

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Public Health and Welfare  
From: Office of Revisor of Statutes  
Date: March 7, 2023  
Subject: Bill Brief on House Bill 2125

HB 2125 adds provisions to Kansas law pertaining to the regulation of tattoo artists, cosmetic tattoo artists, and body piercers by the Kansas State Board of Cosmetology, including new law regarding administrative proceedings and the assessment of costs for such proceedings, the authorization of charitable event permits and demonstration permits, and the extension of the Board's current authority for cease and desist orders over licensees to any person.

Section 1 would require that administrative proceedings with respect to the regulation of tattoo artists, cosmetic tattoo artists or body piercers are to be conducted in accordance with the Kansas Administrative Procedure Act, reviewable in accordance with the Kansas Judicial Review Act. If the board's administrative order is adverse to an applicant, apprentice or licensee, costs incurred for any investigation or the administrative proceeding may be assessed against the such party or parties. If the board is not the prevailing party, costs incurred shall be paid from the cosmetology fee fund. Costs incurred would include, presiding officer fees, transcript preparation costs, investigative costs, witness fees and expenses, and board employee expenses.

Section 2 would authorize any person to apply for, and the board to grant a charitable event permit for a charitable event where persons licensed by the board to practice the professions of tattooing, cosmetic tattooing, or body piercing will provide services at no cost to recipients. Charitable event means an event conducted for a charitable purpose, that is held at a specified time and location, where services are provided by licensed practitioners. Charitable purpose means any purpose that promotes the well-being, in general or limited to certain activities, endeavors or purposes, of the public at large or any humane purpose.

Charitable event permits would be valid for 30 days after issuance. The board would be required to adopt rules and regulations to implement this section by December 31, 2023.

Section 3 authorizes any person to apply for, and the board to grant a demonstration permit to a person to provide tattooing, cosmetic tattooing, or body piercing services at a state or national convention, at an establishment licensed by the board or any other event location approved by the board if the person performing the services is licensed to perform such profession in another jurisdiction and whose license is in good standing. A demonstration permit would be valid for 14 days after issuance. The board would be required to adopt rules and regulations to implement this section by December 31, 2023.

Section 4 amends K.S.A. 64-1941 to include persons who are not license holders as subject to a cease and desist order upon a determination by the board that any person has violated an order or a rule or regulation of the board.

Section 5 amends K.S.A. 65-1946 to change the requirement of tattoo artists, cosmetic tattoo artists and body piercers to keep case history cards for three years. Current law requires such records be kept for five years.

If passed, the bill would be in effect upon publication in the statute book, July 1, 2023.