



Spring

Senate Bill 348: Threading Exemption

The Kansas Legislature passed a bill this year exempting the practice of threading from the cosmetology profession under the conditions that the person providing the service completes a KDHE self-test that is kept at the location of the service. The bill was introduced by Mike O’Neal on behalf of the Kansas Justice Institute and will be effective July 1, 2022. The Board provided testimony opposed to this exemption. The language directly reflects the same wording used to exempt braiding, wrapping, weaving, twisting, locking and extending under the same conditions in 2009. Click [here](#) to view the new law as enrolled, testimony, minutes and Senate and House votes.

Click [here](#) to view the story behind the exemption from the Kansas Justice Institute website.

Proponent Testimony: John Lueth, Americans for Prosperity; Arif Karowalia, Perfect Brow Bar; Sam MacRoberts, Kansas Justice Institute; Wendy Doyle, United WE; Jessica Poitras, Institute for Justice; Christie Kriegshauser, Kansas Chamber of Commerce.

Opponent Testimony: Nichole Hines, Cosmetologist, Vice Chair, Kansas Board of Cosmetology; Stephanie Dugan, Cosmetologist and Instructor; Dr. Susan Wurtele, School Administrator; Len Melvin, School Owner and Administrator; Holly Day, Esthetician; Danney Ramsey, Cosmetologist; Liz Schiller, Esthetician; Ashley Hoffmeier, Esthetician Apprentice; Jessica Pluff, Esthetician; Michelle Gibson on behalf of the JCC cosmetology and esthetics apprentices (26 signatures); Kmaljeet Bhandal, Cosmetologist, Threader; Michaëlle Holland, School Owner; Tamara Cummings, Esthetician, Instructor; Stacey Peters, Cosmetologist, Instructor, School Director; Kim McIntosh, Kaci Pepper and Morgan Goetz: Cosmetologists, Salon Owners.

KDHE COVID-19 Guidance Updated

The KDHE COVID-19 guidance for personal care services has been updated to reflect different recommendations for reducing the spread of COVID-19 related to the COVID-19 community levels for your area. Please click [here](#) to view the updated guidance.

Inside this issue

- Understanding Occupational Licensing Reform..... 2
- U.S. Department of Labor Job Outlook 2
- Niche Beauty Services Opportunity Act 2
- Veterans, the GI Bill®, and Cosmetology Schools..... 3
- Texas and California Reduce Minimum hour requirements 3
- The Difference Between a Regulatory Agency and an Association 4
- The Nevada Report: Identifying Risks in Beauty Services 4
- Chemical Safety Reminders 4
- Sink Requirements 5
- Kansas Consumer Protection Act (KCPA) 5
- Separation Requirements 5
- Licensee Milestones 6

Understanding Occupational Licensing Reform

Several organizations have taken on an occupational licensing reform initiative with the intent of decreasing the burden on businesses, creating competition and promoting job growth. It looks like there may be a lot of change coming over the next five years with occupational licensing requirements, especially the beauty industry. Whether you agree or disagree with the initiative, these groups have substantial influence on the Kansas Legislature and it is important to stay informed.

The Kansas Chamber's Vision 2025 "adopts the premise that the surest path to global success for Kansas as a state is the path that strives to continually improve the local business operating environments among the communities of Kansas." Click [here](#) to read more about their vision for business in Kansas.

United We is an organization in Missouri that focuses on reducing barriers that affect women. The have published a full research report on occupational licensing. "Research indicates that while licensed professionals may earn higher wages, the required training and fees can result in a barrier for lower-income individuals to enter the field. Meanwhile, some licensed professionals, such as cosmetologists, argue that such strict, high requirements for a

license protect public health interests, as improper skin treatment or other mishandling of chemicals could be potentially fatal." Click [here](#) to view the full report.

The Institute for Justice published a report on February 24, 2022 on occupational licensing. "These results—and the combined results of the hundreds of sunrise reviews we studied—suggest legislators should demand hard evidence of harms, and of licensing's suitability to mitigate those harms, before enacting licenses." Click [here](#) to view the full report.

The Kansas Justice Institute is a litigation firm that seeks to protect the freedoms guaranteed by the Kansas and US constitutions. The right to earn a living is one of the primary focuses of this group. They provide litigation free of charge. Click [here](#) to learn more.

Americans for Prosperity is a national grassroots group with a Kansas chapter. "We want to drive the elimination of state and federal barriers that devalue work, create cycles of dependency, and prevent people from finding fulfillment in the profession of their choice. To address this challenge, we seek reforms in occupational licensing, public and private sector labor, and workforce development." Click [here](#) to read more about this group.

"Employment for Manicurist is projected to grow 33%."

U.S. Department of Labor Job Outlook

The U.S. Department of Labor is predicting a 19% job growth from 2020-2030, for barbers, hairstylists, and cosmetologists. This is much faster than all other occupations which are only predicted to increase by 8%. They predict that there will be an increased demand for personal care services due to population growth and professionals that transfer to a different occupation or retire. Click [here](#) to read the full report.

Employment for Manicurist is projected to grow 33%. The projected employment growth is due to recovery from the COVID-19 recession. Click [here](#) to view the full report.

Job growth for Estheticians (Skin Care Specialists) is predicted to increase 29% due to increased demand for skincare services. Click [here](#) to view the full report.

Niche Beauty Services Opportunity Act

This Institute for Justice published the Niche-Beauty Services Opportunity Act on their website in 2021, and different forms of this model legislation have been introduced in several states across the nation.

Click [here](#) to review the article on their website and the model bill draft.

The Niche-Beauty Services Opportunity Act exempts hairstylists from occupational licensing laws. Individuals who solely want to shampoo, condition, dry, and style hair using basic tools, like blow dryers and brushes, are free to do so without a cosmetology license.

The model also exempts (a) eyelash extension application, makeup application, natural hair braiding, and threading, and (b) the salons that provide only such niche services from facility licenses.

By enacting IJ's Niche-Beauty Services Opportunity Act, state legislators can remove needless obstacles and create opportunities. Legislators can help individual entrepreneurs – as well as franchisors and franchisees – to enter into the beauty market. IJ's model is a proven means for states to adapt to the changes in the beauty industry. (<https://ij.org/legislation/niche-beauty-services-opportunity-act/>)

As an example, this year, an almost identical bill was introduced in New Hampshire to remove licensing requirements for Niche Beauty Services. House Bill 1171 passed the full house and is currently under an interim study by the New Hampshire Senate. Click [here](#) to view the status of HB 1171 in New Hampshire.

Click [here](#) to view the Senate Executive Departments and Administration Committee hearing. Click [here](#) to view the House Executive Departments and Administration Committee hearing.

The Professional Beauty Association (PBA) provides resources on the nationwide movement to deregulate beauty services. You can view the information [here](#).



Veterans, the GI Bill®, and Cosmetology Schools

As Veterans transition out of the military, many begin the search for a new career. One of the Veterans' many-earned benefits for their service is their GI Bill®, which allows them to pay for a quality education at a university, college, vocational school, or on-the-job training program with the goal of attaining gainful employment. Many Veterans are choosing to enter the field of cosmetology and the Kansas State Approving Agency, a division of the Kansas Commission on Veterans Affairs Office, has worked with and approved a number of the cosmetology schools to become approved for Veterans to use their GI Bill® to attain their cosmetology license at those schools.

As the field of cosmetology continues to grow, more and more schools are opening to meet the demand. For those schools that are not approved for the GI Bill®, the Kansas State Approving Agency can provide you with information about the approval process and requirements. To become approved a school must meet a series of federal regulations which include (but not limited to):

- Licensed by the Kansas Board of Cosmetology
- A minimum two years of operation
- Provide a quality education that will lead to licensure
- Financially sound
- Policies and procedures for standards of academic progress, student conduct, and attendance among other things*

*see 38 USC 3676 for a complete list of requirements

For the schools already approved for Veterans to use their GI Bill®, always feel free to reach out to us at the Kansas State Approving Agency with questions or concerns. For those schools that are not approved but interested, we are happy to provide you with any information regarding the approval process or answer any questions you may have. To contact the Kansas State Approving Agency please reach out to either Joel Gillaspie (joel.gillaspie@ks.gov) or Brigette Hays (brigitte.hayes@ks.gov).

"GI Bill®" is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government website at: <https://www.benefits.va.gov/gibill/>

Texas and California Reduce Hours

Texas: The Texas Legislature passed HB2847 in 2019, effective September 1, 2019. The minimum hours for cosmetology programs were reduced from 1,500 hours to 1,000 hours. Click [here](#) to view the bill.

Soon after, the Texas Department of Licensing and Regulation (TDLR) adopted amendments through their administrative code to decrease the minimum hours for a barbering program from 1,500 to 1,000 beginning May 1, 2020. Click [here](#) to read more about the changes on the TDLR website.

The Texas Legislature also passed HB1560 removing licensing requirements for instructors of barbering and cosmetology. Additionally, the bill consolidates all of the barbering and cosmetology laws into one chapter. This law was effective September 1, 2021. Click [here](#) to view the bill

California: The California legislature recently passed SB803 into law and was effective January 1, 2022. The law reduces the minimum requirements for cosmetology and barbering programs from 1,600 and 1,500 hours to 1,000 hours and eliminates the practical exam. Click [here](#) to view the information on the new law in California.

The Difference Between a Regulatory Agency and an Association

Regulatory Agency: The Kansas Board of Cosmetology is a regulatory agency. The mission of the Board is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing standards of practice. The Board serves the interest of the public and is responsible for enforcing the laws enacted by the legislature. The Board is responsible for protecting the public from those in the profession who pose a risk to public health and safety, not to advance the interests of the professions they regulate.

Professional Association: A professional association seeks to further the interests of a profession and is accountable to members. These are typically non-profit organizations that create networking opportunities, publish information of interest to members, host conferences, and seminars. They also lobby, (seek to influence public officials or politicians) on behalf of members interests.

Conflicts of Interest and Ethical Considerations: Because there may be conflict between making decisions in the interest of the public versus that of the profession, a distinction between regulatory body and professional association is ethically necessary.

The Nevada Report: Identifying Risks in Beauty Services

In 2017, the Nevada legislature issued a legislative mandate (2017-NV SB 69), requiring the Nevada State Board of Cosmetology to identify areas of licensed services that could adversely affect public health or safety. The result was **The Nevada Report: Identifying Risks in Beauty Services**. The report provides beauty service info sheets and the number of risks by type for 21 beauty services.

Examples of some of the fact sheets are below.

Hair Removal:

[Consumer Safety Risks](#)
[Service Steps and Sub-Steps](#)

Chemical Relaxer:

[Consumer Safety Risks](#)
[Service Steps and Sub-Steps](#)

Acrylic Nail

[Consumer Safety Risks](#)
[Service Steps and Sub-Step](#)

Click [here](#) to review the whole report.



The Nevada Report:
*Identifying Risks in
Beauty Services*
October 2020

Chemical Safety Reminder

Using chemical products such as hair color, lighteners, chemical hair relaxers, and permanent waving solutions outside the parameters of the manufacturer's recommended use instructions can result in unintended consequences including permanent injury to your client.

You can find specific directions for product use printed on the original product container or packaging. Often, there is additional information printed on the inside of packaging if your product was sold in a box.

While all products expire after a certain amount of time, particular attention should be paid to products used during chemical services. They contain active ingredients that can break down over time resulting in a chemical reaction that can permanently damage a client's hair and scalp.



Product shelf life is typically indicated on the container as shown to the left.

Chemical Safety Questions

- Is this product approved for on the scalp or off the scalp application?
- What is the recommended developer?
- What volumes of developer are approved for on or off the scalp application?
- What is the maximum processing time?
- Can I apply heat during processing?
- Is this product approved for use on minors?
- What are the recommendations for taking down braids, brushing, or shampooing the hair prior to application?
- What contraindications might exist?
- What are the directions for applying protective base?
- What are the directions for changing cotton and towels in between chemical applications?
- Is a patch test required?

Sink Requirements

In 2020, the Board of Cosmetology and the Kansas Department of Health and Environment (KDHE) updated the health and sanitation regulations for the cosmetology professions regarding sinks and shampoo bowls and there has been some confusion about the interpretation of this change.

The updated language regarding the sink requirements is as follows:

- 28-24-13(e)(1) Each establishment shall have at least one restroom. Each school shall have at least two restrooms. Each restroom shall be in the building in which the establishment or school is located.
- 28-24-13(e)(2) Each restroom shall include at least one working toilet and one hand-washing sink with hot and cold running water, a liquid soap dispenser, and either disposable towels or an air dryer. Each restroom shall be kept in a sanitary condition.
- 28-24-13(e)(3) A restroom sink shall not be used for services or for cleaning instruments or equipment.
- 28-24-13(f)(1) Each establishment that provides cosmetology services shall have a shampoo bowl with a sprayer and hot and cold running water that is separate from the restroom.
- 28-24-13(f)(2) Each establishment that provides nail technology, esthetics, or electrology services shall have a hand-washing sink with hot and cold running water that is separate from the restroom.

The new language has been interpreted by some as requiring a cosmetology (hair, skin, nails) establishment to have both a shampoo bowl and a sink separate from the restroom sink if they are also providing skin and nail services in addition to hair services. The requirement of having a service sink separate from the restroom sink only applies to electrology, esthetic and nail technology establishments. Licensed cosmetology establishments are only required to have a shampoo bowl in addition to the restroom sink which can also be used as the service sink for hand-washing and disinfection of equipment. Therefore, there is no separate service sink requirement for cosmetology establishments.



Kansas Consumer Protection Act (KCPA) Deceptive or Fraudulent Business Practices

Have you purchased a product, training course, device or equipment for your business only to learn that product, training course, device or equipment is not allowable under your current scope of licensure pursuant to Kansas Statutes and regulations?

The beauty industry is often targeted with quick money-making scams promoting false claims to consumers regarding use, safety and effectiveness of a product, device, equipment or even the ability to provide a service using such products, devices and equipment under your scope of licensure in Kansas. Being the victim of these scams can be costly and could potentially lead to consumer injuries and fines for operating outside the scope of your licensure. It can be very frustrating to spend your money on a training class or equipment for a service or with a new device or product only to find out, contrary to the information provided, that you must also be supervised by a doctor to provide such services or obtain additional licensure.

The Kansas Consumer Protection Act (KCPA) is a law to help protect Kansas consumers from deceptive or fraudulent business practices. To be covered under the KCPA, a business must meet the definition of "consumer", which is defined by the KCPA as "an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household, business or agricultural purposes."

If you have been a victim of or have been targeted by harmful beauty industry scams, please file a complaint with the Kansas Consumer Protection Division so it can be properly investigated: <https://ag.ks.gov/complaint-center/consumer>. For additional questions, you may contact the consumer protection hotline: 1-800-432-2310 | (785) 296-3751 | Fax: (785) 291-3699.

Separation Requirements

On May 9th, the Board and the KDHE approved updates to the Board's Separation Requirements Policy No. 001-21. The updates include language clarifying that exempted services under K.S.A 65-1901 and KSA 65-1928 may be provided in licensed cosmetology profession establishments without separation.

The Board may require separation by solid partition or by separate outside entrance if it determines, in consultation with the Kansas Department of Health and Environment (KDHE), that the proximity of unlicensed or licensed services to the licensed professional cosmetology or body art services poses a possible threat to the health of the employees, the consumers, or the public. (K.A.R. 28-24-13(c)) (K.A.R. 69-15-16(i)(j)).

Click [here](#) to view the updated policy.

Members of the Board.

David Yocum - Chair
Cosmetology Profession Schools

Nichole Hines - Vice Chair
Cosmetology

Kelly Robbins
Tanning

Tina Burgardt
Cosmetology

Ashley Rangel
Esthetics

David Tucker
Body Art

Kimberley Mancuso
General Public

Mary 'Blubaugh
General Public

Licensee Milestones

The Board would like to recognize and congratulate the following licensees on over 50 years of professional licensure!

Linda Dickson - 56 Years
Sharon Cummings - 59 Years
Myrna McIntosh - 68 Years
Ruby Spain - 69 Years
Betty Martinous - 74 Years

According to The Salon Business website: www.thesalonbusiness.com/, a cosmetologist sees 6-20 clients a day on average, depending on the business model of the salon. Using that average, cosmetologists working 40 hours a week provide anywhere from 30 to 100 services a week. That is about 1,560 to 5,200 services a year. Over the course of 50 years, a cosmetologist will have provided anywhere from 75,000 to 260,000 services to individuals in the State of Kansas. Click [here](#) to review the reference article.

Congratulations and thank you for your service to the State of Kansas, you are appreciated.

“Meetings are held virtually. Use the link provided on the Board Agenda to join the meeting.”

Future Board Meeting Dates

Click [here](#) to find the 2022 Board meeting dates as well as previous Board meeting agendas and minutes on our website.

Meetings are held virtually. Use the link provided on the Board Agenda to join the meeting.

Quick View

9:30 AM
June 13
July 11
August 15
Sept. 12
Oct. 10
Nov. 14
Dec. 12

Contacting the Board

Kansas Board of Cosmetology
714 S.W. Jackson, Ste. 100
Topeka, Kansas 66603
Phone (785) 296-3155
Fax (785) 296-3002
Email kboc@ks.gov
Website www.kansas.gov/kboc/

Staff Directory

Direct Line Telephone numbers and email addresses of Board staff can be found on our website contact page. Please [click](#) here to view the page.

KBOC License Renewal Options

KBOC offers three different ways to renew.

- * Online
- * Email
- * Mail

KBOC will also, upon request, print a renewal form and mail it to your address if needed. Please click [here](#) to review the renewal options currently available.



Kansas Board of Cosmetology

714 SW Jackson St, Suite 100
Topeka, KS 66603
(785) 296-3155
kboc@ks.gov

