

28-24-1. Definitions. As used in this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation: (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~~ chlorine bleach used for disinfection purposes. Bleach solution shall be mixed, stored, and used according to manufacturer's instructions.

(e) (b) "Board" means the Kansas board of cosmetology.

(d) (c) "Clean" means ~~free from all soil and dirt and washed with soap or detergent free of visible or surface debris through washing with soap and water or with detergent and water.~~ Clean shall not mean disinfected.

(e) (d) "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~~ during the practice of cosmetology, nail technology, electrology, or esthetics.

(f) (e) "Consumer" means ~~a person who receives services from a licensed cosmetologist, electrologist, manicurist, esthetician, or cosmetology technician~~ any individual who receives cosmetology, electrology, nail technology, or esthetic services.

(f) "Disinfect" means to use a disinfectant on a clean, nonporous item or surface to kill bacteria, viruses, and fungi.

(g) "Disinfectant" means an EPA-registered disinfecting solution that is bactericidal, virucidal, and fungicidal. Disinfectants can be in the form of a liquid concentrate, wipe, spray,

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or foam.

~~(g)~~ (h) "EPA" means the United States environmental protection agency.

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

~~(i)~~ (j) "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~~ or
- (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.~~

"Practitioner" means an individual who practices cosmetology, nail technology, electrology, or esthetics.

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(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 substance used on a consumer in the practice of cosmetology, electrology, nail technology, or esthetics.

(o) "Protective gloves" means single-use gloves made of nitrile, vinyl, or latex or of an alternate material that provides equivalent protection.

(p) "Safety data sheet" and "SDS" mean written or printed material concerning a hazardous chemical that is prepared in accordance with 29 C.F.R. 1910.1200(g).

(q) "School" means any place licensed by the board of cosmetology for the training of cosmetologists, manicurists, estheticians, electrologists, and instructors in training where cosmetology, esthetics, nail technology, or electrology is taught.

(~~q~~) (r) "Single-use," when used to describe ~~presterilized products or items, means presterilized products or items intended to be disposed of immediately after one use~~ an item used in the practice of cosmetology, nail technology, electrology, or esthetics, means that the item is porous and cannot be disinfected, regardless of manufacturer designation.

(s) "Sterilization" means the process used to render an instrument free of all forms of living microorganisms by use of a steam autoclave sterilizer or dry-heat sterilizer. The use of ultraviolet light shall not be an acceptable form of sterilization.

(~~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~~

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~~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.~~

(Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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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~~ Each practitioner shall clean that individual's hands or use an alcohol-based hand sanitizer before and after each consumer service. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended P-_____.)

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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. No practitioner shall provide either of the following:~~

(1) Any service to a consumer who has pediculosis, open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, until the consumer furnishes to the practitioner a statement signed by a licensed physician stating that the communicable disease or condition is not in an infectious, contagious, or communicable stage; or

(2) any service while having pediculosis, open sores, or inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, until the practitioner obtains a statement signed by a licensed physician stating that the communicable disease or condition is not in an infectious, contagious, or communicable stage.

~~(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. If a service has been started and a practitioner discovers that a consumer has pediculosis, open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice, including head, body, or pubic, or ringworm, the practitioner shall perform the following:~~

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- (1) Stop services immediately in a safe manner;
- (2) inform the consumer why the service was stopped; and
- (3) clean and disinfect all affected tools, work areas, and waiting areas.

(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~~ practitioner shall wear single-use protective gloves, and shall adhere to universal precautions when exposed to blood or body fluids each contaminated single-use item shall be double-bagged, sealed, and disposed of in a closed waste receptacle.

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

- (1) Stop service immediately;
- (2) ~~don~~ put on 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~~ clean and disinfect all equipment, instruments, and surfaces that came in contact with blood; and

(5) ~~clean and disinfect all equipment, tools, and implements that have come in contact with the blood; and~~

(6) ~~clean the station with disinfectant~~ double-bag all contaminated items, including gloves, and dispose of the contaminated items in a closed waste receptacle. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended

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28-24-4. Towels, robes, and Linens and capes. (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~~ After each service, each practitioner shall place all used linens, including towels, robes, and sheets, in a closed and labeled container or an enclosed storage area, including closets and cabinets. The practitioner shall not use these linens again until each item has been cleaned in a washing machine with detergent and hot water. After being cleaned, the linens shall be dried until no moisture remains in the fabric.

(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~~ Each cape shall be cleaned or disinfected after each service.

(c) ~~Each licensee or apprentice shall store all clean towels, robes, and linens in a clean, closed, and labeled cabinet~~ All clean linens and capes shall be stored in a closed and labeled container or an enclosed storage area. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended

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28-24-5. ~~Headrests, shampoo bowls, treatment tables, and sinks~~ Surfaces and treatment tables.

(a) ~~Each licensee or apprentice shall sanitize the shampoo bowls, back bars, service chairs, manicure and treatment tables, sinks, nonporous surfaces, and workstation areas before each consumer service~~ Each practitioner shall daily disinfect any surface that came into contact with a consumer during services, including shampoo bowls, chairs, headrests, and treatment tables.

(b) ~~Each treatment table or manicure table shall be covered with a clean sheet of examination paper or a clean towel, paper towels, or linen for each consumer service before providing services to each consumer. 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 handwashing sinks with hot and cold running water in the work area.~~ (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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28-24-6. Bottles Products 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~~ (a) All products shall be kept in labeled and closed containers. Each container shall be kept clean so that the label is legible. Each container shall be closed when not in use.

(b) If only a portion of a product is to be used on a consumer, each practitioner shall remove the product from its container in a way that does not contaminate the unused portion in the container. Each practitioner shall discard any remaining portion that was removed from the container but was not used during that consumer's service in a covered waste receptacle immediately after use. If cosmetic pencils are used, each pencil shall be sharpened before each use and the sharpener shall be cleaned and disinfected before being used again. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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28-24-7. Products Waxing. (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. Each practitioner shall maintain all wax and sugar paste at a temperature specified by the manufacturer's instructions.~~

(b) No applicators shall be left standing in the wax or sugar paste at any time.

(c) Each roll-on wax cartridge shall be considered a single-use item and shall be disposed of in a covered waste receptacle after the service. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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28-24-8. Instruments and supplies Single-use items. (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 Each practitioner shall store all single-use items separately in a clean, labeled, and covered container or in the manufacturer's original packaging.

(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~~ Each practitioner shall dispose of any used single-use item in a covered waste receptacle immediately after use. All razors and other sharp items shall be disposed of in a sharps container following the service.

(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~~ Each practitioner shall dispose of each sanding band in a covered waste receptacle immediately after it the sanding band 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~~

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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.~~

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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 practitioner shall perform all of the following immediately after each pedicure service:~~

~~(1) Drain the pedicure equipment of all water, and remove all debris from the equipment, and remove all removable parts;~~

~~(2) if a pedicure liner was used during the pedicure service, dispose of the pedicure liner in a covered waste receptacle;~~

~~(3) clean all removable parts and the surfaces and walls of the pedicure equipment, including the inlet and all debris trapped behind any removable parts, with soap or detergent and, rinse with clean warm potable water, and disinfect with a liquid disinfectant used according to the manufacturer’s instructions;~~

~~(3) (4) 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 replace all clean removable parts;~~

~~(5) if a pedicure liner was not used during the pedicure service, perform one of the following:~~

~~(A) If the pedicure equipment is circulating, fill the pedicure equipment with potable~~

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water and circulate a bleach solution or a liquid disinfectant used according to the manufacturer's instructions through the pedicure equipment for 10 minutes and then drain and rinse the pedicure equipment with potable water; or

(B) if the pedicure equipment is noncirculating, allow the bleach solution or liquid disinfectant to stand for 10 minutes and then drain and rinse the pedicure equipment with potable water; and

(4) (6) wipe the pedicure 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.~~

~~(e) Each week, each cosmetologist, cosmetology technician, or manicurist and each~~

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~~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. Each practitioner shall ensure that all pedicure equipment remains in a clean and disinfected condition, even if the pedicure equipment is not in service or not able to be used in a service.~~

~~(Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)~~

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28-24-10. Cleaning and disinfecting nonelectrical instruments and equipment. (a) Each licensee or apprentice practitioner shall disinfect each nonelectrical instrument or piece of equipment in the perform the following manner before it is used on a consumer after each service as applicable:

(1) Clean the each nonelectrical instrument or nonelectrical piece of equipment with soap or detergent and with water;

(2) rinse the instrument or equipment with clean potable water; and

(3) use one of the following disinfection methods:

(A) For instruments and equipment other than shears and makeup brushes, perform one of the following:

(i) Totally immerse the instrument or equipment in an EPA-registered, hospital-grade a disinfectant that has demonstrated bactericidal, fungicidal, and virucidal activity when used and disinfect according to the manufacturer's instructions and then rinse the instrument or equipment with clean potable water; or

~~(B)(ii)~~ totally immerse the instrument or equipment in bleach solution for 10 minutes and then rinse the instrument or equipment with clean potable water;

(B) for shears, use a concentrate, spray, wipe, or foam disinfectant according to the manufacturer's instructions; and

(C) for makeup brushes, use a concentrate, spray, or foam disinfectant according to the manufacturer's instructions.

~~(b) Each licensee or apprentice shall immediately disinfect each nonelectrical instrument or piece of equipment that has come in contact with blood or other~~

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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.~~

~~(e) Each licensee and apprentice practitioner shall ensure that the disinfectant solutions or bleach solution specified in subsections subsection (a) and (b) are is 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 and bleach solution solutions shall be prepared changed daily or more often if the disinfectant or bleach solution becomes diluted visibly cloudy or dirty.~~

~~(d) (c) For each disinfectant used as specified in subsections subsection (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) SDS; or and~~

~~(2) the manufacturer-labeled container with sufficient disinfectant or bleach solution to ensure safe services.~~

~~(e) (d) Each nonelectrical instrument and each nonelectrical piece of equipment that has been used on a consumer or soiled in any manner shall be placed in a properly labeled, covered receptacle container until the instrument or piece of equipment is cleaned and disinfected.~~

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(f) (e) All disinfected nonelectrical instruments and all disinfected nonelectrical pieces of equipment shall be stored in a properly labeled, and clean, enclosed cabinet, drawer, or covered container reserved for clean instruments only.

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

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

- (1) Remove all foreign matter debris from the electrical instrument; and
- (2) use one of the following disinfection methods:

(A) completely saturate the portion of the electrical instrument that comes came 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.

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(e) Each disinfected electrical instrument shall be stored in a ~~properly labeled, clean enclosed cabinet or covered container reserved for clean instruments only~~ clean area on a stand or hook or on a clean towel, covered by a clean towel or in a labeled, clean, closed container or drawer reserved for clean instruments only.

(c) At the end of each day, all towels remaining in a towel warmer shall be removed. The towels shall not be reused until properly laundered. Each towel warmer shall be disinfected daily according to the manufacturer's instructions.

(d) Each practitioner shall clean and disinfect each metal bit and mandrel for an electric file after each use on a consumer and then shall store the bit and mandrel in a clean, closed, and labeled container until the next use. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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28-24-12. Electrolysis instruments, equipment, and practices. Each practitioner shall use only single-use electrolysis instruments or sterilized electrolysis equipment shall be used on a consumer.

(a) ~~Each licensee or apprentice practitioner shall first clean all non-single-use nonelectrical instruments or equipment that comes in contact with an individual consumer by performing each of the following steps after each use with an individual consumer and before sterilization:~~

~~(1) Clean the instruments or equipment with warm, soapy water with detergent to remove visible debris;~~

~~(2) rinse and air-dry the instruments or equipment; and~~

~~(3) immerse the non-single-use electrolysis instruments or equipment in an ultrasonic unit that is operated in accordance with the manufacturer's instructions and that contains potable water and either a protein-dissolving an enzyme detergent or an enzyme cleaner after each use and before sterilization.~~

(b) ~~Each licensee or apprentice practitioner shall ensure that all non-single-use nonelectrical electrolysis instruments and equipment are sterilized by adhering to either or both of the following practices as follows:~~

~~(1) By placing reusable electrolysis instruments in glass test tubes or sterilization bags with color strip indicators and then placing the test tubes or bags in a steam autoclave sterilizer or a dry-heat sterilizer that is approved and listed by the FDA and that is used, cleaned, and maintained according to the manufacturer's directions; or~~

~~(2) by using single-use, prepackaged, sterilized instruments or equipment obtained from~~

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suppliers or manufacturers.

(c) Each steam autoclave sterilizer and each dry-heat sterilizer shall meet the following requirements:

(1) Be approved by the ~~U.S. food and drug administration~~ (FDA);

(2) contain visible physical indicators, including a thermometer and a timer, necessary to ensure that the steam autoclave sterilizer is functioning properly during sterilization cycles;

(3) be used with chemical indicators that change color after exposure to the sterilization process, to ensure that all sterilization requirements are met; and

(4) be cleaned, used, and maintained according to the manufacturer's instructions.

(d) Each cleaned electrolysis instrument or piece of equipment shall be sterilized in accordance with the manufacturer's instructions for each specific sterilizer and by utilizing one of the following:

(1) Steam autoclave sterilizer. If a steam autoclave sterilizer is used, the instruments or equipment shall be sterilized for 15 to 20 minutes at 250 degrees Fahrenheit, and the pressure shall consist of 15 to 20 pounds per square inch (psi).

(2) Dry-heat sterilizer. If a dry-heat sterilizer is used, the instruments and equipment shall be sterilized for either 60 minutes at 340 degrees Fahrenheit or 120 minutes at 320 degrees Fahrenheit.

(e) ~~Each operator~~ The owner of each establishment shall use a sterilization-monitoring service or laboratory using commercially prepared spores at least monthly to ensure that all microorganisms have been destroyed and sterilization has been achieved.

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(1) ~~Each operator~~ The owner of each establishment shall maintain a log at the establishment with the date and results of each monthly test for ~~a minimum of~~ at least three years and shall make the records available for review at any time by the board or the board's designee.

(2) A copy of the manufacturer's procedural manual for operation of the steam autoclave sterilizer or dry-heat sterilizer shall be available for inspection by the board or the board's designee.

(f) ~~Each licensee or apprentice practitioner~~ shall place only the single-use instrument or sterilized equipment to be used for each consumer on a clean ~~field~~ nonporous surface and shall replace the clean ~~field~~ surface with a new clean ~~field~~ surface after each ~~consumer service~~.

(g) ~~Each licensee or apprentice practitioner~~ shall dispose of ~~each needle~~ all needles and any other sharp ~~equipment items~~ in a ~~puncture-resistant, leakproof container that can be securely closed for the handling, storage, transportation, and disposal of sharps~~ container following the service. ~~The container shall be red and shall be labeled with the biohazard symbol.~~

(h) The surface of each counter, each ~~piece of furniture~~ treatment table, and each piece of equipment in each area where a consumer is served shall be made of smooth, nonporous materials. ~~Each licensee or apprentice practitioner shall clean these surfaces~~ disinfect all nonporous surfaces, including counters, treatment tables, and pieces of equipment, after each service by using either an EPA-registered a disinfectant according to the manufacturer's instructions or a bleach solution. (Authorized by and implementing K.S.A. 65-1,148; effective

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Jan. 4, 1993; amended Oct. 5, 2007; amended P-_____.)

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28-24-13. Physical facilities. Each owner of a school, an establishment, or a mobile establishment shall ensure that the applicable requirements of this regulation are met.

(a) ~~The operator of each school or establishment shall meet the following requirements:~~

~~(1) Keep the~~ Each school or establishment shall be well lighted lit 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~~ The floors, walls, ceilings, furniture, and fixtures shall be clean and in good repair at all times.

~~(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,

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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~~ owner of the school or establishment ~~may be required by the board to meet~~ 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 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~~ shall have plumbing that provides hot and cold running, potable water at all times and that provides for the disposal of used water.

(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.

(2) Each restroom shall include at least one working toilet and one hand-washing sink with hot and cold running water, with a liquid soap dispenser, and either disposable towels or an air dryer. ~~The operator shall keep~~ Each restroom shall be kept in a sanitary condition.

(3) Each restroom shall be located ~~within the building in which the establishment is housed.~~ A restroom sink shall not be used for services or for cleaning instruments or equipment.

(f)(1) ~~Each school shall have at least two restrooms. Each restroom shall have at least~~

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~~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 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.

(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.

(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~~ 20 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.

(Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended P-_____.)

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

(1) ~~Smoking, eating, possessing or consuming alcoholic beverages, or preparing food in~~ the service area;

(2) using neck dusters ~~or~~ and 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~~ devices 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~~ receptacles;

(7) possessing methyl methacrylate monomer (MMA); and

(8) using any product banned or restricted by the board for use in cosmetology, nail technology, esthetics, or electrology.

(b) No practitioner shall carry any instrument or supplies in or on a garment or uniform, including an instrument belt and an instrument organizer.

(c) The ~~operator~~ owner 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. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended P-_____.)

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