OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amended at ARRS Committee)

40 KAR 12:441. 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 with the Attorney General registration statement applications and renewal statement applications and establishes fees. KRS 367.906 requires the Attorney General to establish a surety bond form for use by health spas. This administrative regulation establishes an online registration application, an online renewal application, and a surety bond form to be used by health spas.

Section 1. Health Spa Registration Application.
(1) A health spa shall not offer health spa services or facilities at a specific location in the Commonwealth of Kentucky unless the Attorney General approves the health spa's registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the Health Spa Registration Application portal available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.
(2) To complete an online application, an applicant shall submit:
(a) Payment of the $100.00 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;
(c) Copies of all the applicant's membership contracts for all plans; and
(d) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-1.
(3)
(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.
(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or not providing requested information or required documents.

Section 2. Health Spa Renewal Application.
(1) An approved health spa registration or renewal shall be valid for a one (1) year period from July 1 to June 30 of the following year.
(2) On or before June 1 of a current registration year, a registered health spa may renew its registration for another annual period by submitting an online renewal application using the Health Spa Registration Renewal Statement Application portal available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx, and submitting:
(a) Payment of the $50.00 registration renewal fee; and
(b) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-1, when a prior filed bond is not current or the bond amount is insufficient.

(3) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of any request by the Attorney General. The Attorney General may deny a renewal application if a registrant fails to timely complete an application by not paying the renewal application fee or providing requested information or documents.

(4) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against the registrant.

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 business records and documents related to an investigation or inquiry 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 Statement Application", Feb. 2026;

(b) "Health Spa Registration Renewal Statement Application", Feb. 2026;

(c) "Health Spa Surety Bond", form HS-1, Feb. 2026;

(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

(040 KAR 012:441. 52 Ky.R. 1770, 53 Ky.R. 11; eff. 9-29-2026.)

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