BOARDS AND COMMISSIONS
Board of Cosmetology
(Amendment)

201 KAR 12:280. Esthetic practices restrictions.

RELATES TO: KRS 317A.130
STATUTORY AUTHORITY: KRS 317A.060, 317A.130
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 establish appropriate standards of practice for individuals licensed by the board. This administrative regulation establishes the required restrictions and limitations placed on esthetic practices.

Section 1. Definitions.
(1) "Basic exfoliation during dermaplane techniques" or "dermaplaning" means techniques or procedures where only the uppermost layer of the stratum corneum is~~[may be]~~ removed.
(2) "Cosmetic resurfacing exfoliating procedures" means the application of cosmetic resurfacing exfoliating substances by a licensed health care practitioner for the purpose of improving the aesthetic appearance of the skin. This includes services such as acid or chemical peels, microdermabrasion, and other forms of exfoliation or resurfacing of a cosmetic nature.
(3) "Direct supervision" means to be within immediate distance, such as on the same floor, and available to respond when needed.
(4) "Health care practitioner" means any individual certified by the Kentucky Board of Nursing, or the Kentucky Board of Medical Licensure to perform esthetic specialties.
(5) "Immediate supervision" means a licensed physician is physically present in the same room and overseeing the activities of the esthetician at all times.
(6) "Microdermabrasion" means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.
(7) "Microneedling" means the use of multiple tiny solid needles designed to pierce the skin for the purpose of stimulating collagen production or cellular renewal. Devices used may be in the form of rollers, stamps, or electronic "pens". Microneedling is also known as:
(a) Dermal needling;
(b) Collagen Induction Therapy (CIT);
(c) Dermal rolling;
(d) Cosmetic dry needling;
(e) Multitrepannic collagen actuation; or
(f) Percutaneous collagen induction.
(8) "Physician" means a medical doctor licensed by the Kentucky Board of Medical Licensure to perform services within his or her scope of practice.

Section 2. Supervision of Restricted Practices. An esthetician licensed by the board shall not perform any of the activities listed in KRS 317A.130(2) unless under the immediate supervision of a licensed physician. Medical procedures shall not be performed by an esthetics or cosmetology licensee. Services under the direct supervision of a licensed health care practitioner shall fall within the category of cosmetic resurfacing exfoliating procedures.

Section 3. Dermaplaning.

(1) Dermaplaning procedures for basic exfoliation shall only be conducted by individuals who are:

(a) Licensed as a cosmetologist or esthetician by the board; and

(b) Have provided documentation to the board demonstrating the completion of courses and specialized training regarding dermaplaning sufficient that, in the judgment of the board, the licensee may conduct the procedure safely.

(2) Dermaplane procedures, dermabrasion procedures, microneedling procedures, blades, knives, and lancets are prohibited, except for:

(a) Procedures for basic exfoliation;

(b) Advanced extraction of impurities from the skin using a lancet of 2mm or less; and

(c) Dermaplane procedures for advanced exfoliation under direct supervision of a licensed physician.

Section 4. ~~[Section 3.]~~ Microdemabrasion.

(1) To be approved for use, a microdermabrasion device shall:

(a) Be specifically labeled for cosmetic or esthetic purposes;

(b) Be a closed-loop vacuum system that uses a tissue retention device; and

(c) Not result in the removal of the epidermis beyond the stratum corneum from the normal and customary use of the device.

(2) Loose particle microdermabrasion systems shall not be used.

Section 5. ~~[Section 4.]~~ Acids and Chemical Exfoliations.

(1) The use of any acid or acid solution, which would exfoliate the skin below the stratum corneum, including those listed in subsection (2) of this section shall not be used unless under the direct supervision of a licensed health care practitioner.

(2) The following acids or acid solutions shall not be used unless under the direct supervision of a licensed health care practitioner:

(a) Phenol;

(b) Bichloroacetic acid;

(c) Resorcinol;

(d) Any acid in any concentration level that requires a prescription;

(e) Modified jessner solution on the face and the tissue immediately adjacent to the jaw line;

(f) Alpha hydroxy acids with a pH of not less than one (1.0) and at a concentration of fifty (50) percent shall include partially neutralized acids, and any acid above the concentration of fifty (50) percent is prohibited;

(g) Beta hydroxy acids with a concentration of not more than thirty (30) percent;

(h) Trichloroacetic acid (TCA), in a concentration of not more than fifteen (15) percent, but no manual, mechanical, or acid exfoliation may be used prior to treatment unless under the direct supervision of a licensed health care practitioner; and

(i) Vitamin-based acids.

(3) Limited chemical exfoliation for a basic esthetician shall not include the mixing, combining, or layering of skin exfoliation products or services, but shall include:

(a) Alpha hydroxy acids of thirty (30) percent or less, with a pH of not less than three (3.0); and

(b) Salicylic acid of fifteen (15) percent or less.

(4) A licensee may not apply any exfoliating acid to a client's skin that has undergone microdermabrasion or microneedling within the previous seven (7) days, unless under the direct supervision of a licensed physician.

(5) A licensee shall prepare and maintain current documentation of the licensee's cumulative experience in chemical exfoliation, including:

(a) Courses of instruction;

(b) Specialized training;

(c) On-the-job experience; and

(d) The approximate percentage that chemical exfoliation represents in the licensee's overall business.

(6) A licensee shall provide the documentation required by subsection (5) of this section to the board upon request.

(7) A licensee shall not use an acid or perform a chemical exfoliation that the licensee is not competent to use or perform through training and experience, and as documented in accordance with subsection (5) of this section.

(8) Only commercially available products utilized in accordance with manufacturers' instructions shall be used for chemical exfoliation purposes.

(9) A patch test shall be administered to each client prior to beginning any chemical exfoliation series.

Section 6. ~~[Section 5.]~~ Devices. No mechanical or electrical apparatus that is considered a prescription medical device by the FDA may be used by a licensee, unless such use is under the immediate supervision by a licensed physician and within that licensed physician's appropriate scope of practice.

Section 7. ~~[Section 6.]~~ Disclosure. Before applying a chemical exfoliant or using a microdermabrasion machine, a licensee shall inform a client that:

(1) The procedure shall only be performed for cosmetic and not medical purposes; and

(2) The benefits and risks of the all procedures shall be disclosed prior to application.

Section 8. ~~[Section 7.]~~ Other Prohibited Practices.

(1) A licensee shall never use any preparation, product, device, or procedure that pierces or penetrates the skin beyond the stratum germinativum layer, also known as the basal layer of the epidermis.

~~[(2)] [Dermaplane procedures, dermabrasion procedures, microneedling procedures, blades, knives, and lancets are prohibited, except for:]~~

~~[(a)] [Advanced extraction of impurities from the skin shall use a lancet of 2mm or less; and]~~

~~[(b)] [Dermaplane procedures for advanced exfoliation under direct supervision of a licensed physician.]~~

~~[(3)] [Dermaplane procedures for basic exfoliation may be practiced without the direct supervision of a licensed physician only if the following apply. A licensee shall maintain current documentation of the licensee's training in dermaplaning, including:]~~

~~[(a)] [Courses of instruction; and]~~

~~[(b)] [Specialized training.]~~

~~[(4)] [A licensee shall provide the documentation required by subsection (3) of this section to the board upon request.]~~

(2) ~~[(5)]~~ A licensee shall not use any procedure in which human tissue is cut or altered by laser energy or ionizing radiation.

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 restrictions for esthetic practices.

(b) The necessity of this administrative regulation:
The administrative regulation is necessary for clarification around esthetic practices.

(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 including the commonly used sub-specialty of dermaplaning.

(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 update the requirements for dermaplaning.

(b) The necessity of the amendment to this administrative regulation:
The amendment is necessary to reflect modern safe dermaplaning practices.

(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 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