

In the District Court
of
Shawnee County, Kansas

Bryn Green,

Plaintiff,

v.

Kansas State Board of Cosmetology, et al.,

Defendants.

Civil Action No. 2023-CV-300030

Joint Stipulation of Facts and Exhibits; Exhibits 1-9; Certificate of Service.

Division Three
(Hon. Teresa L. Watson)

Joint Stipulation of Facts and Exhibits

Plaintiff Bryn Green and Defendants, by and through their undersigned counsel, submit the following Joint Stipulation of Facts and Exhibits, as set forth below:

Stipulated Facts and Exhibits

- i. As of this filing, the Kansas State Board of Cosmetology members are: Kimberley Mancuso (Chair, Public Member), Kelly Robbins (Vice Chair, Tanning), Nichole Hines (Licensed Cosmetologist), Jen Kuhn (Licensed Cosmetologist), Bryan Parsons (Licensed Body Art Practitioner), Renee Anderson (Professional School Representative), and Barbara Greathouse (Licensed Electrologist). The Board's Executive Director is Breanna Bell. These parties are automatically substituted per K.S.A. 60-225(d).
- ii. Sugaring is an ancient all-natural, temporary hair removal technique which dates back to ancient Egypt, that typically uses a mixture of sugar, lemon juice, and water to safely remove unwanted hair.
- iii. Sugaring typically involves applying a thick paste made of sugar, lemon juice, and water to the skin, by hand, and then removing the paste. The hair adheres to the sugaring paste and is removed with the paste.
- iv. The parties stipulate to the authenticity and admissibility of the following textbooks:
 1. Milady Standard: Cosmetology, 13th ed. (2016); stipulated exhibit ("stip. ex") 1.
 2. Pivot Point Fundamentals: Cosmetology; stip. ex. 2.
 3. Milady Standard Esthetics: Fundamentals, 12th ed.; stip. ex. 3.
 4. Milady Standard Esthetics: Fundamentals, 11th ed.; stip. ex. 4.
 5. Milady Standard Esthetics: Advanced; stip. ex. 5.

6. Pivot Point Fundamentals: Esthetics (2007); stip. ex. 6.
7. Pivot Point Fundamentals: Esthetics; stip. ex. 7.
8. Alexandria Professional: Body Sugaring Reference Guide; stip. ex. 8.
9. Jessa Skincare: Handbook; stip. ex. 9.
- v. All the leading textbooks on cosmetology, esthetics, and sugaring state that sugaring is safer and more sanitary than waxing.
- vi. These textbooks state that:
 1. Sugaring paste is naturally hygienic and inhibits the growth of pathogens.
 2. Sugaring is hygienic because the paste is only ever used on one customer.
 3. Sugaring paste is hypoallergenic.
 4. Unlike waxing, sugaring paste adheres to the hair but not to the skin, lessening the risk of trauma or bruising to the skin.
 5. Unlike waxing, sugaring has no risk of burning.
 6. Unlike waxing, sugar paste can be applied to the same area of skin multiple times without risking trauma to the skin.
 7. Unlike waxing, sugaring is safe for clients with diabetes.
 8. Unlike waxing, sugaring is safe to perform on spider veins.
 9. Unlike waxing, sugaring is safe to perform on psoriasis.
 10. Unlike waxing, sugaring is safe to perform on dry-itch eczema.
 11. Unlike waxing, sugaring is safe to perform on varicose veins.
 12. Sugar paste is water soluble, making it easier to clean up than waxing.
 13. Sugaring creates less discomfort and irritation than waxing.
 14. Sugaring has less risk of folliculitis than waxing.
 15. Sugaring has less risk of ingrown hairs than waxing.
 16. Sugaring causes less distortion to the follicle than waxing.
 17. Unlike sugaring, for waxing there's a "risk of lifting the epidermal layer of skin if the wax is too cool and goes on too thickly."
- vii. Depending on the technique, applying the sugaring paste does not require the use of heat, chemicals, or sharp objects.
- viii. Under the traditional hand-applied method of sugaring, which Ms. Green will use, applying the sugaring paste does not involve the use of heat, chemicals, or sharp objects.
- ix. When performed properly, each customer is serviced using fresh, sanitary sugar paste. The sugaring paste has natural antiseptic properties, which inhibit bacterial

growth, cause less irritation, and reduce possible breakouts in the days following the treatment.

- x. Mild cases of folliculitis resolve spontaneously with good hygiene, while more moderate to severe infections (which are rare in skin care services) may require topical to oral antibiotics to be used.
- xi. Defendants have never received any complaints from the public related to sugaring.
- xii. Defendants have never received any complaints from the public about sugaring-related injuries.
- xiii. For some women, unwanted body hair can be a source of significant anxiety and mental health concerns, and the removal of this unwanted body hair, whether through sugaring or another method, can be important to psychological health and wellbeing.
- xiv. Dr. Seema Patel, the plaintiff's proffered expert, testified that "[f]rom a dermatological standpoint there's no reason to remove hair."
- xv. For the past seven years, Ms. Green has received sugaring services in Dodge City.
- xvi. Ms. Green has also performed sugaring services on herself at home for several years.
- xvii. She believes sugaring is a superior hair removal technique to waxing.
- xviii. Ms. Green is not aware of any salon that offers sugaring in Hays.
- xix. Sometime around December 2022 or January 2023, Ms. Green started thinking about offering sugaring services to the public for compensation.
- xx. She researched the legal requirements for forming a business and identified available names for a potential limited liability company.
- xxi. She has researched sugaring products she would like to use at her business.
- xxii. Ms. Green inquired about a location in Hays where she could offer sugaring services. She found a location for her sugaring business that was available to her and which she would have used if she could have started her business without a license. The building has enclosed rooms for privacy and access to running water and sinks.
- xxiii. Ms. Green has successfully completed an online sugaring course of instruction as well.
- xxiv. Ms. Green would like to attend an additional multi-day sugaring course of instruction from an industry leader, Alexandria Professional, but they will only accept students who hold a license, or who reside in a state that does not require a license to sugar.
- xxv. If allowed to lawfully provide sugaring services without a license Ms. Green would likely at first use Alexandria Professional's all-natural sugaring paste.
- xxvi. Alexandria's paste is designed to be applied at body temperature.

- xxvii. The paste can be warmed by hand, or in a digital sugar warmer sold by Alexandria that will keep the sugar paste at body temperature.
- xxviii. Ms. Green will use fresh, disposable gloves to apply and remove the sugar paste by hand.
- xxix. To begin a sugaring hair removal service, Ms. Green will first consult with the client to determine what areas they would like treated, discuss any current or past skin issues, and identify any concerns or sensitivities.
- xxx. Once the service plan is clear, Ms. Green will prepare a clean, organized workspace, sanitize her hands, and put on gloves.
- xxxi. The client's skin is cleansed with a gentle, skin-safe cleanser to remove oils, sweat, or lotion, then lightly dusted with a natural powder to absorb moisture and help the sugar adhere only to the hair.
- xxxii. While there are many products on the market, Ms. Green would probably begin using the Alexandria Professional line of products, such as Presept Skin Cleanser, Essential Tonic, Vertal 6 Drying Powder, and Restore Lotion.
- xxxiii. Ms. Green would then mold a ball of sugaring paste the direction of hair growth and then quickly flick the sugar off in the direction of growth to gently remove hair with minimal breakage or irritation.
- xxxiv. This process is repeated in small sections, replacing the sugar paste as needed.
- xxxv. Ms. Green may use tweezers to remove hair that is missed by the sugar paste, depending on what the client asks for.
- xxxvi. After the area is fully treated, a soothing product like aloe vera or witch hazel could be applied to calm the skin if desired by the client.
- xxxvii. Finally, Ms. Green would provide aftercare instructions, including advising the client to avoid heat, friction, and exfoliation for 24–48 hours and to moisturize regularly.
- xxxviii. Ms. Green has read the Board's blood exposure procedures and would follow those procedures, to the best of her ability, in the unlikely event of blood exposure with a client.
- xxxix. On March 28, 2023, Ms. Green reached out to the Board to determine if there were any legal requirements she had to meet before she could offer sugaring services.
 - xl. Initially, she did not think to clarify between waxing and sugaring.
 - xli. A Board staff member responded by sending her links to statutes, regulations, and the Board-approved cosmetology and esthetics curriculum.
 - xlii. Ms. Green followed up with a Board staff member on May 1, 2023, explaining that the links did not help her understand whether a license was required, and specifically asked whether she would be required to have either a cosmetology or esthetics license to offer sugaring as a client service.

- xliii. She did not receive a response.
- xliv. After calling and leaving messages, Ms. Green talked to someone at the Board on the phone and was informed by that person that Ms. Green was essentially seeking legal advice.
- xlv. Ms. Green does not have a cosmetology or esthetics license.
- xlvi. In Kansas, a person who practices unlicensed sugaring for money is guilty of a misdemeanor offense.
- xlvii. Ms. Green reached out to the only cosmetology school in Hays, the Hays Academy of Hair Design, and was informed that they only taught waxing, not sugaring.
- xlviii. A full-time student at the Hays Academy will take about a year to graduate.
- xliv. In Kansas, the practice of cosmetology includes accepting compensation for the “temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles.”
 - i. “Esthetics” isn’t defined, but an “esthetician” is a “person who, for compensation, practices” “cosmetology only to the following extent:” “(2) temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles[.]”
 - ii. Hair braiders are exempted from the cosmetology licensing regime.
 - iii. Hair threaders are exempted from the cosmetology licensing regime.
 - iiii. To perform hair braiding legally, hair braiders need only attest that they have reviewed a Board produced pamphlet on basic sanitation, infection control, and blood spill procedures, administer a self-test, and keep the pamphlet at the location where they are offering braiding services.
 - lv. To perform threading legally, hair threaders need only attest that they have reviewed a Board produced pamphlet on basic sanitation, infection control, and blood spill procedures, and administer a self-test, and keep the pamphlet at the location where they are offering threading services.
 - lvi. Sugaring is not exempted from the cosmetology licensing regime. Instead, sugaring falls within the definition of “temporary hair removal from the face or any part of the body by use of the hands or mechanical or electrical appliances other than electric needles[.]”
 - lvii. An individual must therefore have a cosmetology or esthetics license to perform sugaring for compensation.
 - lviii. In the 2024 legislative session, the Kansas Legislature passed SB 434, which removed sugaring from the definition of the practice of cosmetology and esthetics.
 - lvi. SB 434 would have required sugarers to review a pamphlet on basic sanitation, infection control, and blood spill procedures, and administer a self-test, identical to what is required for hair braiding and threading.

- lix. Governor Laura Kelly vetoed SB 434.
- lx. To obtain a license, aspiring sugarers must graduate from a Board-approved cosmetology or esthetician school.
- lxi. To obtain a license, Ms. Green would have to complete either 1,500 or 1,000 hours of instruction in a cosmetology or esthetics school, respectively.
- lxii. The Board adopted the 1,500-hour cosmetology curriculum by reference in KAR § 69-3-8.
- lxiii. At the Hays Academy of Hair Design, of the 1,500-hour cosmetology curriculum, approximately 15 minutes is devoted to teaching sugaring theory.
- lxiv. Thus, approximately 99.983% of the of the mandatory 1,500-hour curriculum is devoted to topics other than sugaring.
- lxv. By the Board's own admission, the following hours of Board required cosmetology instruction are unrelated to the practice of sugaring:
 - 1. 35 hours: (1) Scientific Concepts, (b) Hair & Scalp.
 - 2. 20 hours: (1) Scientific Concepts, (d) Nails.
 - 3. 35 hours: (2) Physical Services, (a) Shampoo & rinses.
 - 4. 35 hours: (2) Physical Services, (b) Scalp and hair care.
 - 5. 180 hours: (2) Physical Services, (d & e) Manicuring & Artificial nails.
 - 6. 450 Hours: (3) Chemical Services, (a-d) Hair coloring, lightening, chemical waving, chemical hair relaxing.
 - 7. 360 hours: (4) Hair designing, (a-d) Hair shaping, hair styling, Thermal Techniques, care and styling of hair pieces.
 - 8. 50 hours: (6) State law, (a) rule and regulations.
 - 9. 50 hours: (7) Student specific needs.
- lxvi. All told, the Board admits that 1,215 out of 1,500, or 81%, of the required hours in the cosmetology curriculum are unrelated to the practice of sugaring.
- lxvii. Of the remaining 285 hours, the Board admits that many of these hours are also unrelated to the practice of sugaring:
 - 1. 40 hours: (1) Scientific Concepts, (a) Sanitation. The Board admits that some but not all of the 40 hours of instruction on sanitation are relevant to the practice of sugaring.
 - 2. 20 hours: (1) Scientific Concepts, (c) Skin. The Board admits that some but not all of the 20 hours of instruction on skin are relevant to the practice of sugaring.
 - 3. 150 hours: (2) Physical Services (c) Facials and make-up. The Board admits that of the 150 hours and 11 subtopics in Facials and make-up, only Hair

Removal is relevant to the practice of sugaring. And the Hair Removal subtopic includes tweezing, waxing, depilatories, threading, shaving, and sugaring, as well as permanent hair removal techniques, of which only “sugaring” is directly related to the practice of sugaring.

4. 75 hours: (5) Business Practices. The Board admits that of the 75 hours and 5 subtopics in Business Practices, only Client Records is directly relevant to the practice of sugaring.
- lxxviii. A Board-approved textbook that forms a basis for many schools’ curricula, Milady Standard: Cosmetology, 13th ed. (2016), devotes only three paragraphs of the 1129 pages to the technique of sugaring, one of which is only one sentence long. The book advises students to learn about sugaring “at trade shows and seminars, as well as through videos.”
- lxxix. By comparison, the textbook spends five pages on “Resume Development,” fourteen pages on “Life Skills,” four pages instructing students on their personal image, grooming, and fashion, approximately 175 pages on “Nail Care,” approximately 35 pages on “Scalp care, Shampooing, Conditioning,” and approximately 169 pages on “Haircutting” and “Hairstyling.”
- lxxx. The textbook used by the Hays Academy of Hair Design devotes a single paragraph to sugaring.
- lxxxi. By comparison, the textbook used at the Hays Academy devotes ten pages to “Healthy Body & Mind,” twelve pages to “Ergonomics,” eleven pages to “Basic Communication,” seven pages to “Communicating with Confidence,” fourteen pages to “Human Relations,” and twelve pages to “Resilience.”
- lxxxii. The Board-approved cosmetology curriculum doesn’t require any hands-on practical training in sugaring.
- lxxxiii. The Board adopted an esthetics curriculum by reference in KAR § 69-3-8.
- lxxxiv. The closest esthetician schools to Hays is the Bellus Academy in Manhattan, Kansas, approximately a two-and-a-half-hour drive from Hays.
- lxxxv. At the Bellus Academy, during the course of the 1,000-hour esthetics curriculum, approximately 10-20 minutes is devoted to teaching sugaring theory.
- lxxxvi. Assuming that sugaring is taught for a full 20 minutes, approximately 99.967% of the of the mandatory 1,000 hours curriculum is devoted to topics other than sugaring.
- lxxxvii. By the Board’s own admission, the following hours of Board required esthetics instruction are unrelated to the practice of sugaring:
1. 240 hours: (4) Skin Treatments.
 2. 40 hours: (5) Body Treatments.
 3. 140 hours: (6) Advanced Skin Treatments.

4. 60 hours: (8) Make up.
 5. 20 hours (10) State law.
 6. 50 hours: (11) Student specific needs.
- lxxviii. All told, the Board admits that 550 out of 1,000, or 55%, of the required hours in the esthetics curriculum are unrelated to the practice of sugaring.
- lxxix. Of the remaining 450 hours, the Board admits that many of these hours are also unrelated to the practice of sugaring:
1. 60 hours: (1) Infection Control. The Board admits that some but not all of the 60 hours of instruction on infection control are relevant to the practice of sugaring.
 2. 200 hours: (2) Skin anatomy and physiology. The Board admits that of the 200 hours of instruction on skin anatomy and physiology, only the subsection on dermatology is directly related to the practice of sugaring.
 3. 120 hours: (3) Skin analysis and consultation. The Board admits that some but not all of the 120 hours of instruction on skin analysis and consultation are relevant to the practice of sugaring.
 4. 40 hours: (7) Temporary hair removal. Of the 40 hours of temporary hair removal instruction, the Board admits that only the instruction on sugaring is directly related to the practice of sugaring.
 5. 30 hours: (9) Business Practices. Of the 30 hours of business practices, the board admits that only the instruction on client records could be directly related to the practice of sugaring.
- lxxx. Of the 1,000 hours required to become a licensed esthetician, only 40 hours are devoted to the entire category of hair removal, consisting of 10 hours for theory instruction and 30 hours of practice.
- lxxxi. These 40 hours are spread over six temporary hair removal topics.
- lxxxii. While the curriculum requires an esthetics student to perform 40 facial waxes and 10 body waxes, there is no requirement to perform sugaring.
- lxxxiii. The closest cosmetology school to Ms. Green is the Hays Academy of Hair Design.
- lxxxiv. The Hays Academy costs \$18,900 for a full course of cosmetology instruction.
- lxxxv. That cost is roughly 33% of the median household income in Hays, which is \$56,861. Census Bureau Profile, Hays, Kansas.
- lxxxvi. That cost is roughly 54% of the median annual wage of cosmetologists in Kansas, which is \$34,740. Bureau of Labor Statistics, Occupational Employment and Wage Statistics (OEWS) Map – Personal Care and Service Occupations, Hairdressers, Hairstylists, and Cosmetologists.

- lxxxvii. That cost is roughly 69% of the cost of tuition and books for four years of schooling at Fort Hays State University, which is \$27,247.60. Ft. Hays State University Tuition.
- lxxxviii. A full-time student at the Hays Academy will take about a year to graduate.
- lxxxix. Of the Hays Academy's 1,500 hours of instruction, approximately 10-15 minutes of time is devoted to instruction on the theory of sugaring.
 - xc. This instruction consists of a single PowerPoint slide.
 - xci. The Hays Academy does not offer hands-on instruction on sugaring.
 - xcii. The Hays Academy does not believe that the 10-15 minutes of sugaring theory it offers is sufficient for graduates of the cosmetology program to know how to provide sugaring services on the public.
 - xciii. Defendants' proffered expert and member of the Board, Ms. Hines, is not surprised that cosmetology schools only offer 10-15 minutes of instruction on sugaring theory.
 - xciv. Defendants' proffered expert and member of the Board, Ms. Hines, is not surprised that cosmetology schools do not offer hands-on practice with sugaring.
 - xcv. Defendants' proffered expert and member of the Board, Ms. Hines, doubts that all cosmetology instructors know how to practice sugaring.
 - xcvi. When asked if individuals who have graduated from cosmetology or esthetician school and passed their licensing exams are qualified to perform sugaring, Defendants' proffered expert and member of the Board, Ms. Hines, testified "without any hands on? No. Not necessarily. No."
 - xcvii. When asked why they wouldn't be qualified to perform sugaring, Ms. Hines said, "it might just – in my mind they wouldn't know how to do it."
 - xcviii. There is no esthetician school in Hays, only a cosmetology school.
 - xcix. The closest esthetician schools to Hays, the Bellus Academy in Manhattan, Kansas, which is approximately a two-and-a-half-hour drive from Hays.
 - c. Bellus Academy costs \$18,300.84 for a full course of esthetics instruction.
 - ci. That cost is roughly 32% of the median household income in Hays, which is \$56,861. Census Bureau Profile, Hays, Kansas.
 - cii. That cost is roughly 53% of the median annual wage of cosmetologists in Kansas, which is \$34,740. Bureau of Labor Statistics, Occupational Employment and Wage Statistics (OEWS) Map – Personal Care and Service Occupations, Hairdressers, Hairstylists, and Cosmetologists.
 - ciii. That cost is roughly 67% of the cost of tuition and books for four years of schooling at Fort Hays State University, which is \$27,247.60. Ft. Hays State University Tuition.
 - civ. A full-time student at the Bellus Academy will take 29 weeks to graduate.

- cv. Of the Bellus Academy’s 1,000 hours of instruction, approximately 10-20 minutes of instruction is devoted to instruction on the theory of sugaring.
- cvi. Bellus Academy does not require hands-on instruction on sugaring and a student may graduate without ever performing sugaring on a client.
- cvii. Defendants’ proffered expert and member of the Board, Ms. Hines, is not surprised that esthetician schools only offer 10-20 minutes of instruction on sugaring theory.
- cviii. Defendants’ proffered expert and member of the Board, Ms. Hines, is not surprised that esthetics schools may not offer hands-on practice with sugaring.
- cix. Defendants’ proffered expert and member of the Board, Ms. Hines, is not surprised that hands-on sugaring is not being taught because “the instructors probably don’t know how to do it.”
- cx. To become a licensed cosmetology instructor, aspiring-teachers must obtain a cosmetology instructor’s license.
- cxii. To obtain an instructor’s license, aspiring instructors must first become licensed cosmetologists, pass a cosmetology instructor exam—administered by the Board or the Board’s designee—and either take 450 hours of instructor training or have practiced as a cosmetologist for one year prior to licensure.
- cxiii. The instructor training curricula does not specifically cover sugaring. The instructor examination does not specifically cover sugaring.
- cxiiii. Since at least 2016, the cosmetology instructor examination has been written only. Therefore, aspiring instructors are not tested on their ability to perform sugaring as a condition of their teaching license.
- cxv. There is no requirement that licensed instructors in Kansas know how to perform sugaring or effectively teach the technique.
- cxvi. Defendants’ proffered expert and Board member, Ms. Hines, doubts that cosmetology and esthetics instructors know how to practice sugaring.
- cxvii. After finishing school, aspiring sugarers must take either two cosmetology examinations or two esthetician examinations in order to obtain the respective license—one practical and one theoretical.
- cxviii. Because the tests are computer-based and not hand-on, aspiring sugarers are not tested by the Board on their hands-on ability to perform sugaring.
- cxix. The cosmetology examination consists of two, two-hour written only tests: a 120-question multiple-choice theory exam and a 125-question multiple-choice practical examination.
- cx. The esthetician examination consists of two, two-hour written only tests: a 100-question multiple-choice theory exam and a 125-question multiple-choice practical examination.
- cxii. The instructor examination consists of a single, two-hour written only test.

- cxxi. All of the examinations are administered on behalf of the Board by Ergometrics and Applied Personnel Research, Inc.
- cxxii. Each of these tests is computer administered.
- cxxiii. Ergometrics has a question bank of potential test questions for each test.
- cxxiv. When a test is administered to an individual, Ergometrics' system will generate a unique test for each test taker by drawing questions from the question bank.
- cxxv. To ensure that each test covers the appropriate material, the questions drawn from the question bank are proportional to the percentages listed in the appropriate candidate information bulletin published by Ergometrics on behalf of the Board.
- cxxvi. For instance, the Cosmetology Written Theory Exam consists of 120 multiple-choice questions. One hundred of these questions are scored and 20 are non-scored experimental questions. For the Cosmetology Written Theory Exam, the candidate information bulletin lists the topic of "Skin Care & Services" as constituting 4% of the test. As a result, when the system generates a test, 4 of the 100 scored questions drawn from the question bank will be on the topic of Skin Care & Services.
- cxxvii. Ergometrics has created two question items related to sugaring: Item Numbers 1089 and 18336.
- cxxviii. Item Number 18336 has not appeared on any exams for any discipline. While this item is in Ergometrics' database, it is not active, meaning that it will not be used on exams.
- cxxix. Item Number 1089 was first added to Ergometrics' question bank on August 8, 2013. From August 8, 2013 through June 30, 2025, Item Number 1089 has only been utilized in the Esthetics Written Theory Exam, it has never been used on the Cosmetology or Instructor Exams.
- cxxx. From August 8, 2013, to June 30, 2025, the Esthetics Written Theory Exam has been administered a total of 3,419 times. Of these 3,419 exams, 1,260 of them included Item Number 1089.
- cxxxi. The text of Item Number 1089, the only question ever tested relating to sugaring, is produced subject to the Court's protective order. It is a multiple-choice question about the definition of sugaring.
- cxxxii. In sum, from August 8, 2013, to June 30, 2025, no applicant taking a cosmetology or instructor exam has been asked a single question about sugaring, while 36.85% of the applicants taking the esthetics exam were asked one question about sugaring.
- cxxxiii. In addition to graduating from a Board approved school and passing the Board approved exams, license applicants must inform the Board if they have ever been convicted of a felony.
- cxxxiv. If an applicant discloses a felony, the Board will review the facts and determine whether or not to issue a license, based on the Board's determination of whether the applicant is properly rehabilitated.

- cxxxv. The Board does not have a policy that makes any felony, including sex offenses, automatically disqualifying.
- cxxxvi. The Board does not conduct its own independent criminal background checks of applicants.
- cxxxvii. Defendants' proffered expert and Board member, Ms. Hines, is a licensed cosmetologist.
- cxxxviii. Defendants' proffered expert and Board member, Ms. Hines, is the owner of Bella Bar Holistics Aesthetics in Leawood, Kansas, where she offers sugaring and waxing hair removal services.
- cxxxix. Defendants' proffered expert and Board member, Ms. Hines, began offering sugaring services after taking a sugaring training course from Alexandria Professional.
- cxl. This is the same sugaring training course from Alexandria Professional that Ms. Green would take if Kansas did not require a cosmetology or esthetics license to practice sugaring.
- cxli. Defendants' proffered expert and Board member, Ms. Hines, defends Kansas' cosmetology and esthetics licensing regime, and states in her report that "[d]ue to Kansas' licensing program of cosmetologists and estheticians, the public assumes that anyone rendering services on their body has been educated and passed tests proving their knowledge of the services rendered."
- cxlii. Defendants' proffered expert and Board member, Ms. Hines, testified that she wouldn't be surprised if cosmetology and esthetics schools only offered a few minutes of instruction on the theory of sugaring.
- cxliii. Defendants' proffered expert and Board member, Ms. Hines, testified that learning how to sugar required hands on training, but that she would not be surprised if students graduated from cosmetology or esthetics school without receiving hands on training because "the instructors probably don't know how to do it."
- cxliv. Defendants' proffered expert and Board member, Ms. Hines, testified that an individual who attended cosmetology or esthetics school and passed their licensure tests, but had not received hands on training in sugaring, would not be qualified to perform sugaring. But they would be legally allowed to perform sugaring.
- cxlv. When shown the pamphlets that hair braiders and eyebrow threaders are legally required to read and follow, Defendants' proffered expert and Board member, Ms. Hines, testified that if a sugarer followed the blood exposure and infection control guidelines in the pamphlets that it would be adequate to protect the public, with respect to blood exposure and infection control.
- cxlvi. Defendants' proffered expert and Board member, Ms. Hines, testified that licensure helps provide practitioners in the beauty industry with a livable wage of roughly \$30,000 for salon employees and \$40,000 - \$50,000 for the self-employed.

- cxlvii. Following Governor Kelly’s veto of Senate Bill 434, Defendants’ proffered expert and Board member, Ms. Hines, wrote an article for an industry publication, Skin Games.
- cxlviii. In this article, Defendants’ proffered expert and Board member, Ms. Hines, wrote that opposition to deregulation “insulates the licensed beauty industry employees from minimum wage jobs offered to unlicensed workers,” and that “[f]or the licensed entrepreneurs, regulation shields them from the unlicensed offering cheap services that undercut a small business’s bottom line for survival, and, protecting the integrity of the beauty industry.”
- cxlix. Defendants’ proffered expert and Board member, Ms. Hines, opined that the purpose of the Kansas Board of Cosmetology is to “in a sense, represent the practitioners, represent the industry.”
- cl. Plaintiff’s proffered expert, Dr. Seema Patel, opined that the following recommendations are appropriate to protect the public health:
1. Prior to offering sugaring services to the public, an individual should attend a course on sugaring techniques, and a course on basic hygiene and sanitation, where they learn aseptic technique, appropriate hand washing, work place and equipment sanitation, and appropriate universal precautions;
 2. Practicing sugarists should—
 - i. list all sugar paste ingredients and the date the sugar paste was created
 - ii. use disposable items for each client
 - iii. learn who are high risk clients and how to counsel them on the risks of sugaring, including risks related to recent or current:
 1. use of antibiotics;
 2. use of hormonal birth control;
 3. use of over-the-counter retinoids, such as Accutane;
 4. surgery, chemotherapy, or radiation;
 5. pregnancy.
 - iv. ensure that the sugaring area has appropriate sanitation, running water, lighting and cleaning standards.
- cli. Dr. Patel opines that it would take about two hours of instruction time to learn the coursework and recommendations that are appropriate to protect the public health, listed in the paragraph immediately above.
- clii. Dr. Patel opined that inexperience and a lack of proper technique increase risks related to hair removal techniques.
- cliii. Dr. Patel opined that if sugaring is performed incorrectly, by removing the paste against the grain, “I think and then it becomes more similar to the risk of waxing.”

- cliv. The Board of Cosmetology is unaware how the 1,500-hour Board approved cosmetology curriculum was developed in 1996.
- clv. The Board does not know whether the Board approved cosmetology and esthetics curricula was designed after reviewing objective evidence.
- clvi. The Board is unaware of any evidence that establishes that the cosmetology curriculum is effective at protecting the health and safety of consumers.
- clvii. The Board is unaware of any evidence that establishes that the cosmetology curriculum is effective at protecting the health and safety of consumers who wish to receive only sugaring services.
- clviii. The Board is unaware of any evidence that establishes that the esthetics curriculum is effective at protecting the health and safety of consumers.
- clix. The Board is unaware of any evidence that establishes that the esthetics curriculum is effective at protecting the health and safety of consumers who wish to receive only sugaring services.
- clx. The Board is unaware of any evidence that establishes that the cosmetology and esthetics licensing exams are effective at protecting the health and safety of consumers.
- clxi. The Board is unaware of any evidence that establishes that the cosmetology and esthetics licensing exams are effective at protecting the health and safety of those who only wish to receive sugaring services.
- clxii. The Board is unaware of any evidence that conclusively establishes that unlicensed sugaring is more dangerous than licensed sugaring.
- clxiii. Before Governor Kelly’s veto statement on SB 434, the Board was not aware of any discussion among Board members about potential safety issues involving sugaring performed on minors.
- clxiv. The Board may refuse to issue or renew a license, or may revoke or suspend a license if an applicant of license holder:
1. Fails to comply with the sanitation standards prescribed by the secretary of health and environment;
 2. Fails to comply with any provision of the Cosmetology act or with the rules and regulations of the board of cosmetology or with any order issued by the board;
 3. Is a danger to the public by reason of alcohol or drug abuse;
 4. Is or has been convicted of a felony unless the applicant or licensee is able to demonstrate to the board’s satisfaction that such person has been sufficiently rehabilitated to warrant the public trust;
 5. Obtains or tries to obtain a license by fraudulent misrepresentation or bribery;
 6. Advertises by false or knowingly deceptive means;
 7. Fails to display the annual license or inspection report;

8. Commits gross negligence or unprofessional conduct, as defined by rules and regulations of the board. *See* K.S.A. 65-1908.
- clxv. The Board requires license applicants to self-report any felony convictions.
- clxvi. Under state law and regulation, the Board has discretion to determine whether a licensee or applicant with a felony conviction has been sufficiently rehabilitated to warrant the public trust.
- clxvii. Thus, even a convicted sex offender could, in theory, receive a license if the Board determines that they are rehabilitated sufficient to warrant the public trust.
- clxviii. The Board admits that the 1,500-hour education requirement for cosmetologists does not prevent individuals with poor moral character from practicing sugaring.
- clxix. The Board admits that the 1,000-hour education requirement for estheticians does not prevent individuals with poor moral character from practicing sugaring.
- clxx. The Board admits that the licensing tests administered for cosmetologists and estheticians do not prevent individuals with poor moral character from practicing sugaring.
- clxxi. The Board is unaware of the number of hours of sugaring specific instruction that would be required to safely perform sugaring.
- clxxii. The Board is unaware of any increase in braiding related injuries since hair braiding was deregulated.
- clxxiii. The Board is unaware of any increase in threading related injuries since hair threading was deregulated.
- clxxiv. The Board is unaware of how many cosmetology or esthetics schools teach sugaring hands-on.
- clxxv. The Board is unaware of how much time any particular cosmetology or esthetics school spends teaching sugaring.
- clxxvi. The Board does not require or mandate that a cosmetology or esthetic school teach sugaring hands-on.

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Jointly prepared and submitted by:

Kansas Justice Institute

/s/ Jeffrey S. Shaw

Samuel G. MacRoberts, 22781

Jeffrey S. Shaw, 29767

12980 Metcalf Avenue, Suite 130

Overland Park, Kansas 66213

sam@kansasjusticeinstitute.org

(913) 213-5018

Attorneys for Ms. Green

/s/ James Rodriguez

James Rodriguez (KS Bar #29172)

Office of Kansas Attorney General Kris W. Kobach

120 SW 10th Avenue, 2nd Floor

Topeka, Kansas 66612

Tel.: (785) 368-8197

Jay.Rodriguez@ag.ks.gov

Counsel for Defendants

Certificate of Service

The undersigned certifies that on December 16, 2025, the above document(s) were filed using the electronic filing system, which will send notification of such filing to all participants, including to: James Rodriguez and Jesse A. Burris.

/s/ Samuel G. MacRoberts

Samuel G. MacRoberts