



# TANNING NEWS

Kansas Board of Cosmetology Quarterly Newsletter

October 2016

## Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Kansas Board of Cosmetology at 1:30 p.m. on October 25, 2016 in the Board Conference Room, 714 S.W. Jackson, Suite 100, Topeka, Kansas, to consider a new regulation. The Notice of Hearing and copies of the proposed regulation may be found on the Board's website at [www.kansas.gov/kboc](http://www.kansas.gov/kboc).

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Board of Cosmetology, c/o Aubrie Pryer, Compliance Supervisor, 714 S.W. Jackson, Suite 100, Topeka, Kansas 66603 or by email to [aubrie.pryer@ks.gov](mailto:aubrie.pryer@ks.gov).

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed permanent regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Aubrie Pryer at (785) 296-4414 or the Kansas Relay Center at 1-800-766-3777. Handicapped parking is located directly outside the building and the entrance to the building is accessible. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impacts follows:

**K.A.R. 69-12-18 – Access to Tanning Devices.** This is a new regulation and would carry out the provisions of 2016 HB 2456 (L. 2016, ch. 91, New Section 1) which requires tanning facility operators to prohibit minors' access to tanning devices.

### Members of the Kansas Board of Cosmetology

**David Yocum - Chair**  
School Representative - Manhattan

**Tina Burgardt**  
Cosmetologist - Garden City

**Glenda Chappell**  
Public Member - Kansas City

**Kimberley Holm**  
Public Member - Kansas City

**Roger Holmes - Vice Chair**  
Tanning Representative - Stillwell

**Kathryn Skepnek**  
Cosmetologist - Lawrence

**Janey McCarthy**  
Cosmetologist - Topeka

**Matthew Goss**  
Tattoo Artist - Manhattan

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#### **Mission Statement**

*To protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.*

## Proposed Administrative Regulations

The Board will hold a public hearing on October 25, 2016 at 1:30 p.m. to discuss a new regulation regarding minors access to tanning devices.

HB 2456, which prohibits minors from tanning, was signed by the Governor on May 13, 2016. The law took effect on July 1, 2016. The Board is required to adopt regulations to carry out the prohibition against minors tanning.

The bill states the following:

### New Section 1.

- (a) No tanning facility shall provide access to a tanning device for any person under 18 years of age.
- (b) In addition to the board's authority to impose discipline pursuant to K.S.A. 65-1920, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$250 against a licensee for each violation. Such fine may be assessed in lieu of or in addition to such discipline.
- (c) The board shall adopt rules and regulations as necessary to effectuate the provisions of this section. Such rules and regulations shall be adopted no later than January 1, 2017.

### New Section 2.

K.S.A. 65-1920 through 65-1929 and section 1, and amendments thereto, shall be known and may be cited as the Kansas tanning facilities act.

### Proposed Regulation

The Board has proposed that facility operators verify the age of consumers by viewing their government issued photo identification.

**69-12-18. Access to tanning devices.** Each tanning facility operator shall verify that each consumer accessing any tanning device in the tanning facility is at least 18 years of age. Verification shall be obtained by viewing a government-issued driver's license or other photo identification that includes the consumer's date of birth.

### Fines

Once a regulation is finalized, the Board will consider the fine amount for allowing a minor to use a tanning device.

### Comments

You may attend the public hearing at the Board office on October 25, 2016 at 1:30 p.m.

If you do not want to attend the hearing or you are unable to attend, submit your written comments regarding the proposed regulation to the Board. If you would like to email your comment, please send your email to aubrie.pryer@ks.gov. Written comments must be received by October 25, 2016.

## Federal Regulations

There are two federal regulations that were previously discussed in the Board's January and July Newsletters that have been in the final rulemaking process since June.

One of the federal regulations also prohibits minors from tanning. To view the regulations and their status, please visit the Federal Food and Drug Administrations website at:

### Restricted, Sale, Distribution, and Use of Sunlamp Products

<https://www.regulations.gov/docket?D=FDA-2015-N-1765>

### Sunlamp Performance Standards

<https://www.regulations.gov/docket?D=FDA-1998-N-0880>

Any final rule would take effect 90 days after its date of publication in the Federal Register.

## Establishment Applications

The Board has updated the establishment license application in an effort to simplify the application process and to make the form easier to understand. A certificate of training is no longer required to be submitted with the application. The new form also includes a compliance inspection checklist.

The form is used for new establishments, an establishment changing locations, or an establishment completely changing ownership. To add or remove one or more owners, you should still use the Change of Ownership Form. If you are paying by credit card, you will also need to complete the Credit Card Authorization Form.

## Renewal Postcards

In July, the Board ceased mailing renewal forms and began sending postcards to licensees reminding them to renew their license. Renewal postcards are sent at least 30 days prior to the expiration date of your license. You may renew your license online or if you want to complete a paper renewal form, you may download the form from our website.

## License Numbers

If you have recently received a renewal postcard or license, you may have noticed a three digit prefix in front of your license number. In the July Newsletter, the Board announced that prefix numbers would be used as the result of the Board moving to a new version of its licensing database.

Both the prefix and license number are required to renew a license online. A list of prefixes can be found in the online renewal portal and on our website.

## Establishment Online Renewals

The Board is pleased to announce that a registration code is no longer needed to renew your license online.

## Mobile Inspections

In July, the Board announced that it would soon be conducting mobile inspections. Mobile inspections are performed with tablets instead of paper forms. The inspection results are emailed to the owner and must be printed and posted in the establishment.

In August, the Board launched a pilot program in Region 2 where all inspections are now being conducted on the mobile platform. The Board is continuing to refine the mobile inspection program and plans to conduct mobile inspections in all regions by the end of the year.

## Staff News

In August, the Board welcomed a new inspector to the agency. Janet Durheim will inspect establishments located in Region 3.

### Janet Durheim - Inspector Region 3



My legal background is extensive as I worked for the Kansas Department of Health & Environment for the past 11 years and previously served as a legal assistant in a law firm for five years. I am very excited for the opportunity to utilize my legal skills and knowledge of regulations and statutes to ensure the safety and health of consumers. I look forward to serving you.

## Inspector Opening

The Board currently has an opening for an inspector in Region 4. The Region 4 inspector conducts inspections in Johnson and Wyandotte Counties. To view the position description and to apply, please visit:

<https://www.da.ks.gov/ps/pub/jobpostings.asp>

## Sr. Administrative Assistant - Legal

The Board currently has an opening in the Board office for a Senior Administrative Assistant in the Enforcement Division.

To view the position description and to apply, please visit: <https://www.da.ks.gov/ps/pub/jobpostings.asp>

## 2016 Board Meeting Schedule

*October 10 - Teleconference  
November 14 - Board Office  
December 12 - Teleconference*

## Contact Us

714 S.W. Jackson, Ste. 100  
Topeka, Kansas 66603

Phone: (785) 296-3155  
Fax: (785) 296-3002



Find us on:  
**facebook**

Email: [kboc@ks.gov](mailto:kboc@ks.gov)  
Website: [www.kansas.gov/kboc](http://www.kansas.gov/kboc)

## Staff Contacts

Direct Line Telephone Numbers and Email Addresses can be found on our website at [www.kansas.gov/kboc](http://www.kansas.gov/kboc)

### Chiquita C. Coggs

### Executive Director

#### ADMINISTRATION

Ms. Gloeckner  
Assistant Director

Personnel Services, Budget,  
IT, Website

Mary Ann Robison

Accounts Receivable/  
Payable

Mary Lou Cheray

File Management

#### LICENSING

LeAnna Hickman  
Director of Licensing

Facility Paper Renewals,  
Schools, Instructors,  
Continuing Education,  
Open Records Requests

Michaela Ewing

Initial Practitioner Licensure,  
Examinations, Temporary  
Permits, Body Art Licensure,  
Out-of-State Licensure,

Vickie Rodriguez

Facility Licensure, All Online  
Renewals, Practitioner  
Renewals, Duplicate  
Licenses

Darla Ray

Name/Address Changes  
Facility/Owner Changes  
Board Verifications

#### ENFORCEMENT

Aubrie Pryer  
Compliance Supervisor

Inspection Program  
Disciplinary Actions

Vacant

Felonies, Complaints,  
Board Meetings

Ava Fiene  
Wendy Flowers  
Janet Durheim  
Vacant  
Brian Tice

Inspector - Region 1  
Inspector - Region 2  
Inspector - Region 3  
Inspector - Region 4  
Inspector - Region 5