

CHAPTER 99**(HB 271)**

AN ACT relating to education requirements for cosmetologists.

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

➔Section 1. KRS 317A.050 is amended to read as follows:

- (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 a high school diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
 - (d) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has graduated from a licensed school of cosmetology requiring:
 1. One thousand eight hundred (1,800) hours within ten (10) years of submitting an application for licensure *for applicants enrolled prior to the effective date of this Act in a school of cosmetology licensed in Kentucky;*
 2. *One thousand five hundred (1,500) hours within ten (10) years of submitting an application for licensure for applicants enrolling on or after the effective date of this Act in a school of cosmetology licensed in Kentucky; or*
 3. *One thousand five hundred (1,500) hours within ten (10) years of submitting an application for licensure for applicants who graduated from a school of cosmetology licensed in a jurisdiction outside of the Commonwealth;*
 - (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 twenty-five dollars (\$25).
- (2) The cosmetologist board shall issue a cosmetologist license to any person who:
 - (a) Has a high school diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
 - (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 twenty-five dollars (\$25).
- (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 official certification from the state board or agency that certifies cosmetology schools that the applicant has completed satisfactorily a nail technician course of study of six hundred (600) hours in a licensed school of cosmetology within ten (10) years of submitting an application for licensure;
 - (c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician;
 - (d) Has a high school diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school; and
 - (e) Has paid a fee of twenty-five dollars (\$25).

- (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 thirty-five dollars (\$35). 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 or she 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 thirty-five dollars (\$35). 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 thirty-five dollars (\$35);
- (b) Has a high school diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school 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 verify to the board the completion of one thousand (1,000) hours. For out-of-state verification, an applicant shall provide official certification from the board or agency that certifies schools in that other state of licensure verifying the applicant has completed a course of instruction consisting of at least one thousand (1,000) hours and not less than six (6) months at one (1) school providing the instruction.
- (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 diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
- (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 fifty dollars (\$50).
- (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 or she is otherwise qualified to operate a school of cosmetology, and that he or she intends to establish a bona fide school for the education and training of competent cosmetologists and that he or she will employ a sufficient number of licensed instructors of cosmetology to conduct the school;
- (c) Has as manager at all times a person who is:
1. Licensed as an instructor;
 2. Charged with the responsibility of ensuring that all applicable statutes and administrative regulations are complied with; and
 3. Responsible for 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 five hundred dollars (\$1,500);
 - (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 fifteen dollars (\$15) 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 five hundred dollars (\$1,500).
- (8) Licenses and permits issued by the board may be renewed upon receipt, beginning July 1 through July 31 of each year. 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.
- (9) The annual renewal license or permit fee for each type of license or permit renewal shall be as follows:
- (a) Apprentice cosmetologist -- \$20;
 - (b) Cosmetologist -- \$20;
 - (c) Nail technician -- \$20;
 - (d) Beauty salon -- \$25;
 - (e) Nail salon -- \$25;
 - (f) Apprentice instructor of cosmetology -- \$25;
 - (g) Instructor of cosmetology -- \$35;
 - (h) Cosmetology school -- \$150;
 - (i) Threading permit -- \$20; and
 - (j) Threading facility permit -- \$25.
- (10) Applications for examinations required by this section shall be accompanied by an examination fee as follows:
- (a) Apprentice cosmetologist -- \$75;
 - (b) Cosmetologist -- \$75;
 - (c) Nail technician -- \$75;
 - (d) Instructor of cosmetology -- \$100;
 - (e) Cosmetologist out-of-state -- \$120; and
 - (f) Instructor out-of-state -- \$200.
- (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 -- \$75;
 - (b) Cosmetologist -- \$75;
 - (c) Nail technician -- \$75;

- (d) Beauty salon -- \$75;
 - (e) Nail salon -- \$75;
 - (f) Cosmetology school -- \$750;
 - (g) Instructor -- \$100; and
 - (h) Apprentice instructor -- \$75.
- (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 four hundred fifty (450) additional hours training in a licensed school of cosmetology and pass all the prescribed examinations;
 - (c) Instructors of cosmetology shall retake and pass both the practical and theory examination;
 - (d) Nail technicians shall retake and pass the practical and theory examination; 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 fifty dollars (\$50) for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional hairdressers, cosmetologists, cosmetology school, or nail technicians group shall apply for a permit, but shall not be required to pay the fee.
- (14) The board shall issue a permit for threading and may promulgate administrative regulations that set out requirements for the practice of threading upon payment of a fee of twenty dollars (\$20). Threading shall be conducted in a licensed beauty salon or facility permitted to engage in threading, and the board may promulgate administrative regulations for facilities and the required sanitation standards.
- (15) The fee for certification shall be twenty dollars (\$20).
- (16) The fee for a duplicate license shall be twenty-five dollars (\$25).

➔Section 2. KRS 317A.090 is amended to read as follows:

No license shall be renewed or issued by the cosmetologist board to any cosmetology school unless such school provides:

- (1) The name of the proposed school;
- (2) A statement that the proposed school is authorized to operate educational programs beyond secondary education;
- (3) As a prerequisite of graduation, a prescribed course of instruction of not less than **one thousand five**~~eighteen~~ hundred (**1,500**)~~(1,800)~~ hours in the case of a cosmetology school to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools, the **one thousand five**~~eighteen~~ hundred (**1,500**)~~(1,800)~~ hours of instruction may be offered according to the schedule for other vocational classes in the school;
- (4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics, diseases of the skin, hair, and glands, and massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and tinting the hair and such other courses as may be prescribed by administrative regulation of the board;
- (5) Such facilities, equipment, materials, and qualified instructors and apprentice instructors as may be required by administrative regulations of the board adopted pursuant to this chapter, but in no event shall any cosmetology school have fewer than one (1) licensed instructor per twenty (20) students present for instruction;
- (6) The fee for the initial license of a cosmetology school shall be one thousand dollars (\$1,000);
- (7) No cosmetology school, after being licensed for the first time, shall serve the public until three hundred (300) hours of instruction has been taught; and

- (8) In compliance with KRS 317A.070, the board may revoke or suspend any license issued by it if, in the judgment of the board, the school is not following the requirements as set out in this chapter or such school does not comply with the administrative regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

Signed by Governor March 21, 2017.