CHAPTER 68

(SB 22)

AN ACT relating to licensed professionals.

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

➔Section 1. KRS 317A.020 is amended to read as follows:

(1) No person shall engage in the practice of cosmetology, esthetic practices, or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology, esthetic practices, or nail technology for the treatment of physical or mental ailments. This chapter does not apply to:

(a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology, esthetic practices, and nail technology in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States Armed Forces who perform incidental practices of cosmetology, esthetic practices, or nail technology in the course of their duties;

(c) Cosmetology, esthetic practices, or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice; and

(d) Persons engaged in natural hair braiding.

(2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology, esthetic practices, or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.

(3) No person unless duly and properly licensed pursuant to this chapter shall:

(a) Teach cosmetology, esthetic practices, or nail technology;

(b) Operate a beauty salon;

(c) Operate an esthetic salon;

(d) Act as an esthetician;

(e) Operate a nail salon;

(f) Act as a nail technician; or

(g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians.

(4) No person shall aid or abet any person in violating this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.

(5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists, licensed estheticians, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional cosmetologist's, esthetician's, or nail technician's group.

(6) Whenever a person engages in different practices separately licensed, certified, or permitted by this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.

(7) The board shall:

(a) Govern all issues related to this chapter;

(b) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;

(c) Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and

(d) Have the authority to take emergency action affecting the legal rights, duties, privileges, or immunities of named persons without a hearing to stop, prevent, or avoid an immediate danger to the public health, safety, or welfare, in accordance with KRS 13B.125(1), subject to the following:

1. An emergency order shall be based upon verified probable cause or substantial evidence, documented by the board, that the emergency order is in the interest of public health, welfare, and safety of any customer, patient, or the general public; and

2. Upon the issuance of an emergency order, the board shall comply with the administrative hearing procedures in KRS 13B.125(3) to determine the reinstatement of operations of the licensed facility.

(8) ***(a)*** Unless a documented and verified violation creates an immediate and present danger to the health and safety of the public, a warning notice shall be first issued prior to imposing incremental punitive action against an otherwise lawful salon. The warning notice shall include a specific and detailed description of the violation and the specific remediation required to bring the salon into compliance.

(b) It shall be deemed an immediate and present danger to the health and safety of the public if it is documented and verified that a licensee knowingly employs or utilizes the services of an unlicensed individual.

(9) The board may:

(a) Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred; and

(b) Refer violations of this chapter to county attorneys, Commonwealth's attorneys, and to the Attorney General.

(10) Nothing in this section shall be construed to prohibit an instructor, student, cosmetologist, or nail technician from using callus graters for callus removal, and the board shall not promulgate any administrative regulation prohibiting the use of callus graters for callus removal.

➔Section 2. KRS 317A.040 is amended to read as follows:

(1) The board may employ inspectors and any other personnel reasonably necessary to carry out the provisions of this chapter, whose compensations shall be established within budgetary limits by the Personnel Cabinet. The board may delegate staffing decisions to the executive director.

(2) The board shall by appropriate order employ an executive director who shall be charged with the responsibility of administering the provisions of this chapter, and the policies and administrative regulations of the board relating to cosmetology***, nail technology,*** and esthetic practices.

(3)~~[No person shall be employed as an executive director unless the person is a licensed cosmetologist.~~

~~(4)]~~ The executive director may receive a salary as may be established by classification of the position by the Personnel Cabinet.

(4)~~[(5)]~~ The board shall publish or electronically provide copies of its administrative regulations and any proposed amendments to all persons licensed by it and to any other persons, places, or agencies as may be required by law or deemed by it reasonably necessary to the administration of the provisions of this chapter.

➔Section 3. KRS 317A.100 is amended to read as follows:

(1) The board may promulgate reasonable administrative regulations pertaining to the issuance of a license, upon payment of the prescribed license fee, to any person holding a comparable license issued by another state ***or United States territory*** where the laws of that state ***or territory***, in the opinion of the board, provide comparable professional qualification, health, and safety standards**.**~~[;]~~

(2) A person who provides certification of licensure from a state board or appropriate agency, whose requirements are not comparable to those of Kentucky, who has held a license in good standing for more than two (2) years, shall be issued a Kentucky license after completion of an application, payment of a fee, and passage of the theory and practical examinations.

(3) A person who provides certification of licensure from a state board or appropriate agency, whose requirements are not comparable to those of Kentucky, who has held a license in good standing for less than two (2) years, shall be able to cure the deficiency of comparability through continuing education in Kentucky as determined by the board. The board may require completion of an application, payment of a fee, and passage of the theory and practical examinations.

➔Section 4. KRS 317A.120 is amended to read as follows:

(1) Examinations given by the board shall cover all phases of qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge. National exams may be used if approved by the board.

(2) Examinations shall be given by trained proctors.

(3) Examinations shall be given at regularly prescribed intervals.

(4) Examinations shall be given at locations that have been approved by the board.

(5) ***An***~~[A nail technician]~~ applicant who fails a written theory test or an oral practical demonstration shall be eligible to retake that portion after one (1) month has passed from the date the applicant received actual notice of the failure.

(6) A cosmetologist, nail technician, limited stylist, esthetician, or instructor applicant may retake any examination an unlimited number of times until the applicant passes that examination.

➔Section 5. KRS 317A.130 is amended to read as follows:

(1) No ***licensee***~~[instructor, student, cosmetologist, or nail technician]~~ shall:

(a) Fail to provide the head rest of each chair with a relaundered towel or a sheet of clean paper for each person;

(b) Fail to place around the patron's neck a strip of cotton, towel, or neck strip so that the haircloth does not come in contact with the patron's skin;

(c) Use on one (1) patron a towel that has been used upon another patron, unless the towel has been relaundered;

(d) Use on any patron any razor, scissors, tweezers, comb, bowl, recirculating pipes, rubber disc, or part of ***a*** vibrator or other similar equipment or appliance that comes into contact with the head, face, hands, feet, or neck of a patron, until the equipment or appliance has been sterilized in accordance with methods of sterilization that are bacteriologically effective and approved by the Cabinet for Health and Family Services; or

(e) Use on any patron a liquid nail enhancement product containing monomeric methyl methacrylate, also known as dental acrylic monomer, for the purpose of creating artificial nail enhancements in the practice of cosmetology and nail technology.

(2) No esthetician practicing under this chapter shall perform any of the following unless practicing under the immediate supervision of a licensed physician:

(a) Botox or collagen injections;

(b) Laser treatments;

(c) Electrolysis;

(d) Tattoo;

(e) Permanent makeup;

(f) Microblading; or

(g) Piercing.

➔Section 6. KRS 317.410 is amended to read as follows:

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

(1) ~~[A]~~"Barber" ***means***~~[is]~~ any person who engages in the practice of ~~["]~~barbering~~["]~~ for the public generally or for consideration;

(2) "Barbering" ***means***~~[is]~~ the practice upon the human neck, face, and head, principally of shaving or trimming the beard or cutting the hair, but includes also:

(a) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or any contrivance;

(b) Singeing, shampooing, pressing, arranging, dressing, styling, or dyeing the hair or applying hair tonics; and

(c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other preparations;

(3) "Barber pole" means a cylinder or pole with alternating stripes of any combination, including but not limited to red and white, or red, white, and blue, which run diagonally along the length of the pole;

(4) "Barber school" or "school of barbering" means an operation, place, or establishment in or through which persons are trained or taught the practice of barbering;

(5) "Barber shop" ***means***~~[is]~~ any establishment in which the practice of barbering is conducted for the general public or for consideration ***and includes a mobile barber shop***;

(6) "Board" means the Kentucky Board of Barbering;

(7) "Endorsement" means the process of granting a license under this chapter to an applicant licensed in another state;

(8) "Independent contract owner" means any barber or apprentice barber licensed under this chapter who leases or rents space in a barber shop;~~[and]~~

(9) "Lapse fees" means the annual renewal license fee which would have been paid for the period during which a license has lapsed***; and***

(10) "Mobile barber shop" means a self-contained unit in which the practice of barbering is conducted and which may be moved, towed, or transported from one (1) location to another.

➔Section 7. KRS 317.420 is amended to read as follows:

(1) No person shall engage in the practice of "barbering" for other than cosmetic purposes nor shall any person engage in barbering for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:

(a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing, or embalming when incidental practices of barbering are performed by them in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States Armed Forces performing incidental practices of barbering in the course of their duties; or

(c) Barbering services performed at an institution operated by or under contract to the Department of Corrections or the Department of Juvenile Justice.

(2) Except as provided in subsection (1) of this section, no person shall engage in the practice of barbering for the public generally or for consideration without the appropriate license required by this chapter.

(3) No person, unless duly and properly licensed pursuant to this chapter, shall:

(a) Teach barbering;

(b) Operate a barber shop ***or mobile barber shop***;

(c) Conduct or operate a school for barbers;~~[or]~~

(d) Lease or rent booth space as an independent contract owner***; or***

(e) Operate a mobile barber shop without first notifying the board of its location or change in its location.

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this chapter unless the person to perform such practice holds and displays the appropriate license therefor.

(5) Except as provided in this chapter, no person or business shall:

(a) Advertise barbering services, unless the person or business and the personnel it employs are licensed under this chapter;

(b) Advertise as a barber shop ***or mobile barber shop***, unless all persons in the shop practicing barbering services are licensed under this chapter. Any barber practicing in a shop licensed as both a barber shop and a salon licensed under KRS Chapter 317A may display an image, that is at least four (4) inches high, of a barber pole at his or her station; or

(c) Use or display a barber pole for the purpose of advertising barbering services to the public unless it:

1. Has a barber shop license; and

2. Employs a barber licensed under this chapter.

(6) A person holding an active barber license from the board and who practices in a shop licensed by the board may render services for pay or otherwise to:

(a) A person suffering from a terminal illness who is receiving the services of a hospice program either at home or at a hospice inpatient unit; or

(b) A person who is deceased and in the care of a funeral establishment.

➔Section 8. KRS 317.430 is amended to read as follows:

(1) There is hereby created an independent agency of the state government to be known as the Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barber shops, ***mobile barber shops,*** independent contract owners, barber schools, and the teaching of barbering.

(2) The board shall be composed of five (5) members appointed by the Governor. Four (4) members shall be barbers holding a valid license and practicing in Kentucky. One (1) member shall be a citizen at large who is not associated with or financially interested in barbering. At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.

(3) The two (2) members appointed to fill the terms beginning on February 1, 2008, shall serve until February 1, 2011, and the three (3) members appointed to fill the terms beginning on February 1, 2007, shall serve until February 1, 2010. All subsequent appointments shall be for a term of three (3) years, with terms ending on February 1.

(4) The Governor shall not remove any member of the board except for cause.

(5) The board shall elect from its members one (1) to serve as chairman, one (1) to serve as vice chairman, and a third to serve as secretary.

(6) Three (3) members shall constitute a quorum for the transaction of business.

(7) In addition to the other qualifications specified in this section, barber members of the board shall be at least twenty-three (23) years of age, citizens of the United States, residents of Kentucky, and must have engaged in the practice of barbering in this state for a period of at least five (5) years.

(8) No member of the board shall be financially interested in, or have any financial connection with, any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology, or manicuring for monetary considerations.

(9) Each member of the board shall receive a compensation of one hundred dollars ($100) per day for each day of attendance at a meeting of the board, and shall be reimbursed for necessary traveling expenses.

(10) The board shall hold its meetings within the state and when deemed necessary by the board to discharge its duties.

➔Section 9. KRS 317.440 is amended to read as follows:

(1) To protect the health and safety of the public and to protect the public against misrepresentation, deceit, or fraud in the practice or teaching of barbering, the board shall promulgate administrative regulations governing the:

(a) Location and housing of barber shops***, mobile barber shops,*** or schools;

(b) Quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops***, mobile barber shops,*** or schools;

(c) Qualifications of teachers of barbering;

(d) Qualifications of applicants to or enrollees in barber schools;

(e) Hours and courses of instruction at barber schools;

(f) Examinations of applicants for barber or teacher of barbering;~~[and]~~

(g) Qualifications of independent contract owners***; and***

(h) Inspection criteria for mobile barber shops.

(2) The board shall establish***:***

(a) Fees by administrative regulation***; and***

(b) On its website a system for a licensed mobile barber shop to:

1. Submit to the board a weekly itinerary detailing the locations at which it will offer barbering services; and

2. Notify the board of any changes in its location or itinerary.

(3) Administrative regulations pertaining to health and sanitation shall be approved by the Kentucky secretary for health and family services before becoming effective.

➔Section 10. KRS 317.450 is amended to read as follows:

(1) (a) The board shall issue an apprentice license to practice barbering to any person who:

1. Is at least seventeen and one-half (17-1/2) years of age;

2. Is of good moral character and temperate habit;

3. Possesses a high school diploma, a High School Equivalency Diploma, or a transcript from an issuing institution that is recognized by the educational authority in the state from which the diploma, certificate, or transcript is issued;

4. Has graduated from a licensed school of barbering;

5. Has satisfactorily passed the apprentice examination prescribed by the barber board, which shall include a practical assessment of the applicant's skills, including but not limited to a taper haircut, shampoo, straight razor facial shave, facial, and a chemical application; and

6. Has paid a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(b) A barber shall serve an apprentice period of at least six (6) months but not more than nine (9) months of continuous service from the effective date of the license issued pursuant to paragraph (a) of this subsection.

(c) In addition to the grounds for disciplinary action specified in KRS 317.590, the board may, during the apprentice period, require a licensee to retake any part or all of the written or practical examination, or both.

(d) At the end of the apprentice period, the board shall issue a license to practice barbering to an apprentice licensee who has:

1. Satisfactorily passed the barber examination prescribed by the board by administrative regulations promulgated in accordance with KRS Chapter 13A; and

2. Complied with all other requirements of this subsection.

(e) The board may issue a barber license by endorsement to a resident of another state, district, or territory within the United States of America upon payment of a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A, and upon submission of satisfactory evidence that the requirements for licensure in the other state are substantially equivalent to the requirements of this state at the time of application. In the absence of the required equivalency, an applicant from another state, district, or territory within the United States of America, shall show proof of three (3) years or more experience immediately before making application and be currently licensed and in good standing with the state, district, or territory in which he or she is licensed. The board may also require an applicant under this section to pass a written and practical examination to establish equivalency.

(2) The board shall:

(a) Issue a license to operate a barber shop ***or mobile barber shop*** to any barber licensed under the provisions of this chapter upon application and payment of a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A;

(b) Refuse to issue the license upon a failure of the licensed barber to comply with the provisions of this chapter or the administrative regulations promulgated by the board;

(c) Allow the licensed owner of a barber shop ***or mobile barber shop***, which is licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner; and

(d) Allow an unlicensed owner of a barber shop to rent or lease space in his or her barber shop to an independent contract owner, only if the shop owner has a licensed barber as a manager of the shop at all times. If the owner, manager, or location of a barber shop changes, the required form and fee shall be submitted to the board.

(3) The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or which:

(a) Applies for a license upon forms furnished by the board;

(b) Has the equipment and facilities that may be required by administrative regulations promulgated by the board;

(c) Has furnished adequate evidence to the board that:

1. There is an intent to establish a bona fide school for the education and training of competent barbers; and

2. A sufficient number of teachers licensed by the board will be employed to conduct the school, including at least one (1) teacher with a minimum of twelve (12) months' experience teaching in a barber school that includes administrative experience; and

(d) Pays a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(4) The board shall issue a student permit to any person enrolled in a licensed barber school upon payment of a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(5) The board shall issue a license to teach barbering to any person who:

(a) Is of good moral character and temperate habit;

(b) Possesses a high school diploma or a High School Equivalency Diploma;

(c) Has been a Kentucky-licensed and practicing barber for at least eighteen (18) months;

(d) Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and

(e) Has paid a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(6) The board shall issue a license to any barber who holds an independent contract owner's license who:

(a) Is of good moral character and temperate habit;

(b) Possesses a high school diploma or a High School Equivalency Diploma;

(c) Is a licensed and practicing barber under this chapter; and

(d) Has paid a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(7) The board shall issue a demonstration charity event permit to any licensed barber who pays a fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(8) Applications for examination required in this section shall be accompanied by an examination fee as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire on the first day of July next following the date of its issuance. A license shall be renewed on June 1 through July 1 of each year.

(b) Any license shall automatically be renewed by the board:

1. Upon receipt of the application for renewal or duplicate renewal application form and the required annual renewal license fee submitted either in person or via written or electronic means; and

2. If the applicant for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.

(10) The annual renewal license fee for each type of license renewal shall be as established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(11) (a) The fee per year for the renewal of an expired license, if the period of expiration does not exceed five (5) years, shall be as established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

(b) An applicant who fails to renew a license within five (5) years of its expiration shall comply with the requirements for relicensure established by the board through promulgation of administrative regulations in accordance with KRS Chapter 13A.

➔Section 11. KRS 317.570 is amended to read as follows:

(1) ***Except as authorized by subsection (4) of this section,*** no examination or part of any examination required by this chapter shall be given unless two (2) or more members of the board are present to supervise the examination;

(2) Examinations given by the board shall cover all phases of the applicant's qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge;

(3) Examinations shall be given at regularly prescribed intervals;

(4) Examinations shall be given at the principal office of the board***, except that examinations may be given at a Department of Corrections facility that operates a licensed barber school. Examinations shall be supervised by two (2) or more members of the board, or board staff designated for that purpose, who shall be present at the site of the examination***.

➔Section 12. KRS 317.580 is amended to read as follows:

No barber, independent contract owner, or student shall:

(1) Knowingly continue to practice while he ***or she*** has an infectious or communicable disease;

(2) Fail to provide the head rest of each chair with a relaundered towel or a sheet of clean paper for each patron;

(3) Fail to place around the patron's neck a strip of cotton, towel, or neck strip so that the haircloth does not come in contact with the nude skin of the patron's body;

(4) Use on one (1) patron a towel that has been used upon another patron, unless the towel has been relaundered; or

(5) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of vibrator or other similar equipment or appliance that comes into contact with the head, face, hands, or neck of a patron, until the equipment or appliance has been immersed in boiling water for ten (10) minutes or in a sterilizing solution and

placed in a wet or dry sterilizer until again used. Only such methods of sterilization as are bacteriologically effective and approved by the Cabinet for Health and Family Services shall be used.

(6) Fail to wash his or her hands in a sink both before and after contact with each patron. Methods to sterilize hands that are bacteriologically effective as approved by the United States Food and Drug Administration's Food Code, Sections 2-301.11 through 2-304.11, shall also be recognized and used. Barber shop ***and mobile barber shop*** licenses ~~[issued after July 12, 2006,]~~shall require that a sink with hot and cold running water be located in the room where barbering is done.

Signed by Governor March 24, 2025.