

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(New Administrative Regulation)

40 KAR 12:440. Health spas.

RELATES TO: KRS 367.900, 367.905, 367.906

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.905, 367.906

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.905 requires health spas to file registration statement applications and renewal statement applications with the Attorney General. KRS 367.906 requires the Attorney General to establish a surety bond form for use by health spas. This administrative regulation establishes the registration and renewal statement applications and surety bond form to be used by health spas.

Section 1. Health Spa Registration Statement Application.

(1) The Attorney General must approve a health spa's registration application before a health spa may offer health spa services or facilities at a specific location in the Commonwealth of Kentucky. A health spa shall complete and submit a Health Spa Registration Statement Application, Form HS-1, to the Attorney General's office, and submit:

- (a) Payment of the \$100 registration fee;
- (b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
- (c) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, Form HS-3.

(2) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or not providing requested missing information or required documents.

Section 2. Health Spa Renewal Application.

(1) Health Spa Registrations are valid for a one (1) year period from July 1 to June 30th of the following year.

(2) On or before June 1st of a current registration year, a registered health spa may renew its registration by completing and submitting a Health Spa Registration Renewal Application, Form HS-2, to the Attorney General's office on or before June 1st of a current registration year, and submitting:

- (a) Payment of the fifty (50) dollar registration renewal fee; and
- (b) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, Form HS-3, when a prior filed bond is not current or the bond amount is insufficient.

(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any renewal application if an applicant fails to timely complete the application by not paying the renewal application fee or provide requested missing information or required documents.

Section 3. Written Notification of Material Changes. A registered health spa shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 4. Record Requests. A health spa shall make requested records, documents and information readily available to the Attorney General for inspection and copying upon request.

Section 5. Incorporation by Reference.

(1) The following materials are incorporated by reference:

(a) "Health Spa Registration Application", Form HS-1, Nov. 2025;

(b) "Health Spa Registration Renewal Application", Form HS-2, Nov. 2025;

(c) "Health Spa Surety Bond", Form HS-3, Nov. 2025;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: November 13, 2025

FILED WITH LRC: November 13, 2025 at 3:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on January 27, 2026, at 10:30 a.m. Eastern Time at the Kentucky Office of Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Room A, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 11:59 p.m. on January 31, 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone 502-696-5408, fax (502) 573-8317, email steve.humphress@ky.gov.