

CHAPTER 35

(SB 106)

AN ACT relating to blow drying services.

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

➔Section 1. KRS 317A.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Beauty salon" means any establishment in which the practice of cosmetology is conducted for the general public or for consideration;
- (2) (a) *"Blow drying services" means beautifying, cleaning, or arranging the hair of an individual for consideration only at a limited beauty salon.*
- (b) *"Blow drying services" include any of the following services performed on an individual's hair:*
 1. *Arranging;*
 2. *Cleaning;*
 3. *Curling;*
 4. *Dressing;*
 5. *Blow drying; and*
 6. *Performing any other similar procedure.*
- (c) *"Blow drying services" do not include any service:*
 1. *Popularly known as a Brazilian blowout;*
 2. *That includes color services or that includes cutting, lightening, or chemically treating hair; or*
 3. *That otherwise falls under the practice of cosmetology, except as authorized in paragraph (b) of this subsection;*
- (3) "Cosmetologist" means a person who engages in the practice of cosmetology for the public generally or for consideration, regardless of the name under which the practice is conducted;
- ~~(4)(3)}~~ "Cosmetologist board" or "board" means the Kentucky Board of Hairdressers and Cosmetologists;
- ~~(5)(4)}~~ "Cosmetology" means the practice upon the human neck and head of cutting hair, permanent waving, or hairdressing, and may also include but is not limited to:
 - (a) Nail technology and finger waving;
 - (b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or any contrivance;
 - (c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the hair, or applying hair products;
 - (d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other products;
 - (e) Eyelash extensions;
 - (f) Facial hair removal; and
 - (g) Eyebrow shaping, design, threading or removal.

The practice of cosmetology does not include acts performed incident to treatment of an illness or a disease;

- ~~(6)(5)}~~ "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment in or through which persons are trained or taught the practice of cosmetology and nail technology;

- (7) *"Limited beauty salon" means any establishment in which the practice of blow drying services only is conducted for the general public or for consideration;*
- ~~(8)(6)~~ "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;
- ~~(9)(7)~~ "Nail technician" means a person who practices nail technology for the general public or for consideration;
- ~~(10)(8)~~ "Nail technology" means the practice of cutting, trimming, polishing, coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying the hands and feet of any human, for which a license is required by this chapter;
- ~~(11)(9)~~ (a) "Natural hair braiding" means a service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with mechanical devices. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles.
- (b) "Natural hair braiding" includes:
1. The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, decorative beads, and other hair accessories;
 2. Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
 3. The use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos; and
 4. The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions.
- (c) "Natural hair braiding" does not include:
1. The application of dyes, reactive chemicals, or other preparation to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
 2. The use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds.
- (d) For the purposes of this subsection, "mechanical devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders; and
- ~~(12)(10)~~ "Threading" means the process of removing hair from below the eyebrow by use of a thread woven through the hair to be removed.

➔Section 2. 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, a High School Equivalency 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 June 29, 2017, 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 June 29, 2017, 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, a High School Equivalency 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, a High School Equivalency 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, a High School Equivalency 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, a High School Equivalency 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) (a) ***The cosmetologist board shall issue a license to provide blow drying services to any person who:***
1. ***Is at least eighteen (18) years old;***
 2. ***Has successfully completed a twelfth grade education or the equivalent;***
 3. ***Has passed an examination prescribed by the board to determine fitness to perform blow drying services;***
 4. ***Has completed at least four hundred fifty (450) hours of instruction from a licensed school of cosmetology;***
 5. ***Has met any other reasonable criteria established in administrative regulations promulgated by the board; and***

6. *Has paid a fee of twenty-five dollars (\$25).*
- (b) *The cosmetologist board shall issue a license to operate a limited beauty salon to any person:*
1. *Who is licensed to provide blow drying services or who employs at least one (1) person licensed to provide blow drying services at the limited beauty salon;*
 2. *Whose limited beauty salon facility complies with standards established in administrative regulations promulgated by the board; and*
 3. *Who has paid a fee of thirty-five dollars (\$35).*
- (9) 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 (10)~~(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 (12)~~(11)~~ of this section shall apply.
- (10)~~(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) **Blow drying services -- \$20;**
 - (e) Beauty salon -- \$25;
 - (f)~~(e)~~ Nail salon -- \$25;
 - (g) **Limited beauty salon -- \$25;**
 - (h)~~(f)~~ Apprentice instructor of cosmetology -- \$25;
 - (i)~~(g)~~ Instructor of cosmetology -- \$35;
 - (j)~~(h)~~ Cosmetology school -- \$150;
 - (k)~~(i)~~ Threading permit -- \$20; and
 - (l)~~(j)~~ Threading facility permit -- \$25.
- (11)~~(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) **Blow drying services -- \$50;**
 - (e) Instructor of cosmetology -- \$100;
 - (f)~~(e)~~ Cosmetologist out-of-state -- \$120; and
 - (g)~~(f)~~ Instructor out-of-state -- \$200.
- (12)~~(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) **Blow drying services -- \$75;**

- (e) Beauty salon -- \$75;
- ~~(f)(e)~~ Nail salon -- \$75;
- (g) **Limited beauty salon -- \$75;**
- ~~(h)(f)~~ Cosmetology school -- \$750;
- ~~(i)(g)~~ Instructor -- \$100; and
- ~~(j)(h)~~ Apprentice instructor -- \$75.

~~(13)(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) **Providers of blow drying services shall retake and pass both the practical and theory examination; and**
- (f) The appropriate restoration fee as set forth in subsection ~~(12)(11)~~ of this section shall be required.

~~(14)(13)~~ Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers, cosmetologists,~~and~~ nail technicians, **and providers of blow drying services** 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, **blow drying services**, or nail technicians group shall apply for a permit, but shall not be required to pay the fee.

~~(15)(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.

~~(16)(15)~~ The fee for certification shall be twenty dollars (\$20).

~~(17)(16)~~ The fee for a duplicate license shall be twenty-five dollars (\$25).

➔Section 3. KRS 317A.062 is amended 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) Blow drying services	\$25.00
(e) Beauty salon operator	\$35.00
(f)(e) Nail salon operator	\$35.00
(g) Limited beauty salon	\$35.00
(h)(f) Apprentice cosmetology instructor	\$35.00
(i)(g) Cosmetology instructor	\$50.00

(j) (h)	School of cosmetology.....	\$1,500.00
(k) (i)	Student.....	\$15.00
(l) (j)	School of cosmetology, transfer of ownership.....	\$1,500.00
(m) (k)	School of cosmetology, manager change.....	\$250.00

(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)	Blow drying services	\$20.00
(e)	Beauty salon license	\$25.00
(f) (e)	Nail salon license	\$25.00
(g)	Limited beauty salon license	\$25.00
(h) (f)	Apprentice instructor of cosmetology	\$25.00
(i) (g)	Instructor of cosmetology	\$35.00
(j) (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)	Blow drying services	\$50.00
(e)	Instructor of cosmetology	\$100.00
(f) (e)	Cosmetologist out-of-state	\$120.00
(g) (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)	Blow drying services	\$25.00
(e)	Instructor of cosmetology	\$50.00
(f) (e)	Cosmetologist out-of-state	\$60.00
(g) (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)	Blow drying services	\$75.00
(e)	Beauty salon	\$75.00

(f) (e)	Nail salon.....	\$75.00
(g)	Limited beauty salon.....	\$75.00
(h) (f)	Cosmetology school.....	\$750.00
(i) (g)	Instructor.....	\$100.00
(j) (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) Certification fee\$20.00
- (c) Duplicate license.....\$25.00
- (d) Where an endorsement application is required by the
board.....\$100.00

➔Section 4. By December 31, 2018, the Kentucky Board of Hairdressers and Cosmetologists shall promulgate administrative regulations pursuant to KRS Chapter 13A establishing the educational curriculum required to obtain a license to provide blow drying services.

Signed by Governor March 29, 2018.