

BOARDS AND COMMISSIONS

Board of Cosmetology

(Amendment)

201 KAR 12:260. Fees.

RELATES TO: KRS 317A.050, 317A.062

STATUTORY AUTHORITY: KRS 317A.062

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.062 requires the board to promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations and the issuance, renewal, and restoration of licenses and permits. This administrative regulation establishes a fee schedule for applications, permits, and licenses issued by the board.

Section 1. The initial license fees shall be as follows:

- (1) Cosmetologist - fifty (50) dollars;
- (2) Nail technician - fifty (50) dollars;
- (3) Esthetician - fifty (50) dollars;
- (4) Shampoo Styling ~~[Blow-drying]~~ services - fifty (50) dollars;
- (5) Cosmetology instructor - fifty (50) dollars;
- (6) Esthetic instructor - fifty (50) dollars;
- (7) Nail Technology instructor - fifty (50) dollars;
- (8) Beauty salon - \$100;
- (9) Nail salon - \$100;
- (10) Esthetic salon - \$100;
- (11) School - \$1,500;
- (12) School transfer of ownership - \$1,500;
- (13) Salon transfer of ownership - \$100;
- (14) Limited facility license for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - \$100;
- (15) Threading permit - fifty (50) dollars;
- (16) Eyelash Artistry Permit - fifty (50) dollars; and
- (17) Makeup Artistry Permit - fifty (50) dollars.
- (18) Event Services Permit- \$100.
- (19) Homebound Care Permit - \$100.

Section 2. The renewal license fees shall be as follows:

- (1) Cosmetologist - fifty (50) dollars;
- (2) Nail technician - fifty (50) dollars;
- (3) Esthetician - fifty (50) dollars;
- (4) Shampoo Styling ~~[Blow-drying]~~ services - fifty (50) dollars;
- (5) Cosmetology instructor - fifty (50) dollars;
- (6) Esthetic instructor - fifty (50) dollars;
- (7) Nail Technology instructor - fifty (50) dollars;
- (8) Beauty salon - \$100;
- (9) Nail salon - \$100;
- (10) Esthetic salon - \$100;
- (11) School - \$250;
- (12) Limited facility license for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - \$100;
- (13) Threading permit - fifty (50) dollars;
- (14) Eyelash Artistry Permit - fifty (50) dollars; and
- (15) Makeup Artistry Permit - fifty (50) dollars.

(16) Event Services Permit - \$100.

(17) Homebound Care Permit - \$100.

Section 3. Applications for examination including retake applications shall be accompanied by a fee as follows:

- (1) Cosmetologist - eighty-five (85)~~[seventy-five (75)]~~ dollars;
- (2) Nail technician - eighty-five (85)~~[seventy-five (75)]~~ dollars;
- (3) Esthetician - eighty-five (85)~~[seventy-five (75)]~~ dollars;
- (4) Shampoo Styling ~~[Blow drying]~~ services - eighty-five (85)~~[seventy-five (75)]~~ dollars; and
- (5) Instructor - eighty-five (85)~~[seventy-five (75)]~~ dollars.

Section 4. Miscellaneous fees shall be as follows:

- (1) Demonstration permit - fifty (50) dollars;
- (2) Certification for an out-of-state license or school hours transfer - twenty-five (25) dollars;
- (3) Duplicate license - twenty-five (25) dollars;
- (4) Salon manager change - fifty (50) dollars;
- (5) School manager change - fifty (50) dollars;
- (6) Enrollment correction fee, as established in 201 KAR 12:082, Section 24(2) - fifteen (15) dollars;
- (7) Out of state endorsement application fee - \$100;
- (8) Apprentice instructor enrollment - twenty-five (25)~~[fifty (50)]~~ dollars;
- (9) Student enrollment~~[permit]~~ - twenty-five (25) dollars;
- (10) Individual license restoration fee - fifty (50) dollars;
- (11) Salon license restoration fee, or limited facility permit~~[license]~~ restoration fee for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - \$100;
- (12) School license restoration fee - \$500; and
- (13) School or Salon location change - \$100.

MARGARET MEREDITH, Board Chair

APPROVED BY AGENCY: July 12, 2022

FILED WITH LRC: July 12, 2022 at 2:240 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2022, at 1:00 pm, at the Kentucky Board of Cosmetology office. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Julie M. Campbell, Executive Director, 1049 US Hwy 127 S. Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, julie.campbell@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie M. Campbell

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes a fee schedule for all applications, permits, and licenses issued by the Kentucky Board of Cosmetology (KBC).

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set out a fee schedule for all persons and entities seeking a permit or license from the KBC.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This amendment adjusts some existing fees for those permits and licenses set forth in KRS Chapter 317A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This amendment adjusts existing fees for the issuance, renewal, and restoration of licenses and permits, board exams, and other miscellaneous fees of the KBC.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The KBC is entirely self-funded through fees it collects for the various applications, permits, and licenses it offers to the public. There was only a minor increase to exam fees to help maintain balance on the new contract for exams and establish a fee structure for the new permits in SB 113.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to implementation of a fee for new permits in SB 113 and adjust exam fees to cover new contract costs.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment sets forth all KBC fees based on the current statutory requirements in KRS Chapters 317A.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment provides a single administrative regulation setting out all applicable fees for applications, permits, and licenses issued by the KBC.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

There are approximately 38,000 licensees, permittees, and students affected by this amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This amendment does not change any existing requirements, or create a new requirement. Rather, it amends the previous fee schedule contained in the existing

administrative regulation and adds the permits implemented by SB 113.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

An adjustment to fees is necessary in a few areas to establish new fee structures for permits defined in SB 113.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Prospective and current licensees will benefit from a reduction in some fees and clarity in others.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No additional funds are necessary initially to implement this amendment.

(b) On a continuing basis:

No additional funds are necessary on an ongoing basis to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The KBC is entirely self-funded through fees it collects for permits and licenses. There are no funds necessary to implement this amendment as it updates a fee schedule for applications, permits, and licenses.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There is no funding needed, as this amendment and the existing administrative regulation do not implement any action or requirement.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment sets forth fees for licensing based on the current statutory requirements found in KRS Chapters 317A. This amendment implements fees for new permit types as created in SB 113.

(9) TIERING: Is tiering applied?

Tiering is not applied as the requirements of this amendment apply equally to all current and prospective licensees.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Cosmetology (KBC).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 317A.062.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The KBC is a self-funded agency, deriving its funding solely from the fees it collects for permits and licenses. This amendment modifies the fee schedule in the existing administrative regulation. It is expected to result in an increase in revenue during the first year. Increased revenue is necessary to fund national testing and to implement new permits brought about by the passage of SB 113. Finally, increased funding is necessary for new initiatives such as offering fully online applications and renewals and additional fees for contracts on national exams.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This amendment is expected to result in very little increased revenue in subsequent years, which will be used to fund new initiatives.

(c) How much will it cost to administer this program for the first year?

No additional cost is anticipated during the first year.

(d) How much will it cost to administer this program for subsequent years?

No additional cost is anticipated for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):Increase.

Expenditures (+/-):No impact.

Other Explanation:

This amendment updates fees and does not involve any expenditures. As explained above, the fee adjustments in this amendment are anticipated to result in increased revenue. The amount of increased revenue is dependent on the number of applicants for examinations, permits, and licenses. As some of the permits are newly established by SB 113, the expected amount of increased revenue for those new permits and licenses is currently unknown. Taking into account additional expenditures incurred from new licenses, permits, and national testing, it is anticipated that the increase in fees for existing examinations, permits, and licenses will not result in an increase in revenue.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

There will be a balanced cost to expenditures to the regulating agency to oversee the items in this regulation at this time.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

(c) How much will it cost the regulated entities for the first year?

(d) How much will it cost the regulated entities for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. There is not a major economic impact created by the adjustments of these fees.