(4) An applicant for examination and licensure as an electrologist shall be required to have practiced as an apprentice: (A) In a licensed school of cosmetology or electrology for not less than 500 clock hours *or, if the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the applicant shall have practiced as an apprentice for not less than those credit hours which are the equivalent of 500 clock hours under the formula for conversion used by the licensed school;* or (B) in a licensed clinic or establishment for not less than 1,000 clock hours of training. The duration of practice as an apprentice in a clinic or establishment must be in the clinic or establishment in which practice was commenced, except that the board may permit, upon written application and for good cause, the transfer of the apprentice to another clinic or establishment for completion of the term of apprenticeship. Any licensed cosmetologist who is practicing electrology in a licensed clinic or establishment on July 1, 1987, may apply for and be issued an electrologist's license without examination.

(c) No apprentice shall make any charge for the apprentice's services, but a licensed school of cosmetology, electrology or nail technology or a proprietor of a licensed clinic or establishment in which an apprentice of electrology practices may charge for services of the apprentice.

(d) For purposes of subsection (b), a person is not required to have practiced as an apprentice continuously or without interruption in obtaining the required number of hours.

Sec. 11. K.S.A. 65-1925 is hereby amended to read as follows: 65-1925. (a) The board may adopt rules and regulations to implement this act. The board, after consultation with the secretary of health and environment, shall adopt rules and regulations relating to the safe functioning of tanning devices. *Pursuant to K.S.A. 65-1,148, and amendments thereto, the secretary of health and environment shall adopt sanitation standards for tanning facilities.*

(b) An authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine compliance with this act.

(c) If an authorized agent finds that a person has violated, or is violating or threatening to violate this act and that the violation or threat of violation creates an immediate threat to the health and safety of the public, the authorized agent may petition the district court for a temporary restraining order to restrain the violation or threat of violation.

(d) If a person has violated, or is violating or threatening to violate this act *or rules and regulations adopted by the board or by the secretary of health and environment, as provided by this section,* the board, after a hearing in accordance with the administrative procedure act, may suspend the license of a tanning facility until such time that the tanning facility can demonstrate to the board that it has corrected deficiencies and is in compliance with this act and rules and regulations adopted pursuant to this act.

(e) On application for injunctive relief and a finding that a person is violating or threatening to violate this act *or rules and regulations adopted by the board or by the secretary of health and environment, as provided*

by this section, the district court shall grant any injunctive relief warranted by the facts.

Sec. 12. K.S.A. 2001 Supp. 65-1926 is hereby amended to read as follows: 65-1926. (a) ~~On and after January 1, 1993,~~ A person ~~may~~ shall not operate a tanning facility without a valid license issued by the board.

(b) The license shall be displayed in a conspicuous place in the tanning facility.

(c) On application, on forms provided by the board, and on receipt of the appropriate fee, a license shall be renewed by the board.

(d) The board may adopt a system under which licenses expire on various dates during the year. As part of this system the annual renewal fee may be prorated on a monthly basis to reflect the actual number of months the license is valid.

(e) The board may revoke, cancel, suspend or place on probation a license to operate a tanning facility for any of the following reasons:

- (1) A failure to pay a license fee or an annual renewal fee for a license;
- (2) the applicant obtained or attempted to obtain a license by fraud or deception;
- (3) a violation of any of the provisions of this act; or
- (4) a violation of ~~a regulation of the board adopted under this act~~ any rules and regulations adopted by the board or by the secretary of health and environment, as provided by K.S.A. 65-1925, and amendments thereto.

(f) The board shall establish appropriate licensure and renewal fees, not to exceed \$100 per year for each tanning facility, by adoption of rules and regulations. The board may establish the fees based upon the number of beds used for tanning which the facility maintains. In addition to the fee for licensure and the fee for renewal of a license, the board may establish a fee not to exceed \$150 for delinquent renewal of a license and a fee not to exceed \$200 for reinstatement of a license.

(g) The executive director of the board shall remit all moneys received from fees under this act 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 manner specified under K.S.A. 74-2704, and amendments thereto.

Sec. 13. K.S.A. 65-1927 is hereby amended to read as follows: 65-1927. Any person who operates an unlicensed tanning facility in this state or ~~knowingly~~ violates this act or any rules and regulations adopted ~~under this act~~ by the board or by the secretary of health and environment, as provided by K.S.A. 65-1925, and amendments thereto, shall be guilty of a class C misdemeanor.

New Sec. 14. (a) If the board determines that an individual or entity has operated a tanning facility without a valid license, 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 entity or may assess such individual or entity 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.

(b) The board may bring an action in its own name in a court of competent jurisdiction to enjoin any person from operating a tanning facility 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 may also assess a fine of not to exceed \$1,500 against such person.

Sec. 15. K.S.A. 2001 Supp. 65-1946 is hereby amended to read as follows: 65-1946. Licensed practicing permanent color technicians and tattoo artists and persons who are licensed to perform body piercing shall meet the following standards and any others the board may adopt by rules and regulations:

(a) ~~Tattooing and body piercing instruments shall be sterilized in accordance with methods approved by rules and regulations of the board and such rules and regulations shall be approved by the secretary before adoption or amendment~~ Permanent color technicians and tattoo artists,

persons performing body piercing, tattoo facilities and body piercing facilities shall comply with all applicable sanitation standards adopted by the secretary pursuant to K.S.A. 65-1,148, and amendments thereto;

(b) practicing permanent color technicians and tattoo artists and persons licensed to perform body piercing shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of five years.

Sec. 16. K.S.A. 2001 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, ~~the members of which shall be composed of seven members,~~ appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. ~~Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large.~~ Not more than four members shall be of the same political party. ~~Four~~ 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 a 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, ~~except that 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 any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) ~~The terms of office of members of the board serving prior to the effective date of this act shall expire on the effective date of this act, but such members shall continue to serve until their successors are appointed and qualified as provided in this section.~~ 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. 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. 17. 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 board of cosmetology.

New Sec. 18. (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 cosmetology 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. 19. K.S.A. 2000 Supp. 65-1940, as amended by section 6 of chapter 193 of the 2001 Kansas Session Laws, 65-1941, as amended by section 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as amended by section 8 of chapter 193 of the 2001 Session Laws of Kansas, 65-1944, as amended by section 9 of chapter 193 of the 2001 Session Laws of Kansas, 65-1945, as amended by section 10 of chapter 193 of the 2001 Session Laws of Kansas, 65-1946, as amended by section 11 of chapter 193 of the 2001 Session Laws of Kansas, 65-1947, as amended by section 12 of chapter 193 of the 2001 Session Laws of Kansas, 65-1948, as amended by section 13 of chapter 193 of the 2001 Session Laws of Kansas, 65-1949, as amended by section 14 of chapter 193 of the 2001 Session Laws of Kansas, 65-1950, as amended by section 15 of chapter 193 of the 2001 Session Laws of Kansas, 65-1951, as amended by section 16 of chapter 193 of the 2001 Session Laws of Kansas, 65-1954, as amended by section 17 of chapter 193 of the 2001 Session Laws of Kansas, 74-2701, as amended by section 19 of chapter 193 of the 2001 Session Laws of Kansas, section 21 of chapter 193 of the 2001 Session Laws of Kansas, K.S.A. 65-1,148, 65-1925 and 65-1927 and K.S.A. 2001 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1908, 65-1909, 65-1912, 65-1926, 65-1946, 65-1955 and 74-2701 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.