

# KANSAS BOARD OF COSMETOLOGY HEALTH & SANITATION REGULATIONS

**28-24-1. Definitions.** (a) **Apprentice** has the meaning specified in K.S.A. 65-1901, and amendments thereto.

(b) **Bleach solution** means a mixture consisting of one part liquid bleach and nine parts water. The solution shall be kept in a closed container, and a fresh solution shall be made at least once every 24 hours.

(c) **Board** means the Kansas board of cosmetology.

(d) **Clean** means free from all soil and dirt and washed with soap or detergent.

(e) **Communicable disease or condition** means a disease or condition that is diagnosed by a licensed health care professional as being contagious or transmissible and that can be transmitted in the practice of cosmetology, nail technology, electrology, or esthetics.

(f) **Consumer** means a person who receives services from a licensed cosmetologist, electrologist, manicurist, esthetician, or cosmetology technician.

(g) **EPA** means the United States environmental protection agency.

(h) **Establishment** means any place licensed by the board of cosmetology where cosmetology, nail technology, electrology, or esthetics is practiced, other than a school.

(i) **FDA** means the food and drug administration of the United States department of health and human services.

(j) **Licensee** means any person licensed as a cosmetologist, cosmetology technician, manicurist, electrologist, esthetician, or instructor.

(k) **Mobile establishment** means a self-contained, enclosed mobile unit licensed for the practice of one or more of the following: (1) Cosmetology; (2) nail technology; (3) esthetics; and (4) electrology.

(l) **Noninvasive**, when used to describe procedures or services, means the procedures or services confined to the nonliving cells of the epidermis found in the stratum corneum layer of the skin. The practice of cosmetology, nail technology, or esthetics shall not alter, cut, or damage any living cells.

(m) **Operator** means the person who is licensed to operate an establishment or school.

(n) **Product** means any liquid, cream, powder, spray, or other material used on the consumer in the practice of cosmetology, electrology, nail technology, or esthetics.

(o) **Protective gloves** means gloves made of vinyl or latex or of an alternate material that provides equivalent protection.

(p) **School** means any place licensed by the board of cosmetology for the training of cosmetologists, manicurists, estheticians, electrologists, and instructors-in-training.

(q) **Single-use**, when used to describe presterilized products or items, means presterilized products or items intended to be disposed of immediately after one use.

(r) **Universal precautions** means the following guidelines and controls published by the centers for disease control (CDC), which are hereby adopted by reference:

(1) Guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers: a response to P.L. 100-607, the health omnibus programs extension act of 1988, as published in morbidity and mortality weekly report (MMWR) on June 23, 1989, vol. 38, no. S-6; and

(2) recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures, as published in morbidity and mortality weekly report (MMWR) on July 12, 1991, vol. 40, no. RR-08.

**28-24-2. Personal cleanliness.** (a) Each licensee or apprentice shall thoroughly wash that person's hands with liquid soap and water or with any equally effective cleansing solution before serving each consumer.

(b) Each licensee or apprentice serving a consumer shall be clean at all times. This requirement shall include the uniform or attire worn by the licensee or apprentice.

**28-24-3. Communicable diseases or conditions; universal precautions.** (a) No licensee or apprentice afflicted with a communicable disease or condition, as defined in K.A.R. 28-24-1, shall be permitted to work or train in a school or establishment.

(b) Services shall not knowingly be performed on or by any person who has a communicable disease or condition or parasites that could be transmitted in the delivery of services under these regulations. Blood-borne diseases, including HIV infection, hepatitis B (HBV), and hepatitis C (HCV), shall not be considered infectious or contagious communicable diseases or conditions under this regulation.

(c) If there is a likelihood of exposure to blood or body fluids while practicing cosmetology, nail technology, esthetics, or electrology, the apprentice or licensee shall wear single-use protective gloves and shall adhere to universal precautions when exposed to blood or body fluids.

(d) If a blood spill occurs, the licensee or apprentice shall perform all of the following procedures:

- (1) Stop service immediately;
- (2) don protective gloves;
- (3) clean the injured area with an antiseptic solution and cover the wound with a sterile bandage to prevent further blood exposure;
- (4) double-bag and dispose of all contaminated items;
- (5) clean and disinfect all equipment, tools, and implements that have come in contact with the blood; and
- (6) clean the station with disinfectant.

**28-24-4. Towels, robes, and linens.**

(a) After a towel, robe, or linen has been used once, the licensee or apprentice shall deposit the item in a closed and labeled receptacle and shall not use the towel, robe, or linen again until the item has been properly laundered and sanitized.

(b) Each licensee or apprentice shall launder used towels, robes, and linens using either regular commercial laundering or a noncommercial laundering process in which the towels, robes, and linens are immersed in water with a temperature of at least 140 degrees Fahrenheit for at least 15 minutes during the washing or rinsing operation.

(c) Each licensee or apprentice shall store all clean towels, robes, and linens in a clean, closed, and labeled cabinet.

**28-24-5. Headrests, shampoo bowls, treatment tables, and sinks.** (a) Each licensee or apprentice shall sanitize the shampoo bowls, back bars, service chairs, manicure and treatment tables, sinks, non-porous surfaces, and workstation areas before each consumer service. Each treatment table or manicure table shall be covered with a clean sheet of examination paper or a clean towel or linen for each consumer service. Each item, except for any single-use item, that comes into contact with skin shall be disinfected before the item is used in providing services to another consumer.

(b) Each establishment shall have at least one shampoo bowl with a shampoo spray, in working order at all times, to be used with hot and cold running water.

(c) Each school shall have at least two hand washing sinks with hot and cold running water in the work area.

**28-24-6. Bottles and containers.** Each licensee or apprentice shall ensure that each bottle and container in use shall be distinctly and correctly labeled to disclose the contents. In addition, each bottle or container containing any poisonous or caustic substance shall be distinctly marked as such and shall be stored in an area that is not open to the public.

**28-24-7. Products.** (a) Each licensee or apprentice shall keep all products in properly labeled, clean, and closed containers.

(b) When only a portion of a product is to be used on a consumer, the licensee or apprentice shall remove the product from a bulk supply container in a way that does not contaminate the unused portion. The licensee or apprentice shall discard any remaining portion that is not used during that consumer's service.

(c) Each licensee or apprentice shall maintain all products in a manner that keeps the products free of contaminants.

(d) A licensee or apprentice shall not use in any establishment or school any product banned or restricted by the FDA for use in cosmetology, nail technology, esthetics, or electrology.

**28-24-8. Instruments and supplies.** (a) Each licensee or apprentice shall use a sanitary neck strip or towel to keep the full-length protective covering from coming in direct contact with the neck of each consumer receiving cosmetology services.

(b) Each licensee or apprentice shall dispose of any supplies or instruments that come in direct contact with a consumer and cannot be disinfected or sterilized. These supplies or instruments shall be disposed of in a covered waste receptacle immediately after the single use.

(c) Each licensee or apprentice shall immediately dispose of any single-use material coming into contact with blood or other bodily fluids. The contaminated material shall be double-bagged, sealed, and disposed of. All needles and any other sharp items shall be disposed of in a sharps container.

(d) Each sanding band used on an electric file shall be a single-use item. The licensee or apprentice shall dispose of each sanding band after it is used.

(e) In the practice of electrology, all needles shall be single-use items. The licensee or apprentice shall dispose of each needle after it is used.

(f) Each licensee or apprentice shall properly disinfect each metal bit for an electric file after each use on a consumer and then shall store the bit in a clean, closed, and labeled container until its next use.

(g) No licensee or apprentice shall be permitted to carry any instrument or supplies in or on a garment or uniform, including an instrument belt and an instrument organizer.

**28-24-9. Pedicure equipment.** For the purposes of this regulation, the term pedicure equipment shall mean any apparatus that holds water for the purpose of pedicure service. Each cosmetologist or manicurist and each apprentice of nail technology or cosmetology shall disinfect and maintain all pedicure equipment according to this regulation.

(a) Each cosmetologist, cosmetology technician, or manicurist and each apprentice of nail technology or cosmetology shall perform all of the following:

- (1) Drain the pedicure equipment of all water and remove all debris from the equipment;
- (2) clean the surfaces and walls of the equipment with soap or detergent and rinse with clean warm water;
- (3) circulate a bleach solution or an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity used according to the manufacturer's instructions through the equipment for 10 minutes and then drain and rinse the equipment with warm clean water; and
- (4) wipe the equipment dry with a clean towel.

(b) At the end of each day, each cosmetologist, cosmetology technician, or manicurist and each apprentice of nail technology or cosmetology shall perform the following:

- (1) Drain the pedicure equipment of all water and remove all debris from the equipment;
- (2) remove all debris trapped behind any removable parts of the equipment;
- (3) (A) Wash all removable parts and the inlet with soap or detergent and then with a bleach solution; or  
(B) totally immerse all removable parts and the inlet in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity used according to the manufacturer's instructions;
- (4) replace all removable parts; and
- (5) flush the equipment with soap and water for 10 minutes and then rinse, drain, and allow the equipment to air-dry.

(c) Each week, each cosmetologist, cosmetology technician, or manicurist and each apprentice shall ensure that all of the following cleaning and disinfecting procedures are followed:

- (1) After the cleaning procedures specified in subsection (b) are followed, the pedicure equipment shall be filled with bleach solution, which shall be circulated through the system for five to 10 minutes before the jets are turned off.
- (2) The bleach solution shall be allowed to remain in the equipment for at least six hours. Then the equipment shall be drained and flushed with warm clean water.

**28-24-10. Disinfecting nonelectrical instruments and equipment.** (a) Each licensee or apprentice shall disinfect each nonelectrical instrument or piece of equipment in the following manner before it is used on a consumer:

- (1) Clean the instrument or equipment with soap or detergent and with water;
- (2) rinse the instrument or equipment with clean water; and
- (3) use one of the following disinfection methods:
  - (A) Totally immerse the instrument or equipment in an EPA-registered, hospital-grade disinfectant that has demonstrated bactericidal, fungicidal, and virucidal activity when used according to the manufacturer's instructions and then rinse the instrument or equipment with clean water; or
  - (B) totally immerse the instrument or equipment in bleach solution for 10 minutes and then rinse the instrument or equipment with clean water.

(b) Each licensee or apprentice shall immediately disinfect each nonelectrical instrument or piece of equipment that has come in contact with blood or other body fluids. The instrument or equipment shall be disinfected in the following manner:

- (1) Clean with soap or detergent and with water;
- (2) rinse with clean water; and
- (3) totally immerse in an EPA-registered, hospital-grade disinfectant that has demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity when used according to the manufacturer's instructions and rinse with clean water.

(c) Each licensee and apprentice shall ensure that the disinfectant solutions or bleach solution specified in subsections (a) and (b) are prepared, available for use, and covered at all times. EPA-registered disinfectants shall be changed at least once per week or more often if the solution becomes visibly cloudy or dirty. A bleach solution shall be prepared daily or more often if the solution becomes diluted or dirty.

(d) For each disinfectant used as specified in subsections (a) and (b), one of the following shall be available at all times in the establishment or school and shall be provided upon request to the board of cosmetology or the board's designee:

- (1) The manufacturer's material safety data sheet (MSDS); or
- (2) the manufacturer-labeled container.

(e) Each instrument that has been used on a consumer or soiled in any manner shall be placed in a properly labeled, covered receptacle until the instrument is disinfected.

(f) All disinfected instruments shall be stored in a properly labeled, clean, enclosed cabinet or covered container reserved for clean instruments only.

(g) The electrolysis instruments and equipment that are sterilized in accordance with K.A.R. 28-24-12 shall not be subject to the requirements of this regulation.

**28-24-11. Disinfecting electrical instruments.** (a) Each licensee or apprentice shall disinfect each instrument in the following manner before providing any service to each consumer:

- (1) Remove all foreign matter from the instrument; and
- (2) use one of the following disinfection methods:
  - (A) Completely saturate the portion of the electrical instrument that comes in contact with the consumer with a bleach solution or with a disinfectant liquid spray or foam that is EPA-registered and has demonstrated bactericidal, fungicidal, and virucidal activity when used according to the manufacturer's instructions; or
  - (B) with a bleach solution, completely saturate the portion of the electrical instrument that comes into contact with the consumer, and then rinse that portion of the electrical instrument with clean water.

(b) All electrical instruments and equipment that have come in contact with blood or other body fluids shall be disinfected immediately in the following manner:

- (1) Remove all foreign matter from the instrument; and
- (2) use one of the following disinfection methods:
  - (A) Completely saturate the portion of the electrical instrument that comes in contact with the consumer with a bleach solution or with a disinfectant liquid spray or foam that is EPA-registered and has demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity when used according to the manufacturer's instructions; or
  - (B) with a bleach solution, completely saturate the portion of the electrical instrument that comes into contact with the consumer, and then rinse the instrument with clean water.

(c) Each disinfected electrical instrument shall be stored in a properly labeled, clean enclosed cabinet or covered container reserved for clean instruments only.

**28-24-13. Physical facilities.** (a) The operator of each school or establishment shall meet the following requirements:

- (1) Keep the school or establishment well lighted and well ventilated by natural or mechanical methods that remove or exhaust fumes, vapor, or dust to prevent hazardous conditions from occurring and to allow the free flow of air in a room in proportion to the size and the capacity of the room; and
- (2) keep the floors, walls, ceilings, furniture and other fixtures and apparatus, and all other exposed surfaces in each school or establishment clean, free of dust, hair and other debris, and in good repair at all times. All curtains shall be kept carefully laundered or chemically cleaned.

(b)(1) Except as provided in paragraph (b)(2), if a room used for residential purposes is also used for or is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, then 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.

(2) 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.

(c) If a room used for nonlicensed 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 of cosmetology, upon consultation with the secretary of health and environment, determines that the proximity of the licensed or nonlicensed activities poses a possible threat to the health of the employees, the consumers, or the public, then the operator of the school or establishment may be required by the board to meet one or both of the following requirements:

- (1) A solid partition shall separate the portion of the premises used for nonlicensed 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.

(d) Each school or establishment shall have a safe water supply.

(e) Each establishment shall have at least one restroom. Each restroom shall include at least one working toilet and one hand-washing sink, with a liquid soap dispenser and either disposable towels or an air dryer. The operator shall keep each restroom in a sanitary condition. Each restroom shall be located within the building in which the establishment is housed.

(f) Each school shall have at least two restrooms. Each restroom shall have at least one working toilet and one hand-washing sink, with a liquid soap dispenser and either disposable towels or an air dryer. The operator shall keep each restroom in a sanitary condition.

(g) The following requirements shall apply to each mobile establishment:

- (1) All equipment shall be securely anchored to the mobile establishment.
- (2) No services shall be performed while the mobile establishment is in motion.
- (3) Each mobile establishment shall have the following:
  - (A) A hand-washing sink that has hot and cold running water;
  - (B) a self-contained supply of potable water. The water tank shall have a capacity of at least 100 gallons, and the holding tanks shall have at least the same capacity; and
  - (C) one or more self-contained, recirculating, flush chemical toilets with a holding tank.

**28-24-14. Prohibitions.** (a) The following shall be prohibited in any area of an establishment or school in which consumers are provided service:

- (1) Smoking, eating, possessing or consuming alcoholic beverages, or preparing food;
- (2) using neck dusters or nail dusters;
- (3) possessing any animal in the establishment or school. This prohibition shall not apply to any assistance dog, as defined in K.S.A. 39-1113 and amendments thereto;
- (4) using a razor-type device to remove calluses or skin blemishes;
- (5) using invasive skin-removal techniques, products, and practices that remove viable cells that are deeper than the stratum corneum; and
- (6) placing waste in open waste containers.

(b) The operator of a school or establishment shall not permit excessive amounts of waste, refuse, or any other items that could cause a hazard to accumulate on the premises of the school or establishment.