

September 15, 2023

Mr. Adam Proffitt, Chief Budget Officer  
Division of the Budget  
900 SW Jackson Street  
Suite 504, Landon State Office Building  
Topeka, Kansas 66612

Dear Mr. Proffitt:

On behalf of the Kansas Board of Cosmetology, I hereby submit for your consideration the Fiscal Year 2025 budget document for the agency. It has been prepared in accordance with the FY25 budget instructions. To the best of my knowledge and belief, the information and explanation included in this budget request are true, correct, and complete.

On behalf of the Board, I thank you for your time and consideration of this request. My team and I are prepared to provide any additional information which you or our budget analyst may require.

Sincerely,

Benjamin Foster, MPA  
Executive Director

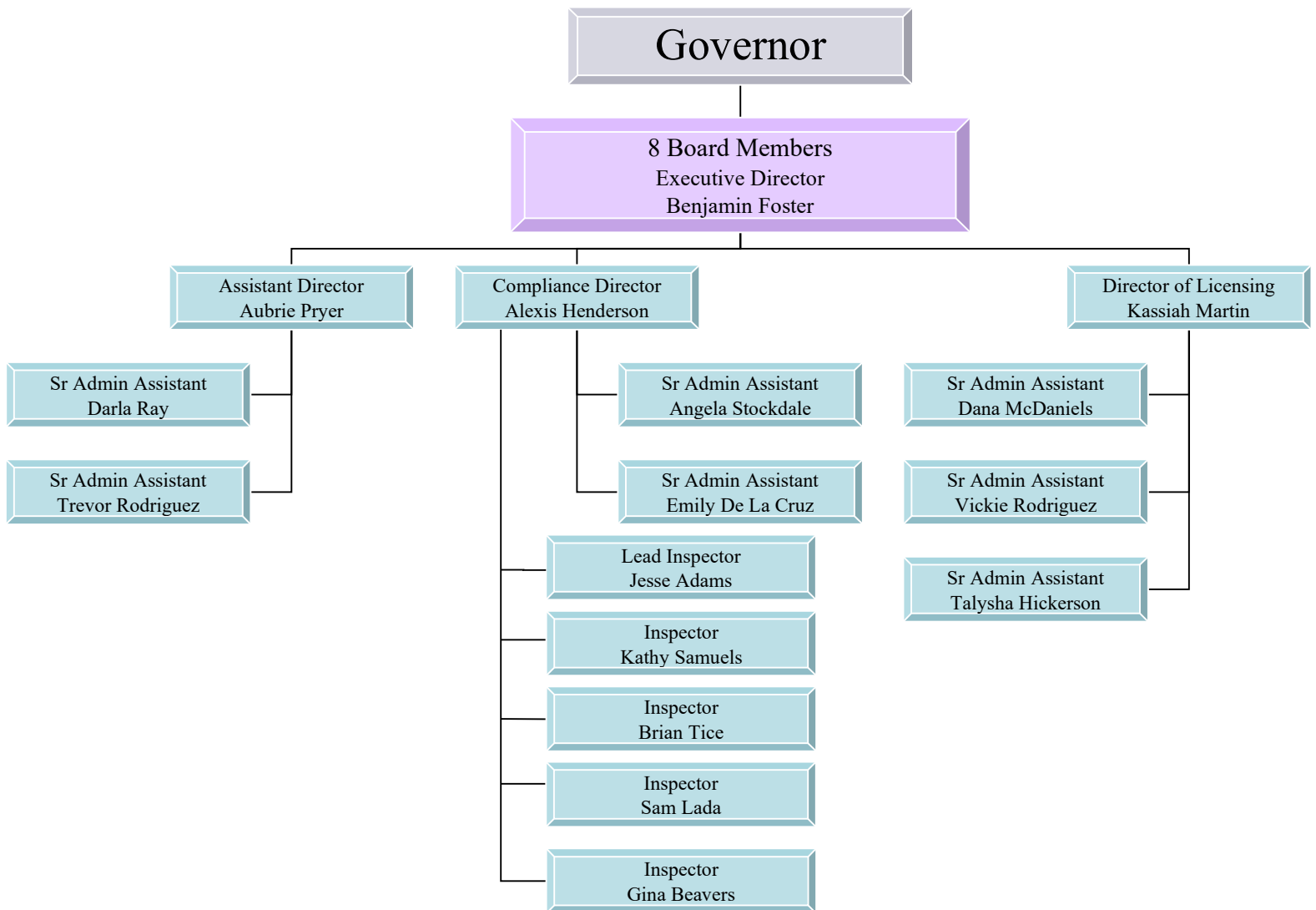
Narrative Information – DA 400  
Division of the Budget  
Agency: Kansas Board of Cosmetology  
Program: Licensure

## **BOARD MEMBERS**

David Yocum, Chair, School Representative  
C. Nichole Hines, Vice-Chair, Licensed Cosmetologist  
Christine Burgardt, Licensed Cosmetologist  
Kimberley Mancuso, Public Member  
Kelly Robbins, Tanning Facility Owner/Operator  
Ashley Rangel, Licensed Esthetician  
David Tucker, Licensed Body Art Practitioner  
Mary Blubach, Public Member

Pursuant to K.S.A. 74-2701, three members shall be licensed in a cosmetology profession; one member shall be a tanning facility owner/operator; two members shall represent the public; one member shall be a licensed tattoo artist/permanent cosmetic technician or licensed body piercer; and one member shall be a school representative; at least one member shall be an African American.

## Kansas Board of Cosmetology



## **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.

## **AGENCY PHILOSOPHY**

The Board of Cosmetology is responsible for ensuring the health, safety, and welfare of the consuming public. This regulatory responsibility shall be attained through a proactive, efficient, and responsive structure. The Board accepts the responsibility to provide licensees access to information necessary to ensure the health, safety, and welfare of the consuming public.

## **PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION**

The budget of the Board of Cosmetology consists of a single administration program and utilizes three agency division to achieve its goals: administration, licensing, and enforcement.

## **STATUTORY HISTORY**

The Board of Cosmetology was established by the 1927 Legislature to regulate the cosmetology industry. The Kansas Board of Cosmetology operates under the authority of K.S.A. 65-1901 et seq. and K.S.A. 74-2701 et seq. K.S.A. 74-2701 established the creation, composition, and duties of the Board. K.S.A. 2704 established the Cosmetology Fee Fund.

The 1992 Legislature passes legislation (K.S.A. 65-1920) to authorize The Board of Cosmetology to license and inspect tanning facilities. This also requires tanning facilities to post warnings regarding safety precautions and the potential risks of tanning to clients. The 1996 Legislature passed HB 2916 (K.S.A. 65-1940, et seq.), requiring the Board to develop and implement regulations for the tattooing and body piercing professionals in the State of Kansas. These regulations include requirements for continuing education, fee, and penalties, and license acquisition, and subjects body arts professional to annual license renewal. The 1996 Legislature amended the stature (K.S.A. 74-2701) to advisory member to the Board from the tattooing or body piercing profession.

In 1997, K.S.A. 65-1940 authorized the Board to license tattoo artists, body piercers, and permanent cosmetic technicians, and to license and inspect their respective places of business.

The 1997 Legislature amended HB 2916 to include more stringent continuing education requirements for all classes of licensees. Specifically, applicants for license renewal are required to complete annual continuing education clock hours on health and safety related issues.

In July of 1997, the Kansas Attorney General ruled the 1997 amendments to HB 2916 specifically requiring a specific number of clock hours of continuing education yearly were unconstitutional. The Attorney General opinion was that the requirements would disqualify nearly all persons currently licensed for reasons unrelated to a legitimate government purpose.

The 1998 Legislature passed Substitute for HB 2609 (K.S.A. 65-1904 et seq.) which amended regulations in three primary categories: the organization and powers of the Board of Cosmetology, continuing education requirements, and changes in licensing matters. The Board of Cosmetology was changed from a five-member to a seven-member board, with the members, as well as the agency's Executive Director, appointed by the Governor. The bill eliminates the stipulation that the Executive Director be a licensed cosmetologist. Substitute for HB 2609 also eliminated the continuing education for licensed cosmetologists, retaining this requirement for instructors and instituting a training program for inspectors. The Board was given authority to increase licensing and examination fees, issue cease and desist orders, and impose injunctions and fines for those who violate regulations. The significant changes in Substitute for HB 2609 reflect recommendations made in a Legislative Post Audit Report (June 1977) to correct serious management problems as well as documented health and safety violations.

The 2000 Legislature passed SB 513 which exempted the practice of braiding, twisting, wrapping, weaving, extending, and locking from cosmetology licensure requirements when a self-test created and provided by the Kansas Department of Health and Environment is completed and posted where the service(s) are provided.

The 2002 Legislature passed House Substitute for SB 643 (K.S.A. 65-1901 et seq.) which amended regulations concerned with the structure of education requirements for licensure, allowing for schools of cosmetology to go from a clock hour to credit hour basis for meeting graduation requirements. The bill also amended regulations concerning the requirements for an instructor's license, the addition of an instructor in training licensure type, increases to the maximum fees for some licensure categories, changes to the definition of cosmetology to include the performance of noninvasive skin beautifying processes to the skin in the definition, and repeal 2001 Session Laws, Chapter 193, Sections 6-19 and 21 which would have moved the regulation of tattoo artists, permanent color technicians, and body pierces to the Department of Health and Environment on July 1, 2003. The bill also changed the makeup of the Board to include eight voting members appointed by the Governor, with no more than four members from any one political party.

The members of the Board must be composed of three persons licensed in one of the fields to which the Board is responsible, with at least two being licensed cosmetologists. There will be one licensed permanent color technician and tattoo artist or a licensed body piercer, one member will be an owner and licensed operator of a tanning facility, one person who is a valid school license holder or who is engaged in the day-to-day operation of a licensed school, and two members from the general public. At least one member of the Board must be an African American.

The 2008 Legislature passed HB 2721 (K.S.A. 65-1901), which made changes to current law regarding the various professions regulated by the Board of Cosmetology. Cosmetic tattooing was added to the list of professions regulated by the Board, schools are required to have one instructor on the floor where consumer services are provided, and practice hours were changed for esthetic licensure from 650 to 1,000 clock hours. In addition, the Board may revoke, suspend, or refuse to issue a license if the applicant has been convicted of a felony and fails to demonstrate that he or she has been sufficiently rehabilitated.

The 2009 Legislature passed HB 2359 (K.S.A. 65-1904), which deleted a statutory requirement for the development of a written booklet that the Board must transmit with the written renewal examination. HB 2359 also requires the Board to notify licensees at least 30 days prior to the expiration of their license. The 2010 Legislature considered HB 2722, which would have consolidated the Board of Barbering and the Board of Cosmetology; however, no action was taken by the Legislature.

The 2013 Legislature passed HB 2154 establishing a different process for the facility license expiration date that staggers the revenue stream throughout the year and prevents the need for hiring temporary staff to meet license issue requirements. The law also established a new license class, Senior Status, allowing for a limited lifetime license for non-practicing licensees over 70 years of age who have been licensed in Kansas for a minimum of forty years.

The 2014 Legislature passed HB 2436 enabling the Board of Barbering and Board of Cosmetology to enter into an agreement to provide inspections of dual-licensed facilities by only one agency rather than by both, with the intent to create efficiencies in the inspection process. The bill was incorporated into the statutes of both boards. No action was taken on the proposed MOU.

The 2016 Legislature passed HB 2456 prohibiting minors (persons less than 18 years old) from tanning at licensed tanning facilities. The bill also allows a Kansas cosmetologist to qualify for licensure as a by completing additional cross-over training hours.

The 2017 Legislature revised the Senior License class criteria from 70 years of age to 60 years of age and from those who have been licensed in Kansas for a minimum of 40 years to those who have been licensed in Kansas for a minimum of 10 years.

The 2022 Legislature passed SB 348 which exempted the practice of threading from cosmetology licensure requirements when a self-test created and provided by the Kansas Department of Health and Environment is completed and posted where the service(s) are provided.

## AGENCY-WIDE OVERVIEW

### Current Year:

The budget remains steady and overall licensure continues to trend up. The Board has no significant changes to report for FY 2024. The total amount requested for FY 2024 is \$1,250,316.

Table 1 provides a numerical summary of licenses issued from FY 2019 through FY 2023.

|  | FY '19 | FY '20 | FY '21 | FY '22 | FY '23 |
|--|--------|--------|--------|--------|--------|
| <b>Licenseses</b> – cosmetology, esthetics, nail technology, & electrology           | 24,454 | 25,503 | 26,217 | 26,709 | 27,402 |
| <b>Licenseses</b> – tattoo artists, body piercers & permanent cosmetics              | 252    | 276    | 291    | 316    | 340    |
| <b>Subtotal</b>  | 25,706 | 25,779 | 26,508 | 27,025 | 27,742 |
| <b>Facility licenses</b> – all cosmetology professions                               | 4,285  | 4,278  | 4,463  | 4,538  | 4554   |
| <b>Facility licenses</b> – all tattoo artists, body piercers and permanent cosmetics | 124    | 130    | 142    | 151    | 162    |
| <b>Facility licenses</b> - tanning   | 302    | 287    | 276    | 270    | 252    |
| <b>Subtotal</b>  | 4,711  | 4,695  | 4,881  | 4,959  | 4969   |
| Licensed instructors and trainers  | 308    | 303    | 330    | 300    | 312    |
| Apprentices  | 1,519  | 1,509  | 1715   | 1,747  | 1725   |
| Temporary permits  | 21     | 43     | 28     | 8      | 10     |
| Schools  | 26     | 28     | 29     | 29     | 30     |
| <b>Totals</b>  | 32,291 | 32,357 | 33,491 | 34,068 | 34,787 |

## **Overall Licensure**

The overall five-year increase for licensure from FY 2019 to FY 2023 is 7.7%, an increase of 2,496 licenses. As of June 30, 2023, the Board currently has a record number of total licenses at, 34,787 a trend that has continued since FY 2019.

## **Tanning Establishments**

Tanning establishment licenses continue to decline. The five-year decrease in tanning facilities from FY 2019 to FY 2023 is 16.5%, a loss of 50 establishments.

## **Cosmetology Profession**

There is an increase for overall cosmetology practitioner professional licensure. The five-year increase from FY 2019 to FY 2023 is 12%, an increase of 2,948 licenses.

Cosmetology profession establishment licensure reflects a similar trend, showing an overall increase of 6.2% pr 269 establishments.

## **Body Art Profession**

Body art practitioner licensure is increasing. The five-year increase from FY 2019 to FY 2023 is 34.9%, an increase of 88 licenses.

There is a continued increase of overall body art profession establishments. The five-year increase from FY 2019 to FY 2023 is 30.6%, an increase of 38 licenses.

## **Budget Years**

The budget reflects an increase for FY 2023 from the approved amount of \$792, 131 of \$35,095 in the salaries and wages category due to the legislative pay plan increase of \$30,541 and a 5% increase in salary for three employees that were not included in the legislative pay plan amount. In FY 2024, the Board requested an increase of \$44,033 for salaries and wages reflecting an increase in benefit calculations as well as a change package request for 1 FTE. The Board requested an increase of \$277 over the FY 2024 amount requested due to increased benefit calculations. The Board is requesting no changes to the previously approved amounts for contracts, commodities, and capital outlay through FY 2025.

## **Actual Position Data**

The Board of Cosmetology has 15.0 FTEs.



## **EXPENDATURE JUSTIFICATON BY OBJECT CODES**

### **Object Code 100: Salaries and Wages**

The Board of Cosmetology has 15.0 FTEs.

**FY 2023 \$829,226 FY 2024 \$889,048 FY 2025 \$891,787**

#### **Summary**

The Board is requesting no changes to the previously approved amounts for salaries and wages through FY 2025.

### **Object Codes 200: Contractual Services**

The contractual services budget is the primary funding allocation for rents, technology-related expenses, communication, printing, and postage.

**FY 2023 - \$315,903 FY 2024 - \$329,438 FY 2025 - \$326,970**

#### **Summary**

The Board is requesting is requesting a 3.5% increase in funding of \$11,073 for Contractual Services.

### **Object Codes 300: Commodities**

The funds in this category represent basic operational expenditures. The largest cost allocation for commodities is fuel for five (5) inspector vehicles. Other major allocations are for office supplies and data processing supplies.

**FY 2023 - \$22,415 FY 2024 - \$22,415 FY 2025 - \$22,415**

#### **Summary**

The Board is requesting no changes to the previously approved amounts for commodities through FY 2025.

### **Object Codes 400: Capital Outlay**



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Laura Kelly, Governor

Capital outlay allocations are for replacement of one fleet vehicle every 5 years, office furniture and certain technology accessories not provided under OITS desktop as a service, such as monitors and keyboards.

**FY 2023 - \$22,950    FY 2024 - \$22,950    FY 2025 - \$22,950**

**Summary**

The Board is requesting no changes to the previously approved amounts for capital outlay through FY 2025.

**2025 CHANGE PACKAGES**

**Enhancement Request – FY 2025**

Per instructions from the Director Proffitt, FY 2025 Pay Plan Supplement Change Package Memorandum dated July 27, 2023, the Board created (record class 10, object code 5199990) “Shrinkage” of -\$29,200 (FY 2024 Pay Plan). In the Budget Request Summary of IBARS a positive amount of the pay plan was entered in the Agency Change Package to offset the negative amount entered in the FY 2025 Base Budget Entry Column.

**Explanation of Receipt Estimates – DA 405**

Division of the Budget  
Agency: Kansas Board of Cosmetology State of Kansas  
Program Licensure

Statutory History: K.S.A. 74-2704 establishes that all fees and payments by applicants for examinations or licenses by paid to the Kansas State Board of Cosmetology or the Board’s designee. The Executive Director, or the Board’s designee, remits 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. Ten percent of each deposit shall be credited to the State General Fund and the balance shall be credited to the Cosmetology Fee Fund.

Table 2 reflects net revenue of projected funds after the 10% remitted to the State General Fund.



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|                               | FY 2023               | FY 2024               | FY 2025               |
|-------------------------------|-----------------------|-----------------------|-----------------------|
| License Personal Services     | \$765,000.00          | \$765,000.00          | \$765,000.00          |
| License Business              | \$251,000.00          | \$251,000.00          | \$251,000.00          |
| Other Fines Penalties Forfeit | \$130,000.00          | \$130,000.00          | \$130,000.00          |
| <b>TOTAL</b>                  | <b>\$1,146,000.00</b> | <b>\$1,146,000.00</b> | <b>\$1,146,000.00</b> |

**FY 2023, FY 2024, and FY 2025 projected expenditures exceed projected revenue. The Board plans to utilize the available cash balance for the agency for any overages as needed.**

Table 3 provides a summary of the Board’s monthly cash balance for FY 2023.

| July      | August    | September | October   | November  | December  |
|-----------|-----------|-----------|-----------|-----------|-----------|
| \$687,714 | \$748,563 | \$666,110 | \$674,983 | \$675,018 | \$679,074 |
| January   | February  | March     | April     | May       | June      |
| \$649,350 | \$643,930 | \$642,656 | \$661,883 | \$720,917 | \$759,103 |