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**State of Kansas**

**Department of Health and Environment**

**Permanent Administrative Regulations**

**Article 24.—SANITARY REGULATIONS FOR THE PRACTICE OF COSMETOLOGY, NAIL TECHNOLOGY, ELECTROLOGY OR ESTHETICS**

**28-24-1. Definitions.** As used in this article of the department’s regulations, each of the following terms shall have the meaning specified in this regulation:

(a) “Bleach solution” means chlorine bleach used for disinfection purposes. Bleach solution shall be mixed, stored, and used according to manufacturer’s instructions.

(b) “Board” means the Kansas board of cosmetology.

(c) “Clean” means free of visible or surface debris through washing with soap and water or with detergent and water. Clean shall not mean disinfected.

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

(e) “Consumer” means any individual who receives cosmetology, electrology, nail technology, or esthetic services.

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

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

(h) “EPA” means the United States environmental protection agency.

(i) “Establishment” means any place where cosmetology, nail technology, electrology, or esthetics is practiced, other than a school.

(j) “FDA” means the food and drug administration of the United States department of health and human services.

(k) “Mobile establishment” means a self-contained, enclosed mobile unit licensed for the practice of one or more of the following:

- (1) Cosmetology;
- (2) nail technology;
- (3) esthetics; or
- (4) electrology.

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

(m) “Practitioner” means an individual who practices cosmetology, nail technology, electrology, or esthetics.

(n) “Product” means any substance used on a consum-

er in the practice of cosmetology, electrology, nail technology, or esthetics.

(o) “Protective gloves” means single-use gloves made of nitrile, vinyl, or latex.

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

(q) “School” means any place where cosmetology, esthetics, nail technology, or electrology is taught.

(r) “Single-use,” when used to describe an item used in the practice of cosmetology, nail technology, electrology, or esthetics, means that the item is porous and cannot be disinfected, regardless of manufacturer designation.

(s) “Sterilization” means the process used to render an instrument free of all forms of living microorganisms by use of a steam autoclave sterilizer or dry-heat sterilizer. The use of ultraviolet light shall not be an acceptable form of sterilization. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-2. Personal cleanliness.** Each practitioner shall clean that individual’s hands or use an alcohol-based hand sanitizer before and after each consumer service. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-3. Communicable diseases or conditions.** (a) No practitioner shall provide either of the following:

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

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

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

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

(c) If there is a likelihood of exposure to blood or body fluids while practicing cosmetology, nail technology, esthetics, or electrology, the practitioner shall wear single-use protective gloves, and each contaminated single-use item shall be double-bagged, sealed, and dis-

posed of in a closed waste receptacle.

(d) If a blood exposure occurs, the practitioner shall perform all of the following procedures:

- (1) Stop service immediately;
- (2) put on protective gloves;
- (3) clean the injured area with an antiseptic solution and cover the wound with a sterile bandage to prevent further blood exposure;
- (4) clean and disinfect all equipment, instruments, and surfaces that came in contact with blood; and
- (5) double-bag all contaminated items, including gloves, and dispose of the contaminated items in a closed waste receptacle. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

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

(c) All clean linens and capes shall be stored in a closed and labeled container or an enclosed storage area. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-5. Surfaces and treatment tables.** (a) Each practitioner shall daily disinfect any surface that came into contact with a consumer during services, including shampoo bowls, chairs, headrests, and treatment tables.

(b) Each treatment table shall be covered with a clean sheet of examination paper, paper towels, or linen before providing services to each consumer. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

(b) If only a portion of a product is to be used on a consumer, each practitioner shall remove the product from its container in a way that does not contaminate the unused portion in the container. Each practitioner shall discard any remaining portion that was removed from the container but was not used during that consumer's service in a covered waste receptacle immediately after use. If cosmetic pencils are used, each pencil shall be sharpened before each use and the sharpener shall be cleaned and disinfected before being used again. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

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

(c) Each roll-on wax cartridge shall be considered a single-use item and shall be disposed of in a covered waste receptacle after the service. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

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

(c) Each sanding band used on an electric file shall be a single-use item. Each practitioner shall dispose of each sanding band in a covered waste receptacle immediately after the sanding band is used. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-9. Pedicure equipment.** For the purposes of this regulation, the term "pedicure equipment" shall mean any apparatus that holds water for the purpose of pedicure service.

(a) Each practitioner shall perform the following immediately after each pedicure service:

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

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

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

(4) replace all clean removable parts;

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

(A) If the pedicure equipment is circulating, fill the pedicure equipment with potable water and circulate a bleach solution or a liquid disinfectant used according to the manufacturer's instructions through the pedicure equipment for 10 minutes and then drain and rinse the pedicure equipment with potable water; or

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

(6) wipe the pedicure equipment dry with a clean towel.

(b) Each practitioner shall ensure that all pedicure equipment remains in a clean and disinfected condition, even if the pedicure equipment is not in service or not able to be used in a service. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-10. Cleaning and disinfecting nonelectrical instruments and equipment.** (a) Each practitioner shall perform the following after each service as applicable:

(1) Clean each nonelectrical instrument or nonelectrical

piece of equipment;

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

(3) use one of the following disinfection methods:

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

(i) Totally immerse the instrument or equipment in a disinfectant and disinfect according to the manufacturer's instructions and then rinse the instrument or equipment with potable water; or

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

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

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

(b) Each practitioner shall ensure that the disinfectant or bleach solution specified in subsection (a) is prepared, available for use, and covered at all times. Disinfectants and bleach solutions shall be changed daily or more often if the disinfectant or bleach solution becomes visibly cloudy or dirty.

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

(1) The SDS; and

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

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

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

(f) The electrolysis instruments and pieces of equipment that are sterilized in accordance with K.A.R. 28-24-12 shall not be subject to the requirements of this regulation. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-11. Disinfecting electrical instruments.**

(a) Each practitioner shall disinfect each electrical instrument after each service, as follows:

(1) Remove all debris from the electrical instrument; and

(2) completely saturate the portion of the electrical instrument that came in contact with the consumer with a bleach solution or with a disinfectant used according to the manufacturer's instructions.

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

(c) At the end of each day, all towels remaining in a towel warmer shall be removed. The towels shall not

be reused until properly laundered. Each towel warmer shall be disinfected daily according to the manufacturer's instructions.

(d) Each practitioner shall clean and disinfect each metal bit and mandrel for an electric file after each use on a consumer and then shall store the bit and mandrel in a clean, closed, and labeled container until the next use. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

(a) Each practitioner shall immerse non-single-use electrolysis instruments in an ultrasonic unit that is operated in accordance with the manufacturer's instructions and that contains potable water and an enzyme detergent after each use and before sterilization.

(b) Each practitioner shall ensure that all electrolysis instruments and equipment are sterilized as follows:

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

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

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

(1) Be approved by the FDA;

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

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

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

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

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

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

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

(1) The owner of each establishment shall maintain a log at the establishment with the date and results of each

monthly test for at least three years and shall make the records available for review at any time by the board or the board's designee.

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

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

(g) Each practitioner shall dispose of all needles and any other sharp items in a sharps container following the service.

(h) The surface of each counter, each treatment table, and each piece of equipment in each area where a consumer is served shall be made of smooth, nonporous materials. Each practitioner shall disinfect all nonporous surfaces, including counters, treatment tables, and pieces of equipment, after each service by using either a disinfectant according to the manufacturer's instructions or a bleach solution. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Oct. 5, 2007; amended April 10, 2020.)

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

(a) Each school or establishment shall be well lit and well ventilated by natural or mechanical methods that remove or exhaust fumes, vapor, or dust to prevent hazardous conditions from occurring and to allow the free flow of air in a room in proportion to the size and the capacity of the room. The floors, walls, ceilings, furniture, and fixtures shall be clean and in good repair at all times.

(b)(1) If a room used for residential purposes is adjacent to a room used for the practice of cosmetology, nail technology, esthetics, or electrology, a solid partition shall separate the portion of the premises used for residential purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving.

(2) Each establishment that has an initial license issued on or after December 31, 2007 and that is located in a residence shall have a separate, outside entrance to the establishment.

(c) If a room used for nonlicensed business purposes is also used for or is adjacent to a

room used for the practice of cosmetology, nail technology, esthetics, or electrology and if the

board, upon consultation with the secretary of health and environment, determines that the proximity of the licensed or nonlicensed activities poses a possible threat to the health of the employees, the consumers, or the public, the owner of the school or establishment shall mitigate the risk as directed by the board, including by meeting one or both of the following requirements:

(1) A solid partition shall separate the portion of the premises used for nonlicensed business purposes from the licensed area. The partition may contain a door if it remains closed, except for entering and leaving.

(2) A separate, outside entrance shall be provided for

the school or establishment.

(d) Each school or establishment shall have plumbing that provides hot and cold running, potable water at all times and that provides for the disposal of used water.

(e)(1) Each establishment shall have at least one restroom. Each school shall have at least two restrooms. Each restroom shall be in the building in which the establishment or school is located.

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

(3) A restroom sink shall not be used for services or for cleaning instruments or equipment.

(f)(1) Each establishment that provides cosmetology services shall have a shampoo bowl with a sprayer and hot and cold running water that is separate from the restroom.

(2) Each establishment that provides nail technology, esthetics, or electrology services shall have a hand-washing sink with hot and cold running water that is separate from the restroom.

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

(1) All equipment shall be securely anchored to the mobile establishment.

(2) No services shall be performed while the mobile establishment is in motion.

(3) Each mobile establishment shall have the following:

(A) A hand-washing sink that has hot and cold running water;

(B) a self-contained supply of potable water. The water tank shall have a capacity of at least 20 gallons, and the holding tanks shall have at least the same capacity; and

(C) one or more self-contained, recirculating, flush chemical toilets with a holding tank. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended April 10, 2020.)

**28-24-14. Prohibitions.** (a) The following shall be prohibited in each establishment or school:

(1) Smoking or preparing food in the service area;

(2) using neck dusters and nail dusters;

(3) possessing any animal. This prohibition shall not apply to any assistance dog, as defined in K.S.A. 39-1113 and amendments thereto;

(4) using razor-type devices to remove calluses or skin blemishes;

(5) using invasive skin-removal techniques, products, and practices that remove viable cells that are deeper than the stratum corneum;

(6) placing waste in open waste receptacles;

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

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

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

(c) The owner of a school or establishment shall not permit excessive amounts of waste, refuse, or any oth-

er items that could cause a hazard to accumulate on the premises of the school or establishment. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998; amended Oct. 5, 2007; amended April 10, 2020.)

Lee A. Norman, M.D.  
Secretary

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**State of Kansas**

**Real Estate Commission**

**Permanent Administrative Regulations**

**Article 1.—EXAMINATION AND REGISTRATION**

**86-1-10. Approved courses of instructions; procedure.** (a) Definitions. Each of the following terms, as defined in this subsection, shall apply to K.A.R. 86-1-10 through K.A.R. 86-1-12 and K.A.R. 86-1-17:

- (1) “Commission” means Kansas real estate commission.
- (2) “Coordinator” means an individual who serves as the primary contact for a school and is responsible for complying with the requirements in this regulation.
- (3) “Course” means instruction designed to fulfill the education requirements of K.S.A. 58-3046a, and amendments thereto.
- (4) “Distance education course” means a course for which the school provides instructional materials by mail or electronic transmission to students who are physically separated from the instructor for all or a portion of the course.
- (5) “In-person education course” means a course provided to students who are not physically separated from the instructor.
- (6) “Monitoring” means review of approved courses by commission staff to ensure that the attendance, presentation platform, instruction time, outline, and materials provided by schools meet the requirements of the commission.
- (7) “School” means an entity eligible under K.S.A. 58-3046a(g), and amendments thereto, to offer courses approved by the commission.

(b) Request for course approval. Each school seeking commission approval of a course shall submit the following information to the commission at least 45 days before the first scheduled class session:

- (1) A completed course approval application obtained from the commission;
  - (2) a copy of all course materials, including textbooks, student workbooks, and examinations with answers;
  - (3) the total number of sessions, sections, or modules;
  - (4) the duration of each session, section, or module;
  - (5) the total number of requested hours for the course;
  - (6) the course objectives and a detailed course outline; and
  - (7) the course approval fee prescribed by K.A.R. 86-1-5.
- (c) Additional course approval requirements for distance education courses.

(1) In addition to meeting the requirements of subsection (b), each school requesting approval of a distance education course shall submit the following information:

- (A) The means to access the distance education course as it will be offered to students;
- (B) evidence of sufficient information technology support to enable students to complete the distance education course;
- (C) documentation on how the distance education course will require active participation by each student and substantial interaction between the students and the instructor, other students, or a computer program; and
- (D) evidence that the system used for testing students will scramble questions and items for any quizzes or examinations to ensure a random presentation.

(2) Each distance education course certified by the association of real estate license law officials shall be presumed to meet the requirements in paragraph (c)(1).

(3) Each school offering a distance education course approved by the commission under K.S.A. 58-3046a(e) or K.S.A. 58-3046a(f), and amendments thereto, shall require each student to answer at least 10 quiz or examination questions per credit hour.

(4) Each school offering a distance education course approved by the commission under K.S.A. 58-3046a(a), K.S.A. 58-3046a(b), K.S.A. 58-3046a(c) or K.S.A. 58-3046a(d), and amendments thereto, shall require each student to answer at least 50 quiz or examination questions.

(5) Each school shall issue a certificate of completion of each distance education course approved by the commission to meet any requirement of K.S.A. 58-3046a, and amendments thereto, to each student who has answered at least 90 percent of the quiz or examination questions correctly during the distance education course.

(d) Instructors. Each school coordinator shall be responsible for ensuring that the school’s instructors have the specialized preparation, training, and experience in the subject matter to be taught to ensure competent instruction.

(e) Changes to an approved course.

(1) Except as provided in paragraph (e)(2), each school shall submit a new application for course approval under subsection (b) if there is any change to the course content, outline, objectives, or presentation platform for an approved course.

(2) A school shall not be required to submit a new application for course approval under subsection (b) if any of the following changes:

- (A) The coordinator;
- (B) the location of the school; or
- (C) the course title.

(3) Each school shall submit notification to the commission of each change described in paragraph (e)(2) at least 15 days before the change is scheduled to occur.

(4) Each school shall submit notification to the commission at least 15 days before the discontinuation of any course or the intent to close the school.

(f) Registration of approved courses; application for renewal.

(1) The registration of courses approved by the commission shall expire on January 31 of each year. Each application to renew the approval of a course shall be submitted on a form provided by the commission.

(2) Each application to renew approval of a course received after the expiration date shall require the sub-

mission of a new application for approval pursuant to subsection (b).

This regulation shall be effective on and after July 1, 2020. (Authorized by K.S.A. 2019 Supp. 58-3046a and K.S.A. 2019 Supp. 74-4202; implementing K.S.A. 2019 Supp. 58-3046a; effective, T-83-32, Oct. 25, 1982; effective

May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Jan. 29, 1990; amended July 16, 1990; amended Nov. 17, 1995; amended Dec. 14, 2001; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007; amended July 1, 2020.)