

317A.020 Scope of chapter -- Licensure requirements -- Legal actions brought by board -- Emergency orders -- Board duties.

- (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology, esthetic practices, or nail technology for the treatment of physical or mental ailments. This chapter does not apply to:
 - (a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology, esthetic practices, and nail technology in the normal course of the practice of their profession;
 - (b) Commissioned medical or surgical personnel of the United States Armed Forces who perform incidental practices of cosmetology, esthetic practices, or nail technology in the course of their duties;
 - (c) Cosmetology, esthetic practices, or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice; and
 - (d) Persons engaged in natural hair braiding.
- (2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology, esthetic practices, or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.
- (3) No person unless duly and properly licensed pursuant to this chapter shall:
 - (a) Teach cosmetology, esthetic practices, or nail technology;
 - (b) Operate a beauty salon;
 - (c) Operate an esthetic salon;
 - (d) Act as an esthetician;
 - (e) Operate a nail salon;
 - (f) Act as a nail technician; or
 - (g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians.
- (4) No person shall aid or abet any person in violating this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.
- (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists, licensed estheticians, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional cosmetologist's, esthetician's, or nail technician's group.
- (6) Whenever a person engages in different practices separately licensed, certified, or permitted by this chapter, that person shall procure a separate license, certificate, or

permit for each of the practices in which the person engages.

- (7) The board may:
- (a) Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred;
 - (b) Issue an emergency order in accordance with KRS 13B.125 against any facility licensed by the board. The emergency order shall be based upon probable cause by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of any customer, patient, or the general public; and
 - (c) Institute civil and criminal proceedings against violators of this chapter. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of this chapter.
- (8) The board shall:
- (a) Govern all issues related to this chapter;
 - (b) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;
 - (c) Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and
 - (d) Have the authority to take emergency action affecting the legal rights, duties, privileges, or immunities of named persons without a hearing to stop, prevent, or avoid an immediate danger to the public health, safety, or welfare, in accordance with KRS 13B.125.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 235, sec. 3, effective July 14, 2022. -- Amended 2018 Ky. Acts ch. 46, sec. 13, effective March 30, 2018. -- Amended 2016 Ky. Acts ch. 48, sec. 2, effective July 15, 2016. -- Amended 2013 Ky. Acts ch. 72, sec. 6, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 152, sec. 2, effective July 12, 2012. -- Amended 1996 Ky. Acts ch. 82, sec. 2, effective July 15, 1996. -- Created 1974 Ky. Acts ch. 354, sec. 2.