Kansas
Board of Cosmetology

Tattooing
Cosmetic Tattooing
Body Piercing

Statutes, Rules and Regulations

as of November 12, 2021

Agency Mission

The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice in the professions of tattooing, cosmetic tattooing and body piercing.

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Not an official publication

Current Board Fee Schedule

Examination Fees – Paid to Ergometrics

Written examination	$75.00
Practical examination	75.00
Examination Retest (per test)	75.00

Practitioner Fees

Apprentice License	15.00
Trainer License	15.00
Practitioner License	100.00
Practitioner Renewal	50.00
Practitioner Late Renewal ($50 + $25 late fee)	75.00
Practitioner Reinstatement	125.00

Establishment License Fees

Establishment License	50.00
Establishment Renewal	50.00
Establishment Late Renewal ($50 + $30 late fee)	80.00

Other Fees

Duplicate license	25.00

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Laws Relating to Licensees and Establishments

65-1940. Licensure of tattooing and body piercing; definitions. As used in this act, unless the context otherwise requires:

(a) "Board" means the Kansas state board of cosmetology or its designee.

(b) "Director" means the executive director of the board.

(c) "Department" means the department of health and environment.

(d) "Secretary" means the secretary of health and environment.

(e) "Tattoo artist" and "cosmetic tattoo artist" mean a person who practices tattooing or cosmetic tattooing or both pursuant to this act.

(f) "Body piercer" means a person engaged in the practice of body piercing pursuant to this act.

(g) "Body piercing" means puncturing the skin of a person by aid of needles designed or used to puncture the skin for the purpose of inserting removable jewelry through the human body, except puncturing the external part of the human earlobe shall not be included in this definition. This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.

(h) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(i) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments by use of a needle into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(j) "Tattoo establishment" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.

(k) "Body piercing establishment" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.

(l) "Cosmetic tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin, by use of a needle, so as to form indelible marks for cosmetic or figurative purposes.

(m) "Cosmetic tattooing establishment" means any room, space, or any part thereof, where cosmetic tattooing is practiced or where the business of cosmetic tattooing is conducted.

(n) "Court appointed guardian" means one who is appointed by a court and has legal authority and duty to care for another person, especially because of the other's infancy, incapacity or disability.

(o) "Needle" means a sharp, pointed implement used for the purpose of tattooing, cosmetic tattooing or body piercing. The term "needle" does not include any implements or objects altered to be used as needles.

(p) "Trainer" means a licensed individual who guides another in tattooing, cosmetic tattooing or body piercing.

(q) "Apprentice" means any person licensed by the board to engage in learning the practice of tattooing, cosmetic tattooing or body piercing.

History: L. 1996, ch. 138, § 1; L. 2001, ch. 193, § 2; L. 2008, ch. 108, § 11; July 1.

65-1941. **Same; license required to perform certain activities; exceptions; penalty; action to enjoin unauthorized activities; cease and desist orders.** (a) No person, including a tattoo artist, cosmetic tattoo artist or body piercer, shall perform tattooing, cosmetic tattooing or body piercing on another person, display a sign or in any other way advertise or purport to be a tattoo artist, cosmetic tattoo artist or body piercer unless that person holds a valid license issued by the board.

This act does not prevent or affect the use of tattooing, cosmetic tattooing or body piercing by a physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, cosmetic tattooing or body piercing solely on such individual's body.

(b) Violation of subsection (a) is a class A nonperson misdemeanor.

(c) The board may bring an action to enjoin any person required to be licensed under K.S.A. 65-1940 through 65-1954, and amendments thereto, from practicing body piercing, tattooing or cosmetic tattooing if such person does not hold a currently valid license authorizing the person to engage in such practice.

The board may bring an action to enjoin any person from operating an establishment required to be licensed under K.S.A. 65-1940 through 65-1954, and amendments thereto, if such person does not hold a currently valid establishment license.

(d) The board may order the remedying of any violations of rules and regulations of the board or any provision of this act and the board may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board, any rules and regulations of the board or any provision of K.S.A. 65-1940 through 65-1954, and amendments thereto.

History: L. 1996, ch. 138, § 2; L. 2001, ch. 193, § 3; L. 2008, ch. 108, § 12; July 1.

65-1942. Same; prohibited acts; penalty. (a) No person shall:

(1) Sell, barter or offer to sell or barter a license;

(2) purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice tattooing, cosmetic tattooing or body piercing;

(3) alter materially a license with fraudulent intent;

(4) use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered; or

(5) willfully make a false, material statement in an application for licensure or for renewal of a license.

(b) A violation of subsection (a), and amendments thereto, is a class A nonperson misdemeanor.

(c) No person shall:

(1) produce an indelible mark or figure on the body of another by scarring using scalpels or other related equipment;

(2) produce an indelible mark or figure on the body of another by branding using a hot iron or other instrument; or

(3) use any other instrument other than a needle, as defined in K.S.A. 65-1940, and amendments thereto, for the purpose of tattooing, cosmetic tattooing or body piercing.

(d) A violation of any of the prohibitions in subsection (c) is a class A misdemeanor. History: L. 1996, ch. 138, § 3; L. 2001, ch. 193, § 4; L. 2008, ch. 108, § 13; July 1.

65-1943. **Same; application for licensure; fees; requirements for licensure**; **apprentice license; temporary permit**. (a) An applicant for licensure shall pay a

non-refundable fee established by rules and regulations adopted by the board and shall show to the satisfaction of the board that the applicant:

(1) Has complied with the provisions of this act and the applicable rules and regulations of the secretary;

(2) is not less than 18 years of age;

(3) has a high school diploma or equivalent education;

(4) has submitted evidence of completion of education or training prescribed and approved by the board as follows:

(A) A training program under the direct supervision of a licensed tattoo artist, cosmetic tattoo artist or body piercer approved and licensed as a trainer by the board, or another state, in the area of practice in which the person seeks licensure;

(B) has performed at least 50 completed procedures;

(C) pays a non-refundable application fee set by the board;

(D) provides verification of training;

(E) completes eight hours of continuing education, approved by the board, in infection control and blood-borne pathogens, in addition to the infection control curriculum requirement; and

(F) has successfully completed an examination approved, administered or recognized by the board.

(b) An applicant for apprentice licensure shall be required to pay a non-refundable fee established by rules and regulations adopted by the board and shall submit an application to the board showing to the satisfaction of the board that the applicant:

(1) Is not less than 18 years of age;

(2) has a high school diploma or equivalent education; and

(3) will be studying under a trainer approved by the board.

(c) Any applicant who possesses the necessary qualifications to take an examination, as determined by the board, upon application and payment of a non-refundable fee established by regulations adopted by the board, may be issued a temporary permit by the board to practice cosmetic tattooing, tattooing, or body piercing until the next regular examination conducted by the board.

(d) As a condition of biennial license renewal, licensees shall complete five hours of continuing education, approved by the board, in infection control and blood-borne pathogens, in addition to paying any non-refundable renewal fee set by the board. Successfully completing the exam is not a substitute for continuing education requirements.

(e) If an applicant seeks renewal within six months after the expiration of the practitioner's license, the license may be renewed by submitting, within the six month late renewal period:

(1) The non-refundable renewal fee;

(2) the non-refundable delinquent fee; and

(3) documentation of completion of eight hours of continuing education, approved by the board, in infection control and blood-borne pathogens.

(f) If an applicant seeks renewal more than six months after the expiration of a practitioner's license, the license may be renewed by submitting:

(1) The application and application fee;

(2) the renewal fee;

(3) the delinquent fee; and

(4) documentation of completion of eight hours of continuing education, approved by the board, in infection control and blood-borne pathogens. The

continuing education hours shall have been obtained within two months of the submission of the application and fees.

(g) An applicant seeking a license as a trainer shall:

(1) Pay any fees set by the board;

(2) concurrently maintain a practitioner's license;

(3) have no more than one apprentice at any time; and

(4) maintain direct supervision of the apprentice.

(h) All application, renewal and delinquent fees shall be non-refundable.

History: L. 1996, ch. 138, § 4; L. 2008, ch. 108, § 14; July 1; L. 2014, ch. 130, § 5; July 1 .

65-1944. **Same; address of place of business, licensee to notify board in writing; license to be posted; record of address of licensed facility; notices to licensee; issuance of license.** (a) A person who holds a license shall notify the board in writing of the regular address of the licensed establishment where the person performs or intends to perform tattooing, cosmetic tattooing or body piercing and shall keep the license conspicuously posted in the establishment at all times.

(b) The board shall keep a record of the place or places of business of each person who holds a license.

(c) Any notice required to be given by the board to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the board.

(d) The board shall issue to each qualified applicant a license to operate a tattooing, cosmetic tattooing or body piercing establishment and to advertise tattooing, cosmetic tattooing or body piercing services for which the establishment is licensed.

(e) Each establishment for tattooing, cosmetic tattooing or body piercing shall conspicuously post the establishment's license in the establishment at all times. History: L. 1996, ch. 138, § 5; L. 2008, ch. 108, § 15; L. 2014, ch. 130, § 5; July 1 .

65-1945. **Same; expiration; renewal; continuing education.** (a) Except as otherwise provided in this section, a license issued under K.S.A. 65-1950, and amendments thereto, expires two years after the date of issue unless renewed by payment of the required non-refundable renewal fee. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration of the license.

(b) All tattoo artists, cosmetic tattoo artists and body piercers must participate in continuing education, with guidelines and effective date to be established by rules and regulations of the board. History: L. 1996, ch. 138, § 6; L. 2008, ch. 108, § 16; L. 2014, ch. 130, § 5; July 1 .

65-1946. **Same; standards for licensure.** Licensed practicing tattoo artists, cosmetic tattoo artists and body piercers shall meet the following standards and any others the board may adopt by rules and regulations:

(a) Tattoo artists, cosmetic tattoo artists and body piercers, and their establishments shall comply with all applicable sanitation standards adopted by the secretary pursuant to K.S.A. 65-1,148, and amendments thereto;

(b) practicing tattoo artists, cosmetic tattoo artists and body piercers shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of five years. History: L. 1996, ch. 138, § 7; L. 2002, ch. 187, § 15; L. 2008, ch. 108, § 17; July 1.

65-1947. **Same; grounds for revocation, suspension, refusal to issue or renew, censure, limitation or conditioning of licenses and assessment of fines.** (a) The board may revoke, censure, limit or condition, suspend, refuse to issue or renew any license issued under this act, or assess a fine, not to exceed $1,000 per violation, on any person or licensee upon proof that a person or licensee:

(1) Has been convicted of a violation under K.S.A. 65-1942, and amendments thereto;

(2) has been convicted of any felony offense in this or any other state and fails to demonstrate, to the board's satisfaction, that such person or licensee has been sufficiently rehabilitated to warrant the public's trust. The board may make recommendations to an applicant as to what constitutes proof of rehabilitation;

(3) has misrepresented, misstated or failed to disclose personal qualifications or other information necessary to practice tattooing, cosmetic tattooing or body piercing in any communication to the board;

(4) has used, caused or promoted the use of any advertising matter, promotional literature, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive;

(5) has deceived the public by acting in a manner as to mislead clients as to the person's professional status;

(6) has employed directly or indirectly any suspended or unlicensed person to perform any tattooing, cosmetic tattooing or body piercing covered by this act;

(7) has obtained or attempted to obtain a license through fraud, bribery, deceit, misrepresentation, or other misconduct;

(8) has practiced tattooing, cosmetic tattooing or body piercing under a false, misleading or deceptive name;

(9) has failed, if a licensed tattoo artist, cosmetic tattoo artist or body piercer, to maintain a business address and telephone number at which the licensee may be reached during business hours;

(10) has failed, if a nonpracticing tattoo artist, cosmetic tattoo artist or body piercer, to provide the board with a home address and telephone number;

(11) has failed to properly and reasonably accept responsibility for the actions of employees;

(12) has practiced tattooing, cosmetic tattooing or body piercing with a mental or physical illness that affects ability to perform or endangers the public;

(13) has demonstrated gross incompetence in performing tattooing, cosmetic tattooing or body piercing;

(14) has become a danger to the public by reason of alcohol or drug abuse; or

(15) has violated any of the provisions of this act or rules and regulations adopted by the board pursuant to this act. History: L. 1996, ch. 138, § 8; L. 2008, ch. 108, § 18; July 1.

65-1948. **Same; powers and duties of board.** The powers and duties of the board as related to this act are as follows:

(a) To authorize all disbursements necessary to carry out the provisions of this act;

(b) to determine training and experience requirements for taking the examination and to supervise and administer examinations to test the knowledge of applicants for licensure;

(c) to license persons who apply to the board and who have qualified to practice tattooing, cosmetic tattooing or body piercing;

(d) to renew licenses;

(e) to appoint representatives to conduct or supervise the examination of applicants for licensure;

(f) to designate the time and place for examining applicants for licensure;

(g) to carry out, together with the department or separately, the periodic inspection of establishments of persons who are licensed to practice tattooing, cosmetic tattooing or body piercing;

(h) to issue a tattooing, cosmetic tattooing or body piercing establishment license to qualified applicants upon compliance with this act; and

(i) to appoint or employ subordinate employees. History: L. 1996, ch. 138, § 9; L. 2008, ch. 108, § 19; July 1.

65-1949. **Same; education and training standards prescribed for practice, rules and regulations; testing for knowledge of safety and infection control techniques; inspection of establishments.** (a) The board shall adopt rules and regulations to prescribe education and training standards for each of the practices of tattooing, cosmetic tattooing and body piercing.

(b) An applicant seeking licensure as a tattoo artist, cosmetic tattoo artist or body piercer shall be required to demonstrate knowledge of safety and infection control techniques by means of a test conducted by the board.

(c) Each tattoo, cosmetic tattoo or body piercing establishment shall be inspected by the board to ensure that proper safety and infection control techniques are followed before an establishment license is issued. History: L. 1996, ch. 138, § 10; L. 2008, ch. 108, § 20; July 1.

65-1950. **Same; licensure; fees.** (a) The board shall assess, by rules and regulations adopted by the board, such non-refundable fees as are necessary to carry out the provisions of this act.

(b) The board shall license each applicant, without discrimination, who proves to the satisfaction of the board, fitness for such licensure as required by this act and upon payment of a non-refundable fee established by the board under this section. Except as provided in K.S.A. 65-1945, and amendments thereto, the board shall issue to the applicant a license that expires two years after the date of issuance.

(c) The board shall establish all fees under this act. The fees and charges established under this section shall not exceed the cost of administering the regulatory program under this act pertaining to the purpose for which the fee or charge is established. History: L. 1996, ch. 138, § 11; L. 2008, ch. 108, § 21; July 1; L. 2014, ch. 130, § 5; July 1 .

65-1951. **Same; moneys received by board deposited in state treasury; credited to state general fund and cosmetology fee fund.** The board, the director or a person authorized by the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 72-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. History: L. 1996, ch. 138, § 12; L. 2001, ch. 5, § 233; L. 2011, ch. 53, § 30; July 1.

65-1953. **Same; performance of body piercing or tattooing on persons under 18, written and notarized consent; penalties.** No person shall perform body piercing, cosmetic tattooing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing, cosmetic tattooing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given by a guardian, shall be retained by the person administering such body piercing, cosmetic tattooing or tattooing for a period of five years. Violation of this section is a class A misdemeanor. History: L. 1996, ch. 138, § 14; L. 2001, ch. 193, § 5; L. 2008, ch. 108, § 22; July 1.

65-1954. **Same; penalties; civil fines; costs and attorney fees; disposition of proceeds.** (a) The board, in addition to any other penalty prescribed under the act governing tattoo artists, cosmetic tattoo artists or body piercers, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed $5,000 for the first violation, $10,000 for the second violation and $15,000 for the third violation and for each subsequent violation.

(b) In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others: (1) Willfulness of the violation; (2) repetitions of the violation; and (3) magnitude of the risk of harm caused by the violation.

(c) In addition to a civil penalty and costs, the board may assess investigation and hearing costs against any individual required to be licensed, pursuant to this act, for proceedings which have resulted in a successful action by the board against the individual under K.S.A. 65-1947, and amendments thereto.

(d) All civil fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cosmetology fee fund. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. History: L. 1996, ch. 138, § 15; L. 2001, ch. 5, § 234; L. 2008, ch. 108, § 23; July 1.

Laws Relating to the Kansas Board of Cosmetology

74-2701. Kansas state board of cosmetology; appointment; qualifications; terms; chairperson; executive director, treasurer; vacancies; oath. (a) There is hereby created the Kansas state board of cosmetology, the members of which shall be appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas.

Not more than four members shall be of the same political party. Three members shall be licensed under the provisions of K.S.A. 65-1901 through 65-1912, and amendments thereto, at least two of whom shall be licensed cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; one member shall be an owner and licensed operator of a tanning facility; one member shall be a person who holds a valid school license issued by the board or a person who is engaged in the day-to-day operation of a school licensed by the board; and two members shall represent the general public interest.

If none of the licensed cosmetologist members of the board is an African-American, at least one member representing the general public interest shall be an African-American.

No manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties. History: L. 1927, ch. 245, § 4; L. 1961, ch. 385, § 1; L. 1963, ch. 316, § 4; L. 1967, ch. 434, § 34; L. 1969, ch. 370, § 1; L. 1978, ch. 308, § 60; L. 1981, ch. 249, § 4; L. 1992, ch. 262, § 10; L. 1996, ch. 138, § 16; L. 1998, ch. 160, § 13; L. 2002, ch. 187, § 16; July 1.

74-2702. Meetings of board; records and register; seal; oaths; employees; inspectors, duties; salary of executive director; compensation and expenses of members. (a) The Kansas state board of cosmetology shall meet immediately after appointment and determine policies of the board and conduct any business that may be before such board, and said officers thereafter shall meet as required by law, at times designated by the board and shall also meet on the call of the chairman.

The executive director shall not be entitled to vote at such meetings.

Said board shall keep a record of its proceedings and a register of the names of applicants for licenses, showing whether the licenses were granted or refused.

Said board shall have a seal, and each of said members of said board shall have the authority and be empowered, for all purposes and duties of said board in connection therewith, to administer oaths.

The chairman with the approval of the board shall have the power to appoint inspectors who shall perform all of the inspection duties of the board and may employ such additional help as may in his or her judgment be necessary to properly carry out the provisions of this act.

(b) All employees appointed as herein authorized, except the executive director, shall be within the classified service of the Kansas civil service act.

The executive director shall be within the unclassified service of the Kansas civil service act and shall receive an annual salary to be fixed by the board, with the approval of the state finance council.

Members of the state board of cosmetology attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223. History: L. 1927, ch. 245, § 5; L. 1933, ch. 279, § 1; L. 1943, ch. 269, §16; L. 1945, ch. 253, § 3; L. 1951, ch. 361, § 4; L. 1961, ch. 385, § 2; L. 1965, ch. 458, § 12; L. 1967, ch. 443, § 11; L. 1969, ch. 370, § 2; L. 1974, ch. 348, § 57; L. 1975, ch. 322, § 10; July 1.

74-2702a. Rules and regulations of board. The Kansas state board of cosmetology may adopt rules and regulations as may be necessary for the administration of matters within the jurisdiction of the board. History: L. 1969, ch. 370, § 3; L. 1995, ch. 119, § 3; July 1.

74-2703. Meetings of board; examination of applicants. It shall be the duty of such board to meet at least twice each year, and at such times and places as it may deem advisable, and shall at such times hold examinations of such applicants as shall have applied for licensure. History: L. 1927, ch. 245, § 6; L. 1933, ch. 279, § 2; L. 1943, ch. 222, § 9; L. 1998, ch. 160, § 14; May 21.

74-2704. Fees and moneys, disposition; cosmetology fee fund. All fees and payments required to be paid by applicants for examinations or licenses, shall be paid to the executive director of the Kansas state board of cosmetology or the board's designee.

The executive director, or the board's designee, shall remit all moneys received from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury.

Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the board. History: L. 1927, ch. 245, § 13; L. 1929, ch. 217, § 2; L. 1956, ch. 52, § 22; L. 1957, ch. 431, § 18; L. 1961, ch. 385, § 3; L. 1963, ch. 398, § 25; L. 1973, ch. 309, § 30; L. 1975, ch. 322, § 11; L. 1998, ch. 160, § 15; L. 2001, ch. 5, § 312; L. 2011, ch. 53, § 47; July 1

74-2705. Fiscal year of cosmetology board. On July 1, 1929, the fiscal year of business of the board of registration for cosmetologists shall, to conform with the fiscal business year of the state, begin with July 1 and end with June 30 of each year thereafter. History: L. 1929, ch. 217, § 1; March 20.

Rules and Regulations
Exams, Licensure, Establishments, Inspections and Infection Control

69-15-1. Definitions. Each of the following terms, as used in this article, shall have the meaning specified in this regulation: (a) “Antiseptic” means a chemical germicide used on skin and tissue to stop or inhibit the growth of bacteria.

(b) “Clean” means washed with soap or detergent to remove all soil and dirt.

(c) “Closed-book” means without aid from or availability of written material, including materials stored or accessed on an electronic device.

(d) “Completed procedure” means, for the purposes of determining qualification for licensure, a tattoo or piercing that has been finished, including any touchups or additional work following initial healing, with the client released from service.

(e) “Conch,” when used to describe an ear piercing, means the piercing of the concha, which is the deep, bowl-shaped central shell of the ear.

(f) “Disinfectant” means an agent used on inanimate surfaces that is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi.

(g) “Enclosed storage area” means a separate room, closet, cupboard, or cabinet.

(h) “Establishment” means tattoo establishment, body piercing establishment or cosmetic tattooing establishment.

(i) “Equivalent” means comparable but not identical, and covering the same subject matter.

(j) “Gross incompetence” means a demonstrated lack of ability, knowledge, or fitness to effectively or safely perform services for which one is licensed.

(k) “Infectious or contagious disease” means any disease that is diagnosed by a licensed health care professional as being contagious or transmissible, as designated in K.A.R. 28-1-2, and that could be transmitted during the performance of cosmetic tattooing, tattooing, or body piercing. Blood-borne diseases, including acquired immune deficiency syndrome or any causative agent thereof, hepatitis B, hepatitis C, and any other disease not transmitted by casual contact, shall not constitute infectious or contagious diseases for the purpose of this article.

(l) “Instruments” means needles, probes, forceps, hemostats, or tweezers.

(m) “Labret,” when used to describe a piercing, means the piercing of the lips or the area immediately around the lips.

(n) “Linens” means cloths or towels used for draping or protecting a table or similar functions.

(o) “Lower labret,” when used to describe a piercing, means the piercing of the lower lip or the area immediately around the lower lip.

(p) “Needle” has the meaning specified in K.S.A. 65-1940, and amendments thereto.

(q) “Needle bar” means the metal device used to attach the needle to a tattoo machine.

(r) “Official transcript” means a document certified by a school accredited by the Kansas board of regents or equivalent regulatory institution in another state or jurisdiction, indicating the hours and types of coursework, examinations, and scores that were completed by a student.

(s) “Piercing gun” means a hand-held tool manufactured exclusively for piercing the earlobe, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring-loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel, or a disposable material.

(t) “Place or places of business” means each name, mailing address, and location, not a post office box, where the licensee or applicant for license performs services.

(u) “Protective gloves” means gloves made of vinyl nitrile or latex.

(v) “Public view” means open to view and easy for the public to see.

(w) “Repigmentation” means any of the following:

(1) Recoloration of the skin as a result of any of the following:

(A) Dermabrasion, chemical peels, removal or resolution of birthmarks, vitiligo, or other skin conditions that result in the loss of melanin to the skin;

(B) scars resulting from surgical procedures, including face-lifts, mole or wart removal, or cauterization; or

(C) burn grafts and other skin irregularities resulting from burns or photo damage;

(2) recreation of an areola or nipple, following mastectomy; or

(3) use of cheek blush or other blending of pigments into skin in order to camouflage blotchy or irregularly pigmented skin.

(x) “Rook,” when used to describe an ear piercing, means the piercing of the upper portion of the antihelix.

(y) “Sanitization” means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on equipment.

(z) “Sharps” means any object that can penetrate the skin, including needles, scalpel blades, lancets, glass tubes that could be broken during handling, razors, and syringes that have been removed from their original, sterile containers.

(aa) “Sharps container” means a puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal. The container shall be red and shall be labeled with the “biohazard” symbol.

(bb) “Single-use,” when used to describe products or items, means that the products or items, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze, and sanitary coverings, are disposed of after each use.

(cc) “Snug,” when used to describe an ear piercing, means the horizontal piercing of the vertical portion of the antihelix.

(dd) “Sterilization” means destruction of all forms of microbiotic life, including spores.

(ee) “Universal precautions” means a method of infection control approved by the United States centers for disease control and prevention (CDC), in which all human blood and certain bodily fluids are handled as if the blood and bodily fluids were known to be infected with a blood-borne pathogen. Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997; amended June 6, 2014; amended Sept. 18, 2015.

69-15-2. Approved course of study. (a)(1) To be approved by the board, a permanent color technician or tattoo artist training program shall include at least 600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200 hours of theory and practical experience that include 50 completed procedures, if completed under the supervision of an approved trainer.

A training program directly supervised by an approved trainer shall be limited to one trainee.

(2) Each program of permanent cosmetics and tattooing shall include the following percentage of hours in its theory and practical experience:

Subject	**Percentage of hours**
Needles	7
Tattoo machines, equipment, and supplies	20
Safety, sanitation, sterilization, and blood-borne pathogens	15
Basic color theory and pigments	7
Placement of design	7
Skin: Diseases, disorders, and conditions	9
Client handling	2
Business operations and Kansas statutes and regulations pertaining to permanent cosmetics and tattooing	3
Clinical practice	30
Total hours 600 In school	
1200 Under a trainer	

(b)(1) To be approved by the board, a basic body piercing technician training program shall include at least 600 hours of theory and practical experience that include 50 completed procedures, if completed in an approved school, or 1200 hours of theory and practical experience that include 50 completed procedures, if completed under the supervision of an approved trainer. In the basic body piercing training, the 50 completed procedures shall consist of at least five completed procedures for each of the following seven basic piercings in these areas:

(A) Ears;
(B) nose;
(C) tongue;
(D) nipple;
(E) eyebrow;
(F) navel; and
(G) labrets (lips or around the mouth).

(2) The following is the minimum course of study for basic body piercing:

Subject	**Percentage of hours**
Health and safety	50
Sanitation, sterilization, and blood-borne pathogens	
Skin: Diseases, disorders, and conditions	
Anatomy	
Universal precautions	
First aid, C.P.R.	
Clinical/Practical	50
Needles, equipment and supplies	
Jewelry and placement	
Business operations and laws	
Client relations	

(c)(1) An advanced training program for body piercing shall include, in addition to the hours required for the basic body piercing, 50 completed procedures within the advanced areas.

(2) The advanced piercings shall include the following areas:

(A) Male genitals;
(B) female genitals;
(C) multiple piercings in the same area; and
(D) unusual piercings, including earl, which is surface-to-surface piercing located across the bridge of the nose, and madison, which is surface-to-surface piercing located near the clavical. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1943 and 65-1949; effective Aug. 22, 1997.

69-15-3. Cosmetic tattoo artist trainer, tattoo artist trainer, and body piercing trainer. (a) Each applicant for licensure as a cosmetic tattoo artist trainer, tattoo artist trainer, or body piercing trainer shall apply on forms provided by the board and accompanied by the following:

(1) The nonrefundable trainer license fee;

(2) a valid Kansas cosmetic tattoo artist, body piercer, or tattoo artist license number;

(3) documentation outlining the proposed training syllabus, which shall meet the requirements of K.A.R. 69-15-2(a), (b), or (c);

(4) the name and address of the licensed establishment where training will be provided; and

(5) verification of five years of full-time, active practice, consisting of at least 1,500 hours per year, as a licensed cosmetic tattoo artist, tattoo artist, or body piercer in any state.

(b) In addition to meeting the requirements in subsection (a), each applicant seeking approval as an advanced body piercing trainer shall be licensed as an advanced body piercer. Authorized by K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1943, 65-1948, and 65-1950; effective Aug. 27, 1997; amended Feb. 14, 2014.

69-15-4. Out-of-state equivalent course of study. Each applicant who has completed a training program in another state or jurisdiction shall show that all of the following conditions are met, for that training program to be approved by the board:

(a) During the applicant's participation in the training program, the trainer was licensed and in good standing as a cosmetic tattoo artist, tattoo artist, or body piercer in the state or jurisdiction where the training occurred.

(b) The applicant completed the training program under the direct supervision of the trainer or in a school.

(c) The training program covered the areas of theory and practical experience specified in K.A.R. 69-15-2. If the training program completed in another state or jurisdiction included hours allotted to studying the laws and regulations of that state or jurisdiction, those hours may count toward the required number of hours allotted to studying Kansas statutes and regulations.

(d) The training program included the total number of hours of theory and practical experience and the number of completed procedures specified in K.A.R. 69-15-2. Authorized by K.S.A. 2012 Supp. 65-1949 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1948 and 65-1949; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-5. Application for licensure by examination. (a) Before issuance of a license, each applicant for tattoo, cosmetic tattoo, or body piercing licensure shall have passed an examination as specified in K.A.R. 69-15-7.

(b) Each applicant for the tattoo, cosmetic tattoo, or body piercing examination shall apply on forms provided by the board and accompanied by the following:

(1) The nonrefundable examination application fee, the written examination fee, and the practical examination fee;

(2) verification of the applicant's date of birth, including a copy of a valid driver's license, passport, or birth certificate;

(3) verification of the applicant's graduation from an accredited high school or completion of equivalent education, which shall mean any of the following:

(A) A general education development (GED) credential;

(B) proof of program completion and hours of instruction at a nonaccredited private secondary school registered with the state board of education of Kansas, or of the state in which instruction was completed;

(C) proof of a score in at least the 50th percentile on either the American college test (ACT) or the scholastic aptitude test (SAT); or

(D) proof of admission to a postsecondary state educational institution accredited by the Kansas state board of regents or by another accrediting body having minimum admission standards at least as stringent as those of the Kansas state board of regents.

(4) verification of the applicant's completion of eight hours of continuing education in infection control and blood-borne pathogens within the previous 12-month period, in addition to the infection control requirements of the training program; and

(5) an official transcript from a school of cosmetic tattooing, tattooing, or body piercing, or a final operating report from a licensed trainer providing direct supervision of the applicant, documenting the applicant's completion of a training program equivalent to the requirements of K.A.R. 69-15-2. Authorized by K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1943 and 65-1948; effective Aug. 22, 1997; Feb. 14, 2014.

69-15-6. Application completion and deadlines. (a) Applications for examination shall be received at least 30 calendar days before the next scheduled examination.

(b) Any application submitted during the 30-day period immediately prior to the examination shall be reviewed, and if the applicant satisfies the requirements, that person shall be scheduled for the subsequent examination.

(c) Applicants who fail to submit sufficient fees, complete documentation, and verification of training or experience, or both, shall be considered disqualified, and their application shall be closed. Examination fees may be carried forward one time to the next scheduled examination.

(d) Any candidate for examination who fails to complete the examination process within the following time limits shall be required to submit a new application, documentation, and fees, according to this schedule:

(1) One year from receipt of application, if the applicant does not meet the qualifications for examinations; or

(2) one year from the date that the last section of the examination was attempted.

(e) Any candidate who meets the requirements of the examination and is scheduled for the next examination may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate successfully passes the examination.
Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.

69-15-7. Examination for cosmetic tattoo artists, tattoo artists, or body piercers. (a) The examinations for tattoo, cosmetic tattoo, and body piercing shall consist of both a written examination and a practical examination on safety, sanitation, and standards of practice.

(b) The examinations shall test the applicant's knowledge of the following areas:

(1) Basic principles of safety, sanitation, and sterilization;

(2) Kansas laws and regulations;

(3) chemical use and storage;

(4) diseases and disorders including skin disease, HIV, hepatitis B, and infectious or contagious diseases;

(5) equipment, supplies, tools, and implements;

(6) practice standards;

(7) establishment standards; and

(8) definitions.

(c) The written examination shall consist of no more than 150 multiple-choice questions and shall not exceed two hours in duration. The examination shall be closed-book and shall be presented and conducted in English. The examination shall consist of two sections, with one section composed entirely of questions related to Kansas law.

(d) To test the applicant's knowledge of infection-control practices and practice standards, the practical examination shall evaluate the following:

(1) A setup for an actual procedure;

(2) a mock demonstration of a procedure; and

(3) a demonstration of the clean-up process for a procedure.

(e) To be eligible for licensure, each applicant shall attain a score of at least 75 percent on each section of the written examination and a score of at least 75 percent on the practical examination. Authorized by K.S.A. 2012 Supp. 65-1943 and 65-1948 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1943 and 65-1948; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-8. Examination behavior. (a) Taking notes, textbooks, or notebooks into the examination room shall be prohibited.

(b) An applicant shall be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct may include the following behavior:

(1) Giving or receiving aid, directly or indirectly during the examination process;

(2) obtaining help or information from notes, books, or other individuals to answer questions;

(3) removing or attempting to remove any secure, examination-related information or materials from the examination site;

(4) failing to follow directions relative to the conduct of the examination; and

(5) exhibiting behavior that impedes the normal progress of the examination.

(c) Disqualification shall invalidate the examination and result in forfeiture of the examination and fee. The applicant shall be required to reapply, submit an additional examination fee, and schedule another examination at the date and time determined by the executive director. Reexamination shall be conducted at the board office. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1948; effective Aug. 22, 1997.

69-15-9. Issuance and renewal of licenses. (a) Each individual license shall expire on the last day of the licensee's birth month. License fees shall be prorated at the rate of 1/12th of the license fee for each month of the original license.

(b) A notice of renewal shall be mailed by the board to the last known address of the license holder.

(c) The applicant shall apply for renewal in advance of the license expiration date of the prior license.

(d) Renewal payments received in the board office or postmarked after the expiration date but within one year of expiration shall be assessed a late fee in addition to the annual renewal fee.

(e) A license that has been expired for more than one year but less than three shall be deemed suspended and may be reactivated by payment of the following:

(1) A suspended renewal fee for each year expired;

(2) a reactivation fee; and

(3) a renewal fee.

(f) Any individual who fails to renew or reactivate a license within three years from the date of expiration shall reapply to take the exams, submit the examination fee and one-year licensee fee, and successfully pass all sections of the examination before a license is reissued. Authorized by and implementing L. 1996, Ch. 138, Sec. 6; effective Aug. 22, 1997.

69-15-10. Display of license and inspection certificate. (a) The practitioner shall post in public view in the lobby or waiting area of the place of business the current practitioner and facility license and a copy of the latest inspection certificate.

(b) A licensee shall not post a reproduction of any license unless the board has issued and marked it "Duplicate."

(c) A licensee shall not post a pocket identification card in lieu of a license. Authorized by and implementing L. 1996, Ch. 138, Sec. 5(a); effective Aug. 22, 1997.

69-15-11. Inspections generated by a complaint. (a) Each establishment shall be subject to inspection by the board or its designee, in order to investigate a specific complaint filed with the board, or to investigate any suspected violation of sanitary rules and regulations or other violations of the act.

(b) An inspection generated by a complaint shall be authorized by the board or its executive director at any time, subject to the following limitations:

(1) Inspections shall be made only between the hours of 8:00 a.m. and 6:00 p.m. or anytime the practice or instruction of permanent color, tattooing, or body piercing is being conducted, unless agreed otherwise by all interested persons or entities.

(2) Inspections shall be conducted by the board members, the executive director, employees, or agents of the board. Authorized by and implementing L. 1996, Ch. 138, Sec. 9(i); effective Aug. 22, 1997.

69-15-12. Continuing education for license renewal. Each licensed cosmetic tattoo artist, tattoo artist, and body piercer shall participate in continuing education according to the following requirements:

(a) Each individual shall biennially complete five clock-hours, either as one unit or a combination of units, not less than one hour each. Each individual who fails to renew the license before its expiration shall meet the additional continuing education requirements pursuant to K.S.A. 65-1943, and amendments thereto.

(b) Continuing education courses shall be of the same subject matter relating to the practice as the required curricula for training as a cosmetic tattoo artist, tattoo artist, and body piercer and shall consist of either of the following:

(1) Participation in or attendance at an instructional program approved by the board; or

(2) attendance at a meeting of the board, comprising up to one hour of the total requirement, which shall not include the public comment portion of the meeting.

(c) Each licensee seeking credit for attendance at or participation in an educational program that was not previously approved by the board shall submit to the board a request for credit, which shall include the following information:

(1) The location of the program;

(2) the date of the program;

(3) the start and end times of the program;

(4) a detailed description of the subject covered;

(5) the name of each instructor and the instructor's qualifications; and

(6) a sign-in sheet or certificate of attendance, which shall include the date, the program title, and the signature of the instructor.

(d) A license shall not be renewed without the board's receipt and approval of the individual's continuing education as required by K.A.R. 69-15-13. Authorized by K.S.A. 2012 Supp. 65-1945 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1943 and 65-1945; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-13. Reporting continuing education. (a) Each tattoo licensee, cosmetic tattoo licensee, and body piercing licensee shall submit to the board the renewal application, renewal fee, and proof of five clock-hours of the required continuing education as a condition of renewal biennially. Proof of completion of the required continuing education shall consist of either of the following:

(1) Submission to the board of evidence documenting attendance at a meeting of the board; or

(2) submission to the board of a certificate of completion or verification, issued by the sponsoring organization or person, of attendance in a course, program, seminar, or lecture and showing the name of the sponsor, the title of the presentation, a description of its content, the name of the instructor or presenter, the date, the duration of the presentation in clock-hours, and any supplemental documentation to support that the sponsor and subject matter meet the requirements and relate to the practice as stated in K.A.R. 69-15-2.

(b)(1) The five clock-hours of continuing education shall be accumulated only in the most recent renewal period. The licensee shall retain the proof of continuing education until submitting the proof to the board at the time of renewal.

(2) Hours of continuing education in excess of the requirement for renewal shall not be carried forward. Authorized by K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1943 and 65-1945; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-14. Cosmetic tattoo, tattoo, and body piercing establishment licensing and renewal. (a) Each applicant for an establishment license shall meet the following requirements before opening the establishment for business:

(1) Apply on a form approved by the board and pay the nonrefundable establishment license fee;

(2) comply with all applicable regulations of the board;

(3) certify that application information is correct; and

(4) provide a map or directions for locating the establishment, if the establishment is in a rural or an isolated area.

(b) Each establishment license shall expire one year from the last day of the month in which the license was issued.

(c) Each establishment license holder shall be responsible for the cleanliness and sanitation of any common area of separately licensed establishments on the premises. Each violation found in the common area shall be cited against all establishment licenses issued and posted on the premises.

(d) Each establishment license holder shall meet the following requirements:

(1) Allow a board inspector to inspect the establishment when it is open for business;

(2) not impede the normal progress of the inspection; and

(3) prevent employees from impeding the normal progress of the inspection.

(e) Establishment licenses shall not be transferable to a new location.

(f) The ownership of establishment licenses shall not be transferred. A partial change in the ownership of any establishment license may be allowed if at least one original owner remains.

(g) Each establishment licensee shall notify the board in writing and surrender the establishment license within 10 days of closure of the establishment.

(h)(1) Each applicant wanting to renew the establishment license shall submit an application and the establishment renewal fee before the expiration date of the current establishment license.

(2) Any establishment licensee may renew the establishment license within 60 days after the expiration date of the prior establishment license upon submission of an application and payment of the establishment renewal fee and the delinquent establishment fee. Authorized by K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1944, 65-1948, and 65-1950; effective Aug. 22, 1997; amended Feb. 14, 2014; amended Sept. 18, 2015.

69-15-15. Cosmetic tattoo artist, tattoo artist, and body piercer practice standards; restrictions. (a) Cosmetic tattoo artists, tattoo artists, and body piercers shall not practice at any location other than a licensed establishment.

(b) Each licensee shall keep an individual record of each client for at least five years. Each record shall include the name and address of the client, the date and duration of each service, the type of identification presented, and the type of services provided.

(c) Each licensee shall give preservice information in written form to the client to advise of possible reactions, side effects, potential complications of the tattooing process, and any special instructions relating to the client's medical or skin conditions, including the following:

(1) Diabetes;

(2) allergies;

(3) cold sores and fever blisters;

(4) epilepsy;

(5) heart conditions;

(6) hemophilia;

(7) hepatitis;

(8) HIV or AIDS;

(9) medication that thins the blood;

(10) moles or freckles at the site of service;

(11) psoriasis or eczema;

(12) pregnant or nursing women;

(13) scarring; and

(14) any other medical or skin conditions.

(d) Each licensee shall give aftercare instructions to the client, both verbally and in writing after every service.

(e) Each licensee providing tattoo or cosmetic tattoo services for corrective procedures shall take photographs before and after service. These photographs shall be maintained according to subsection (b).

(f) Each licensee shall purchase ink, dyes, or pigments from a supplier or manufacturer. No licensee shall use products banned or restricted by the United States food and drug administration (FDA) for use in tattooing and permanent color.

(g) A licensee shall not perform tattooing or body piercing for any of the following individuals:

(1) A person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

(2) any person who shows signs of recent intravenous drug use;

(3) a person with sunburn or other skin diseases or disorders, including open lesions, rashes, wounds, or puncture marks; or

(4) any person with psoriasis or eczema present in the treatment area.

(h) Use of the piercing gun to pierce shall be prohibited on all parts of the body except the ear lobe.

(i) Use of personal client jewelry or any apparatus or device presented by the client for use during the initial body piercing shall be prohibited. Each establishment shall provide presterilized jewelry, apparatuses, or devices, which shall have metallic content recognized as compatible with piercing services.

(j) No licensee afflicted with an infectious or contagious disease, as defined in K.A.R. 69-15-1, shall be permitted to work or train in a school or an establishment.

(k) No school or establishment shall knowingly require or permit a student or licensee to provide tattooing, cosmetic tattooing, or body piercing services for a person who has any infectious or contagious disease, as defined in K.A.R. 69-15-1. Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1946; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-16 Facility standards. All facilities shall meet the following criteria.

(a) All areas shall be kept clean and in good repair.

(b) All surfaces, including counters, tables, equipment, client chairs, or recliners, that are in treatment and sterilization areas shall be made of smooth, nonabsorbent, and nonporous material.

(c) Surfaces or blood spills shall be cleaned using an EPA-registered, hospital-grade disinfectant.

(d) The water and plumbing fixtures in the facility shall include easy access to a sink with hot and cold running water, as part of the surrounding premises or adjacent to the facility but separate from a public restroom.

(e) Toilet facilities shall be kept clean and in good working order at all times. Each toilet shall have a handwashing sink and a soap dispenser with disposable towels or an air dryer for hands.

(f) The facility shall be equipped with adequate and sufficient artificial or natural lighting, providing at least 10 foot-candles of light at the work station or table, used at all times during which business is being conducted.

(g) The facility shall be well ventilated with natural or mechanical methods that remove or exhaust fumes, vapors, or dust in order to prevent hazardous conditions from occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.

(h) A proprietor or person in charge of the facility may designate the entire area as a nonsmoking area. A designated smoking area means any area set aside by a proprietor or person in charge of a public place where tobacco smoking is permitted and where a sign indicates the same.

No person shall smoke or carry any lighted smoking device in a public place except in designated smoking areas. No facility shall be designated in its entirety as a smoking area. "Public place" means any enclosed indoor area open to and frequented by the public. "Open to and frequented by the public" means any area where the public can freely enter or move without special invitation.

(i) If a room used for residential purposes is the same room or adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then a solid partition shall separate the premises used for residential purposes from the tattooing and piercing area. The partition may contain a door, provided it remains closed, except for entering and leaving.

(j) If a room used for any business purposes other than permanent color, tattooing, or body piercing is the same room or is adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then the board may require that one or more of the following requirements be satisfied if there are conditions that the board considers a possible threat to the health of the employees, the customers, or the public:

(1) A solid partition shall separate the premises used for other business purposes from the permanent color, tattooing, or body piercing area. The partition may contain a door, provided it remains closed except for entering and leaving.

(2) A separate outside entrance shall be provided for the facility.

(k) Pets or other animals shall not be permitted in the business facility. This prohibition shall not apply to registered therapy animals; trained guide animals

for the disabled, sightless, or hearing impaired; or fish in aquariums. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.

69-15-17. Required equipment. (a) Each cosmetic tattoo artist or tattoo artist shall maintain the following equipment at the establishment:

(1) A tattoo machine or hand pieces of nonporous material that can be sanitized;

(2) stainless steel or carbon needles and needle bars;

(3) stainless steel, brass, or medical-grade plastic tubes that can be sterilized;

(4) sterilization bags with color strip indicators, if the establishment does not use disposable implements;

(5) single-use protective gloves;

(6) single-use razors~~,~~ or straight razors;

(7) single-use towels, tissues, or paper products;

(8) a sharps container and biohazard waste bags;

(9) approved inks, dyes, and pigments, as required by K.A.R. 69-15-15;

(10) approved equipment for cleaning and sterilizing instruments at the establishment, as required by K.A.R. 69-15-18 and 69-15-20;

(11) spore tests, as required by K.A.R. 69-15-20; and

(12) body arts industry-accepted ointment or lubricant.

(b) Each body piercer shall maintain the following equipment at the establishment:

(1) Single-use stainless steel needles;

(2) sterilization bags with color strip indicators, if the establishment does not use disposable implements;

(3) protective gloves;

(4) single-use towels, tissues, or paper products;

(5) a sharps container and biohazard waste bags;

(6) approved equipment for cleaning and sterilizing instruments, as required by K.A.R. 69-15-18 and 69-15-20;

(7) a piercing table or chair of nonporous material that can be sanitized;

(8) a covered trash receptacle;

(9) spore tests, as required by K.A.R. 69-15-20;

(10) forceps that can be sterilized;

(11) pliers of various sizes, made of material that can be sterilized;

(12) bleach or hard-surface disinfectants;

(13) antibacterial hand soap;

(14) jewelry disinfectant; and

(15) body arts industry-accepted ointment or lubricant. Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1946; effective Aug. 22, 1997; amended Feb. 14, 2014.

69-15-18. Cleaning methods prior to sterilization. (a) Each practitioner shall clean all nonelectrical instruments prior to sterilizing by brushing or swabbing to remove foreign material or debris, rinsing, and then performing either of the following steps:

(1) Immersing them in detergent and water in an ultrasonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or

(2) submerging and soaking them in a protein-dissolving detergent or enzyme cleaner, followed by a thorough rinsing and wiping.

(b) For all electrical instruments, each practitioner shall perform the following:

(1) First remove all foreign matter; and

(2) disinfect with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.

69-15-19. Instrument sterilization standards. (a) The practitioner shall place cleaned instruments used in the practice of tattooing or piercing in sterile bags, with color strip indicators, and shall sterilize the instruments by exposure to one cycle of an approved sterilizer, in accordance with K.A.R. 69-15-20.

(b) The provisions of this regulation shall not apply to electrical instruments. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.

69-15-20. Approved sterilization modes. (a) Instruments used in the practice of permanent color, tattoo artist services, or body piercing shall be sterilized, using one of the following methods:

(1) In a steam or chemical autoclave sterilizer, registered and listed with the federal food and drug administration, and used, cleaned, and maintained according to manufacturer's directions; or

(2) with single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers.

(b) Practitioners shall sterilize all piercing instruments that have or may come in direct contact with a client's skin or be exposed to blood or body fluids. Piercing needles shall not be reused. All piercing needles shall be single use.

(c) All sterilizing devices shall be tested on a regular basis for functionality and thorough sterilization by use of the following means:

(1) Chemical indicators that change color, to assure sufficient temperature and proper functioning of equipment during the sterilization cycle; and

(2) a biological monitoring system using commercially prepared spores, to assure that all microorganisms have been destroyed and sterilization has been achieved. This testing shall be performed every three months for tattoo and body piercing facilities.

(d) Chemical and biological indicator test results shall be made available at the facility at all times for inspection by the board compliance officers.

(e) Practicing permanent color, tattoo, and body piercing facilities shall submit to an inspection at least once every year, in order to determine compliance with requirements of the statute and with sanitation and sterilization practices. Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946, 65-1948, and 65-1949; effective Aug. 22, 1997.

69-15-21. Handwashing and protective gloves. (a) Prior to and immediately following administering services to a client, all licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall thoroughly wash their hands and nails in hot, running water with soap and rinse them in clean, warm water.

(b) All licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall wear protective gloves during services. Protective gloves shall be disposed of immediately following service. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-22. Linens. (a) Each practitioner shall use clean linens for each client.

(b) A common towel shall be prohibited.

(c) Air blowers may be substituted for hand towels.

(d) Each practitioner shall store clean linens, tissues, or single-use paper products in a clean, enclosed storage area until needed for immediate use.

(e) Each practitioner shall dispose of or store used linens in a closed or covered container until laundered.

(f) Each practitioner shall launder used linens either by a regular, commercial laundering or by a noncommercial laundering process that includes immersion in water at 160 degrees Fahrenheit for not less than 15 minutes during the washing and rinsing operations. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-23. Clean instruments and products storage. (a) Before use, disposable products that come in contact with the areas to be treated shall be stored in clean containers that can be closed between treatments.

(b) Clean, sterilized reusable instruments that come in contact with the areas to be treated shall be stored in clean, sterilized containers.

(c) Clean, sterilized reusable transfer instruments, including forceps, trays, and tweezers, shall be stored in a clean, dry, sterilized container. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-24. Chemical storage. Each practitioner shall store chemicals in labeled, closed containers in an enclosed storage area. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-25. Handling disposable materials. (a) Each practitioner shall dispose of disposable materials coming into contact with blood, body fluids, or both, in a sealable plastic bag that is separate from sealable trash or garbage liners or in a manner that protects not only the licensee and the client, but also others who may come into contact with the material, including sanitation workers.

(b) Disposable, sharp objects that come in contact with blood or body fluids shall be disposed of in a sealable, rigid, puncture-proof container that is strong enough to protect the licensee, client, and others from accidental cuts or puncture wounds that could happen during the disposal process.

(c) Licensees shall have either sealable plastic bags or sealable rigid containers available at the facility.

(d) Each practitioner shall follow universal precautions in all cases. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-26. Waste receptacles. (a) The practitioner shall deposit all waste material related to treatment in a covered container, following service for each client.

(b) Waste disposed in a reception area and restrooms shall be limited only to materials that are not used in providing services to the client or are practice related.

(c) Waste disposal containers shall be kept clean. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-27. Permanent color and tattoo procedures. (a) Permanent color technicians and tattoo artists shall dispense all substances from containers in a manner that prevents contamination of the unused portion. A spray bottle to apply liquid to skin may be used. Single-use tubes or containers and applicators shall be discarded following the tattoo service.

(b) Paper stencils and skin scribes shall be single use and shall be disposed of immediately following service.

(c) The practitioner shall remove the tip of each body pencil used during a tattoo service, shall disinfect the body and tip of the pen, and shall sharpen the tip to remove the exposed edge.

(d) The plastic or acetate stencil used to transfer the design to the client's skin shall be thoroughly cleansed and rinsed in an EPA-approved germicidal solution, according to the manufacturer's instructions, and then dried with a clean, single-use paper product.

(e) Individual portions of inks, dyes, or pigments in clean, single-use containers shall be used for each client. Any remaining unused dye or pigments shall be discarded immediately following service.

(f) Excess ink, dye, or pigment applied to the client's skin shall be removed with a clean, single use paper product obtained from a self-dispensing container.

(g) Use of styptic pencils or alum solids to check any blood flow shall be prohibited.

(h) Upon completion of tattooing, the practitioner shall cleanse the skin, excluding the area surrounding the eyes, with a clean, single-use paper product saturated with an EPA-approved germicidal solution.

(i) A sanitary covering shall be placed over designs and adhered to the skin with suitable skin tape.

(j) Each practitioner shall provide aftercare, which shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify the following information:

(1) Care following service;

(2) possible side effects; and

(3) restrictions.Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-28. Preparation and aftercare of treatment area on client.

(a) Permanent color technicians and tattoo artists shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing with an EPA-approved germicidal solution applied with a clean, single-use paper product, before placing the design on the client's skin or beginning tattooing work.

(b) If the area is to be shaved, the licensee shall use a single-use, disposable safety razor or sterilized straight-edged razor, and then rewash the client's skin.

(c) Substances applied to the client's skin to transfer the design from stencil or paper shall be single use.

(d) Aftercare shall be administered to each client following service, as stated in K.A.R. 69-15-27. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-29. Body piercing procedures. Body piercing technicians shall be responsible for adhering to the following standards while serving clients in the facility.

(a) Each technician shall observe and follow thorough handwashing procedures with soap and water or an equivalent handwashing product before and after serving each client and as needed to prevent cross contamination or transmission of body fluids, infections or exposure to service-related wastes or chemicals.

(b) Each technician shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing it with an FDA-registered antiseptic solution applied with a clean, single-use paper product before and after piercing the client's skin.

(c) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single-use tubes or containers and applicators shall be discarded following the piercing service.

(d) Any type of marking pen used by the technician shall be applied on cleansed skin only or shall be a surgical marking pen sanitized by design, including alcohol-based ink pens. The technician shall remove the tip of each body pencil used during a piercing, shall disinfect the body and the tip of the pencil, and shall sharpen the tip to remove the exposed edge.

(e) Use of styptic pencils or alum solids to control blood flow shall be prohibited.

(f) Aftercare shall be administered to each client following service. Aftercare shall consist of both verbal and written instructions concerning proper care of the pierced area. Instructions shall specify the following information:

(1) Care following service;

(2) possible side effects; and

(3) restrictions.

(g) Technicians who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase. Each technician shall cover them with protective gloves or impervious bandages prior to contact with clients.

(h) Technicians shall wear eye goggles, shields, or masks if spattering is likely to occur while providing services. Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.

69-15-30. Fees. The following fees shall be charged:

Examination Fees	
Examination application	$ 50.00
Written examination	75.00
Practical examination	75.00
Practitioner Fees	
Apprentice license	$ 15.00
Initial license application	50.00
License renewal	50.00
Trainer license	15.00
Delinquent license	25.00
Renewal application	100.00
Duplicate license	25.00
Establishment License Fees	
Establishment license application	$ 50.00
Establishment license renewal	50.00
Delinquent establishment	30.00
Duplicate license	25.00

Authorized by K.S.A. 2012 Supp. 65-1950 and K.S.A. 74-2702a; implementing K.S.A. 1996 2012 Supp. 65-1943 and 65-1950; effective Aug. 22, 1997; amended June 6, 2014, amended Sept. 18, 2015.

69-15-31. Potentially disqualifying civil and criminal records; advisory opinion; fee.

(a) Conviction of any felony or class A misdemeanor listed in K.S.A. 65-1942, and amendments thereto, may disqualify an applicant from receiving a license.

(b) Civil records that may disqualify an applicant from receiving a license shall be any records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of any practice act under the jurisdiction of the board or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;

(2) An explanation of the circumstances that resulted in the civil or criminal record; and

(3) A check or money order in the amount of $50.00. Authorized by K.S.A. 74-120 and 74-2702a; implementing K.S.A. 65-1942, 65-1947, and 74-120; effective November 12, 2021.