

**317A.020 Scope of chapter -- Licensure requirements -- Emergency orders -- Warning notice -- Legal actions brought by the board -- Board duties -- Use of callus graters.**

- (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 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(1), subject to the following:
    1. An emergency order shall be based upon verified probable cause or substantial evidence, documented by the board, that the emergency order is in the interest of public health, welfare, and safety of any customer, patient, or the general public; and
    2. Upon the issuance of an emergency order, the board shall comply with the administrative hearing procedures in KRS 13B.125(3) to determine the reinstatement of operations of the licensed facility.
- (8) Unless a documented and verified violation creates an immediate and present danger to the health and safety of the public, a warning notice shall be first issued prior to imposing incremental punitive action against an otherwise lawful salon. The warning notice shall include a specific and detailed description of the violation and the specific remediation required to bring the salon into compliance.
- (9) 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; and
  - (b) Refer violations of this chapter to county attorneys, Commonwealth's attorneys, and to the Attorney General.
- (10) Nothing in this section shall be construed to prohibit an instructor, student, cosmetologist, or nail technician from using callus graters for callus removal, and the board shall not promulgate any administrative regulation prohibiting the use of callus graters for callus removal.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 25, sec. 1, effective July 15, 2024. -- 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.