

## HOUSE BILL No. 2125

By Committee on Commerce, Labor and Economic Development

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1 AN ACT concerning the Kansas state board of cosmetology; relating to  
2 powers, duties and functions thereof; requiring certain administrative  
3 actions to be in accordance with the Kansas administrative procedure  
4 act and reviewable under the Kansas judicial review act; providing for  
5 charitable event permits and demonstration permits to provide  
6 tattooing, cosmetic tattooing or body piercing services; authorizing  
7 cease and desist orders against unlicensed providers of tattooing,  
8 cosmetic tattooing or body piercing services; amending K.S.A. 65-1941  
9 and repealing the existing section.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) For all professions regulated by the Kansas state  
13 board of cosmetology pursuant to K.S.A. 65-1940 through 65-1954, and  
14 amendments thereto, the board shall conduct any action in any  
15 administrative proceeding in accordance with the Kansas administrative  
16 procedure act. Such actions shall be reviewable in accordance with the  
17 Kansas judicial review act. Judicial review shall be taken if the petitioner  
18 files with the clerk of the reviewing court a bond with a sufficient surety,  
19 conditioned on the payment of all assessed costs, if the decision of the  
20 board is sustained. If appellate review of the district court's decision is  
21 sought in accordance with K.S.A. 77-623, and amendments thereto, then  
22 the board shall not be required to give a bond on such review.

23 (b) For all professions regulated by the board pursuant to K.S.A. 65-  
24 1940 through 65-1954, and amendments thereto, if the board's order in any  
25 administrative proceeding under K.S.A. 65-1940 through 65-1954, and  
26 amendments thereto, is adverse to the applicant, apprentice or licensee,  
27 then the costs incurred by the board in conducting any investigation or  
28 proceeding under the Kansas administrative procedure act may be assessed  
29 against the parties to the proceeding in such proportion as the board may  
30 determine upon consideration of all relevant circumstances, including the  
31 nature of the proceeding and the level of participation by the parties. If the  
32 board is not the prevailing party in any such action, then such costs shall  
33 be paid from the cosmetology fee fund.

34 (c) The board shall include any assessment of costs incurred as part  
35 of a final order rendered in a proceeding. The order shall include findings  
36 and conclusions in support of the assessment of costs.

1 (d) For purposes of this section, "costs incurred" includes, but is not  
2 limited to:

3 (1) Presiding officer fees and expenses, only if the board has  
4 designated or retained the services of an independent contractor or the  
5 office of administrative hearings to perform presiding officer functions;

6 (2) costs of preparing any transcripts;

7 (3) reasonable investigative costs;

8 (4) witness fees and expenses; and

9 (5) mileage, travel expenses and subsistence allowances of board  
10 employees and fees and expenses of agents of the board who provide  
11 services under K.S.A. 74-2702, and amendments thereto.

12 (e) All moneys collected by the board following or arising from board  
13 proceedings shall be remitted to the state treasurer in accordance with  
14 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
15 remittance, the state treasurer shall deposit the entire amount into the state  
16 treasury to the credit of the cosmetology fee fund.

17 (f) This section shall be a part of and supplemental to K.S.A. 65-1940  
18 through 65-1954, and amendments thereto.

19 New Sec. 2. (a) Any person may apply to the Kansas state board of  
20 cosmetology for a charitable event permit. Any such application shall be  
21 on a form and in a manner approved by the board and accompanied by the  
22 fee established under K.S.A. 65-1950, and amendments thereto.

23 (b) The board may grant a charitable event permit for any event at  
24 any location in the state of Kansas where persons licensed by the board to  
25 practice any profession regulated under K.S.A. 65-1940 through 65-1954,  
26 and amendments thereto, will provide services authorized under K.S.A.  
27 65-1940 through 65-1954, and amendments thereto, at no cost to  
28 recipients. Any charitable event permit granted under this section shall  
29 expire not later than 30 days after issuance by the board.

30 (c) The board shall adopt rules and regulations as necessary to  
31 implement and administer this section.

32 (d) As used in this section:

33 (1) "Charitable event" means an event conducted for a charitable  
34 purpose, whether indoors or outdoors, that is held at a specified time and  
35 location where services are provided by licensed practitioners at no cost to  
36 recipients, as a charity to recipients, or charitable causes approved by the  
37 board.

38 (2) "Charitable purpose" means any purpose that promotes, or  
39 purports to promote, directly or indirectly, the well-being, in general or  
40 limited to certain activities, endeavors or projects, of the public at large,  
41 any number of persons or any humane purpose.

42 (e) This section shall be a part of and supplemental to K.S.A. 65-1940  
43 through 65-1954, and amendments thereto.

1 New Sec. 3. (a) Any person may apply to the Kansas state board of  
2 cosmetology for a demonstration permit. Any such application shall be on  
3 a form and in a manner approved by the board and accompanied by the fee  
4 established under K.S.A. 65-1950, and amendments thereto.

5 (b) (1) The board may grant a demonstration permit to a person to  
6 provide services authorized under K.S.A. 65-1940 through 65-1954, and  
7 amendments thereto, at a state or national convention or as a guest artist at  
8 an establishment licensed by the Kansas state board of cosmetology, if:

9 (A) Such person is licensed to practice such profession regulated  
10 under K.S.A. 65-1940 through 65-1954, and amendments thereto, in  
11 another state or jurisdiction; and

12 (B) such license has not been revoked, suspended or conditioned  
13 from the practice of such profession.

14 (2) If an application for a demonstration permit is submitted by a  
15 citizen of a foreign country who has not been issued a social security  
16 number and who has not been licensed by any other state, the board shall  
17 not require the applicant to submit a social security number and shall  
18 instead accept a valid visa or passport identification number.

19 (3) Any demonstration permit issued under this section shall expire  
20 not later than 14 days after issuance of the board.

21 (c) The board shall adopt rules and regulations as necessary to  
22 implement and administer this section.

23 (d) This section shall be a part of and supplemental to K.S.A. 65-  
24 1940 through 65-1954, and amendments thereto.

25 Sec. 4. K.S.A. 65-1941 is hereby amended to read as follows: 65-  
26 1941. (a) No person, including a tattoo artist, cosmetic tattoo artist or body  
27 piercer, shall perform tattooing, cosmetic tattooing or body piercing on  
28 another person, display a sign or in any other way advertise or purport to  
29 be a tattoo artist, cosmetic tattoo artist or body piercer unless that person  
30 holds a valid license issued by the board. This act does not prevent or  
31 affect the use of tattooing, cosmetic tattooing or body piercing by a  
32 physician, a person under the control and supervision of a physician, a  
33 licensed dentist, a person under the control and supervision of a licensed  
34 dentist; *or* an individual performing tattooing, cosmetic tattooing or body  
35 piercing solely on such individual's body.

36 (b) Violation of subsection (a) is a class A nonperson misdemeanor.

37 (c) The board may bring an action to enjoin any person required to be  
38 licensed under K.S.A. 65-1940 through 65-1954, and amendments thereto,  
39 from practicing body piercing, tattooing or cosmetic tattooing if such  
40 person does not hold a currently valid license authorizing the person to  
41 engage in such practice. The board may bring an action to enjoin any  
42 person from operating an establishment required to be licensed under  
43 K.S.A. 65-1940 through 65-1954, and amendments thereto, if such person

1 does not hold a currently valid establishment license.

2 (d) The board may order the remedying of any violations of rules and  
3 regulations of the board or any provision of this act, and the board may  
4 issue a cease and desist order upon board determination that ~~the holder of a~~  
5 ~~license~~ *a person* has violated any order of the board, any rules and  
6 regulations of the board or any provision of K.S.A. 65-1940 through 65-  
7 1954, and amendments thereto.

8 Sec. 5. K.S.A. 65-1941 is hereby repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the statute book.