



## Kansas Board of Cosmetology

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### Policy – Separation Requirements for Cosmetology and Body Art Profession Establishments Policy Number: 001-21

Approved by the Board: March 8, 2021; Effective date 7/1/2022; Last Updated: May 9, 2022

#### I. Purpose

The purpose of this policy is to provide guidelines for Board staff to issue licensure when business or residential separation is required within cosmetology profession establishments.

#### II. Authority

- a. The secretary of health and environment shall adopt rules and regulations establishing sanitation standards for professions, shops, salons, facilities, clinics, schools and colleges regulated by the state board of barber examiners or the state board of cosmetology. K.S.A. 65-1,148(b).
- b. Any person desiring to establish a salon or clinic shall make application, and the Board shall inspect the premises for compliance with the rules and regulations of the secretary of health and environment and the rules and regulations of the board of cosmetology and the board shall issue a new establishment license. K.S.A 65-1904a(a).
- c. The board, in accordance with the provisions of the Kansas administrative procedure act, may refuse to issue or renew a license, or revoke, suspend, censure, limit or condition a license for failure to comply with the sanitation standards prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. K.S.A. 65-1908(a)(1).
- d. If a room used for residential purposes is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, a solid partition shall separate the portion of the premises used for residential purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving. K.A.R. 28-24-13(b)(1).
- e. Each establishment that has an initial license issued on or after December 31, 2007 and that is located in a residence shall have a separate, outside entrance to the establishment. K.A.R. 28-24-13(b)(2).
- f. If a room used for non-licensed business purposes is also used for or is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology and if the board, upon consultation with the secretary of health and environment, determines that the proximity of the licensed or non-licensed activities poses a possible threat to the health of the employees, the consumers, or the public, the owner of the school or establishment shall mitigate the risk as directed by the board, including by meeting one or both of the following requirements: (1) A solid partition shall separate the portion of the premises used for non-licensed business purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving. (2) A separate, outside entrance shall be provided for the school or establishment. K.A.R. 28-24- 13(c).
- g. If a room used for residential purposes is the same room or adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then a solid partition shall separate the premises used for residential purposes from the tattooing and piercing area. The partition may contain a door, provided it remains closed, except for entering and leaving. (j) If a room used for any business purposes other than permanent color, tattooing, or body piercing is the same room or is adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then the board may require that one or more of the following requirements be satisfied if there are conditions that the board considers a possible threat to



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the health of the employees, the customers, or the public: (1) A solid partition shall separate the premises used for other business purposes from the permanent color, tattooing, or body piercing area. The partition may contain a door, provided it remains closed except for entering and leaving. (2) A separate outside entrance shall be provided for the facility K.A.R. 69-15-16 (i)(j)

- h. The definition of "Cosmetology" does not include (A) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device so long as the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair and so long as the requirements of K.S.A. 65-1928, and amendments thereto are met. Nothing in this paragraph shall be construed to preclude a licensed cosmetologist from performing the service described in this paragraph; or (b) threading, so long as the requirements of K.S.A. 16-1928, and amendments thereto, are met. Nothing in this paragraph shall be construed to preclude a licensed cosmetologist or esthetician from performing threading. K.S.A. 65-1901(d)(2)(A)(B).
- i. The secretary of health and environment shall develop a brochure containing information about infection control techniques which are appropriate for hair braiding and threading outside the salon setting. The brochure shall be made available through the department of health and environment's website or by mail, upon request, for a fee to cover the department of health and environment's printing costs. The brochure shall contain a self-test with questions on the information contained in the brochure. For an individual engaged in hair braiding or threading to be exempt from the practice of cosmetology under K.S.A. 65-1901 and amendments thereto, they must complete the self-test and keep the brochure and completed self-test available at the location where the individual is braiding hair or threading. K.S.A. 65-1928.
- j. Except as provided in K.S.A. 65-1902(b), no person shall provide a service constituting the practice of cosmetology, nail technology, esthetics or electrolysis by use of a medical device registered with the federal food and drug administration, or as defined in federal or state law which may be distributed only upon the order of a physician. This act does not prohibit a board of cosmetology licensee from providing services using a medical device upon the order and under the supervision of a physician and in a location maintained by the physician. K.S.A. 65-1902(a)(12)

### III. Policy and Procedures

#### a. **Solid Partitions:**

- i. **Standard:** The board recommends that a solid partition, when required, be something that divides the space and is not interrupted by a break or opening and has a texture that is closed and not loose or spongy. The partition may contain a door if it remains closed, except for entering and leaving.
- ii. **Alternative:** Different types of solid partitions may still be sufficient for mitigating risks related to different services being provided even if not meeting the specific standard criteria recommended above. The board, upon consultation with the secretary of health and environment, will determine whether an alternative solid partition is sufficient within 90 days of request of an applicant or licensee.



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### b. Separation Requirements

#### i. No Separation Required

1. **Exempted Services Pursuant to K.S.A. 1901(d)(2):** The board, upon consultation with the secretary of health and environment, determined that the proximity of the non-licensed hair braiding, locking, wrapping, weaving, extending and threading services to licensed cosmetology profession services does not pose a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, unlicensed services exempted by K.S.A 1901(d)(2) may be provided by unlicensed individuals in licensed establishments without separation as long as the requirements of KSA 65-1928 are met. The licensed establishment must comply with the KDHE infection control regulations to maintain establishment licensure with the board.
2. **Barbering:** The board, upon consultation with the secretary of health and environment, determined that the proximity of the licensed barbering services to licensed cosmetology profession services does not pose a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, licensed barbering services may be provided in licensed establishments without separation. The licensed establishment must comply with the KDHE infection control regulations to maintain establishment licensure with the board. Barbers are regulated by the Kansas Board of Barbering and are not subject to the Kansas Board of Cosmetology (KBOC) inspection. Barbering stations are inspected by the Kansas Board of Barbering and will not be inspected by KBOC inspectors. Any violations found outside of designated barber stations or within plain site of the KBOC inspector will be cited on the establishment inspection report.
3. **Unregulated Services:** The board, upon consultation with the secretary of health and environment, determined that the proximity of unregulated massage and henna services to licensed cosmetology profession services does not pose a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, unregulated massage and henna services may be provided in licensed establishments without separation. The licensed establishment must comply with the KDHE infection control regulations to maintain establishment licensure with the board.

#### ii. Separation by solid partition required

1. **Medical Services, Medical Spas, Dentistry:** The board, upon consultation with the secretary of health and environment, determined that the proximity of medical services to licensed cosmetology profession services may pose a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, medical services, including dentistry, must be separated from cosmetology profession services by solid partition.
2. **Body Art:** The board, upon consultation with the secretary of health and environment, determined that the proximity of tattooing, cosmetic tattooing, and body piercing to licensed cosmetology profession services poses a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, tattooing, cosmetic tattooing, and body piercing services must be separated from cosmetology profession services by solid partition.
3. **Tanning:** The board, upon consultation with the secretary of health and environment, determined that the proximity of tanning services to licensed cosmetology profession services poses a possible threat to the



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4. health of the employees, the consumers, or the public that would require separation. Therefore, tanning services must be separated from cosmetology profession services by solid partition.
  5. **Vaginal Steaming:** The board, upon consultation with the secretary of health and environment, determined that the proximity of vaginal steaming services to licensed cosmetology profession services poses a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, vaginal steaming services must be separated from cosmetology profession services by solid partition.
  6. **Tooth Bling:** The board, upon consultation with the secretary of health and environment, determined that the proximity of tooth bling services to licensed tattoo services poses a possible threat to the health of the employees, the consumers, or the public that would require separation. Therefore, tooth bling services must be separated from tattooing services by solid partition.
  7. **Residential Rooms Located within Licensed Establishments:** If a room used for residential purposes is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, a solid partition shall separate the portion of the premises used for residential purposes from the licensed area.
- iii. **Separation by separate outside entrance required:**
1. **Licensed Establishments Located within a Residence:** Each establishment that has an initial license issued on or after December 31, 2007 and that is located in a residence shall have a separate, outside entrance to the establishment. K.A.R. 28-24-13(b)(2).

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Kansas Board of Cosmetology