

**State of Kansas
Board of Cosmetology**

Notice of Public Hearing on Proposed Administrative Regulations

October 25, 2016

A public hearing will be conducted by the Kansas Board of Cosmetology at 1:30 p.m. on October 25, 2016 in the Board Conference Room, 714 S.W. Jackson, Suite 100, Topeka, Kansas, to consider two regulations. Copies of the proposed regulations may be found at www.kboc.ks.gov.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Board of Cosmetology, c/o Aubrie Pryer, Compliance Supervisor, 714 S.W. Jackson, Suite 100, Topeka, Kansas 66603 or by email to aubrie.pryer@ks.gov.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed permanent regulations. In order to give 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 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 Aubrie Pryer at (785) 296-4414 or the Kansas Relay Center at 1-800-766-3777. Handicapped parking is located directly outside the east entrance to the building, and on the southwest corner of Eighth and Jackson. The east entrance to the building is accessible. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impacts follows:

K.A.R. 69-12-18 – Access to Tanning Devices. This is a new regulation and would carry out the provisions of 2016 HB 2456 (L. 216, ch. 91, New Section 1) which requires tanning facility operators to prohibit minors' access to tanning devices.

K.A.R. 69-11-1 – Fees. Amendments to this regulation would increase the initial license application fee and the renewal fee for a cosmetologist, electrologist, manicurist (nail

technologist) and esthetician . The amendment would also increase the salon initial application fee and the reciprocity application fee.

Economic Impact. The Board anticipates that there should be little, if any, economic impact to State and local governments due to these regulations.

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

Cosmetologist examination fee	\$75.00
Cosmetologist license application fee	45.00 <u>60.00</u>
Cosmetologist license renewal fee	45.00 <u>50.00</u>
Delinquent cosmetologist renewal fee	25.00
Cosmetology technician license renewal fee	45.00
Delinquent cosmetology technician renewal fee	25.00
Electrologist examination fee	75.00
Electrologist license application fee	45.00 <u>60.00</u>
Electrologist license renewal fee	45.00 <u>50.00</u>
Delinquent electrologist renewal fee	25.00
Manicurist examination fee	75.00
Manicurist license application fee	45.00 <u>60.00</u>
Manicurist license renewal fee	45.00 <u>50.00</u>
Delinquent manicurist renewal fee	25.00
Esthetician examination fee	75.00
Esthetician license application fee	45.00 <u>60.00</u>
Esthetician license renewal fee	45.00 <u>50.00</u>
Delinquent esthetician renewal fee	25.00
Instructor-in-training permit fee	15.00
Instructor examination fee	75.00

Instructor license application fee	75.00
Instructor license renewal fee	50.00
Delinquent instructor renewal fee	25.00
Any apprentice license application fee	15.00
New school license application fee	150.00
School license renewal fee	75.00
Delinquent school license fee	30.00
New salon or clinic application fee	50.00 <u>60.00</u>
Salon or clinic renewal fee	50.00
Delinquent salon or clinic renewal fee	30.00
Reciprocity application fee	50.00 <u>75.00</u>
Verification of licensure fee	20.00
Fee for any duplicate license	25.00
Temporary permit fee	15.00

(Authorized by K.S.A. ~~2014~~ 2015 Supp. 65-1904 and K.S.A. 74-2702a; implementing K.S.A. ~~2014~~ 2015 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 Feb. 14, 2014; amended Sept. 18, 2015; amended P-_____.)

**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, as amended, would increase the practitioner original application and biennial renewal fee for the cosmetology professions (cosmetologists, estheticians, nail technicians and electrologists). The practitioner application fee would increase from \$45.00 to \$60.00, the reciprocity application fee would increase from \$50.00 to \$75.00, and the biennial renewal fee would increase from \$45.00 to \$50.00. The amendment would also increase the application fee for new salons from \$50.00 to \$75.00.

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

The fee increase would allow the agency to maintain an adequate fee fund balance in order to maintain the current level of services without having to eliminate or reduce essential programs.

Cosmetologist practitioner application, reciprocity application and renewal fees were last increased 18 years ago in 1998. Esthetician, manicurist and electrologist practitioner application and renewal fees were last increased 8 years ago in 2009. The salon application fee was also last increased 8 years ago in 2009.

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 of Cosmetology estimates that the amendment would increase revenues to the Cosmetology Fee Fund by \$76,360.50 in FY 2017 and \$83,142 in FY 2018. The Board of Cosmetology anticipates that any expenditure associated with this amendment would be small and within existing resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

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

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

The economic impact will be borne solely by applicants for licensure and current licensees who renew their licenses.

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.

69-12-18. Access to tanning devices. Each tanning facility operator shall verify that each consumer accessing any tanning device in the tanning facility is at least 18 years of age.

Verification shall be obtained by viewing a government-issued driver's license or other photo identification that includes the consumer's date of birth. (Authorized by and implementing 2016 HB 2456, § 1; effective P-_____.)

**KANSAS BOARD OF COSMETOLOGY
ECONOMIC IMPACT STATEMENT
K.A.R. 69-12-18**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 69-12-18 is a new regulation and would carry out the provisions of HB 2456 which requires tanning facility operators to prohibit minors' access to tanning devices. The regulation requires tanning facility operators to verify date of birth by viewing each consumer's government issued identification or other photo identification prior to allowing access to a tanning device in the facility.

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

House Bill 2456 requires that the Board of Cosmetology draft regulations to carry out the requirements of the 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.

While the regulation itself will not have an economic impact, HB 2456 does authorize the Board to assess a \$250.00 fine for allowing a minor to access a tanning device. The Board of Cosmetology anticipates that any expenditure associated with this amendment would be small and within existing resources.

IV. Anticipated Economic Impact upon Other Governmental Agencies.

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

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

The economic impact will be borne solely by licensees.

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.