

BOARDS AND COMMISSIONS

Board of Cosmetology (Amendment)

201 KAR 12:060. Inspections.

RELATES TO: KRS 317A.060, 317A.140

STATUTORY AUTHORITY: KRS 317A.060

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to promulgate administrative regulations governing the operation of any schools, limited facilities, and salons of cosmetology, nail technology, threading, eyelash artistry, makeup artistry, esthetics, and to protect the health and safety of the public. This administrative regulation establishes inspection and health and safety requirements for all schools and salons of cosmetology, nail technology, threading, eyelash artistry, makeup artistry, and esthetics.

Section 1. Public Display.

- (1)
 - (a) Each licensee or permit holder shall attach his or her picture to the license or permit and place it in an accessible and conspicuous area in the salon, limited facility, or school.
 - (b) Each licensed facility's license shall be posted in an accessible and conspicuous area with the information required by this subsection.
- (2) A conspicuous area shall be visible to the public and shall include:
 - (a) The main entrance door or window of the premises; and
 - (b) The workstation of the employee.
- (3) A salon or school manager shall have the manager's license posted with a picture in an accessible and conspicuous area at all times.
- (4) A school shall, at all times, display in a centralized and accessible conspicuous public place the student permits of all students enrolled.
- (5) Each licensed salon, limited facility, or school shall post the most recent inspection report in an accessible and conspicuous area.

Section 2. Inspections.

- (1) Any~~[board member]~~ administrator, or inspector may enter any establishment licensed by this board or any place purported to be practicing cosmetology, nail technology, threading, eyelash artistry, makeup artistry, or esthetics, during reasonable working hours or at any time when the establishment is open to the public, for the purpose of determining if an individual, salon, limited facility, or school is complying with KRS Chapter 317A and 201 KAR Chapter 12.
- (2) Any~~[board member]~~ administrator, or inspector may require the licensee or permittee to produce for inspection and copying books, papers, or records required by the board or pertaining to licensed activity.
- (3) Each establishment licensed by the board shall be inspected a minimum at least one ~~(1) time during the term of its license [of two (2) times per year]~~.
- (4) A salon, limited facility, or school shall, within thirty (30) days, schedule an inspection of the salon, limited facility, or school after an inspector twice attempts, but is unable, to inspect the salon or school.
- (5) Failure of the salon, limited facility, or school owner or manager to schedule an inspection within thirty (30) days of two (2) consecutive failed inspection attempts shall constitute unprofessional conduct.

(6) The owner and manager of each establishment licensed by the board shall be responsible for compliance with KRS Chapter 317A and 201 KAR Chapter 12.

Section 3. Unprofessional Conduct. Unprofessional conduct under KRS 317A.140 includes:

- (1) Intentionally withholding information or lying to a ~~board member or~~ board employee or representative who is conducting a lawful inspection or investigation of an alleged or potential violation of KRS Chapter 317A or 201 KAR Chapter 12;
- (2) A salon, limited facility, or school remaining open to the public if not appropriately licensed by the board;
- (3) Providing or teaching any cosmetology, nail technology, esthetic, lash artistry, makeup artistry, or threading services unless appropriately licensed or permitted by the board under 201 KAR Chapter 12;
- (4) Failure to comply with the lawful request of the board, the executive director, inspector, or agent, which includes:
 - (a) Refusing to allow entry to perform an inspection of the licensed premises;
 - (b) Allow the inspection of or the copying or production of books, papers, documents, or records of information or material pertaining to activity licensed by the board or related to the provisions of KRS Chapter 317A or the administrative regulations promulgated by the board; or
 - (c) Refusing to provide a valid state or federal government issued identification matching the posted license or permit; or
 - (d) Removal of any posted notice from the board pertaining to violations, inspection failures, or lack of licensure by the board.
- (5) Any attempt by a license or permit holder to bribe a Kentucky Board of Cosmetology representative or induce a board representative to violate a provision of KRS 317A or 201 KAR Chapter 12;
- (6) Any attempt to fraudulently produce or duplicate board requested documents or licensure; or
- (7) Any violation of the Code of Ethics as stated in 201 KAR 12:230.

Section 4. Signage. The main entrance to any establishment licensed by the board shall display a sign indicating a beauty salon, nail salon, esthetic salon, limited facility, or cosmetology school. The sign shall indicate the name of the salon, limited facility, or school as it is registered with the Kentucky Board of Cosmetology and shall be clearly visible at the main entrance of the establishment.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. 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 June 30th, 2025. 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes the requirements of schools, salons, and limited facilities providing beauty services regulated under KRS 317A.

(b) The necessity of this administrative regulation:

It describes how licenses should be displayed so the public can identify the licensee, who can perform an inspection, what can be done as part of the inspection, and defines what is unprofessional conduct by a KBC licensee.

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

This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

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

This administrative regulation assists or will assist in the effective administration of the statutes by establishing guidelines for the public to identify the licensee and know that they are a trained and authorized professional, licensees to know what's expected of them for inspections, and administrators and inspectors to understand the scope of the inspection.

(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 amendment will change this existing administrative regulation by removing the board members as one of the people authorized to inspect and changing the minimum inspection to one time during the term of the license.

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

The amendment is necessary to clarify roles and the inspection schedule.

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

The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.

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

The amendment will assist in the effective administration of the statutes by its clarity.

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

There will be no impact to licensee, businesses, organizations or local governments.

(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:

No actions will be needed to comply with this amendment.

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

No cost for this amendment.

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

Entities will have a much more straightforward inspection.

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

(a) Initially:

N/A

(b) On a continuing basis:

N/A

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

No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(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:

No changes or increases in fees is required by this amendment.

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

No fees are created or increased directly or indirectly by this regulation

(9) TIERING: Is tiering applied?

Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion:

N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):

There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion:

N/A.