

State of Kansas

Board of Cosmetology

Notice of Public Hearing on Proposed Administrative Regulations

May 30, 2013

A public hearing will be conducted on Wednesday, July 31, 2013 at 9:00 a.m. in the Kansas Board of Cosmetology Conference Room, 714 S.W. Jackson, Suite 100, Topeka, Kansas to consider the adoption of proposed rules and regulations of the Board of Cosmetology on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Board of Cosmetology, 714 S.W. Jackson, Suite 100, Topeka, Kansas 66603 or by email to kboc@kboc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Board of Cosmetology at (785) 296-3155. The east entrance, "Jayhawk Walk," of the building is accessible. Handicapped parking is located directly outside the east entrance to the building, and on the southwest corner of Eighth and Jackson.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Board of Cosmetology, other state agencies, state employees, businesses, or the general public has been identified.)

Copies of the full text of the proposed regulations and the economic impact statements may be obtained at the address above or by contacting kboc@kboc.ks.gov. The proposed regulations and

economic impact statements are also available on the Board of Cosmetology website at www.kansas.gov/kboc.

K.A.R. 69-3-27 – Disenrolled students. Amendments to this regulation adjust the date on which records of disenrolled students must be submitted to the Board office. Also, amendments to this regulation add the requirement that the school include in the record the total number of hours earned by the student up to the date of the student’s termination from the program. The date adjustment will allow office staff more time to focus on month-beginning and month-end projects that require additional resources. Students who leave school and later return to the same or a different school will benefit from the record of student hours being on file with the Board office. Schools that fail to comply with the regulation may suffer an economic impact in the form of a fine. No additional economic impact is anticipated.

K.A.R. 69-3-29 – Monthly reporting of student hours. This new regulation requires schools to submit monthly a record of the total hours earned by each student. This regulation is necessary to protect students in the event that a school closes, changes management or ownership, or fails to retain documentation of training. The economic impact on the board would be minimal because submission of the records would be done electronically. The economic impact on schools would be minimal because they are already required to maintain student records with this information. The cost of submitting a monthly report electronically would be minimal. No other economic impact is anticipated.

K.A.R. 69-11-1 – Fees. Amendments to this regulation create a fee for processing the instructor in training permit. Also, the amendments reduce the delinquent instructor fee and the delinquent school license fee and remove the fee for a copy of the statutes and regulations book. The Board anticipates an increase in revenue by approximately \$1,000 per year from the instructor in training permits. The reduction in revenue due to decreased delinquent fees and the removal of the fee for the statutes and regulations book would be negligible. The addition of a fee for the instructor in training permit would increase the cost of becoming an instructor by \$15. Reducing the delinquent fees would result in a savings for instructors or schools that renew late. Removing the fee for the statutes and regulations book would result in a state-wide savings to consumers of about \$700. No other economic impact is anticipated.

K.A.R. 69-11-2 – Expiration dates for practitioner licenses. Amendments to this regulation align the regulation with the current policy and activities of the Board regarding the issuance and expiration of practitioner licenses. The amendments also create greater uniformity among the Board’s governed professions. This change is not anticipated to have any economic impact.

K.A.R. 69-12-5 – Fees. Amendments to this regulation reduce the annual tanning facility license renewal fee and the delinquent renewal fee to provide greater uniformity among the Board’s governed professions. The Board anticipates a decrease in revenue of approximately \$13,700 annually from tanning facility license renewals and by a negligible amount from delinquent renewal fees. The reduction in fees would save tanning facility licensees \$25 annually for timely renewal and \$50 for late renewals. No other economic impact is anticipated.

K.A.R. 69-15-1 – Definitions. Amendments to this regulation remove superfluous terms which no longer appear in the text of the Board’s rules and regulations. Additionally, the amendments add new definitions required by amendments to other regulations and change the definition of infectious or communicable diseases to be in line with the Americans with Disabilities Act. This change is not anticipated to have any economic impact.

K.A.R. 69-15-2 – Approved course of study. This regulation is amended to specify the exact number of hours of study required in each subject area to provide greater clarity to practitioners and apprentices. Amendments to the advanced body piercing training program allow for curricula to be adapted with the evolution of the profession. The Board anticipates a positive impact on businesses, consumers, and licensees by allowing trainers and apprentices to independently determine what procedures should be performed in completing an advanced body piercing training program. No other economic impact is anticipated.

K.A.R. 69-15-3 – Cosmetic tattoo artist trainer, tattoo artist trainer, and body piercing trainer. This regulation is amended to include submission of a nonrefundable trainer license fee with the application for trainer licensure. The amendments also clarify the requirements to become an advanced body piercing trainer. The Board anticipates an increase in revenue from the trainer license fees which will provide relief for Board staff, as applications for trainer licenses take a considerable amount of time to process. The economic impact on applicants for trainer licenses would be minimal as the Board anticipates setting the fee at \$15. No other economic impact is anticipated.

K.A.R. 69-15-4 – Out-of-state equivalent course of study. This regulation is being amended to align the regulation with the current policy and activity of the Board. The amendments remove the unreasonable requirement that out-of-state applicants study Kansas law as part of a training program in another state. The Board anticipates increased revenues as a result of increased interest in Kansas licensure from out-of-state body art professionals. Removing the artificial barrier to licensure should alleviate the financial burden on applicants who have been previously denied licensure in Kansas or required to obtain additional training to meet the

Kansas law study requirement. Additionally, this amendment may encourage tourism and travel in Kansas related to body art trade shows because the artificial barrier to licensure for out-of-state applicants will be eliminated. No other economic impact is anticipated.

K.A.R. 69-15-5 – Application for licensure by examination. This regulation is being amended to adjust language and terminology to align with the current Board policies and practices, as well as related regulations. Amendments also provide clarity by defining what is meant by “equivalent education.” An additional section is added to this regulation to require additional infection control training for applicants who complete their training more than one year prior to application. The Board anticipates an economic impact on applicants who completed training more than one year prior to application in the form of increased costs associated with the additional infection control training. No other economic impact is anticipated.

K.A.R. 69-15-7 – Examination for cosmetic tattoo artists, tattoo artists, or body piercers. This regulation is being amended to separate the written examination into two distinct sections and to require a minimum passing score of 75% on the Kansas statutes and regulations section. The Board anticipates a negligible increase in examination fee revenue due to applicants who are required to re-take the written examination due to a failure of the Kansas law portion. The Board anticipates an economic impact on applicants in the form of increased costs associated with re-take examination fees and any economic loss associated with travel and time off work. Individuals who have adequately studied the Kansas statutes and regulations would not be subjected to this expense. No other economic impact is anticipated.

K.A.R. 69-15-12 – Continuing education for license renewal. Language is being amended to clarify that five hours of continuing education for body art licensees are required for license renewal according to the specifications currently outlined in the regulation. This is a change from the previous requirement of fifteen hours every three years. The amendments also remove the option for self-study to align the regulation with the current board policy. Additionally, a procedure for gaining approval of a not previously approved continuing education program is established. Any economic impact on licensees would be the result of previous failure to properly understand and comply with current continuing education requirements. No other economic impact is anticipated.

K.A.R. 69-15-13 – Reporting continuing education. Amendments to this regulation coincide with the language clarifications in K.A.R. 69-15-12. This change is not anticipated to have any economic impact.

K.A.R. 69-15-14 – Cosmetic tattoo, tattoo, and body piercing establishment licensing and renewal. This regulation is being amended to provide physical requirements for mobile body art facilities. Additionally, the regulation is amended to allow a grace period in which body art establishment licensees may renew their expired license without having to close and reopen the establishment. The amendment also removes the restrictions on where body artists may practice. This restriction is added to K.A.R. 69-15-15 for better organization. The Board anticipates an increase in revenue from late renewals of body art establishments. The Board will also save resources associated with reopening body art establishments that have failed to timely renew. The Board anticipates an economic impact on body art establishment licensees that do not timely renew in the form of late fees. However, this fee would be offset because the establishment would not be required to close and then reopen, causing a loss of income. No other economic impact is anticipated.

K.A.R. 69-15-15 – Cosmetic tattoo artist, tattoo artist, and body piercer practice standards; restrictions. Language is being added to clarify the length of time licensees are required to maintain client records: five years. Additionally, the restrictions on where body artists may practice, previously listed in K.A.R. 69-15-14, are added to this regulation for better organization. Since these changes clarify current policy, they are not anticipated to have any economic impact.

K.A.R. 69-15-16 – Establishment Standards. Amendments to this regulation require body art establishments to maintain individual client records for a minimum of five years for all licensees providing services at that establishment. This requirement is in addition to the client record documentation maintained by the licensee. There may be an economic impact on establishments in terms of documentation and storage for this requirement. All other amendments to this regulation are language changes or clarifications and do not make any substantive changes and are not anticipated to have any economic impact.

K.A.R. 69-15-17 – Required equipment. This regulation is amended to align the regulation with the current practices and activities of the body art profession. This change is not anticipated to have any economic impact.

K.A.R. 69-15-30 – Fees. This regulation is amended to more appropriately assess fees for training, examination, and application for initial licensure. Examination expenses have increased but the amendment offsets this increase by decreasing the initial application fee. Additionally, the amendment reduces practitioner license renewal fees and delinquent renewal fees as well as establishment license fees, renewal fees, and delinquent fees to provide greater uniformity

among the Board's governed professions. The regulation is also amended to include a fee for apprentice licensure and trainer licensure as well as for mobile facility licenses. The Board anticipates an increase in revenue from the new fees established as well as a decrease in revenue from the reduction in fees for practitioner license renewals and establishment license renewals. Reduction of delinquent fees will have a minimal impact on the Board. The reduction of practitioner renewal fees and establishment renewal fees will have a positive economic impact on licensees. The redistribution of fees throughout the training and initial application process will have a negligible impact on licensees. The high fees for mobile facility licenses will be offset by the new source of income generated for the licensees. No other economic impact is anticipated.

K.A.R. 69-15-31 – Basic body piercing; limitations. This new regulation limits the types of piercings that can be performed by licensees who have not completed the advanced training program for body piercing. The regulation also includes a grandfather clause to allow current licensees to continue to practice as previously allowed. The Board anticipates additional resources to be utilized in investigating claims, conducting inspections, and taking disciplinary action as well as increased revenues due to fines from disciplinary action. Ten percent of revenues generated from disciplinary action will benefit the State General Fund. Additionally, the Attorney General's office may be utilized by the Board resulting in costs being awarded to that office. The Board does not anticipate any economic impact on private businesses, individuals, or consumers, but there will be a financial impact on violators of the regulation in the amount of the disciplinary fine adopted by the Board. There may be a slight economic impact on licensees who decide to complete the advanced training program. No other economic impact is anticipated.

K.A.R. 69-3-27. ~~Dropped~~ Disenrolled students. On or before the ~~5th~~ 10th day of each month, each school administrator shall submit, to the board, on a form provided by the board, a list of ~~students~~ each student who ~~have dropped from any of the school's programs~~ has been disenrolled in the previous month. The list shall include the following information for each disenrolled student:

(a) The ~~student's~~ name;

(b) the apprentice license number;

(c) the ~~student's~~ date of birth; ~~and~~

(d) the total number of hours earned; and

(e) the ~~student's~~ social security number, to be used for administrative purposes as authorized by K.S.A. 74-148 and amendments thereto. (Authorized by K.S.A. 2012 Supp. 65-1903 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1903, as amended by L. 1995, Ch. 20, Sec. 3; effective May 22, 1996; amended P-_____.)

K.A.R. 69-3-29. Monthly reporting of student hours. Each school administrator shall submit to the board a record of the number of hours earned in the previous month and the total number of hours accumulated through the previous month by each student, on a form approved by the board. The record shall include each student's name, address, and apprentice license number and shall be submitted no later than the 10th day of each month. (Authorized by K.S.A. 2012 Supp. 65-1903 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1903; effective P-_____.)

K.A.R. 69-11-1. Fees. The following fees shall be charged:

Cosmetologist examination fee	\$50.00
Cosmetologist license application fee	45.00
Cosmetologist license renewal fee	45.00
Delinquent cosmetologist renewal fee	25.00
Cosmetology technician license renewal fee	45.00
Delinquent cosmetology technician renewal fee	25.00
Electrologist examination fee	50.00
Electrologist license application fee	45.00
Electrologist license renewal fee	45.00
Delinquent electrologist renewal fee	25.00
Manicurist examination fee	50.00
Manicurist license application fee	45.00
Manicurist license renewal fee	45.00
Delinquent manicurist renewal fee	25.00
Esthetician examination fee	50.00
Esthetician license application fee	45.00
Esthetician license renewal fee	45.00
Delinquent esthetician renewal fee	25.00
<u>Instructor-in-training permit fee</u>	<u>15.00</u>
Instructor examination fee	75.00

Instructor license application fee	75.00
Instructor license renewal fee	50.00
Delinquent instructor renewal fee	75.00 <u>25.00</u>
Any apprentice license application fee	15.00
New school license application fee	150.00
School license renewal fee	75.00
Delinquent school license fee	50.00 <u>30.00</u>
New salon or clinic application fee	50.00
Salon or clinic renewal fee	50.00
Delinquent salon or clinic renewal fee	30.00
Reciprocity application fee	50.00
Verification of licensure fee	20.00
Fee for a <u>any</u> duplicate of any license.	25.00
Temporary permit fee	15.00
Statutes and regulations book	5.00

(Authorized by K.S.A. 2012 Supp. 65-1904 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1904; effective, E-76-44, Sept. 5, 1975; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1981; amended May 1, 1982; amended, T-83-21, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-88-60, Dec. 28, 1987; amended May 1, 1988; amended Jan. 1, 1993; amended Dec. 13, 1993; amended March 22, 1996; amended Nov. 6, 1998; amended April 3, 2009; amended P-_____.)

K.A.R. 69-11-2. Expiration dates for practitioner licenses. ~~(a) Each individual cosmetologist license, esthetician license, electrologist license, and manicurist license, with the exception of the senior cosmetology license,~~ shall expire on two years from the last day of the licensee's birth month in:

~~(1) Even years for licensees with even numbered birth year; or~~

~~(2) odd years for licensees with an odd numbered birth year.~~

~~(b) A senior cosmetology license shall expire on the last day of the licensee's birth month, three years after the license has been issued~~ which the license was issued. (Authorized by K.S.A. 2012 Supp. 65-1904 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1904, as amended by L. 1995, Ch. 248, Sec. 4; effective, T-83-21, July 21, 1982; effective May 1, 1983; amended March 22, 1996; amended P-_____.

K.A.R. 69-12-5. Fees. The following fees shall be charged:

New tanning facility license fee	\$100.00
Tanning facility license <u>Annual</u> renewal fee	\$100.00 <u>\$75.00</u>
Delinquent renewal fee	\$150.00 <u>\$100.00</u>
Reinstatement fee	\$200.00

(Authorized by K.S.A. 2012 Supp. 65-1926 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1926; effective Dec. 13, 1993; amended P-_____.)

K.A.R. 69-15-1. Definitions. Each of the definitions of following terms, as used in this article, 15 are as follows. shall have the meaning specified in this regulation:

(a) “Antiseptic” means a ~~product~~ chemical germicide used on skin and tissue to stop or inhibit the growth of bacteria.

(b) “Clean” means ~~the absence of~~ washed with soap or detergent to remove all soil and dirt.

(c) “Closed-book” means without aid from or availability of written material, including materials stored or accessed on an electronic device.

(d) ~~“Communicable disease or condition” means diseases or conditions diagnosed by a licensed physician as being contagious or transmissible, as defined in K.A.R. 28-1-2.~~

(~~e~~) “Completed procedure” means, for the purposes of determining qualification for licensure, a tattoo or piercing that has been finished, including any touchups or additional work following initial healing, and releasing with the client released from service, ~~as follows.~~

(1) ~~Figurative tattooing includes outlining and shading a new design on a client, or a different client, using different sizes or configurations of needles.~~

(2) ~~Cosmetic tattooing includes eyeliner, eyebrows, lip liner, full lip color, repigmentation, or camouflage but does not include beauty marks.~~

(e) “Conch,” when used to describe an ear piercing, means the piercing of the concha, which is the deep, bowl-shaped central shell of the ear.

(f) ~~“Demonstration permit” means a license that has been issued to an applicant from another state for a period of time not to exceed 15 days, under which a person may practice in any licensed facility.~~

(g) ~~“Easily accessible” means having unrestricted use or availability, or easy to approach or enter~~ “Disinfectant” means an agent used on inanimate surfaces that is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi.

(h) (g) “Enclosed storage area” means a separate room, closet, cupboard, or cabinet.

(h) “Establishment” means tattoo establishment, body piercing establishment, cosmetic tattooing establishment, or mobile facility.

(i) “Equivalent” means comparable but not identical, and covering the same subject matter.

(j) “Gross incompetence” means a serious ~~legal~~ demonstrated lack of ability, ~~qualification~~ knowledge, or fitness to effectively or safely perform one's duty effectively services for which one is licensed.

(k) ~~“High level disinfectant” means a chemical agent that has demonstrated tuberculocidal activity~~ “Infectious or contagious disease” means any disease that is diagnosed by a licensed health care professional as being contagious or transmissible, as designated in K.A.R. 28-1-2, and that could be transmitted during the performance of cosmetic tattooing, tattooing, or body piercing. Blood-borne diseases, including acquired immune deficiency syndrome or any causative agent thereof, hepatitis B, hepatitis C, and any other disease not transmitted by casual contact, shall not constitute infectious or contagious diseases for the purpose of this article.

(l) “Instruments” means needles, probes, forceps, hemostats, or tweezers.

(m) “Labret,” when used to describe a piercing, means the piercing of the lips or the area immediately around the lips.

(n) “Linens” means cloths or towels used for draping or protecting a table or similar functions.

~~(n) “Low-level disinfectant” means a chemical agent that has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity.~~

(o) “Lower labret,” when used to describe a piercing, means the piercing of the lower lip or the area immediately around the lower lip.

(p) “Mobile facility” means a self-contained, enclosed transportable unit that has the following:

(1) A handwashing sink that has hot and cold running water;

(2) a self-contained water tank with a capacity of at least 100 gallons and a supply of potable water;

(3) a self-contained holding tank with a capacity of at least 100 gallons or twice the capacity of the supply tank, whichever is larger; and

(4) at least one self-contained, recirculating, flush chemical toilet with a holding tank.

~~(o) (q) “Needle” means either of the following:~~

~~(1) The implement used to insert dyes or pigments into the dermis of the skin during permanent color or tattoo procedures; or~~

~~(2) the implement used to pierce or puncture a hole in any part of the human body for the purpose of inserting jewelry or other objects~~ has the meaning specified in K.S.A. 65-1940, and amendments thereto.

~~(p)~~ (r) “Needle bar” means the metal ~~or plastic~~ device used to attach the needle to a tattoo machine.

~~(q)~~ (s) “Official transcript” means a document certified by a school ~~on a form approved and prescribed~~ accredited by the ~~department of education or other regulating authority~~ Kansas board of regents or equivalent regulatory institution in another state or jurisdiction, indicating the hours and types of coursework, examinations, and scores that were completed by a student.

~~(r)~~ “One year of work experience” means a total of 12 full calendar months, but not necessarily within the same calendar year or consecutively.

~~(s)~~ “Operatory” means the isolated field in which treatment or services are provided.

(t) “Piercing gun” means a hand-held tool manufactured exclusively for piercing the earlobe, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring-loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel, or ~~other~~ a disposable material that is able to be disinfected.

(u) “Place or places of business” means each name, mailing address, and location, not a post office box, where the licensee or applicant for license performs services.

~~(v)~~ “Premises” means the entire building or structure within which services are performed.

~~(w) “Probation” means continuation of licensure under special conditions set by the board.~~

~~(x) “Protective gloves” means gloves made of vinyl nitrile or latex.~~

~~(y) (w) “Public view” means open to view and easy for the public to see.~~

~~(z) “Reactivate” means to change an expired license to an active license.~~

~~(aa) “Reciprocity” means eligibility for licensure based on board approval of a training program that an applicant completed in another state.~~

~~(bb) “Renew” means to extend a current license for a year beyond expiration or to bring an inactive license to current, active status.~~

~~(cc) (x) “Repigmentation” means ~~recoloration of the skin as a result~~ any of the following:~~

~~(1) Use of Recoloration of the skin as a result of any of the following:~~

~~(A) Dermabrasion, ~~or~~ chemical peels, ~~or~~ removal or resolution of birthmarks, vitiligo, or other skin conditions that result in the loss of melanin to the skin;~~

~~(2) (B) ~~recoloration to~~ scars as a result of resulting from surgical procedures, including face-lifts, mole or wart removal, or cauterization; or~~

~~(3) (C) ~~recoloration to~~ burn grafts and other skin irregularities resulting from burns or photo damage;~~

~~(4) (2) recreation of an areola or nipple, following mastectomy; or~~

~~(5) (3) use of cheek blush or other blending of pigments into skin in order to camouflage blotchy or irregularly pigmented skin.~~

(y) “Rook,” when used to describe an ear piercing, means the piercing of the upper portion of the antihelix.

(z) “Sanitization” means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on equipment.

~~(dd)~~ (aa) “Sharps” means any object that can penetrate the skin, including needles, scalpel blades, lancets, glass tubes that could be broken during handling, razors, and syringes that have been removed from their original, sterile containers.

~~(ee)~~ (bb) “Sharps container” means a puncture-resistant, ~~leak-proof~~ leakproof container that can be closed for handling, storage, transportation, and disposal. The container shall be red and shall be labeled with the “biohazard” symbol.

~~(ff)~~ (cc) “Single-use,” when used to describe products or items, means that the products or items that are disposed of after each use, including cotton swabs or balls, tissues or paper products, paper or plastic cups, ~~or~~ gauze, and sanitary coverings, are disposed of after each use.

(dd) “Snug,” when used to describe an ear piercing, means the horizontal piercing of the vertical portion of the antihelix.

~~(gg)~~ (ee) “Sterilization” means destruction of all forms of microbotic life, including spores.

~~(hh)~~ “Under direct supervision of a physician” means employed by and working in the office of a physician, with treatment ordered by and reimbursed to the physician.

(ff) “Universal precautions” means a set of guidelines and controls, published method of infection control approved by the center United States centers for disease control and prevention

(CDC) as ~~“guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health care and public safety workers,”~~ in morbidity and mortality weekly report (MMWR), June 23, 1989, vol. 38, no. S-6, and as ~~“recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures,”~~ in MMWR, July 12, 1991, vol. 40, no. RR-8. This method of infection control requires the employer and employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products, in which all human blood and certain bodily fluids are handled as if the blood and bodily fluids were known to be infected with a blood-borne pathogen. (Authorized by K.S.A. ~~1996~~ 2012 Supp. 65-1946 and K.S.A. 74-2702a and ~~65-1948~~ and; implementing K.S.A. ~~1996~~ 2012 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-2. Approved course of study. (a)(1) To be approved by the board, a ~~permanent color technician~~ cosmetic tattoo artist or tattoo artist training program shall include at least ~~600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200~~ 1,200 hours of theory and practical experience that include 50 completed procedures, ~~if completed under the supervision of an approved trainer.~~ A training program directly supervised by an approved trainer shall be limited to one trainee at a time.

(2) ~~Each program of permanent cosmetics and tattooing shall include~~ The following ~~percentage of hours in its theory and practical experience shall be the minimum course of study~~ for cosmetic tattooing and tattooing:

Subject	Percentage of <u>Minimum number of hours</u>
Needles	7 <u>84</u>
Tattoo machines, equipment, and supplies	20 <u>240</u>
Safety, sanitation, sterilization, and blood-borne pathogens	15 <u>180</u>
Basic color theory and pigments	7 <u>84</u>
Placement of design	7 <u>84</u>
Skin: Diseases, disorders, and conditions	9 <u>108</u>
Client handling	2 <u>24</u>
Business operations and Kansas statutes and regulations pertaining to permanent cosmetics and tattooing	3 <u>36</u>
Clinical practice	30 <u>360</u>
Total hours	600 — (In school) <u>1,200</u> 1200 — (Under a trainer)

(b)(1) To be approved by the board, a basic body piercing ~~technician~~ training program shall include at least ~~600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200~~ 1,200 hours of theory and practical experience that include 50 completed procedures, ~~if completed under the supervision of an approved trainer.~~ A training program directly supervised by an approved trainer shall be limited to one trainee at a time. ~~In the basic body piercing training,~~ The 50 completed procedures shall consist of at least five completed procedures for each of the following ~~seven basic piercings in these areas:~~

(A) Ears, which shall be limited to lobe, helix, conch, rook, tragus, antitragus, and snug;

(B) nose;

(C) central tongue;

(D) nipple;

(E) eyebrow;

(F) navel; and

(G) labrets ~~(lips or around the mouth)~~ lower labret.

(2) The following ~~is~~ shall be the minimum course of study for basic body piercing:

Subject	Percentage <u>Minimum number of hours</u>
Health and safety	50 <u>600</u>
Sanitation, sterilization, and blood-borne pathogens	
Skin: Diseases, disorders, and conditions	
Anatomy	

Universal precautions

First aid, C.P.R.

~~Clinical/Practical~~ Clinical or practical

~~50~~ 600

Needles, equipment, and supplies

Jewelry and placement

Business operations and laws

Client relations

(c)(1) ~~An~~ To be approved by the board, each advanced training program for body piercing training program shall include, in addition to the hours required for the basic body piercing, training program and an additional 50 completed procedures within the advanced in at least five areas not listed in paragraph (b)(1) or in an area where the consumer has another piercing. An advanced training program directly supervised by an approved trainer shall be limited to one apprentice at a time. Any currently licensed body piercer that has previously completed a basic body piercing training program may complete an advanced body piercing training program under the supervision of an advanced body piercer.

~~(2) The advanced piercings shall include the following areas:~~

~~(A) Male genitals;~~

~~(B) female genitals;~~

~~(C) multiple piercings in the same area; and~~

~~(D) unusual piercings, including earl, which is surface to surface piercing located across the bridge of the nose, and madison, which is surface to surface piercing located near the clavical.~~ (Authorized by K.S.A. 2012 Supp. 65-1949 and K.S.A. 1996 Supp. 74-2702a and;

implementing K.S.A. ~~1996~~ 2012 Supp. ~~65-1943~~ and 65-1949; effective Aug. 22, 1997; amended

P-_____.)

K.A.R. 69-15-3. ~~Permanent color technician~~ Cosmetic tattoo artist trainer, tattoo artist trainer, and body piercing technician trainer. (a) Each applicant for ~~permanent color technician~~ licensure as a cosmetic tattoo artist trainer, tattoo artist trainer, and or body piercing technician trainer shall apply on forms provided by the board. ~~Each application shall include the following information~~ and accompanied by the following:

(1) ~~The applicant's current, nonrefundable trainer license fee;~~

(2) ~~a valid Kansas permanent color technician~~ cosmetic tattoo artist, body piercing technician piercer, or tattoo artist license number;

(2) ~~(3) documentation outlining the applicant's proposed training syllabus and meeting,~~ which shall meet the requirements of K.A.R. 69-15-2(a), (b), or (c); ~~and~~

(3) ~~(4) the name and address of the licensed facility establishment where training will be provided;~~ and

(b) ~~(5) To be designated as a permanent color technician trainer or tattoo artist trainer, the applicant shall submit verification of five years of full-time, active practice, consisting of at least 1,500 hours per year, as a licensed cosmetic tattoo artist, tattoo artist, or body piercer in any state.~~

(c) ~~To be designated as a body piercing technician trainer for the seven basic piercing procedures, the applicant shall submit verification of two years of full time, active practice and verification of proficiency in all seven procedures.~~

(b) ~~To be approved as a trainer for~~ In addition to meeting the requirements in subsection (a), each applicant seeking approval as an advanced body piercing training, the applicant trainer

~~shall submit verification of four years of full-time, active practice and verification of proficiency in all of the advanced areas. The applicant may verify proficiency by submitting client records indicating completed piercing procedures in the applicable areas being performed by the trainer~~
be licensed as an advanced body piercer. (Authorized by ~~and~~ K.S.A. 74-2702a; implementing ~~L-~~
~~1996, Ch. 138, Sec. 4~~ K.S.A. 2012 Supp. 65-1943, 65-1948, and 65-1950; effective Aug. 27,
1997; amended P-_____.)

K.A.R. 69-15-4. Out-of-state equivalent course of study. ~~Board approval of Each~~
applicant who has completed a training program completed in another state or jurisdiction shall
~~be granted if these requirements are met~~ show that all of the following conditions are met, for
that training program to be approved by the board:

(a) During the applicant's participation in the training program, the trainer was licensed
and in good standing as a cosmetic tattoo artist, tattoo artist, or body piercer in another the state
during the applicant's participation in the training program; or jurisdiction where the training
occurred.

(b) The applicant completed the training program under the direct supervision of the
trainer; or in a school;

(c) The training program covered the areas of theory and practical experience specified in
K.A.R. 69-15-2; ~~and~~. If the training program completed in another state or jurisdiction included
hours allotted to studying the laws and regulations of that state or jurisdiction, those hours may
count toward the required number of hours allotted to studying Kansas statutes and regulations.

(d) The training program included the total number of hours of theory and practical
experience and the number of completed procedures specified in K.A.R. 69-15-2. (Authorized
by ~~and~~ K.S.A. 2012 Supp. 65-1949 and K.S.A. 74-2702a; implementing L. 1996, Ch. 138, Sec. 4
K.S.A. 2012 Supp. 65-1948 and 65-1949; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-5. Application for licensure by examination. (a) Before issuance of a license, each applicant for tattoo, cosmetic tattoo, or body piercing licensure shall have passed an examination as specified in K.A.R. 69-15-7.

(b) Each applicant for licensure the tattoo, cosmetic tattoo, or body piercing examination shall apply on forms provided by the board and accompanied by the following:

(a) (1) The nonrefundable examination application fee, the written examination fee, and the practical examination fee;

(b) (2) proof verification of age of at least 18 years the applicant's date of birth, including a copy of a valid driver's license, passport, or birth certificate, if not included in school records;

(c) (3) a copy verification of the high school diploma, equivalent diploma (GED), or degree the applicant's graduation from an accredited institution of higher education high school or completion of equivalent education, which shall mean any of the following:

(A) A general education development (GED) credential;

(B) proof of program completion and hours of instruction at a nonaccredited private secondary school registered with the state board of education of Kansas, or of the state in which instruction was completed;

(C) proof of a score in at least the 50th percentile on either the American college test (ACT) or the scholastic aptitude test (SAT); or

(D) proof of admission to a postsecondary state educational institution accredited by the Kansas state board of regents or by another accrediting body having minimum admission standards at least as stringent as those of the Kansas state board of regents; and

~~(d)~~ (4) verification of the applicant's completion of eight hours of continuing education in infection control and blood-borne pathogens within the previous 12-month period, in addition to the infection control requirements of the training program; and

(5) an official transcript from a school of ~~permanent color~~ cosmetic tattooing, tattooing, or body piercing, or a final operating report from an approved a licensed trainer providing direct supervision of the applicant, showing documenting the applicant's completion of a course of study training program equivalent to the requirements of K.A.R. 69-15-2. (Authorized by ~~and~~ K.S.A. 74-2702a; implementing L. 1996, Ch. 138, Sec. 4 K.S.A. 2012 Supp. 65-1943 and 65-1948; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-7. Examination for ~~permanent color technicians~~ cosmetic tattoo artists, tattoo artists, or body piercing technicians piercers. (a) The ~~examination~~ examinations for tattoo, cosmetic tattoo, and body piercing shall consist of both a written examination and a practical examination on safety, sanitation, and standards of practice.

(b) The ~~examination~~ examinations shall test the applicant's knowledge of ~~these~~ the following areas:

- (1) Basic principles of safety, sanitation, and sterilization;
- (2) Kansas laws and ~~rules~~ regulations;
- (3) chemical use and storage;
- (4) diseases and disorders including skin disease, HIV, hepatitis B, and ~~communicable or transmittable~~ infectious or contagious diseases;
- (5) equipment, supplies, tools, and implements;
- (6) practice standards;
- (7) ~~facility~~ establishment standards; and
- (8) definitions.

(c) The written examination shall consist of no more than 150 multiple-choice questions and shall not exceed two hours in duration. The examination shall be closed-book and shall be presented and conducted in English. The examination shall consist of two sections, with one section composed entirely of questions related to Kansas law.

(d) To test the applicant's knowledge of infection-control practices and practice standards, the practical examination shall evaluate the following:

- (1) A setup for an actual procedure;
- (2) a mock demonstration of a procedure; and
- (3) a demonstration of the clean-up process for a procedure.

(e) ~~Examination candidates~~ To be eligible for licensure, each applicant shall achieve
attain a score of at least 75 percent or higher score on both each section of the written
examination and a score of at least 75 percent on the practical sections in order to be issued a
license examination. (Authorized by K.S.A. 2012 Supp. 65-1943 and 65-1948 and K.S.A. 74-
2702a; implementing L. 1996, Ch. 138, Sec. 4(d)(2) K.S.A. 2012 Supp. 65-1943 and 65-1948;
effective Aug. 22, 1997; amended P-_____.

K.A.R. 69-15-12. Continuing education for license renewal. ~~To maintain licensure in the field in which they are licensed to practice, permanent color technicians~~ Each licensed cosmetic tattoo artist, tattoo artists artist, and body piercing technicians piercer shall participate in continuing education according to ~~these criteria~~ the following requirements:

(a) Each individual shall biennially complete ~~15~~ five clock-hours, either as one unit or a combination of units, not less than one hour each, ~~every three years~~. Each individual who fails to renew the license before its expiration shall meet the additional continuing education requirements pursuant to K.S.A. 65-1943, and amendments thereto.

(b) Continuing education courses shall be of the same subject matter relating to the practice as the required curricula for training as a ~~permanent color technician~~ cosmetic tattoo artist, tattoo artist, and body piercing technician piercer and shall consist of either of the following:

(1) Participation in or attendance at an instructional program ~~presented, recognized, or conducted under the auspices of any permanently organized institution, agency, or association~~ approved by the board; or

(2) ~~self-study, participation, or attendance at a program not covered by paragraph (b)(1)~~ of this regulation, comprising up to six hours of the total requirement; or

(3) ~~attendance at a meeting of the advisory council for permanent color technicians, tattoo artists and body piercing technicians for a maximum of three hours per meeting, totaling no more than six hours in a three-year period~~ board, comprising up to one hour of the total requirement, which shall not include the public comment portion of the meeting.

(c) Each licensee seeking credit for attendance at or participation in an educational program that was not previously approved by the board shall submit to the board a request for credit, which shall include the following information:

(1) The location of the program;

(2) the date of the program;

(3) the start and end times of the program;

(4) a detailed description of the subject covered;

(5) the name of each instructor and the instructor's qualifications; and

(6) a sign-in sheet or certificate of attendance, which shall include the date, the program title, and the signature of the instructor.

(d) A license shall not be renewed without the board's receipt and approval of the ~~required~~ individual's continuing education ~~report~~ as required by K.A.R. 69-15-13.

~~(d) Each licensee failing to obtain 15 clock hours of continuing education every three years shall successfully pass a written examination in order to have the license renewed.~~

(Authorized by K.S.A. 2012 Supp. 65-1945 and K.S.A. 74-2702a; implementing ~~L. 1996, Ch. 138, Sec. 6(d)~~ K.S.A. 2012 Supp. 65-1943 and 65-1945; effective Aug. 22, 1997; amended P-
_____.)

K.A.R. 69-15-13. Reporting continuing education. (a) ~~Each licensee shall be responsible for submitting to the board proof of participation in required continuing education.~~

(b) Each tattoo licensee, cosmetic tattoo licensee, and body piercing licensee shall submit to the board the renewal ~~document~~ application, renewal fee, and proof of 15 five clock-hours of the required continuing education as a condition of renewal every three years biennially. Proof of ~~participation~~ completion of the required continuing education shall consist of either of the following:

(1) Submission to the board of evidence ~~sustaining completion of self study by means of correspondence courses or national home study issues; review of publications, textbooks, printed material, or audiocassettes; or viewing of films, videos, or slides. The documentation shall indicate the type of study, describe its content, and state the date and duration in clock hours.~~ Self study shall relate to the subjects listed for the practice of permanent color, tattooing, or body piercing as stated in K.A.R. 69-15-2 documenting attendance at a meeting of the board; or

(2) submission to the board of a certificate of completion or verification, issued by the sponsoring organization or person, of attendance in a course, program, seminar, or lecture and showing the name of the sponsor, the title of the presentation, a description of its content, the name of the instructor or presenter, the date, ~~its~~ the duration of the presentation in clock-hours, and any supplemental documentation to support that the sponsor and subject matter meet the requirements and relate to the practice as stated in K.A.R. 69-15-2.

(~~e~~) (b)(1) The ~~15~~ five clock-hours of continuing education shall be accumulated only in the most recent renewal period. The licensee shall ~~hold~~ retain the proof of continuing education until submitting ~~it~~ the proof to the board at the time of renewal;~~and.~~

(2) Hours of continuing education in excess of the requirement for renewal ~~every three~~ years shall not be carried forward. (Authorized by ~~and~~ K.S.A. 74-2702a; implementing ~~L. 1996,~~ Ch. 138, Sec. 6(d) K.S.A. 2012 Supp. 65-1943 and 65-1945; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-14. ~~Permanent color~~ Cosmetic tattoo, tattoo, and body piercing facility establishment licensing and renewal. (a) ~~Permanent color technicians, tattoo artists, and body piercing technicians shall not practice at any location other than a licensed facility.~~

~~(b) A facility~~ Each applicant for an establishment license shall be issued, providing that the applicant fulfills these meet the following requirements prior to before opening the establishment for business:

(1) ~~Applies to the board~~ Apply on a form approved by the board and ~~pays pay~~ the ~~required~~ nonrefundable establishment license fee;

(2) ~~complies~~ comply with all applicable ~~rules and~~ regulations of the board;

(3) ~~certifies~~ certify that application information is correct; and

(4) ~~provides~~ provide a map or directions for locating the ~~shop~~ establishment, if the ~~facility~~ establishment is in a rural or an isolated area.

~~(e) (b) If the facility is in a home, it shall have an identifying house number or a sign that is easily visible from the street.~~ Each applicant for an establishment license for a mobile facility shall meet the following requirements before opening the mobile facility for business:

(1) Apply on a form approved by the board and pay the nonrefundable mobile facility license fee;

(2) comply with all applicable regulations of the board;

(3) certify that the application information is correct;

(4) provide the board with a permanent address for locating and inspecting the mobile facility; and

(5) agree to provide the board with an updated address, map, or directions for locating the mobile facility at least five business days before operating at a location other than the permanent address.

(c) Each establishment license shall expire one year from the last day of the month in which the license was issued.

(d) Each establishment license holder shall be responsible for the cleanliness and sanitation of any common area of separately licensed facilities in one establishments on the premises shall be the responsibility of each license holder on that premises. Any Each violation found in the common area shall be cited against all facility establishment licenses issued and posted on the premises.

(e) Each facility owner establishment license holder shall meet these the following requirements:

(1) Allow a board inspector to inspect the facility establishment when it is open for business;

(2) be prohibited from exhibiting, or failing to prevent employees from exhibiting, behavior that impedes not impede the normal progress of the inspection; and

(3) prevent employees from impeding the normal progress of the inspection.

(f) Each purchaser of an existing facility shall perform the following:

(1) Meet the requirements of a new facility; and

(2) submit a new facility application and fee prior to assuming operation of the business.

(g) Owners of facilities moving to new locations shall perform the following:

~~(1) Meet the requirements of a new facility; and~~

~~(2) submit an application and a fee for a new facility license.~~

~~(h) Facility Establishment licenses are shall not be transferable from person to person or~~
to a new location.

(g) The ownership of establishment licenses shall not be transferred. A partial change in the ownership of any establishment license may be allowed if at least one original owner remains.

~~(i) (h) Each facility owner closing a facility establishment licensee shall inform notify the board office, within five business days and in writing; and surrender the establishment license within 10 days of closure of the facility establishment.~~

~~(j) If the same owner reopens the facility while the license is still current, the owner shall inform the board office prior to the reopening.~~

(i)(1) Each applicant wanting to renew the establishment license shall submit an application and the establishment renewal fee before the expiration date of the current establishment license.

(2) Any establishment licensee may renew the establishment license within 60 days after the expiration date of the prior establishment license upon submission of an application and payment of the establishment renewal fee and the delinquent establishment fee. (Authorized by and K.S.A. 74-2702a; implementing L. 1996, Ch. 138, Sec. 5(d) and Sec. 9 K.S.A. 2012 Supp. 65-1944, 65-1948, and 65-1950; effective Aug. 22, 1997; amended P-_____.)

**K.A.R. 69-15-15. ~~Permanent color technician~~ Cosmetic tattoo artist, tattoo artist,
~~and body piercing technician piercer~~ practice standards; restrictions. (a) Cosmetic tattoo
artists, tattoo artists, and body piercers shall not practice at any location other than a licensed
establishment.**

(b) Licensees Each licensee shall keep an individual record of each client for at least five
years. ~~That~~ Each record shall include the name and address of the client, the date and duration of
each service, the type of identification presented, and the type of service, ~~and special instructions~~
~~or notations relating to the client's medical or skin conditions, including the following:~~

~~(1) Diabetes;~~

~~(2) allergies;~~

~~(3) cold sores and fever blisters;~~

~~(4) epilepsy;~~

~~(5) heart conditions;~~

~~(6) hemophilia;~~

~~(7) hepatitis;~~

~~(8) medication that thins the blood;~~

~~(9) moles or freckles at the site of service;~~

~~(10) psoriasis or eczema;~~

~~(11) pregnant or nursing women;~~

~~(12) scarring (keloid); and~~

~~(13) other medical or skin conditions~~ services provided.

~~(b) Licensees may obtain advice from physicians regarding medical information needed to safeguard the client and the technician or artist.~~

(c) Each licensee shall give ~~pre-service~~ preservice information in written form to the client to advise of possible reactions, side effects, ~~and~~ potential complications of the tattooing process, and any special instructions relating to the client's medical or skin conditions, including the following:

(1) Diabetes;

(2) allergies;

(3) cold sores and fever blisters;

(4) epilepsy;

(5) heart conditions;

(6) hemophilia;

(7) hepatitis;

(8) HIV or AIDS;

(9) medication that thins the blood;

(10) moles or freckles at the site of service;

(11) psoriasis or eczema;

(12) pregnant or nursing women;

(13) scarring; and

(14) any other medical or skin conditions.

(d) Each licensee shall give aftercare instructions to the client, both verbally and in writing after every service.

~~(d)~~ (e) Each licensee providing tattoo or cosmetic tattoo services for corrective procedures shall take photographs ~~for corrective procedures, in relationship to tattooing or permanent cosmetics, and before and after service, for records maintained.~~ These photographs shall be maintained according to subsection (b).

~~(e)~~ (f) Each licensee shall purchase ink, dyes, or pigments from a ~~reputable~~ supplier or manufacturer. No licensee shall use products banned or restricted by the United States food and drug administration (FDA) for use in tattooing and permanent color.

~~(f)~~ (g) A licensee shall not perform tattooing or body piercing for any of ~~these~~ the following individuals:

(1) A person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

(2) any person who shows signs of recent intravenous drug use;

(3) a person with sunburn or other skin diseases or disorders, including open lesions, rashes, wounds, or puncture marks; or

(4) any person with psoriasis or eczema present in the treatment area.

~~(g)~~ (h) Use of the piercing gun to pierce shall be prohibited on all parts of the body, ~~with the exception of~~ except the ear lobe.

~~(h)~~ (i) Use of personal client jewelry or any apparatus or device presented by the client for use during the initial body piercing shall be prohibited. Each ~~facility~~ establishment shall

provide presterilized jewelry, ~~apparatus~~ apparatuses, or devices, which shall ~~be of~~ have metallic content recognized as compatible with piercing services.

(~~i~~) (j) No ~~person~~ licensee afflicted with an infectious or ~~communicable~~ contagious disease ~~that may be transmitted during the performance of permanent color, tattoo application, or body piercing,~~ as defined in K.A.R. 69-15-1, shall be permitted to work or train in a school or facility an establishment.

(~~j~~) (k) No school or ~~facility~~ establishment shall knowingly require or permit a student or licensee ~~knowingly to work upon~~ provide tattooing, cosmetic tattooing, or body piercing services for a person suffering from who has any infectious or ~~communicable~~ contagious disease ~~that may be transmitted during the performance of permanent color, tattoo application, or body piercing,~~ as defined in K.A.R. 69-15-1.

(k) ~~Nothing shall prohibit the permanent color technician, tattoo artist, or body piercing technician from refusing to provide services to anyone under the age of 18. (Authorized by~~ K.S.A. 2012 Supp. 65-1946 and K.S.A. 1996 Supp. 74-2702a and ~~implementing K.S.A. 1996~~ 2012 Supp. 65-1946 and 65-1953; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-16. Facility Establishment standards. ~~All facilities~~ Each establishment licensee shall ~~meet~~ ensure that the following ~~criteria.~~ requirements are met at the establishment:

(a) All areas shall be kept clean and in good repair.

(b) All surfaces, including counters, tables, equipment, client chairs, ~~or~~ and recliners, that are in treatment and sterilization areas shall be made of smooth, nonabsorbent, and nonporous material.

(c) All surfaces ~~or~~ and all blood spills shall be cleaned using ~~an EPA-registered,~~ a hospital-grade disinfectant registered with the United States environmental protection agency (EPA).

(d) The water and plumbing fixtures in the facility establishment shall include easy access to a sink with hot and cold running water, ~~as part of the surrounding premises or adjacent to the facility but~~ that is separate from a public restroom.

(e) Toilet facilities shall be kept clean and in good working order at all times. Each toilet shall have a handwashing sink and a soap dispenser with disposable towels or an air dryer for hands.

(f) The facility establishment shall be equipped with adequate ~~and sufficient~~ artificial or natural lighting, ~~providing that provides~~ at least 10 foot-candles of light at the work station or table, and is used at all times during which business is being conducted while any service is being provided.

(g) The facility establishment shall be well ventilated with natural or mechanical methods that remove or exhaust fumes, vapors, ~~or~~ and dust in order to prevent hazardous conditions from

occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.

~~(h) A proprietor or person in charge of the facility may designate the entire area as a nonsmoking area. A designated smoking area means any area set aside by a proprietor or person in charge of a public place where tobacco smoking is permitted and where a sign indicates the same. No person shall smoke or carry any lighted smoking device in a public place except in designated smoking areas. No facility shall be designated in its entirety as a smoking area. “Public place” means any enclosed indoor area open to and frequented by the public. “Open to and frequented by the public” means any area where the public can freely enter or move without special invitation. Pets and other animals shall not be permitted in the establishment. This prohibition shall not apply to assistance dogs and professional therapy dogs, as defined by K.S.A. 2012 Supp. 39-1113 and amendments thereto, or fish in aquariums.~~

(i) If a room used for residential purposes is the same room or adjacent to a room used for the practice of ~~permanent color~~ cosmetic tattooing, tattooing, or body piercing, then a solid partition shall separate the ~~premises area~~ used for residential purposes from the tattooing and piercing area. The partition may contain a door, ~~provided it~~ if the door remains closed, except for entering and leaving.

(j) If a room used for any business purposes other than ~~permanent color~~ cosmetic tattooing, tattooing, or body piercing is the same room or is adjacent to a room used for the practice of ~~permanent color~~ cosmetic tattooing, tattooing, or body piercing, then ~~the board may require that~~ at least one or more of the following requirements may be required by the board to

be ~~satisfied~~ met if there are conditions that the board considers a possible threat to the health of the employees, the customers, or the public:

(1) A solid partition shall separate the ~~premises~~ room used for other business purposes from the ~~permanent color~~ cosmetic tattooing, tattooing, or body piercing area. The partition may contain a door, ~~provided it~~ if the door remains closed, except for entering and leaving.

(2) A separate outside entrance shall be provided for the ~~facility~~ room.

(k) ~~Pets or other animals shall not be permitted in the business facility. This prohibition shall not apply to registered therapy animals; trained guide animals for the disabled, sightless, or hearing impaired; or fish in aquariums~~ Each establishment licensee shall maintain at the establishment for at least five years a copy of the records kept by individual licensees as required by K.A.R. 69-15-15. (Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 1996 Supp. 74-2702a and; implementing K.S.A. 1996 2012 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-17. Required equipment: ~~articles and materials.~~ (a) ~~Practicing permanent color technicians and~~ Each cosmetic tattoo artist or tattoo artists artist shall maintain the following equipment at the ~~place of business~~ establishment:

(1) A tattoo machine or hand pieces of nonporous material that ~~has the ability to~~ can be sanitized;

(2) stainless steel or carbon needles and needle bars;

(3) stainless steel, brass, or ~~lexan~~ medical-grade plastic tubes that ~~have the ability to~~ can be sterilized;

(4) sterilization bags with color strip indicators, if the establishment does not use disposable implements;

(5) single-use protective, disposable gloves;

(6) single-use, ~~disposable plastic tubes~~, razors, or straight razors;

(7) single-use towels, tissues, or paper products;

(8) a sharps container and biohazard waste bags;

(9) approved inks, dyes, and pigments, as required by K.A.R. 69-15-15; and

(10) approved equipment for cleaning and sterilizing instruments at the ~~place of business~~ establishment, as required by K.A.R. 69-15-18 and 69-15-20;

(11) spore tests, as required by K.A.R. 69-15-20; and

(12) body arts industry-accepted ointment or lubricant.

(b) ~~Practicing~~ Each body piercing technicians piercer shall maintain the following equipment at the ~~place of business~~ establishment:

- (1) Single-use stainless steel needles;
- (2) sterilization bags with color strip indicators, if the establishment does not use disposable implements;
- (3) single-use protective, ~~disposable~~ gloves;
- (4) single-use towels, tissues, or paper products;
- (5) a sharps container and biohazard waste bags;
- (6) approved equipment for cleaning and sterilizing instruments, as required by K.A.R. 69-15-18 and 69-15-20;
- (7) a piercing table or chair of nonporous material that can be sanitized;
- (8) a covered trash receptacle;
- (9) spore tests, as required by K.A.R. 69-15-20;
- (10) forceps that can be sterilized;
- (11) pliers of various sizes, made of material that can be sterilized;
- (12) bleach or hard-surface disinfectants, ~~or both~~;
- (13) antibacterial hand soap; ~~and~~
- (14) jewelry disinfectant; and
- (15) body arts industry-accepted ointment or lubricant. (Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing ~~L. 1996, Ch. 138, Sec. 7~~ K.S.A. 2012 Supp. 65-1946; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-30. Fees. The following fees shall be charged:

Exam application fee	\$35.00
Examination fees	
<u>Examination application</u>	<u>\$50.00</u>
Written <u>examination</u>	25.00
Practical <u>examination</u>	50.00 <u>60.00</u>
License-fee <u>Practitioner fees</u>	
<u>Apprentice license</u>	<u>15.00</u>
Initial <u>license application</u>	50.00
Annual <u>License renewal</u>	100.00 <u>50.00</u>
<u>Trainer license</u>	<u>15.00</u>
Late fee <u>Delinquent license</u>	50.00 <u>25.00</u>
<u>Renewal application</u>	<u>100.00</u>
Duplicate license fee	25.00
<u>Establishment license fees</u>	
Facility <u>Establishment license</u>	
and renewal fee <u>application</u>	100.00 <u>50.00</u>
<u>Establishment license renewal</u>	<u>50.00</u>
<u>Mobile facility license application</u>	<u>100.00</u>
<u>Mobile facility license renewal</u>	<u>100.00</u>
Facility late fee <u>Delinquent establishment</u>	50.00 <u>30.00</u>

<u>Duplicate license</u>	<u>25.00</u>
Demonstration license	50.00

(Authorized by K.S.A. 2012 Supp. 65-1950 and K.S.A. 74-2702a; implementing K.S.A. 1996
2012 Supp. 65-1943 and 65-1950; effective Aug. 22, 1997; amended P-_____.)

K.A.R. 69-15-31. Basic body piercing; limitations. (a) Before July 1, 2015, each applicant for licensure as an advanced body piercer that is currently licensed as a body piercer shall apply on forms provided by the board and accompanied by the following:

- (1) The nonrefundable initial license fee;
- (2) a valid Kansas body piercer license number; and
- (3) verification of 50 completed procedures in at least five areas not listed in subsection

(b) or in an area where a consumer has another piercing.

(b) On and after July 1, 2015, each licensee that has not complied with subsection (a) or has not successfully completed the advanced training program for body piercing specified in K.A.R. 69-15-2 shall be allowed to perform only the following types of piercing, which shall be limited to a single piercing in each area:

- (1) Ears, which shall be limited to lobe, helix, conch, rook, tragus, antitragus, and snug;
- (2) nose;
- (3) central tongue;
- (4) nipple;
- (5) eyebrow;
- (6) navel; and
- (7) lower labret. (Authorized by K.S.A. 2012 Supp. 65-1949 and K.S.A. 74-2702a;

implementing K.S.A. 2012 Supp. 65-1943; effective P-_____.)

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-3-27**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-3-27 requires schools to submit a student record to the Board after that student has been dropped or terminated from a program. The purpose of this regulation is to ensure that the Board's licensing system is regularly updated, that there is a record of student participation in a training program, and that the Board properly monitors schools that are under the supervision of the Board.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to adjust the date the record must be submitted to the Board office. Also, the regulation is being amended to include the total number of student hours earned or accumulated up to the date of the student's termination from the program. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates that shifting the submission date will allow office staff more time to focus on month-beginning and month-end projects that require additional time and resources. The Board's current practice is to require reporting of the student's hours, so this will have minimal impact on actual practice but will provide clarity.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

Due to the number of students that transfer schools or students who leave and then return to alternate programs, the Board anticipates that students will benefit from having a record of hours on file with the Board office. There may also be an economic impact on schools who fail to comply with the regulation. Failure to comply may result in the Board disciplinary panel taking action against a school for failure to comply with a Board order (K.S.A. 65-1908(a)(2)) in the form of a cease and desist order or a fine.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-3-29**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-3-29 requires schools to monthly submit a student record of the total hours earned by each student. The purpose of this new regulation is to ensure that there is a record of student participation in a training program in the event that a school should close, and that the Board properly monitors schools that are under its supervision.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is necessary to protect students in situations where a school closes, changes management or ownership, or fails to retain documentation of training. Additionally, the regulation ensures that enrolled students are tracked for appropriate licensure by the Board so that potential violations or unlicensed practice can be prevented. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates that one office staff member would spend approximately two days per month collecting and monitoring the submissions, as well as contacting the appropriate individuals to fix any glitches or problems. The additional wage expense to the Board would be under \$2,400 annually. The collection method would be electronic, so the Board will not incur additional expenses.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The impact on schools would be minimal due to the fact that they are already required to maintain student records with this information. The only cost would be the time involved in submitting the monthly report to the Board. Students, however, would benefit from the Board's awareness of their enrollment in training programs, which may prevent disciplinary action resulting from unlicensed practice or non-recognition of training hours earned for failure to timely apply for licensure.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-11-1**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-11-1 designates the fees approved by the Board for the cosmetology professions. The purpose of this regulation is to determine the fees that will actually be charged by the Board (up to a maximum amount set by K.S.A. 65-1904) for each license type, verification request, delinquent submission, or documentation.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to include a fee for processing the instructor in training permit, not previously provided for despite the time and resources required for the Board to process these applications. Also, this regulation is being amended to reduce the delinquent instructor fee and the delinquent school license fee to provide greater uniformity among the Board's governed professions and related fees. In addition, the fee charged for a copy of the statutes and regulations book is being removed. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

For the instructor in training permit, the Board anticipates an increase in revenue of approximately \$1,000 annually for the agency (between 60 and 70 permits). In FY2012, 12 instructors were charged the \$75 delinquent fee for failure to timely renew, resulting in \$900 in agency revenue. Reducing the fee would reduce this amount by 67%, which is negligible in the Board's annual budget (0.075%). In FY2012, all schools timely renewed their license, so reducing this fee would have minimal impact on the Board. In FY2012, the Board collected fees

for 140 statutes and regulations booklets, resulting in revenue of \$700 for the Board (< 0.01% of the total annual budget). Eliminating this fee would create a negligible decrease in revenue and would require the Board bear the costs of printing and mailing, which is covered by other fee sources which currently generate sufficient revenue for the agency.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The addition of the instructor in training permit fee would increase the costs associated with becoming an instructor by \$15.00. Reducing the fees associated with delinquent instructor renewals would result in a \$50 savings for individuals who renewed late. Reducing the fees associated with delinquent school license renewals would result in a \$20 savings for each school renewing late. Reducing the fees associated with obtaining a copy of the statutes and regulations book would result in a state-wide savings to consumers of \$700.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-11-2**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-11-2, as amended, allows individual cosmetology, esthetics, nail technology and electrology licenses to expire two years from the last day of the month of issuance. The purpose of amending this regulation is to allow issuance of an individual cosmetology, esthetics, nail technology, or electrology license in any month, and expiration of that license two full years from the date of its issuance.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to align the regulations with the current policy and activities of the Board regarding the issuance and expiration of licenses. Additionally, amendment is necessary to provide greater uniformity among the Board's governed professions regarding licensure. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact on its own revenue or expenditures.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board does not anticipate economic impact on any private businesses, individuals, or consumers since this is the current practice of the Board.

VI. Less Costly or Intrusive Methods That Were Considered and/or Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-12-5**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-12-5 designates the fees approved by the Board for the tanning profession. The purpose of this regulation is to determine the fees that will actually be charged by the Board (up to a maximum amount set by K.S.A. 65-1926) for each license type or delinquent renewal.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to reduce the annual tanning facility license renewal fee and the delinquent renewal fee to provide greater uniformity among the Board's governed professions and related fees. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

For the annual tanning facility license renewal, the Board anticipates an 25% decrease in revenue, or approximately \$13,700 annually for the agency. In FY2012, 10 facilities were charged the delinquent fee for failure to timely renew, resulting in \$500 in additional agency revenue. Reducing the fee would reduce this amount by 50%, which is negligible in the Board's annual budget.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

Reducing the fees associated with renewals will result in a \$25 savings for facilities who timely renew their license and a \$50 savings for facility owners who renew late.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-1**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-1 provides definitions for terms of art found in the rules and regulations provided by the Board in the body art professions.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to remove superfluous terms which no longer appear in the text of the Board's rules and regulations. Also, this regulation is amended to more appropriately define infectious or communicable diseases in accordance with the Americans with Disabilities Act. The regulation is further amended to define sanitization, disinfectant, establishments, mobile body art facilities and various types of body piercings. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate economic impact from amending the regulatory definitions except as they impact related regulations.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board does not anticipate economic impact on these entities or individuals.

VI. Less Costly or Intrusive Methods.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-2**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-2 outlines the minimum course of study and practice requirements for a training program in any of the body art professions in Kansas: tattoo artistry, cosmetic tattoo artistry, basic body piercing, or advanced body piercing.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is changed from outlining total hours and percentage breakdowns to specifying the exact number of hours of study required in each subject area, in an effort to provide greater clarity to practitioners. Subsection (c) is amended to encompass a broader training program for advanced piercings, allowing curricula to be adapted with the evolution of the profession. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates that allowing trainers and apprentices to independently determine what necessary procedures should be performed in completing an advanced body piercing training program will positively affect businesses, consumers, and licensees. These individuals and entities may be impacted economically by the availability of new and different piercings that are popular or emerging in other markets. Providing this training may also prevent consumers

from being physically harmed or economically impacted by licensees who are attempting to provide piercing services for which they have not received adequate training.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board considered amending the advanced piercing program to require a discrete set of procedures which would all be required for certification. However, it was impossible to accurately describe or compile a comprehensive list of these procedures and, as body piercing continues to evolve, more procedures emerge that would not be included in the regulation. After careful consideration, the Board opted for a less stringent approach to regulation in this matter.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-3**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-3 outlines the minimum requirements for becoming a licensed tattoo artist trainer, cosmetic tattoo artist trainer, basic body piercing trainer, or advanced body piercing trainer.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended to include submission of a nonrefundable trainer license fee with application for licensure. Also, this regulation is amended to clarify the additional requirements to become an advanced body piercing trainer. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates an increase in revenues resulting from the addition of the nonrefundable trainer license fee. This will be a financial relief for the Board, as applications for trainer licenses take designated office staff, time, and resources to process, verify, print and mail, which is not currently recouped by the Board by any revenue source. Office staff can spend several hours reviewing an initial trainer application to verify work history, completion of procedures, in-state or out-of-state licensure, and submission of training program. In addition to new applications for trainer licensure, the Board has approximately 60 approved trainers who are coming in and out of active status throughout the fiscal year.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates setting the nonrefundable trainer license fee at \$15.00 which is a minimal cost to applicants. This cost may be passed on to a trainee or apprentice.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board considered allowing the trainer license to continue at no cost. However, given the amount of time and resources the Board is required to invest, the reduction of revenues in other areas of the agency, and the trainer/instructor fees required in other professions regulated by the Board, this was not feasible.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-4**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-4 outlines the reciprocity requirements for becoming a licensed Kansas tattoo artist, cosmetic tattoo artist, or body piercer for individuals who are currently licensed or have received training in another state.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended to align the regulations with the current policy and activities of the Board regarding the approval of out-of-state applicants for examination and potential licensure. It is unreasonable to think that an applicant would study Kansas law as part of a training program conducted in another state. The current regulation creates an artificial barrier to entering the body art profession in Kansas and is amended to allow a higher degree of reciprocity and interstate movement. Amendments to K.A.R. 69-15-7 provide an additional safeguard for the public against individuals becoming licensed in Kansas without the necessary knowledge of and familiarity with Kansas law. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates an increase in revenues resulting from an increased interest in Kansas licensure from out-of-state body art professionals. As a result, the Board will be investing more time and resources in review and denial/approval on those applications.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board hopes that this amendment will encourage tourism and travel in Kansas, bringing those revenue dollars into the state in a variety of ways. Also, removing the artificial barrier to entry will alleviate the financial burden on applicants who have previously been denied licensure in Kansas or required to obtain additional training for failure to meet the Kansas law study requirement within the context of their training program.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board considered creating a provision which would force out-of-state practitioners to obtain the Kansas law training, however, it seems overly burdensome and an artificial barrier to entry in Kansas. Removal of this barrier does not subject the public to potential health or sanitation concerns due to the amendment to K.A.R. 69-15-7.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-5**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-5 outlines the requirements for applying for examination for the body art professions in Kansas: nonrefundable fees, date of birth, high school education or equivalent thereof, infection control education, and required training.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended for language and terminology adjustments to align with the agency's current policies and practices, as well as related regulations. The regulation is also amended to define what is meant by "equivalent education" to provide clarity. Subsection (b)(4) is added to require additional infection control training due to the fact that a significant number of applicants complete their training more than a year prior to application. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board anticipates a possible increase in infection control training requested of and provided by other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an economic impact on applicants in the form of increased costs associated with eligibility for examination. However, many applicants are already required to participate in regulator infection control continuing education in conjunction with their out-of-state licensure so there will not be an additional cost to these individuals. Applicants who are not licensed elsewhere but have completed the requisite training more than one year prior to application may see the increased costs offset by their examination success rate and decreased need for re-take examinations and fees.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-7**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-7 details the breakdown of the body art examination, including a written exam consisting of no more than 150 multiple-choice questions and a practical exam on safety, sanitation, and practice. The regulation also sets the minimum passing score for both exams and the topics covered on each.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended to separate the written examination into two distinct sections, one consisting entirely of questions regarding Kansas statutes and regulations. Also, subsection (e) is amended to require a minimum passing score of 75% on the section of the written exam dedicated to Kansas law. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates a potential increase in fee revenue and Board resources expended resulting from applicants who fail the Kansas law portion of the exam and are required to re-take the written examination. However, due to the small number of body art written exams that are given each year, the Board anticipates this amount will be negligible.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate any economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an economic impact on applicants in the form of increased costs associated with re-take examination fees and any economic loss associated with travel to/from the examination site, time off work, etc. However, individuals who are adequately prepared and who have studied the Kansas statutes and regulations will not be subject to this added expense. Additionally, the impact of having licensees that are knowledgeable and familiar with Kansas law will economically impact consumers, licensees, and businesses positively by preventing disciplinary action (fines), ensure consumer health and safety, and securing employment.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board considered alternative means of providing the Kansas law questions on the examination, but all were more expensive than writing it as a separate segment of the written exam. After determining that this would be the new examination structure, the Board wished to provide clarity in requiring competence and passing of those separate questions. Additionally, with the destruction of artificial barriers to entry for out-of-state applicants, there was a need to have an increased Kansas law emphasis on the examination. After reviewing each of these factors, the Board decided to proceed with this regulatory change.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-12 and K.A.R. 69-15-13**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-12 and K.A.R. 69-15-13, as amended, require only 5 hours of continuing education for each body art license renewal period, instead of 15 hours every 3 years. The purpose is to require licensees to maintain professional standards of practice. Additionally, K.A.R. 69-15-12, as amended, provides the procedure for a practitioner to receive continuing education credit for a program that was not previously approved by the Board.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to more routinely monitor and verify practical continuing education requirements among licensees. Additionally, amendment of the regulation is necessary to provide greater uniformity among the Board's governed professions regarding individual licensure and professional standards of practice. The addition of a procedure for gaining Board approval of a continuing education program provides clarity for licensees. These regulations are not mandated by federal law, and, therefore, do not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate economic impact on its own resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an economic impact on licensees in the form of costs associated with obtaining continuing education. Such costs may include loss of income while in attendance at continuing education, travel costs, enrollment or registration fees, and time. Costs vary depending on the nature and format of continuing education sought. Additionally, the Board has made provision for continuing education hours to be earned through attendance at Board meetings, at no cost to the licensee. Also, the Board has clarified its policies and procedures for approving continuing education and lists pre-approved continuing education options on the Board website. Any additional economic impact would be the result of these costs being passed on to consumers or private businesses.

V. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board did not consider any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-14**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-14 lays out the requirements for establishment licensure and makes unlawful any person's attempt to impede or prevent a lawful inspection, and provides procedures for establishment ownership change or closure. The regulation also provides the process and requirements for licensure renewal.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

K.A.R. 69-15-14 is amended to allow and provide physical requirements for mobile body art facilities, which are allowed in other professions regulated by the Board. The regulation is also amended to add a provision to allow body art establishment licensees a grace period in which to renew their expired license without having to close and reopen the establishment. Other changes are necessary for uniformity among the Board's governed professions. This regulation is also amended to remove the restrictions on where cosmetic tattoo artists, tattoo artists, and body piercers may practice. These restrictions were added to K.A.R. 69-15-15 for better organization.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

This regulation will economically impact the Board by increasing revenues generated by the renewal of body art establishment licenses. For each body art establishment license that is renewed after expiration of the license but within the 60-day grace period, a \$30.00 establishment late fee will be added to the cost of renewal. Additionally, the Board will save

resources associated with reopening a body art establishment that has failed to timely renew.

Resources may be in the form of travel time, mileage, per diem costs and expenses.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an economic impact on body art establishments who have failed to timely renew their establishment license. This regulation will allow them the opportunity to renew, as opposed to closing and reopening, however, an additional \$30.00 late fee will be assessed. This fee is likely less than the loss of income associated with establishment closure while awaiting a compliance inspection, which is the current practice of the Board for body art establishments.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board considered the option of allowing for late establishment license renewal without assessing a late fee. However, in uniformity with the Board's other governed professions and the previous adoption of a establishment late fee, the Board rejected this consideration.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-15**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-15, as amended, restricts the locations and areas where body art practitioners may provide services to the consuming public to licensed establishments. The regulation also requires licensees in the body art profession to keep individual client records for a minimum of five years, provide pre-service information to consumers including coverage of the health and physical status of the client, and provide post-service information to consumers. Also, the regulation provides restrictions for providing services to incapacitated, impaired, or ill individuals.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to include the restrictions on where a licensed practitioner may practice, previously listed in K.A.R. 69-15-14, for better organization. Additionally, this regulation is being amended to remove consumers' personal health information from case history cards which are required to be maintained by a licensee, pursuant to K.S.A. 65-1946. Concerns regarding the security of these files and proper destruction of records require the Board reconsider how this information is retrieved from and discussed with consumers, and to protect licensees from becoming subject to the Health Insurance Portability and Accountability Act or any other similar law pertaining to protected health information. Therefore, the regulation is also amended to require licensees cover consumer health and wellness in the pre-service discussion.

Additional amendments clarify language or were recommended in accordance with the Americans with Disabilities Act. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact on its own resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate any economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an impact on licensees in terms of storage required for record-keeping and revision of current consent forms or case history cards. The current period for keeping client records is indefinite.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find and, therefore, did not consider any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-16**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-16 outlines the requirements for licensed body art facilities. Subsection (k) requires body art establishments to keep a copy of individual client records for a minimum of five years for all licensees providing body art services at that facility. The purpose of amending this regulation is to provide an additional client record location to protect consumers from the mobility of licensed body art professionals.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended to expand the requirements placed on body art establishments with regard to client record-keeping. Currently, clients face the challenge of seeking their case history from practitioners who are mobile and change shops and locations frequently and easily. Requiring establishments to maintain copies of this information allows consumers a certain level of protection by ensuring their information (within five years) is available at the facility where their body art service was provided. Additional amendments clarify language or were recommended in accordance with the Clean Air Act. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact on its own resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate any economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board anticipates an impact on establishments in terms of documentation and storage for this new establishment requirement. However, the Board recognizes that establishment owners have been requesting such a regulatory change for several years as a result of licensees keeping client records and leaving establishment owners without any consumer information or potential marketing contact information for consumers. Therefore, these changes may create a positive economic impact on consumers and private businesses.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find and, therefore, did not consider any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-17**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-17 outlines the required equipment, articles and materials for body art licensees to maintain in the course of business. The purpose of amending this regulation is to update requirements to comply with current practice in the body art profession.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is being amended to align the regulations with the current practices and activities the body art profession. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board does not anticipate any economic impact on its own resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The Board does not anticipate any economic impact on private businesses or consumers.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-30**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-30 designates the fees approved by the Board for the body art profession. The purpose of this regulation is to determine the fees that will actually be charged by the Board for each license type, delinquent renewal, permit or application.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is amended to more appropriately assess fees for training, examination, and application for initial licensure as costs are incurred. Examination expenses have increased and the Board has hired qualified personnel to administer examinations. However, the initial application fee has been reduced to offset increased costs to applicants. This regulation is also amended to reduce practitioner license renewal fees and the delinquent renewal fees to provide greater uniformity among the Board's governed professions and related fees.

This regulation is being amended to reduce establishment license and renewal fees as well as delinquent establishment fees to provide greater uniformity among the Board's governed professions and related fees.

This regulation is being amended to include a fee for apprentice licensure and trainer licensure, not previously provided for despite the time and resources required for the Board to process these applications. The mobile facility license fees are also added to offset office costs associated with processing applications and performing inspections. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

The Board anticipates an increase in revenue from the new fees established. However, because those fees are not currently assessed, it is difficult to estimate this increase. Also, the Board will have expenditures related to inspections, application processing and review, etc. The Board also anticipates a decrease in revenue from practitioner license renewals and establishment license renewals. Reducing delinquent renewal fees will have minimal economic impact.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

The reduction in the practitioner renewal fee will create a positive economic impact on licensees. The reduction of delinquent fees creates a positive economic impact on licensees, as well. The redistribution of fees throughout the training and initial application process will have negligible impact on licensees. Also, the fees associated with obtaining mobile facility licenses may be high, but the creation of this license type will generate a new source of income for licensees, which will offset the cost.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find any less costly or intrusive methods.

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-15-31**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-15-31 is a new regulation regarding licensees who perform piercings. The purpose of this regulation is to prevent or limit the types of piercings that can be performed by licensees who have not completed the advanced training program for body piercing as provided in K.A.R. 69-15-2. This regulation also provides a grandfather clause to allow current licensees to continue to practice as previously allowed.

II. Reason(s) the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is required to grant the Board the authority to bring disciplinary action against licensees for performing advanced piercing procedures on consumers without the requisite level of training. The current regulatory scheme outlines the training requirements for basic body piercing and advanced body piercing, but fails to provide recourse against licensees who perform procedures more advanced than their level of training. Without this regulation, the Board may be thwarted in their attempts to properly regulate the profession and protect consumers. The Board often receives complaints that licensees that have not completed the advanced training program are performing advanced piercings on consumers. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Cosmetology.

This regulation may utilize additional Board resources in the form of time spent investigating complaints, conducting necessary inspections, and taking disciplinary action

against violators. Resources may be in the form of time, mileage, and minimal office expenses.

The Board anticipates increased revenues due to fine collections from disciplinary action.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

The Board will adopt a standard disciplinary action, in the form of a fine, pursuant to K.S.A. 65-1947. Ten percent of revenues generated by disciplinary action will go to the State General Fund. Additionally, in cases of requests for review or other appeals resulting from disciplinary action, the Attorney General's office may be utilized as the Board's legal counsel. Costs are incalculable because the relevant factors including frequency of violations, amount of the imposed fine, and number of requests for review are unknown. Otherwise, the Board does not anticipate economic impact on other governmental agencies.

V. Anticipated Economic Impact upon Private Businesses, Individuals, and Consumers.

Though the Board does not generally anticipate any economic impact on private businesses, individuals, or consumers, there will be a financial impact on violators of the regulation in the amount of the disciplinary fine adopted by the Board. There may be a slight economic impact on licensees who decide to complete the advanced training program, which involves a financial obligation to a licensed trainer. Additionally, licensees who have not completed the advanced training program may see a decrease in revenue due to their inability to perform advanced piercings.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not find and, therefore, did not consider any less costly or intrusive methods.