

CHAPTER 96**(HB 441)**

AN ACT relating to licensed occupations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 321.211 is amended to read as follows:

- (1) Each person licensed as a veterinarian shall ~~annually~~, on or before September 30 ***of each even-numbered year***, pay to the board a renewal fee to be promulgated by administrative regulation of the board for the renewal of his license. All licenses not renewed by September 30 of each ***even-numbered*** year shall expire based on the failure of the individual to renew in a timely manner.
- (2) A sixty (60) day grace period shall be allowed after September 30, ***as required for renewal in subsection (1) of this section***, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.
- (3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.
- (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (3) of this section and the renewal fee as set forth in subsection (1) of this section.
- (6) A person who fails to reinstate his license within five (5) years after its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

SECTION 2. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of this chapter to the contrary, the cosmetology board shall promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations, for the issuance of licenses, and for the renewal of licenses issued under this chapter. All such fees, charges, and other moneys collected by the board, shall be paid into the State Treasury and credited to a trust and agency fund established under KRS 317A.080.

Section 3. KRS 317A.050 is amended to read as follows:

LEGISLATIVE RESEARCH COMMISSION PDF VERSION

- (1) The cosmetologist board shall issue an apprentice cosmetologist license to any person who:
 - (a) Is of good moral character and temperate habit;
 - (b) Is at least sixteen (16) years of age;
 - (c) Has at least two (2) years' high school education or its equivalent;
 - (d) Has graduated from a licensed school of cosmetology;
 - (e) Has passed an examination prescribed by the board to determine fitness to practice as an apprentice cosmetologist; and
 - (f) Has paid a fee of twelve dollars (\$12).
- (2) The cosmetologist board shall issue a cosmetologist license to any person who:
 - (a) Has at least two (2) years' high school education, or its equivalent;
 - (b) Has practiced as a licensed cosmetology apprentice for at least six (6) months under the immediate supervision of a licensed cosmetologist;
 - (c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology; and
 - (d) Has paid a fee of fifteen dollars (\$15).
- (3) The cosmetologist board shall issue a license to act as a nail technician to any person who:
 - (a) Is of good moral character and temperate habit;
 - (b) Has completed satisfactorily a nail technician course of study of six hundred (600) hours in a licensed school of cosmetology;
 - (c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician;
 - (d) Has two (2) years of high school education or its equivalent; and
 - (e) Has paid a fee of twelve dollars (\$12).
- (4)
 - (a) The cosmetologist board shall issue a license to operate a beauty salon to any licensed cosmetologist upon receipt of the completed application, accompanied by a fee of twenty-five dollars (\$25). The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or the administrative regulations promulgated by the board. If an owner is not a licensed cosmetologist, he shall have a licensed cosmetologist manage the beauty salon at all times. A new license shall be purchased if the salon's owner, manager, or location changes.
 - (b) The cosmetologist board shall issue a license to operate a nail salon to any licensed nail technician upon receipt of the completed application and payment of a fee of twenty-five dollars (\$25). The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or administrative regulations promulgated by the board pursuant to this chapter. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, a new license shall be purchased.

- (c) Any person who leases or rents space in a beauty salon or nail salon shall be considered an independent owner and shall meet the qualifications for the respective salon owner as set out in paragraphs (a) and (b) of this subsection.
- (5) The cosmetologist board shall issue an apprentice license to teach cosmetology to any person who:
 - (a) Has paid a fee of twenty-five dollars (\$25);
 - (b) Has a high school education and one (1) year experience as a licensed cosmetologist; and
 - (c) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of one thousand (1,000) hours and not less than six (6) months at one (1) school providing this instruction. The school owner shall certify to the board the completion of one thousand (1,000) hours.
- (6) The cosmetologist board shall issue a license to teach cosmetology to any person who:
 - (a) Is of good moral character and temperate habit;
 - (b) Has a high school education;
 - (c) Has held an apprentice instructor license for at least six (6) months;
 - (d) Has satisfactorily passed the examination for the teaching of cosmetology as prescribed by the board; and
 - (e) Has paid a fee of thirty-five dollars (\$35).
- (7) The cosmetologist board may issue a license to operate a school of cosmetology to any person who:
 - (a) Has complied with the administrative regulations promulgated by the board including, but not limited to, administrative regulations governing the necessary equipment, supplies, and facilities;
 - (b) Has furnished proof to the board that the school of cosmetology is needed, that he is otherwise qualified to operate a school of cosmetology, and that he intends to establish a bona fide school for the education and training of competent cosmetologists and that he will employ a sufficient number of licensed instructors of cosmetology to conduct the school;
 - (c) That the licensee shall have as manager at all times a person licensed as an instructor who will be charged with the responsibility of having a sufficient number of licensed instructors of cosmetology to conduct the school. The designated manager shall be approved by the board before a license may be issued;
 - (d) Complies with the administrative regulations promulgated by the board including, but not limited to, those regarding courses, curriculum, and hours of instruction;
 - (e) Otherwise complies with this chapter;
 - (f) Has paid a fee of one thousand dollars (\$1,000);
 - (g) Has been a resident of Kentucky for five (5) years, if the applicant is an individual. If the applicant is a firm or corporation, it shall be a Kentucky corporation or licensed or

qualified to do business in Kentucky and shall have been in existence for a period of at least five (5) years;

- (h) Any student enrolling in the school shall pay a fee of five dollars (\$5) to the board before enrollment in the school shall be allowed; and
 - (i) The transfer of any license to operate a school of cosmetology shall require the board's approval and shall become effective upon filing a new application with the board and paying a fee of one thousand dollars (\$1,000).
- (8) Licenses issued by the board shall be renewed upon receipt, beginning July 1 through July 31 of each year. Beginning July 1, 1997, any license shall be renewed by the board upon receipt, if the applicant has provided proof of continuing education as determined by the board by promulgation of an administrative regulation. Cosmetology instructors shall provide proof of eight (8) clock hours of continuing education, and cosmetologists and nail technicians shall provide proof of six (6) clock hours of continuing education. The application for renewal shall be completed in full and accompanied by the appropriate renewal fee required by subsection (9) of this section. Applications for renewal shall comply with the provisions of this chapter and the administrative regulations promulgated by the board. Any license application received or postmarked after July 31 shall be considered expired and the appropriate restoration fee required by subsection (11) of this section shall apply. ***The administrative regulations established under this subsection shall allow continuing education credit to be awarded for educational programs sponsored by professional and trade groups that are presented as part of the trade show agenda, upon the professional or trade group or the program's sponsor making application to the board. Programs that focus on specific or brand-name products or promote or advertise a particular product shall be approved for continuing education credit if they, except for the use of specific or brand-name products, meet the criteria required for continuing education programs that use generic products.***
- (9) The annual renewal license fee for each type of license renewal shall be as follows:
- (a) Apprentice cosmetologist -- \$10;
 - (b) Cosmetologist -- \$12;
 - (c) Nail technician -- \$10;
 - (d) Beauty salon -- \$15;
 - (e) Nail salon -- \$15;
 - (f) Apprentice instructor of cosmetology -- \$15;
 - (g) Instructor of cosmetology -- \$25; and
 - (h) Cosmetology school -- \$100.
- (10) Applications for examinations required by this section shall be accompanied by an examination fee as follows:
- (a) Apprentice cosmetologist -- \$25;
 - (b) Cosmetologist -- \$35;
 - (c) Nail technician -- \$35;
 - (d) Instructor of cosmetology -- \$50;

- (e) Cosmetologist out-of-state -- \$75;
 - (f) Instructor out-of-state -- \$150; and
 - (g) Where examination is not required by the board -- \$50.
- (11) The fee for the restoration of an expired license where the period of expiration does not exceed five (5) years from date of expiration, shall be as follows:
- (a) Apprentice cosmetologist -- \$50;
 - (b) Cosmetologist -- \$50;
 - (c) Nail technician -- \$50;
 - (d) Beauty salon -- \$50;
 - (e) Nail salon -- \$50;
 - (f) Cosmetology school -- \$500;
 - (g) Instructor -- \$75; and
 - (h) Apprentice instructor -- \$50.
- (12) The requirements for a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:
- (a) Cosmetologists shall retake and pass the practical examination only;
 - (b) Apprentice cosmetologists shall complete one hundred fifty (150) additional hours training in a licensed school of cosmetology and pass the prescribed examination;
 - (c) Instructors of cosmetology shall retake and pass both the practical and science examination;
 - (d) Nail technicians shall retake and pass the practical examination, only; and
 - (e) The appropriate restoration fee as set forth in subsection (11) of this section shall be required.
- (13) Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of thirty-five dollars (\$35) for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional hairdressers, cosmetologists, and nail technicians group shall not be required to pay the fee.
- (14) The board shall issue an inactive license to any person licensed under subsections (2), (3), and (6) of this section and in good standing with the board, upon application and submission of a twelve dollar (\$12) fee. An inactive licensee shall not be required to complete the continuing education requirements contained in subsection (8) of this section. An inactive license may be restored to active status upon application to the board. In addition, the board may require the completion of continuing education not to exceed the amount required for license renewal for one (1) year. A person who possesses an inactive license shall not engage in the practice of cosmetology for consideration, but an inactive licensee shall have the same right to purchase supplies as accorded an active licensee.
- (15) The fee for certification shall be five dollars (\$5).
- (16) The fee for a duplicate license shall be five dollars (\$5).

Section 4. KRS 315.150 is amended to read as follows:

- (1) The board shall consist of six (6) members appointed by the Governor. Five (5) members shall be pharmacists licensed in this state. One (1) member shall be a citizen at large, who is not associated with or financially interested in the practice of pharmacy.
- (2) ***In any calendar year scheduled to be the last full calendar year of a member's regular term in office***, the association shall select and submit ~~annually~~ to the Governor a list of five (5) pharmacists, each of whom has had at least five (5) years' experience in the practice of pharmacy, is a resident of the state and in good standing with the board. On or before March 1 of ***the same*** ~~each~~ year, the society, other state pharmacy organizations, or individuals may submit recommendations to the association for its consideration in selecting the list to be submitted. The Governor shall, before October 1 of ***the same*** ~~each~~ year, appoint no more than two (2) persons from each list so submitted, to take office on January 1 following. The citizen member shall be appointed by the Governor. No two (2) pharmacist members of the board shall be residents of the same county.
- (3) ***Beginning January 1, 2005***, the term of each board member shall be ***four (4)*** ~~three (3)~~ years. Each member shall serve until his ***or her*** successor is appointed and qualified, unless removed for cause. No member shall be ***appointed to*** ~~so reappointed that he will~~ serve for more than two (2) full terms.
- (4) The Governor shall fill any vacancy of a pharmacist member from the names last submitted within sixty (60) days after such a vacancy occurs. Any member so appointed shall commence service at the next regularly-scheduled board meeting and shall serve for the remainder of the term vacated.
- (5) Each member shall take and subscribe to an oath before a competent officer to perform the duties of ***the*** ~~his~~ office faithfully and impartially. The oath shall be inscribed upon ***the member's*** ~~his~~ commission.
- (6) Four (4) members of the board shall constitute a quorum.

SECTION 5. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

- (1) ***Notwithstanding the provisions of this chapter to the contrary, the cosmetology board shall promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations, for the issuance of licenses, and for the renewal of licenses issued under this chapter. All such fees, charges, and other moneys collected by the board, shall be paid into the State Treasury and credited to a trust and agency fund established under KRS 317A.080. The fees shall be established pursuant to subsections (2) to (7) of this section.***
- (2) ***The following licensing fees may be assessed by the cosmetology board and shall not exceed the following amounts:***
 - (a) *Apprentice cosmetologist*.....\$25.00;
 - (b) *Cosmetologist*.....\$25.00;
 - (c) *Nail technician*\$25.00;
 - (d) *Beauty salon operator*\$35.00;
 - (e) *Nail salon operator*.....\$35.00;

- (f) *Apprentice cosmetology instructor*\$35.00;
 - (g) *Cosmetology instructor*.....\$50.00;
 - (h) *School of cosmetology*.....\$1,500.00;
 - (i) *Student* \$15.00; and
 - (j) *School of cosmetology, transfer of ownership*\$1,500.00.
- (3) *The board shall assess the following licensing renewal fees that shall not exceed the following:*
- (a) *Apprentice cosmetologist*.....\$20.00;
 - (b) *Cosmetologist*.....\$20.00;
 - (c) *Nail technician license*\$20.00;
 - (d) *Beauty salon license*\$25.00;
 - (e) *Nail salon license*.....\$25.00;
 - (f) *Apprentice instructor of cosmetology*\$25.00;
 - (g) *Instructor of cosmetology*..... \$35.00; and
 - (h) *Cosmetology school*\$150.00.
- (4) *The cosmetology board shall assess fees for the taking of an examination that shall not exceed the following:*
- (a) *Apprentice cosmetologist*.....\$75.00;
 - (b) *Cosmetologist*.....\$75.00;
 - (c) *Nail technician*\$75.00;
 - (d) *Instructor of cosmetology*.....\$100.00;
 - (e) *Cosmetologist out-of-state*..... \$120.00; and
 - (f) *Instructor out-of-state*\$200.00.
- (5) *The fee for retaking an examination or any portion of an examination that an applicant has not successfully completed shall not exceed the following:*
- (a) *Apprentice cosmetologist*.....\$32.00;
 - (b) *Cosmetologist*.....\$32.00;
 - (c) *Nail technician*\$32.00;
 - (d) *Instructor of cosmetology*.....\$50.00;
 - (e) *Cosmetologist out-of-state* \$60.00; and
 - (f) *Instructor out-of-state*\$100.00.
- (6) *The fees for the restoration of an expired license where the period of expiration does not exceed five (5) years from date of expiration shall not exceed the following:*
- (a) *Apprentice cosmetologist*.....\$75.00;
 - (b) *Cosmetologist*.....\$75.00;

- (c) *Nail technician*\$75.00;
 - (d) *Beauty salon*\$75.00;
 - (e) *Nail salon*\$75.00;
 - (f) *Cosmetology school*\$750.00;
 - (g) *Instructor* \$100.00; and
 - (h) *Apprentice instructor*..... \$75.00.
- (7) *The following miscellaneous fees may be assessed and shall not exceed the following:*
- (a) *Guest artists*\$50.00;
 - (b) *Inactive license for cosmetologist, nail technician, and cosmetology instructor*
\$20.00;
 - (c) *Certification fee*\$20.00;
 - (d) *Duplicate license*.....\$25.00;
 - (e) *Continuing education provider application*..... \$300.00; and
 - (g) *Where a reciprocity application required by the board* \$100.00.

Approved April 7, 2004