

**SENATE BILL No. 92**

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning the board of cosmetology; relating to licensing  
2 requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1905 and 65-  
3 1912 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 65-1901 is hereby amended to read as  
7 follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and  
8 amendments thereto:

9 (a) "Apprentice" means any person engaged in ~~learning the practice~~  
10 ~~of a course of instruction and practice of~~ cosmetology, nail technology,  
11 esthetics or electrology in a school of cosmetology, nail technology,  
12 esthetics or electrology licensed by the board, except until such time as an  
13 electrology school is established in this state apprenticing of electrology  
14 will be subject to approval by the board in a clinic or establishment.

15 (b) "Board" means the state board of cosmetology.

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

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

20 (A) Arranging, dressing, permanently curling, curling, waving,  
21 cleansing, temporarily or permanently coloring, bleaching, relaxing,  
22 conditioning or cutting the hair;

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

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

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

33 (E) manicuring, pedicuring or sculpturing nails.

34 (2) "Cosmetology" shall not include a service that results in tension  
35 on hair strands or roots by twisting, wrapping, weaving, extending,  
36 locking, or braiding by hand or mechanical device so long as the service

1 does not include the application of dyes, reactive chemicals or other  
2 preparations to alter the color of the hair or to straighten, curl or alter the  
3 structure of the hair and so long as the requirements of K.S.A. 65-1928,  
4 and amendments thereto are met. Nothing in this paragraph shall be  
5 construed to preclude a licensed cosmetologist from performing the  
6 service described in this paragraph.

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

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

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

16 (3) using cosmetic preparations, antiseptics, lotions, creams or other  
17 preparations in performing any of the practices described in in this  
18 subsection.

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

21 (1) Nail technology;

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

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

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

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

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

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

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

39 Sec. 2. K.S.A. 2010 Supp. 65-1905 is hereby amended to read as  
40 follows: 65-1905. (a) All examinations held or conducted by the board  
41 shall be in accordance with rules and regulations adopted by the board.  
42 The examinations shall include a written test administered at the  
43 completion of 1,000 hours of ~~training~~ *instruction and practice*. If the

1 applicant has attended a licensed school electing to base the course of  
2 instruction and practice on credit hours as provided in K.S.A. 65-1903,  
3 and amendments thereto, the written test shall be administered at the  
4 completion of the credit hours which are the equivalent of 1,000 clock  
5 hours under the formula for conversion used by the licensed school. A  
6 practical test may be administered prior to licensure. Examinations to  
7 qualify for an instructor's license shall be limited to written tests.

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

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

10 (2) be a graduate of an accredited high school, or equivalent  
11 thereof; ~~The provisions of this paragraph shall not apply to any applicant~~  
12 ~~who was at least 25 years of age and licensed as an apprentice on May~~  
13 ~~21, 1998;~~

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

15 (4) ~~have served as an apprentice completed the number of hours of~~  
16 ~~instruction and practice~~ for the period of time provided by K.S.A. 65-  
17 1912, and amendments thereto.

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

23 Sec. 3. K.S.A. 2010 Supp. 65-1912 is hereby amended to read as  
24 follows: 65-1912. (a) ~~Any person desiring to practice as an apprentice~~  
25 ~~shall be required to pay to the board the fee required pursuant to K.S.A.~~  
26 ~~65-1904, and amendments thereto, and obtain an apprentice license from~~  
27 ~~the board. Application for an apprentice license allowing a person to~~  
28 ~~practice in a licensed school shall be submitted to the board not more than~~  
29 ~~15 days after the person's enrollment in the school. A person shall apply~~  
30 ~~for an apprentice license prior to the commencement of instruction and~~  
31 ~~practice and shall pay the fee required pursuant to K.S.A. 65-1904, and~~  
32 ~~amendments thereto. No school shall provide instruction unless the~~  
33 ~~person is licensed as an apprentice or the board has provided verification~~  
34 ~~to the school that the person has applied for an apprentice license.~~

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

1       (2) (A) ~~Before July 1, 2009, an applicant for examination and~~  
 2 ~~licensure as an esthetician shall be required to have practiced as an~~  
 3 ~~apprentice in a licensed school for not less than 650 clock hours or, if the~~  
 4 ~~applicant has attended a licensed school electing to base the course of~~  
 5 ~~instruction and practice on credit hours as provided in K.S.A. 65-1903,~~  
 6 ~~and amendments thereto, the applicant shall have practiced as an~~  
 7 ~~apprentice for not less than those credit hours which are the equivalent of~~  
 8 ~~650 clock hours under the formula for conversion used by the licensed~~  
 9 ~~school.~~

10       (B) ~~On and after July 1, 2009, An applicant for examination and~~  
 11 ~~licensure as an esthetician shall be required to have practiced as an~~  
 12 ~~apprentice in a licensed school for~~ *have completed* ~~not less than 1,000~~  
 13 ~~clock hours in a licensed school;~~ or, if the applicant has attended a  
 14 licensed school electing to base the course of instruction and practice on  
 15 credit hours as provided in K.S.A. 65-1903, and amendments thereto, the  
 16 applicant shall have *completed* ~~practiced as an apprentice for~~ not less than  
 17 those credit hours which are the equivalent of 1,000 clock hours under the  
 18 formula for conversion used by the licensed school.

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

29       (4) An applicant for examination and licensure as an electrologist  
 30 shall *have completed* ~~be required to have practiced as an apprentice:~~ (A)  
 31 In a licensed school of cosmetology or electrology ~~for~~ not less than 500  
 32 clock hours or, if the applicant has attended a licensed school electing to  
 33 base the course of instruction and practice on credit hours as provided in  
 34 K.S.A. 65-1903, and amendments thereto, ~~the applicant shall have~~  
 35 ~~practiced as an apprentice for~~ not less than those credit hours which are  
 36 the equivalent of 500 clock hours under the formula for conversion used  
 37 by the licensed school; or (B) in a licensed clinic or establishment ~~for~~  
 38 not less than 1,000 clock hours of training. The duration of practice as an  
 39 apprentice in a clinic or establishment must be in the clinic or  
 40 establishment in which *the hours were completed,* ~~practice was~~  
 41 ~~commenced;~~ except that the board may permit, upon written application  
 42 and for good cause, the transfer of the apprentice to another clinic or  
 43 establishment for completion of the *hours.* ~~term of apprenticeship. Any~~

1 ~~licensed cosmetologist who is practicing electrology in a licensed clinic~~  
2 ~~or establishment on July 1, 1987, may apply for and be issued an~~  
3 ~~electrologist's license without examination.~~

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

9 (d) For purposes of subsection (b), *the board shall not consider*  
10 *hours completed prior to licensure as an apprentice or prior to board*  
11 *verification that a person has applied for an apprentice license. A person*  
12 *is not required to have completed the required hours practiced as an*  
13 ~~apprentice continuously or without interruption. in obtaining the required~~  
14 ~~number of hours.~~

15 (e) *If an applicant has been convicted of a felony, the board shall*  
16 *not issue an apprentice license or provide verification of an apprentice*  
17 *application unless the applicant is able to demonstrate to the board's*  
18 *satisfaction that such applicant has been sufficiently rehabilitated to*  
19 *warrant the public trust.*

20 Sec. 4. K.S.A. 2010 Supp. 65-1901, 65-1905 and 65-1912 are  
21 hereby repealed.

22 Sec. 5. This act shall take effect and be in force from and after its  
23 publication in the statute book.