

**State of Kansas  
Board of Cosmetology**

**Notice of Hearing on Proposed  
Administrative Regulations**

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**MAR 28 2024**

SCOTT SCHWAB  
SECRETARY OF STATE

A public hearing will be conducted at 9:00 a.m. Tuesday, June 11, 2024, at the Office of the Kansas Board of Cosmetology, 714 SW Jackson Street, Suite 100, Topeka, Kansas, to review and consider the adoption of proposed permanent regulations of the Kansas Board of Cosmetology. The public hearing will be conducted in person and via video conferencing systems. Members of the public who wish to attend the public hearing virtually must pre-register at [https://www.zoomgov.com/meeting/register/vJltdeqrrD8jH8\\_Vw4Taw5CHL5J8YMZWelM](https://www.zoomgov.com/meeting/register/vJltdeqrrD8jH8_Vw4Taw5CHL5J8YMZWelM).

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 regulations. All interested parties may submit written comments prior to the public hearing to Benjamin Foster, Executive Director, 714 SW Jackson Street, Suite 100, Topeka, Kansas 66603-3751 or by email to [Ben.foster@ks.gov](mailto:Ben.foster@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 regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the public hearing should be made at least 10 business days in advance of the hearing by contacting Benjamin Foster, Executive Director, 714 SW Jackson Street, Suite 100, Topeka, Kansas 66603-3751 or by telephone at 785-296-8169. Handicapped parking is located on SW Jackson Street on both sides of the building. Curbs on both sides of the entrance to the building are accessible to individuals with disabilities.

Copies of the regulations and economic impact statement may be viewed at:

Economic Impact Statement: <https://www.kansas.gov/kboc/Docs/economic-impact-statement.pdf>

K.A.R. 69-15-6:

[https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR\\_69\\_15\\_6\\_Triplestamped.pdf](https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR_69_15_6_Triplestamped.pdf)

K.A.R. 69-15-7:

[https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR\\_69\\_15\\_7\\_Triplestamped.pdf](https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR_69_15_7_Triplestamped.pdf)

K.A.R. 69-15-9:

[https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR\\_69\\_15\\_9\\_Triplestamped.pdf](https://www.kansas.gov/kboc/Docs/Proposed%20Regulation%20Changes/KAR_69_15_9_Triplestamped.pdf)

Summaries of the proposed regulations and economic impact follow. (Note: Statements indicating that “The Board anticipates that the proposed amendment/new regulation will have minor to no economic impact” are intended to indicate that no economic impact on the Board, other state agencies, persons subject to the proposed regulations, or the general public have been identified.)

**K.A.R. 69-15-6. Application completion and deadlines.** The proposed amendments to this regulation clarify terms used in the language concerning application, applicant, and temporary permit. Language is added to specifically state that “If the applicant fails any examination, that the temporary permit shall no longer be valid and shall not be renewed.”

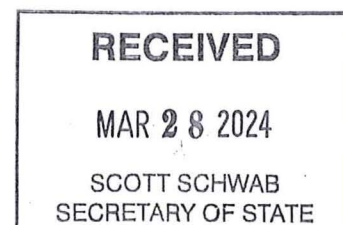
**K.A.R. 69-15-7. Examinations for cosmetic tattoo artists, tattoo artists, or body piercers.** The proposed amendments to this regulation clarify the term examination in the regulation. Specifically, language is being included which states, “The theory examination shall be a written examination. The practical examination may be in written format.” Further, the proposed regulations update current language changing sanitation to infection control, as well as changing implements to instruments.

**K.A.R. 69-15-9. Renewal of practitioner licenses.** The proposed amendments to this regulation clarify this requirement by removing language pertaining to the issuance of a renewal notice. The resulting/remaining language only addresses the assessment of a late fee. Specifically, “Each renewal payment received, or postmarked after the expiration of the license shall be assessed a late fee in addition to the renewal fee.”

Individuals and businesses regulated by the Kansas Board of Cosmetology would be directly affected by passage of these regulations. These would include cosmetologists, electrologists, estheticians, manicurists, body piercers, tattoo artists, cosmetic tattoo artists, and establishments for the cosmetology and body art professions. The regulations will enhance business growth by making it simpler to file an initial application, take the examination for licensure, as well as renew a license.

The Board foresees no economic impact regarding implementation and/or compliance costs to any individual, business, local or state government because of these regulations. Neither will there be any effect on the state economy. Implementation of these regulations has no effect on fees, therefore, there is no fiscal impact.

Benjamin Foster  
Executive Director  
Board of Cosmetology



MAR 28 2024

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Proposed

69-15-6. Application completion and deadlines. (a) ~~Applications~~ Each application for examination shall be received at least 30 calendar days before the next scheduled examination.

(b) ~~Any~~ Each application submitted during the 30-day period immediately ~~prior to~~ before the examination shall be reviewed, and if the applicant ~~satisfies~~ meets the requirements, that person shall be scheduled for the ~~subsequent~~ next examination.

(c) ~~Applicants~~ Each applicant who ~~fail~~ fails to submit ~~sufficient~~ the required fees, ~~complete~~ completed documentation, and verification of training or experience, or both, shall be considered ~~disqualified to have an incomplete application,~~ and ~~their~~ the application shall be closed. Examination fees may be carried forward one time to the next scheduled examination.

(d) ~~Any~~ Each candidate for examination who fails to complete the examination process within the ~~following~~ time limits specified in this subsection shall ~~be required to~~ submit a new application, documentation, and fees, ~~according to this schedule~~ as follows:

(1) One year from receipt of application, if the applicant does not meet the qualifications for examinations; or

(2) one year from the date that the last section of the examination was attempted.

(e) Any candidate who meets the requirements ~~of~~ for the examination, and is scheduled for the next examination, and holds a temporary permit may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate ~~successfully~~ passes the examination. If the applicant fails any examination, that temporary permit shall no longer be valid and shall not be renewed.

(Authorized by and implementing L. 1996, Ch. 138, Sec. 4 K.S.A. 65-1943; effective Aug. 22, 1997; amended P-\_\_\_\_\_.)

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69-15-7. ~~Examination~~ Examinations for cosmetic tattoo artists, tattoo artists, or body

piercers. (a) The examinations for tattoo, cosmetic tattoo, and body piercing shall consist of both a ~~written~~ theory examination and a practical examination on safety, ~~sanitation~~ infection control, and standards of practice. The theory examination shall be a written examination. The practical examination may be provided in written format.

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

(1) Basic principles of safety, ~~sanitation~~ infection control, and sterilization;

(2) Kansas laws and regulations;

(3) chemical use ~~and storage~~;

(4) diseases and disorders including skin disease, HIV, hepatitis B, and infectious or contagious diseases;

(5) equipment, supplies, ~~tools~~, and ~~implements~~ instruments;

(6) practice standards;

(7) establishment standards; and

(8) definitions.

(c) ~~The~~ Each written examination shall consist of no more than 150 multiple-choice questions ~~and~~. A written examination shall not exceed two hours in duration. ~~The~~ Each examination shall be closed-book and shall be presented and conducted in English. The theory 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~~ a service;

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K.A.R. 69-15-7, page 2

(2) ~~a mock demonstration~~ the steps of a procedure service; and

(3) ~~a demonstration of the clean up process for~~ cleanup after a procedure service.

(e) To be eligible for licensure, each applicant shall attain a score of at least 75 percent on each section of the ~~written~~ theory examination and a score of at least 75 percent on the practical examination. (Authorized by K.S.A. ~~2012 Supp.~~ 65-1943, and 65-1948, and ~~K.S.A.~~ 74-2702a; implementing K.S.A. ~~2012 Supp.~~ 65-1943 and 65-1948; effective Aug. 22, 1997; amended Feb. 14, 2014; amended P-\_\_\_\_\_.)

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~~69-15-9. Issuance and Renewal of practitioner licenses. (a) Each individual license shall expire on the last day of the licensee's birth month. License fees shall be prorated at the rate of 1/12th of the license fee for each month of the original license.~~

~~(b) A notice of renewal shall be mailed by the board to the last known address of the license holder.~~

~~(c) The applicant shall apply for renewal in advance of the license expiration date of the prior license.~~

~~(d) Each renewal payments received in the board office or postmarked payment received or postmarked after the expiration date but within one year of expiration of the license shall be assessed a late fee in addition to the annual renewal fee.~~

~~(e) A license that has been expired for more than one year but less than three shall be deemed suspended and may be reactivated by payment of the following:~~

~~(1) A suspended renewal fee for each year expired;~~

~~(2) a reactivation fee; and~~

~~(3) a renewal fee.~~

~~(e) Any individual who fails to renew or reactivate a license within three years from the date of expiration shall reapply to take the exams, submit the examination fee and one year licensee fee, and successfully pass all sections of the examination before a license is reissued. (Authorized by and implementing L. 1996, Ch. 138, Sec. 6 K.S.A. 65-1945 and 65-1950; effective Aug. 22, 1997; amended P-\_\_\_\_\_.)~~

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Cosmetology  
Agency

Benjamin Foster  
Agency Contact

785-296-8169  
Contact Phone Number

69-15-6, 69-15-7, & 69-15-9  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

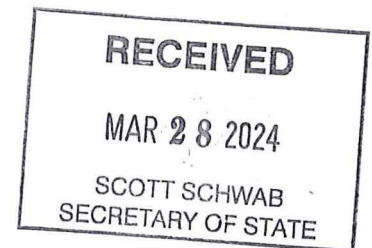
Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)



**Section I**

Brief description of the proposed rule(s) and regulation(s).

- 69-15-6 Application completion and deadlines
- 69-15-7 Examinations for cosmetic tattoo artists, tattoo artists, or body piercers
- 69-15-9 Renewal of practitioner licenses

**Section II**

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

N/A

**Section III**

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth.

The regulations will enhance business growth by making it simpler to file and initial application, take the examination for licensure, as well as renew a license.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The Board foresees no economic impact regarding implementation and/or compliance costs to any individual, business, local or state government because of these regulations. Neither will there be any effect on the state economy. Implementation of these regulations have no effect on fees therefore there is no fiscal impact.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Individuals and businesses regulated by the Kansas Board of Cosmetology would be directly affected by passage of these regulations. These would include cosmetologist, electrologist, esthetician, manicurist, body piercers, tattoo artists, cosmetic tattoo artists, and establishments for the cosmetology and body art professions.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

These regulations will simplify licensure without additional costs to licensees.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

These proposed regulations have no impact on business and economic development within the State of Kansas.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0  
Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$ 0**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

These regulations have no fiscal impact on licensure by the Board of Cosmetology.

- Yes
  - No
  - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

KBOC is a fee funded agency and does not utilize state revenue for expenditures.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

These regulations have no provisions that would affect fees paid or received therefore there is no fiscal impact.

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G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Board is the sole source license entity for the professions set out in Section III.C.

**Section IV**

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

