

1 AN ACT relating to licensed occupations, making an appropriation therefor, and
2 declaring an emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 317.410 is amended to read as follows:

5 As used in this chapter, unless the context requires otherwise:

- 6 (1) A "barber" is any person who engages in the practice of "barbering" for the public
7 generally or for consideration;
- 8 (2) "Barbering" is the practice upon the human neck, face, and head, principally of
9 shaving or trimming the beard or cutting the hair, but includes also:
- 10 (a) Giving facial and scalp massage or treatments with oils, creams, lotions, or
11 other preparations, either by hand or any contrivance;
- 12 (b) Singeing, shampooing, pressing, arranging, dressing, styling, or dyeing the
13 hair or applying hair tonics; and
- 14 (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other
15 preparations;
- 16 (3) "Barber pole" means a cylinder or pole with alternating stripes of any combination,
17 including but not limited to red and white, or red, white, and blue, which run
18 diagonally along the length of the pole;
- 19 (4) "Barber school" or "school of barbering" means an operation, place, or
20 establishment~~[of whatsoever kind or form]~~ in or through which persons are trained
21 or taught the practice of barbering;
- 22 (5) "Barber shop" is any establishment ~~[of whatsoever kind]~~ in which the practice of
23 barbering is conducted for the general public or for consideration;
- 24 (6) "Board" means the Kentucky Board of Barbering;
- 25 (7) **"Endorsement" means the process of granting a license under this chapter to an**
26 **applicant licensed in another state;**
- 27 **(8)** "Independent contract owner" means any barber or apprentice barber licensed

1 under this chapter who leases or rents space in a barber shop; and

2 ~~(9)~~~~(8)~~ "Lapse fees" means the annual renewal license fee which would have been
3 paid for the period during which a license has lapsed.

4 ➔Section 2. KRS 317.420 is amended to read as follows:

5 (1) No person shall engage in the practice of "barbering" for other than cosmetic
6 purposes nor shall any person engage in barbering for the treatment of physical or
7 mental ailments, except that the provisions of this chapter shall not apply to:

8 (a) Persons authorized by the law of this state to practice medicine, chiropody,
9 optometry, dentistry, chiropractic, nursing, or embalming when incidental
10 practices of barbering are performed by them in the normal course of the
11 practice of their profession;

12 (b) Commissioned medical or surgical personnel of the United States Armed
13 Forces~~[Army, Navy, Air Force, or Marine Hospital Service]~~ performing
14 incidental practices of barbering in the course of their duties; or

15 (c) Barbering services performed at an institution operated by or under contract to
16 the Department of Corrections or the Department of Juvenile Justice.

17 (2) Except as provided in subsection (1) of this section, no person shall engage in the
18 practice of barbering for the public generally or for consideration without the
19 appropriate license required by this chapter.

20 (3) No person, unless duly and properly licensed pursuant to this chapter, shall:

21 (a) Teach barbering;

22 (b) Operate a barber shop;

23 (c) Conduct or operate a school for barbers; or

24 (d) Lease or rent booth space as an independent contract owner.

25 (4) No person shall aid or abet any person in violating the provisions of this section, nor
26 shall any person engage or employ for consideration any person for the performance
27 of any practice licensed by this chapter unless the person to perform such practice

1 holds and displays the appropriate license therefor.

2 (5) Except as provided in this chapter, no person or business shall:

3 (a) Advertise barbering services, unless the person or business and the personnel
4 it employs are licensed under this chapter; or

5 (b) Advertise as a barber shop, unless all persons in the shop practicing
6 barbering services are licensed under this chapter. Any barber practicing in
7 a shop licensed as both a barber shop and a salon licensed under KRS
8 Chapter 317A may display an image, that is at least four (4) inches high, of
9 a barber pole at his or her station; or

10 (c) Use or display a barber pole for the purpose of advertising barbering services
11 to the public unless it:

- 12 1. Has a barber shop license; and
- 13 2. Employs a barber licensed under this chapter.

14 (6) A person holding an active barber license from the board and who practices in a
15 shop licensed by the board may render services for pay or otherwise to:

16 (a) A person suffering from a terminal illness who is receiving the services of a
17 hospice program either at home or at a hospice inpatient unit; or

18 (b) A person who is deceased and in the care of a funeral establishment.

19 ➔Section 3. KRS 317.430 is amended to read as follows:

20 (1) There is hereby created an independent agency of the state government to be known
21 as the Kentucky Board of Barbering, which shall have complete supervision over
22 the administration of the provisions of this chapter relating to barbers, barbering,
23 barber shops, independent contract owners, barber schools, and the teaching of
24 barbering.

25 (2) The ~~{Kentucky Board of Barbering, hereinafter referred to as the barber board or~~
26 ~~{board[,]} shall be composed of five (5) members appointed by the Governor. Four~~
27 (4) members shall be barbers holding a valid license and practicing in Kentucky.

1 One (1) member shall be a citizen at large who is not associated with or financially
2 interested in barbering. At all times in the filling of vacancies of membership on the
3 barber board, this balance of representation shall be maintained.

4 (3) The two (2) members appointed to fill the terms beginning on February 1, 2008,
5 shall serve until February 1, 2011, and the three (3) members appointed to fill the
6 terms beginning on February 1, 2007, shall serve until February 1, 2010. All
7 subsequent appointments shall be for a term of three (3) years, with terms ending on
8 February 1.

9 (4) The Governor shall not remove any member of the ~~barber~~ board except for cause.

10 (5) The ~~barber~~ board shall elect from its members one (1) to serve as chairman, one
11 (1) to serve as vice chairman, and a third to serve as secretary.

12 (6) Three (3) members shall constitute a quorum for the transaction of business.

13 (7) In addition to the other qualifications specified in this section, barber members of
14 the ~~barber~~ board shall be at least twenty-three (23) years of age, citizens of the
15 United States, residents of Kentucky, and must have engaged in the practice of
16 barbering in this state for a period of at least five (5) years.

17 (8) No member of the ~~barber~~ board shall be financially interested in, or have any
18 financial connection with, any barber or cosmetology school, wholesale cosmetic or
19 barber supply or equipment business, nor shall any member of the barber board
20 teach barbering, cosmetology, or manicuring for monetary considerations.

21 (9) Each member of the ~~barber~~ board shall receive a compensation of one hundred
22 dollars (\$100) per day for each day of attendance at a meeting of the board, and
23 shall be reimbursed for necessary traveling expenses.

24 (10) The board shall hold its meetings within the state and when deemed necessary by
25 the board to discharge its duties.

26 ➔Section 4. KRS 317.440 is amended to read as follows:

27 (1) To protect the health and safety of the public ~~and for~~ to protect the public against

1 misrepresentation, deceit, or fraud in the practice or teaching of barbering, the board
2 shall promulgate administrative regulations governing the:

- 3 (a) Location and housing of barber shops or schools;
4 (b) Quantity and quality of equipment, supplies, materials, records, and
5 furnishings required in barber shops or schools;
6 (c) Qualifications of teachers of barbering;
7 (d) Qualifications of applicants to or enrollees in barber schools;
8 (e) Hours and courses of instruction at barber schools;
9 (f) Examinations of applicants for barber or teacher of barbering; and
10 (g) Qualifications of independent contract owners.

11 (2) The board shall establish fees by administrative regulation~~[- according to the~~
12 ~~schedules established in KRS 317.450].~~

13 (3) Administrative regulations pertaining to health and sanitation shall be approved by
14 the Kentucky secretary for health and family services before becoming effective.

15 ➔Section 5. KRS 317.450 is amended to read as follows:

16 (1) (a) The board shall issue an apprentice~~[a probationary]~~ license to practice
17 barbering to any person who:

- 18 1. Is at least seventeen and one-half (17-1/2) years of age;
19 2. Is of good moral character and temperate habit;
20 3. Possesses a high school diploma, a High School Equivalency Diploma,
21 or a transcript from an issuing institution that is recognized by the
22 educational authority in the state from which the diploma, certificate, or
23 transcript is issued;
24 4. Has graduated from a licensed school of barbering;
25 5. Has satisfactorily passed the apprentice~~[probationary]~~ examination
26 prescribed by the barber board, which shall include a practical
27 assessment of the applicant's skills, including but not limited to a taper

1 haircut, shampoo, straight razor facial shave, facial, and a chemical
2 application; and

3 6. Has paid a fee as established in administrative regulations
4 promulgated by the board in accordance with KRS Chapter 13A ~~[not to~~
5 ~~exceed fifty dollars (\$50)]~~.

6 (b) A barber shall serve an apprentice ~~[a probationary]~~ period of at least six (6)
7 months but not more than nine (9) months of continuous service from the
8 effective date of the license issued pursuant to paragraph (a) of this
9 subsection.

10 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,
11 the board may, during the apprentice ~~[probationary]~~ period, require a licensee
12 to retake any part or all of the written or practical examination, or both.

13 (d) At the end of the apprentice ~~[probationary]~~ period, the board shall issue a
14 license to practice barbering to an apprentice ~~[a probationary]~~ licensee who
15 has:

16 1. Satisfactorily passed the barber examination prescribed by the board by
17 administrative regulations promulgated in accordance with KRS Chapter
18 13A; and

19 2. Complied with all other requirements of this subsection.

20 (e) The board may issue a barber license by endorsement to a resident of another
21 state, district, or territory within the United States of America upon payment
22 of a fee as established in administrative regulations promulgated by the
23 board in accordance with KRS Chapter 13A, ~~[not to exceed two hundred~~
24 ~~fifty dollars (\$250)]~~ and upon submission of satisfactory evidence that the
25 requirements for licensure in the other state are substantially equivalent to the
26 requirements of this state at the time of application. In the absence of the
27 required equivalency, an applicant from another state, district, or territory

1 within the United States of America, shall show proof of three (3) years or
2 more experience immediately before making application and be currently
3 licensed and in good standing with the state, district, or territory in which he
4 or she is licensed. The board may also require an applicant under this section
5 to pass a written and practical examination to establish equivalency.

6 (2) The board shall:

7 (a) Issue a license to operate a barber shop to any barber licensed under the
8 provisions of this chapter upon application and payment of a fee as
9 established in administrative regulations promulgated by the board in
10 accordance with KRS Chapter 13A~~[not to exceed fifty dollars (\$50)]~~;

11 (b) Refuse to issue the license upon a failure of the licensed barber to comply
12 with the provisions of this chapter or the administrative regulations
13 promulgated by the board;

14 (c) Allow the licensed owner of a barber shop, which is licensed under this
15 chapter, to rent or lease space in his or her barber shop to an independent
16 contract owner; and

17 (d) Allow an unlicensed owner of a barber shop~~[, which is licensed under this~~
18 ~~chapter and managed by a barber licensed under this chapter,]~~ to rent or lease
19 space in his or her barber shop to an independent contract owner, only if the
20 shop owner has a licensed barber as a manager of the shop at all times. If
21 the owner, manager, or location of a barber shop changes, the required
22 form and fee shall be submitted to the board.

23 (3) The board shall issue a license to operate a school of barbering to any person, firm,
24 or corporation who or which:

25 (a) Applies for a license upon forms furnished by the board;

26 (b) Has the equipment and facilities that may be required by administrative
27 regulations promulgated by the board;

- 1 (c) Has furnished adequate evidence to the board that:
- 2 1. There is an intent to establish a bona fide school for the education and
- 3 training of competent barbers; and
- 4 2. A sufficient number of teachers licensed by the board will be employed
- 5 to conduct the school, including at least one (1) teacher with a minimum
- 6 of **thirty six (36)**~~[twelve (12)]~~ months' experience teaching in a barber
- 7 school that includes administrative experience; and

- 8 (d) Pays a fee **as established in administrative regulations promulgated by the**
- 9 **board in accordance with KRS Chapter 13A**~~[not to exceed one hundred fifty~~
- 10 ~~dollars (\$150)]~~.

- 11 (4) **The board shall issue a student permit to any person enrolled in a licensed barber**
- 12 **school upon payment of a fee as established in administrative regulations**
- 13 **promulgated by the board in accordance with KRS Chapter 13A.**

- 14 **(5)** The board shall issue a license to teach barbering to any person who:

- 15 (a) Is of good moral character and temperate habit;
- 16 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 17 (c) Has been a **Kentucky**-licensed and practicing barber for at least eighteen (18)
- 18 months;
- 19 (d) Has satisfactorily passed the examination prescribed by the board by
- 20 promulgation of administrative regulations; and
- 21 (e) Has paid a fee **as established in administrative regulations promulgated by**
- 22 **the board in accordance with KRS Chapter 13A**~~[not to exceed one hundred~~
- 23 ~~dollars (\$100)]~~.

- 24 **(6)**~~[(5)]~~ The board shall issue a license to any barber who holds an independent
- 25 contract owner's license who:

- 26 (a) Is of good moral character and temperate habit;
- 27 (b) Possesses a high school diploma or a High School Equivalency Diploma;

- 1 (c) Is a licensed and practicing barber under this chapter; and
 2 (d) Has paid a fee as established in administrative regulations promulgated by
 3 the board in accordance with KRS Chapter 13A~~[not to exceed fifty dollars~~
 4 ~~(\$50)]~~.

5 (7) The board shall issue a demonstration charity event permit to any licensed barber
 6 who pays a fee as established in administrative regulations promulgated by the
 7 board in accordance with KRS Chapter 13A.

8 ~~(8)~~~~(6)~~ Applications for examination required in this section shall be accompanied by
 9 an examination fee as established in administrative regulations promulgated by
 10 the board in accordance with KRS Chapter 13A~~[follows:~~

- 11 ~~(a) Barber not to exceed three hundred dollars (\$300); and~~
 12 ~~(b) Teaching barbering not to exceed one hundred fifty dollars (\$150)]~~.

13 ~~(9)~~~~(7)~~ (a) On and after July 1, 2016, a license issued pursuant to this section shall
 14 expire on the first day of July next following the date of its issuance. A license
 15 shall be renewed on June 1 through July 1 of each year.

- 16 (b) Any license shall automatically be renewed by the board:
 17 1. Upon receipt of the application for renewal or duplicate renewal
 18 application form and the required annual renewal license fee submitted
 19 either in person or via written or electronic means; and
 20 2. If the applicant for renewal is otherwise in compliance with the
 21 provisions of this chapter and the administrative regulations of the
 22 board.

23 ~~(10)~~~~(8)~~ The annual renewal license fee for each type of license renewal shall be as
 24 established in administrative regulations promulgated by the board in accordance
 25 with KRS Chapter 13A~~[follows:~~

- 26 ~~(a) Barber not to exceed fifty dollars (\$50);~~
 27 ~~(b) Teacher of barbering not to exceed fifty dollars (\$50);~~

1 ~~(c) Barber shop not to exceed fifty dollars (\$50);~~

2 ~~(d) Barber school not to exceed one hundred fifty dollars (\$150); and~~

3 ~~(e) Independent contract owner not to exceed fifty dollars (\$50)].~~

4 ~~(11)~~⁽⁹⁾ (a) The fee per year for the renewal of an expired license, if the period of
5 expiration does not exceed five (5) years, shall be as **established by**
6 **administrative regulations promulgated by the board in accordance with**
7 **KRS Chapter 13A**~~]~~^{follows:}

8 1. ~~Barber not to exceed twenty five dollars (\$25) plus lapse fees;~~

9 2. ~~Barber shop not to exceed twenty five dollars (\$25) plus lapse fees;~~

10 3. ~~Barber school not to exceed twenty five dollars (\$25) plus lapse fees;~~

11 4. ~~Teacher of barbering not to exceed twenty five dollars (\$25) plus~~
12 lapse fees; and

13 5. ~~Independent contract owner not to exceed twenty five dollars (\$25)~~
14 plus lapse fees].

15 (b) An applicant who fails to renew a license within five (5) years of its expiration
16 shall comply with the requirements for relicensure established by the board
17 through promulgation of administrative regulations in accordance with KRS
18 Chapter 13A.

19 ➔Section 6. KRS 317.460 is amended to read as follows:

20 (1) The ~~barber~~board shall hold hearings upon the request of any person directly
21 affected by the board's decision to refuse a license; deny or revoke a license; or
22 suspend or place a licensee on probation. Hearings shall be conducted in accordance
23 with KRS Chapter 13B.

24 (2) **For the purpose of enforcing the provisions of this chapter, officers, agents, and**
25 **inspectors of the board may enter upon premises of all facilities issued a permit**
26 **or license by the board, at all reasonable times and during periods when those**
27 **premises are otherwise open to the public, and make inspections to determine**

1 *compliance with this chapter and the administrative regulations promulgated by*
 2 *the board, and inspect books, papers, or records pertaining to licensed activity, a*
 3 *copy of which may be obtained by the board officer, agent, or inspector.*

4 **(3)** Final orders of the ~~barber~~board as a result of any hearing may be appealed to the
 5 Franklin Circuit Court in accordance with KRS Chapter 13B.

6 ➔Section 7. KRS 317.470 is amended to read as follows:

7 (1) The ~~barber~~board may employ such personnel as may be reasonably necessary to
 8 carry out the provisions of this chapter, whose compensation shall be established by
 9 the Personnel Cabinet. The board shall by appropriate order employ an
 10 administrator who shall be charged with responsibility of administering the
 11 provisions of this chapter, and the policies of the board relating to barbering. The
 12 administrator may receive ~~a salary of \$12,000 per annum, or such~~ compensation as
 13 may be established by classification of the position by the Personnel Cabinet.

14 (2) The ~~barber~~board shall prescribe the duties of such personnel employed by it.

15 (3) The ~~barber~~board shall publish *or electronically provide*~~and distribute~~ copies of
 16 its rules and regulations and *any proposed amendments*~~revisions thereof~~ to all
 17 persons licensed by it and to *any*~~such~~ other persons, places, or agencies as may be
 18 required by law or deemed by it reasonably necessary in the administration of the
 19 provisions of this chapter~~, but such publications shall be clearly stamped, marked,~~
 20 ~~or printed "informational copy".~~

21 ➔Section 8. KRS 317.530 is amended to read as follows:

22 (1) *There is hereby established in the State Treasury the Kentucky Board of*
 23 *Barbering trust and agency fund.*

24 *(2) The fund shall be administered by the board.*

25 **(3)** *(a)* All fees ~~and charges~~ collected by the ~~barber~~board shall be *deposited into*
 26 *the fund and shall be used only*~~paid into the State Treasury and credited to a~~
 27 ~~separate revolving or trust and agency account established~~ for the purpose of

1 administering the provisions of this chapter as it relates to the ~~barber~~ board.

2 **(b)** The cost and expenses of administering the provisions of this chapter
 3 including compensation to members of the board and its officers and
 4 employees shall be paid out of the State Treasury upon warrants of the
 5 secretary of the Finance and Administration Cabinet according to law.
 6 **However,** ~~provided that~~ the total expense of administering these provisions
 7 shall not exceed the fees and other charges collected by the board and
 8 available in the ~~revolving or trust and agency~~ fund ~~account of the Kentucky~~
 9 ~~Board of Barbering~~.

10 **(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal**
 11 **year shall not lapse but shall be carried forward into the next fiscal year.**

12 **(5) Any interest earnings of the fund shall become a part of the fund and shall not**
 13 **lapse.**

14 **(6) Moneys deposited into the fund are hereby appropriated for the purposes set forth**
 15 **in this section and shall not be appropriated or transferred by the General**
 16 **Assembly for any other purpose** ~~[(2) — All fees and charges collected by the board~~
 17 ~~shall be available for the administration of the provisions of this chapter as it relates~~
 18 ~~to the board, and for no other purpose].~~

19 ➔Section 9. KRS 317.540 is amended to read as follows:

20 No license shall be renewed or issued by the ~~barber~~ board to any barber school, unless
 21 the school provides:

- 22 (1) The name of the proposed school;
- 23 (2) A statement that the proposed school is authorized to operate educational programs
 24 beyond secondary education;
- 25 (3) As a prerequisite of graduation, a prescribed course of instruction of not less than
 26 fifteen hundred (1,500) hours shall be given within a reasonable period with not
 27 more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive

1 of Sundays;

2 (4) Courses of instruction in histology of the hair, skin, muscles, and nerves of the face
3 and neck; elementary chemistry with emphasis on sterilization and antiseptics;
4 disease of the skin, hair, and glands; massaging and manipulating of the muscles of
5 the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and
6 tinting the hair and such other courses as may be prescribed by regulation of the
7 board; and

8 (5) Such facilities, equipment, materials, and qualified teachers as may be required by
9 rules and regulations of the board adopted pursuant to this chapter, but in no event
10 shall any school have fewer than one (1) licensed teacher per twenty (20) students
11 enrolled, or more than two (2) students per chair.

12 ➔Section 10. KRS 317.580 is amended to read as follows:

13 No barber, independent contract owner, or student shall:

14 (1) Knowingly continue to practice while he has an infectious or communicable
15 disease;

16 (2) Fail to provide the head rest of each chair with a relaundersed towel or a sheet of
17 clean paper for each patron;

18 (3) Fail to place around the patron's neck a strip of cotton, towel, or neck strip so that
19 the haircloth does not come in contact with the nude skin of the patron's body;

20 (4) Use on one (1) patron a towel that has been used upon another patron, unless the
21 towel has been relaundersed; or

22 (5) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of
23 vibrator or other similar equipment or appliance that comes into contact with the
24 head, face, hands, or neck of a patron, until the equipment or appliance has been
25 immersed in boiling water for ten (10) minutes or in a sterilizing solution and
26 placed in a wet or dry sterilizer until again used. Only such methods of sterilization
27 as are bacteriologically effective and approved by the *Cabinet for Health and*

1 Family Services ~~[Department for Public Health]~~ shall be used.

2 (6) Fail to wash his or her hands in a sink both before and after contact with each
3 patron. Methods to sterilize hands that are bacteriologically effective as approved by
4 the United States Food and Drug Administration's Food Code, Sections 2-301.11
5 through 2-304.11, shall also be recognized and used. Barber shop licenses issued
6 after July 12, 2006, shall require that a sink with hot and cold running water be
7 located in the room where barbering is done.

8 ➔Section 11. KRS 317.590 is amended to read as follows:

9 (1) The board may refuse to issue or renew a license or permit, or may suspend or
10 revoke a license or permit, impose probationary conditions upon, impose an
11 administrative fine, issue a written reprimand or admonishment, or take any
12 combination of these actions regarding proof of any ~~[, revoke or suspend or place~~
13 ~~in probation a license, and impose fines in an amount not to exceed five hundred~~
14 ~~dollars (\$500) for each violation upon proper showing of the] applicant's,~~
15 permittee's, or licensee's:

- 16 (a) Gross malpractice or incompetence;
- 17 (b) Mental or physical health that would endanger public health or safety;
- 18 (c) Failure to comply with regulations or rules of the board;
- 19 (d) False or deceptive advertising;
- 20 (e) Practicing in an unlicensed shop or in a shop knowing that the shop is not
21 complying with this chapter or regulations of the board promulgated pursuant
22 to this chapter;
- 23 (f) Unprofessional conduct;
- 24 (g) Teaching in an unlicensed school or in a school knowing that the school is not
25 complying with this chapter or administrative regulations of the board
26 promulgated pursuant to this chapter;
- 27 (h) Practicing as an independent contract owner in any manner that violates any

1 provision of this chapter or the administrative regulations promulgated under
2 this chapter; or

3 (i) Violation of a provision of this chapter or an administrative regulation
4 promulgated by the board pursuant to this chapter.

5 (2) The board may require retesting of any licensee upon proper showing of gross
6 malpractice or incompetence on the part of each licensee.

7 ➔Section 12. KRS 317A.010 is amended to read as follows:

8 As used in this chapter, unless the context requires otherwise:

9 (1) "Beauty salon" means any establishment in which the practice of cosmetology is
10 conducted for the general public or for consideration;

11 (2) **"Board" means the Kentucky Board of Cosmetology;**

12 **(3)** "Cosmetologist" means a person who engages in the practice of cosmetology for the
13 public generally or for consideration, regardless of the name under which the
14 practice is conducted;

15 ~~[(3) "Cosmetologist board" or "board" means the Kentucky Board of Hairdressers and
16 Cosmetologists;]~~

17 (4) "Cosmetology" means the practice upon the human neck and head of cutting hair,
18 permanent waving, or hairdressing, and may also include but is not limited to:

19 (a) Nail technology and finger waving;

20 (b) Giving facial and scalp massage or treatments with oils, creams, lotions, or
21 other preparations, either by hand or any contrivance;

22 (c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the
23 hair, or applying hair products;

24 (d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other
25 products;

26 (e) ~~[(e) Eyelash extensions;~~

27 ~~[(f) Facial hair removal; and~~

1 ~~(f)(g)~~ Eyebrow shaping, design, ~~[threading]~~ or removal.

2 The practice of cosmetology does not include acts performed incident to treatment
3 of an illness or a disease;

4 (5) "Cosmetology school" or "school of cosmetology" means any operation, place, or
5 establishment in or through which persons are trained or taught the practice of
6 cosmetology, esthetic practices, and nail technology;

7 (6) "Esthetician" means a person who is licensed by the board to engage in esthetic
8 practices in the Commonwealth of Kentucky;

9 (7) (a) "Esthetic practices" means one (1) or more of the following acts:

10 1. Giving facials, including consultation and skin analysis;

11 2. Giving skin care;

12 3. Removing facial hair;

13 4. Beautifying or cleaning the body with the use of cosmetic
14 preparations, antiseptics, tonics, lotions, creams; or

15 5. Providing preoperative and postoperative esthetic skin care, either
16 referred by or supervised by a medical professional;

17 (b) Except when these acts are performed incident to:

18 1. Treatment of an illness or a disease;

19 2. Work as a student in a board-approved school;

20 3. Work without compensation from the person receiving the service; or

21 4. Work performed by a licensed massage therapist.

22 (8) "Esthetic practices school" or "school of esthetic practices" means any
23 operation, place, or establishment in or through which persons are trained in
24 esthetic practices;

25 (9) "Esthetic salon" means a place where an esthetician performs esthetic practices;

26 (10) "Eyelash artistry" means the process of attaching semi-permanent lashes or
27 eyelash extensions to natural eyelashes;

1 **(11) (a) "Makeup artistry" means applying cosmetic products to the face and body.**

2 **(b) "Makeup artistry" includes:**

3 **1. Corrective and camouflage techniques; and**

4 **2. Airbrushing.**

5 **(c) "Makeup artistry" does not include:**

6 **1. Face painting at carnivals or fairs; or**

7 **2. Application of cosmetics when not done for consideration.**

8 **(12)** "Nail salon" means any establishment in which the practice of nail technology only
9 is conducted for the general public or for consideration;

10 ~~**(13)**~~~~(7)~~ "Nail technician" means a person who practices nail technology for the
11 general public or for consideration;

12 ~~**(14)**~~~~(8)~~ "Nail technology" means the practice of cutting, trimming, polishing,
13 coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or
14 beautifying the hands and feet of any human, for which a license is required by this
15 chapter;

16 **(15) "Nail technology school" or "school of nail technology" means any operation,**
17 **place, or establishment in or through which persons are trained in nail**
18 **technology;**

19 ~~**(16)**~~~~(9)~~~~(a)~~ "Natural hair braiding" means a service of twisting, wrapping, weaving,
20 extending, locking, or braiding hair by hand or with mechanical devices. Natural
21 hair braiding is commonly known as "African-style hair braiding" but is not limited
22 to any particular cultural, ethnic, racial, or religious forms of hair styles.

23 ~~**(a)**~~~~(b)~~ "Natural hair braiding" includes:

24 1. The use of natural or synthetic hair extensions, natural or synthetic hair
25 and fibers, decorative beads, and other hair accessories;

26 2. Minor trimming of natural hair or hair extensions incidental to twisting,
27 wrapping, weaving, extending, locking, or braiding hair;

- 1 the course of their duties;
- 2 (c) Cosmetology, *esthetic practices*, or nail technology services performed at an
- 3 institution operated or under contract to the Department of Corrections or the
- 4 Department of Juvenile Justice; and
- 5 (d) Persons engaged in natural hair braiding.
- 6 (2) Except as provided in subsection (1) of this section, no person shall engage in the
- 7 practice of cosmetology, *esthetic practices*, or nail technology for the public,
- 8 generally, or for consideration without the appropriate license required by this
- 9 chapter.
- 10 (3) No person unless duly and properly licensed pursuant to this chapter shall:
- 11 (a) Teach cosmetology, *esthetic practices*, or nail technology;
- 12 (b) Operate a beauty salon;
- 13 (c) *Operate an esthetic salon* ~~Engage in a cosmetology apprenticeship~~;
- 14 (d) *Act as an esthetician*;
- 15 (e) Operate a nail salon;
- 16 ~~(f)(e)~~ Act as a nail technician; or
- 17 ~~(g)(f)~~ Conduct or operate a school for cosmetologists, *estheticians*, or nail
- 18 technicians.
- 19 (4) No person shall aid or abet any person in violating ~~the provisions of~~ this section,
- 20 nor shall any person engage or employ for consideration any person to perform any
- 21 practice licensed by this chapter unless the person to perform the practice holds and
- 22 displays the appropriate license.
- 23 (5) No licensed cosmetology *or esthetic practices* instructors, licensed cosmetologists,
- 24 *licensed estheticians*, or licensed nail technicians shall hold clinics for teaching or
- 25 demonstrating for personal profit, either monetary or otherwise, if the clinics are not
- 26 sponsored by a recognized professional ~~hairdresser's,~~ cosmetologist's,
- 27 *esthetician's*, or nail technician's group.

1 (6) Whenever a person engages in different practices separately licensed, certified, or
 2 permitted by ~~the provisions of~~ this chapter, that person shall procure a separate
 3 license, certificate, or permit for each of the practices in which the person engages.

4 **(7) The board may bring and maintain actions in its own name to enjoin any person**
 5 **in violation of any provision of this chapter. These actions shall be brought in the**
 6 **Circuit Court of the county where the violation is alleged to have occurred.**

7 ➔Section 14. KRS 317A.030 is amended to read as follows:

8 (1) There is created an independent agency of the state government to be known as the
 9 Kentucky Board of **Cosmetology**~~[Hairdressers and Cosmetologists]~~, which shall
 10 have complete supervision over the administration of the provisions of this chapter
 11 relating to cosmetology, cosmetologists, schools of cosmetology, **or esthetic**
 12 **practices or nail technology**, students~~[enrolled in cosmetology, apprentice~~
 13 ~~cosmetologists]~~, **estheticians**, nail technicians, **instructors**~~[teachers]~~ of
 14 cosmetology, **instructors of esthetic practices, or instructors of nail technology**,
 15 cosmetology salons, **esthetic salons**, and nail salons.

16 (2) The ~~cosmetologist~~ board shall be composed of five (5) members appointed by the
 17 Governor as follows:

18 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
 19 their appointment and shall reside in Kentucky:

- 20 1. Two (2) of whom shall be cosmetology salon owners;
- 21 2. One (1) of whom shall be a cosmetology teacher in public education and
 22 shall not own any interest in a cosmetology salon; and
- 23 3. One (1) of whom shall be an owner of or one who shall have a financial
 24 interest in a licensed cosmetology school and shall be a member of a
 25 nationally recognized association of ~~hairdressers and~~ cosmetologists;

26 (b) One (1) member shall be a citizen at large who is not associated with or
 27 financially interested in the practices or businesses regulated; and

- 1 (c) None of whom nor the administrator shall be financially interested in, or have
 2 any financial connection with, wholesale cosmetic supply or equipment
 3 businesses.

4 At all times in the filling of vacancies of membership on the board, this balance of
 5 representation shall be maintained.

- 6 (3) Appointments shall be for a term of two (2) years, ending on February 1.
 7 (4) The Governor shall not remove any member of the board except for cause.
 8 (5) The board shall elect from its members a chair, a vice chair, and a secretary.
 9 (6) Three (3) members shall constitute a quorum for the transaction of any board
 10 business.
 11 (7) Each member of the board shall receive one hundred dollars (\$100) per day for each
 12 day of attendance at board meetings, and shall be reimbursed for necessary traveling
 13 expenses and necessary expenses incurred in the performance of duties pertaining to
 14 official business of the board.
 15 (8) The board shall hold meetings at the place in the state and at the times deemed
 16 necessary by the board to discharge its duties.

17 ➔Section 15. KRS 317A.040 is amended to read as follows:

- 18 (1) The ~~cosmetologist~~ board may employ inspectors and any~~such~~ other personnel
 19 ~~as may be~~ reasonably necessary to carry out the provisions of this chapter, whose
 20 compensations shall be established within budgetary limits by the Personnel
 21 Cabinet. **The board may delegate staffing decisions to the administrator.**
 22 (2) The ~~cosmetologist~~ board shall by appropriate order employ an administrator who
 23 shall be charged with the responsibility of administering the provisions of this
 24 chapter, and the policies and administrative regulations of the board relating to
 25 ~~hairdressing and~~ cosmetology **and esthetic practices.**
 26 (3) No person shall be employed as an administrator unless the person is a licensed
 27 cosmetologist.

1 (4) The administrator may receive a salary ~~of \$7,500 per annum, or such compensation~~
2 ~~as may be established by classification of the position by the Personnel Cabinet.~~

3 (5) The ~~cosmetologist~~ board shall publish or electronically provide copies of its
4 administrative regulations and **any proposed amendments**~~[revisions thereof]~~ to all
5 persons licensed by it and to **any**~~[such]~~ other persons, places, or agencies as may be
6 required by law or deemed by it reasonably necessary to the administration of the
7 provisions of this chapter~~[, but such publications shall be clearly marked, stamped,~~
8 ~~or printed "Informational Copy].["]~~

9 ➔Section 16. KRS 317A.050 is amended to read as follows:

10 (1) **All applicants for licensure under this chapter shall meet the following minimum**
11 **requirements**~~[The cosmetologist board shall issue an apprentice cosmetologist~~
12 ~~license to any person who]:~~

13 (a) **Be**~~[Is]~~ of good moral character and temperate habit;

14 (b) **Be**~~[Is]~~ at least **eighteen (18)**~~[sixteen (16)]~~ years of age;

15 (c) **Have**~~[Has]~~ a high school diploma, a High School Equivalency Diploma, or
16 ~~[the]~~ results from the Test for Adult Basic Education indicating a score
17 equivalent to the twelfth grade of high school; **and**

18 (d) **Have submitted the completed application along with the required license**
19 **fee as set forth in administrative regulation**~~[Has official certification from~~
20 ~~the state board or agency that certifies cosmetology schools that the applicant~~
21 ~~has graduated from a licensed school of cosmetology requiring:~~

22 1. ~~One thousand eight hundred (1,800) hours within ten (10) years of~~
23 ~~submitting an application for licensure for applicants enrolled prior to~~
24 ~~June 29, 2017, in a school of cosmetology licensed in Kentucky;~~

25 2. ~~One thousand five hundred (1,500) hours within ten (10) years of~~
26 ~~submitting an application for licensure for applicants enrolling on or~~
27 ~~after June 29, 2017, in a school of cosmetology licensed in Kentucky; or~~

1 3. ~~One thousand five hundred (1,500) hours within ten (10) years of~~
 2 submitting an application for licensure for applicants who graduated
 3 from a school of cosmetology licensed in a jurisdiction outside of the
 4 Commonwealth;

5 ~~(e) Has passed an examination prescribed by the board to determine fitness to~~
 6 practice as an apprentice cosmetologist; and

7 ~~(f) Has paid a fee of twenty five dollars (\$25)].~~

8 (2) **Notwithstanding any provision to the contrary, the board may refuse to grant a**
 9 **license to any applicant who fails to comply with the provisions of this chapter or**
 10 **any administrative regulations promulgated by the board.**

11 (3) The ~~cosmetologist~~ board shall issue a cosmetologist license to any person who:

12 (a) **Has official certification from the state board or agency that certifies**
 13 **cosmetology schools that the applicant has graduated from a licensed**
 14 **school of cosmetology requiring one thousand five hundred (1,500) hours**
 15 **within five (5) years of enrolling within the school**~~Has a high school~~
 16 diploma, a High School Equivalency Diploma, or the results from the Test for
 17 Adult Basic Education indicating a score equivalent to the twelfth grade of
 18 high school]; **and**

19 ~~(b) Has practiced as a licensed cosmetology apprentice for at least six (6) months~~
 20 under the immediate supervision of a licensed cosmetologist;

21 ~~(c) Has satisfactorily passed an examination prescribed by the board to determine~~
 22 fitness to practice cosmetology]; ~~and~~

23 ~~(d) Has paid a fee of twenty five dollars (\$25)].~~

24 (4)~~(3)~~ **The board shall issue an esthetician license to any person who:**

25 (a) **Has satisfactorily completed seven hundred fifty (750) hours of instruction**
 26 **in a licensed school approved by the board; and**

27 (b) **Has received a satisfactory grade on an examination prescribed by the**

1 **board to determine fitness to practice as an esthetician.**

- 2 (5) The ~~cosmetologist~~ board shall issue a license to act as a nail technician to any
 3 person who:
- 4 ~~(a) Is of good moral character and temperate habit;~~
- 5 ~~(b)~~ Has official certification from the state board or agency that certifies
 6 cosmetology schools that the applicant has completed satisfactorily a nail
 7 technician course of study of four hundred fifty (450)~~six hundred (600)~~
 8 hours in a licensed school of cosmetology within five (5)~~ten (10)~~ years of
 9 submitting an application for licensure; and
- 10 ~~(b)~~(e) Has satisfactorily passed an examination prescribed by the board to
 11 determine fitness to practice as a nail technician;
- 12 ~~(d) Has a high school diploma, a High School Equivalency Diploma, or the~~
 13 ~~results from the Test for Adult Basic Education indicating a score equivalent~~
 14 ~~to the twelfth grade of high school; and~~
- 15 ~~(e) Has paid a fee of twenty five dollars (\$25).~~

16 (6)~~(4)~~ **The board shall issue a license to operate a salon as follows:**

- 17 (a) The ~~cosmetologist~~ board shall issue a license to operate a beauty salon to
 18 any licensed cosmetologist ~~upon receipt of the completed application,~~
 19 ~~accompanied by a fee of thirty five dollars (\$35). The board may refuse to~~
 20 ~~issue a license if the applicant fails to comply with the provisions of this~~
 21 ~~chapter or the administrative regulations promulgated by the board]. [If] An~~
 22 owner who is not a licensed cosmetologist~~, he or she~~ shall have a licensed
 23 cosmetologist as manager of~~manage~~ the beauty salon at all times. If the~~A~~
 24 ~~new license shall be purchased if the salon's~~ owner, manager, or location of a
 25 beauty salon changes, the required form and fee shall be submitted to the
 26 board.
- 27 (b) The board shall issue a license to operate an esthetic salon to any licensed

1 *esthetician. An owner who is not a licensed esthetician shall have a licensed*
 2 *esthetician or cosmetologist as manager of the esthetic salon at all times. If*
 3 *the owner, manager, or location of an esthetic salon changes, the required*
 4 *form and fee shall be submitted to the board.*

5 (c) The ~~{cosmetologist}~~ board shall issue a license to operate a nail salon to any
 6 licensed nail technician~~[upon receipt of the completed application and~~
 7 ~~payment of a fee of thirty five dollars (\$35). The board may refuse to issue a~~
 8 ~~license if the applicant fails to comply with the provisions of this chapter or~~
 9 ~~administrative regulations promulgated by the board pursuant to this chapter].~~
 10 An owner who is not a licensed nail technician shall have a licensed nail
 11 technician or cosmetologist as manager of the nail salon at all times. If the
 12 owner, manager, or location of a nail salon changes, *the required form and*
 13 *fee shall be submitted to the board*~~[a new license shall be purchased.~~

14 ~~(c) Any person who leases or rents space in a beauty salon or nail salon shall be~~
 15 ~~considered an independent owner and shall meet the qualifications for the~~
 16 ~~respective salon owner as set out in paragraphs (a) and (b) of this subsection].~~

17 ~~(Z)~~~~(5)}~~ The ~~{cosmetologist}~~ board shall issue an apprentice license to teach
 18 cosmetology, *esthetic practices, or nail technology* to any person who:

19 (a) *Has held a current cosmetologist, esthetician, or nail technician license for*
 20 *at least one (1) year; and*

21 ~~(b)~~ ~~[Has paid a fee of thirty five dollars (\$35);~~

22 ~~(b) Has a high school diploma, a High School Equivalency Diploma, or the~~
 23 ~~results from the Test for Adult Basic Education indicating a score equivalent~~
 24 ~~to the twelfth grade of high school and one (1) year experience as a licensed~~
 25 ~~cosmetologist; and~~

26 ~~(e)}~~ Has submitted an application that has been signed by the owners of the school
 27 in which the applicant will study. The course of instruction shall be for a

1 period of seven hundred fifty (750)~~one thousand (1,000)~~ hours and not less
 2 than four and one-half (4.5)~~six (6)~~ months at one (1) school providing this
 3 instruction. The school owner shall verify to the board the completion of
 4 seven hundred fifty (750)~~one thousand (1,000)~~ hours. For out-of-state
 5 verification, an applicant shall provide official certification from the board or
 6 agency that certifies schools in that other state of licensure verifying the
 7 applicant has completed a course of instruction consisting of at least seven
 8 hundred fifty (750)~~one thousand (1,000)~~ hours and not less than four and
 9 one-half (4.5)~~six (6)~~ months at one (1) school providing the instruction.

10 ~~(8)~~~~(6)~~ The ~~cosmetologist~~ board shall issue a license to teach cosmetology to any
 11 person who:

12 ~~(a)~~ ~~Is of good moral character and temperate habit;~~

13 ~~(b)~~ ~~Has a high school diploma, a High School Equivalency Diploma, or the~~
 14 ~~results from the Test for Adult Basic Education indicating a score equivalent~~
 15 ~~to the twelfth grade of high school;~~

16 ~~(c)~~ Has held a current cosmetologist license and~~an~~ apprentice instructor license
 17 for at least four and one-half (4.5)~~six (6)~~ months; and

18 ~~(b)~~~~(d)~~ Has satisfactorily passed the examination for the teaching of
 19 cosmetology as prescribed by the board; ~~and~~

20 ~~(e)~~ ~~Has paid a fee of fifty dollars (\$50).~~

21 ~~(9)~~~~(7)~~ The board shall issue a license to teach esthetic practices to any person
 22 who:

23 (a) Has held a current esthetician license and apprentice instructor license for
 24 at least four and one-half (4.5) months;

25 (b) Has completed fifty (50) hours in esthetics training within the last two (2)
 26 years; and

27 (c) Has satisfactorily passed the examination for the teaching of esthetic

1 practices as prescribed by the board.

2 (10) The board shall issue a license to teach nail technology to any person who:

3 (a) Has held a current nail technician license and apprentice instructor license
4 for at least four and one-half (4.5) months;

5 (b) Has completed fifty (50) hours in nail technology training within the last
6 two (2) years; and

7 (c) Has satisfactorily passed the examination for the teaching of nail
8 technology as prescribed by the board.

9 (11) If the requirements of Section 21 of this Act have been satisfied, the
10 ~~cosmetologist~~ board ~~shall~~may issue a license to operate a school of cosmetology
11 or a school of esthetic practices or a school of nail technology to any person who:

12 ~~(a) Has complied with the administrative regulations promulgated by the board~~
13 ~~including but not limited to administrative regulations governing the necessary~~
14 ~~equipment, supplies, and facilities;~~

15 ~~(b) Has furnished proof to the board that the school of cosmetology is needed,~~
16 ~~that he or she is otherwise qualified to operate a school of cosmetology, and~~
17 ~~that he or she intends to establish a bona fide school for the education and~~
18 ~~training of competent cosmetologists and that he or she will employ a~~
19 ~~sufficient number of licensed instructors of cosmetology to conduct the~~
20 ~~school;~~

21 ~~(c)~~ Has as manager at all times a person who is:

- 22 1. Licensed as an instructor;
- 23 2. Charged with the responsibility of ensuring that all applicable statutes
- 24 and administrative regulations are complied with; and
- 25 3. Responsible for having a sufficient number of licensed instructors of
- 26 cosmetology or esthetic practices or nail technology to conduct the
- 27 school;~~[.]~~

1 ~~(b)~~ ~~[The designated manager shall be approved by the board before a license may~~
2 ~~be issued;~~

3 ~~(d)~~ ~~Complies with the administrative regulations promulgated by the board~~
4 ~~including but not limited to those regarding courses, curriculum, and hours of~~
5 ~~instruction;~~

6 ~~(e)~~ ~~Otherwise complies with this chapter;~~

7 ~~(f)~~ ~~Has paid a fee of one thousand five hundred dollars (\$1,500);~~

8 ~~(g)~~ ~~]Has been a resident of Kentucky for five (5) years, if the applicant is an~~
9 ~~individual. If the applicant is a firm or corporation, it shall be a Kentucky~~
10 ~~corporation or licensed or qualified to do business in Kentucky and shall have~~
11 ~~been in existence for a period of at least five (5) years;~~

12 ~~(c)~~~~[(h)]~~ Any student enrolling in the school shall pay ~~the~~^[a] fee **set forth in**
13 **administrative regulation**~~[of fifteen dollars (\$15)]~~ to the board before
14 enrollment in the school shall be allowed; and

15 ~~(d)~~~~[(i)]~~ The transfer of any license to operate a school of cosmetology **or**
16 **esthetic practices or nail technology** shall require the board's approval and
17 shall become effective upon **submitting the required form and fee to**~~[filing a~~
18 ~~new application with]~~ the board~~[and paying a fee of one thousand five~~
19 ~~hundred dollars (\$1,500)].~~

20 ~~(12)~~~~[(8)]~~ **Licenses established under this chapter shall be valid for a period of time to**
21 **be established by the board through the promulgation of administrative**
22 **regulations.**

23 **(13)** Licenses and permits issued by the board may be renewed~~[upon receipt,]~~ beginning
24 July 1 through July 31 of each year.

25 **(a) Any license shall automatically be renewed by the board:**

26 **1. Upon submission and receipt of the application for renewal and the**
27 **required annual license fee; and**

1 2. If the application for renewal is otherwise in compliance with the
 2 provisions of this chapter and the administrative regulations of the
 3 board.

4 ~~(b) [The application for renewal shall be completed in full and accompanied by the~~
 5 ~~appropriate renewal fee required by subsection (9) of this section.~~
 6 ~~Applications for renewal shall comply with the provisions of this chapter and~~
 7 ~~the administrative regulations promulgated by the board.] Any license~~
 8 ~~application [received or]postmarked after July 31 shall be considered expired,~~
 9 ~~and the appropriate restoration fee as required by administrative regulation of~~
 10 ~~the board[subsection (11) of this section] shall apply.~~

11 ~~(9) The annual renewal license or permit fee for each type of license or permit renewal~~
 12 ~~shall be as follows:~~

- 13 ~~(a) Apprentice cosmetologist — \$20;~~
- 14 ~~(b) Cosmetologist — \$20;~~
- 15 ~~(c) Nail technician — \$20;~~
- 16 ~~(d) Beauty salon — \$25;~~
- 17 ~~(e) Nail salon — \$25;~~
- 18 ~~(f) Apprentice instructor of cosmetology — \$25;~~
- 19 ~~(g) Instructor of cosmetology — \$35;~~
- 20 ~~(h) Cosmetology school — \$150;~~
- 21 ~~(i) Threading permit — \$20; and~~
- 22 ~~(j) Threading facility permit — \$25.~~

23 ~~(10) Applications for examinations required by this section shall be accompanied by an~~
 24 ~~examination fee as follows:~~

- 25 ~~(a) Apprentice cosmetologist — \$75;~~
- 26 ~~(b) Cosmetologist — \$75;~~
- 27 ~~(c) Nail technician — \$75;~~

1 ~~(d) Instructor of cosmetology—\$100;~~

2 ~~(e) Cosmetologist out of state—\$120; and~~

3 ~~(f) Instructor out of state—\$200.~~

4 ~~(11) The fee for the restoration of an expired license where the period of expiration does~~
 5 ~~not exceed five (5) years from date of expiration, shall be as follows:~~

6 ~~(a) Apprentice cosmetologist—\$75;~~

7 ~~(b) Cosmetologist—\$75;~~

8 ~~(c) Nail technician—\$75;~~

9 ~~(d) Beauty salon—\$75;~~

10 ~~(e) Nail salon—\$75;~~

11 ~~(f) Cosmetology school—\$750;~~

12 ~~(g) Instructor—\$100; and~~

13 ~~(h) Apprentice instructor—\$75.]~~

14 ~~(12)~~ **(14)** The requirements for a new license for any person whose license has expired
 15 for a period exceeding five (5) years shall be as follows:

16 (a) Cosmetologists shall retake and pass the practical examination only;

17 (b) **Estheticians shall retake and pass both the practical and theory**
 18 **examination**~~[Apprentice cosmetologists shall complete four hundred fifty~~
 19 ~~(450) additional hours training in a licensed school of cosmetology and pass~~
 20 ~~all the prescribed examinations];~~

21 (c) Instructors of cosmetology **or esthetic practices** shall retake and pass both the
 22 practical and theory examination;

23 (d) Nail technicians shall retake and pass the practical and theory examination;
 24 and

25 (e) The appropriate restoration fee as set forth in **administrative regulation of the**
 26 **board**~~[subsection (11) of this section] shall be required.~~

27 ~~(13)~~ **(15)** Guest artists or demonstrators appearing and demonstrating before persons

1 other than licensed ~~hairdressers,~~ cosmetologists, **estheticians**, and nail technicians
 2 shall **apply**~~pay a fee of fifty dollars (\$50)]~~ for a permit that shall be in effect for ten
 3 (10) days. Guest artists performing before a nonprofit, recognized professional
 4 ~~hairdressers,~~ cosmetologists', **estheticians'**, **or** cosmetology school~~],~~ or nail
 5 technicians' group shall apply for a permit, but shall not be required to pay the fee.

6 **(16)**~~(14)]~~ The board shall issue a permit for threading and may promulgate
 7 administrative regulations that set out requirements for the practice of threading~~]~~
 8 ~~upon payment of a fee of twenty dollars (\$20)]~~. Threading shall be conducted in a
 9 licensed beauty salon or **a** facility **with a permit**~~permitted]~~ to engage in threading,
 10 and the board may promulgate administrative regulations for facilities and the
 11 required sanitation standards. **The permit shall be valid for a period of one (1)**
 12 **year.**

13 **(17) The board shall issue a permit for eyelash artistry and may promulgate**
 14 **administrative regulations that set out the requirements for the practice of**
 15 **eyelash artistry. Eyelash artistry shall be conducted in a licensed beauty salon or**
 16 **a facility with a permit to engage in eyelash artistry, and the board may**
 17 **promulgate administrative regulations for facilities and the required sanitation**
 18 **standards. The permit shall be valid for a period of one (1) year.**

19 **(18) The board shall issue a permit for makeup artistry and may promulgate**
 20 **administrative regulations that set out requirements for the practice of makeup**
 21 **artistry and required sanitation standards. The permit shall be valid for a period**
 22 **of one (1) year.**

23 ~~(15) The fee for certification shall be twenty dollars (\$20).~~

24 ~~(16) The fee for a duplicate license shall be twenty-five dollars (\$25).~~

25 ➔Section 17. KRS 317A.060 is amended to read as follows:

26 (1) The~~cosmetologist]~~ board shall promulgate administrative regulations~~governing~~
 27 the operation of any schools and salons of cosmetology and nail technology]

- 1 including but not limited to administrative regulations ~~that:~~
- 2 ~~(a)~~ Protect the health and safety of the public;
- 3 ~~(b)~~ Protect the public against incompetent or unethical practice,
4 misrepresentation, deceit, or fraud in the practice or teaching of beauty
5 culture;
- 6 ~~(c)~~ Set standards for the operation of the schools and salons;
- 7 ~~(d)~~ Protect the students under ~~the provisions of~~ this chapter;
- 8 ~~(e)~~ Set standards for ~~(2) The administrative regulations promulgated by the~~
9 board shall also address:
- 10 ~~(a)~~ the location and housing of beauty salons or cosmetology schools in the
11 state. ~~To this end, the board may make reasonable divisions and subdivisions~~
12 ~~of the state.~~ This subsection does not apply to the instructional programs in
13 cosmetology in the state area vocational and technical schools;
- 14 ~~(f)~~ ~~(b)~~ Set standards for the quantity and quality of equipment, supplies,
15 materials, records, and furnishings required in beauty salons, esthetic salons,
16 nail salons, ~~and~~ cosmetology, esthetic practices, and nail technology
17 schools;
- 18 ~~(g)~~ ~~(c)~~ The training and supervision of cosmetology apprentices;
- 19 ~~(d)~~ Establish the qualifications of instructors ~~teachers~~ of cosmetology,
20 instructors of esthetic practices, instructors of nail technology, and
21 apprentice teachers ~~of cosmetology~~;
- 22 ~~(h)~~ ~~(e)~~ Establish requirements for the hours and courses of instruction at
23 cosmetology schools and esthetic practices schools and nail technology
24 schools;
- 25 ~~(i)~~ ~~(f)~~ Establish requirements for the examinations of applicants for licenses;
- 26 ~~(j)~~ ~~(g)~~ Establish the requirements for the proper education and training of
27 students; ~~and~~

1 ~~(k)~~^(h) **Address** the course and conduct of school owners, instructors, apprentice
 2 instructors, licensed cosmetologists, **estheticians**, nail technicians, beauty
 3 salons, **esthetic salons**, nail salons, ~~and~~ cosmetology schools, **schools of**
 4 **esthetic practices, and schools of nail technology; and**

5 **(l) Establish a code of ethics for persons licensed by the board.**

6 ~~(2)~~⁽³⁾ Administrative regulations pertaining to health and sanitation shall be
 7 approved by the Cabinet for Health and Family Services before becoming effective.

8 ➔Section 18. KRS 317A.062 is amended to read as follows:

9 ~~[(1) Notwithstanding the provisions of this chapter to the contrary,]The[cosmetology]~~
 10 board shall promulgate administrative regulations establishing a reasonable schedule of
 11 fees and charges for examinations, for the issuance **and restoration** of licenses **and**
 12 **permits**, and for the renewal of licenses issued under this chapter.~~[All such fees, charges,~~
 13 ~~and other moneys collected by the board, shall be paid into the State Treasury and~~
 14 ~~credited to a trust and agency fund established under KRS 317A.080. The fees shall be~~
 15 ~~established pursuant to subsections (2) to (7) of this section.]~~

16 ~~(2) The following licensing fees may be assessed by the cosmetology board and shall~~
 17 ~~not exceed the following amounts:~~

- 18 ~~(a) Apprentice cosmetologist\$25.00~~
- 19 ~~(b) Cosmetologist\$25.00~~
- 20 ~~(c) Nail technician\$25.00~~
- 21 ~~(d) Beauty salon operator\$35.00~~
- 22 ~~(e) Nail salon operator\$35.00~~
- 23 ~~(f) Apprentice cosmetology instructor\$35.00~~
- 24 ~~(g) Cosmetology instructor\$50.00~~
- 25 ~~(h) School of cosmetology\$1,500.00~~
- 26 ~~(i) Student\$15.00~~
- 27 ~~(j) School of cosmetology, transfer of ownership\$1,500.00~~

1 (f) Instructor out of state\$100.00

2 ~~(6) The fees for the restoration of an expired license where the period of expiration~~
3 ~~does not exceed five (5) years from date of expiration shall not exceed the~~
4 ~~following:~~

5 (a) Apprentice cosmetologist\$75.00

6 (b) Cosmetologist\$75.00

7 (c) Nail technician\$75.00

8 (d) Beauty salon\$75.00

9 (e) Nail salon\$75.00

10 (f) Cosmetology school\$750.00

11 (g) Instructor\$100.00

12 (h) Apprentice instructor\$75.00

13 ~~(7) The following miscellaneous fees may be assessed and shall not exceed the~~
14 ~~following:~~

15 (a) Guest artists\$50.00

16 (b) Certification fee\$20.00

17 (c) Duplicate license\$25.00

18 (d) ~~Where an endorsement application is required by the~~
19 ~~board.....\$100.00]~~

20 ➔Section 19. KRS 317A.070 is amended to read as follows:

21 (1) The ~~[cosmetologist]~~ board shall hold hearings upon the request of any ***licensee or***
22 ***applicant***~~[person]~~ directly affected by the board's decision to refuse to issue or
23 renew a license ***or permit***, or to deny, suspend, probate, fine, or revoke a license ***or***
24 ***permit***. A licensee or applicant shall request a hearing within thirty (30) days of the
25 board's notice that it seeks to refuse to issue or renew a license ***or permit***, or to
26 deny, suspend, probate, fine, or revoke a license ***or permit***. The hearing shall be
27 conducted in accordance with KRS Chapter 13B.

1 (2) Rulings of the board as a result of any hearing may be appealed to the Franklin
2 Circuit Court in accordance with KRS Chapter 13B.

3 →Section 20. KRS 317A.080 is amended to read as follows:

4 (1) **There is hereby established in the State Treasury the Kentucky Board of**
5 **Cosmetology trust and agency fund.**

6 (2) **The fund shall be administered by the board.**

7 (3) (a) All fees ~~and charges~~ collected by the ~~cosmetologist~~ board shall be
8 **deposited into the fund and shall be used only** ~~paid into the State Treasury~~
9 ~~and credited to a separate revolving or trust and agency fund account~~
10 ~~established~~ for the purpose of administering the provisions of this chapter as
11 it relates to the ~~cosmetologist~~ board.

12 (b) The cost and expenses of administering the provisions of this chapter
13 including compensation to members of the board and its officers and
14 employees shall be paid out of the State Treasury upon warrants of the
15 secretary of the Finance and Administration Cabinet according to law.
16 **However,** ~~provided that~~ the total expense of administering these provisions
17 shall not exceed the fees and other charges collected by the board and
18 available in the ~~revolving or trust and agency~~ fund ~~account of that board~~;

19 (4)~~(2)~~ **Notwithstanding KRS 45.229, fund amounts not expended at the close of a**
20 **fiscal year shall not lapse but shall be carried forward into the next fiscal year.**

21 (5) **Any interest earnings of the fund shall become a part of the fund and shall not**
22 **lapse.**

23 (6) **Moneys deposited in the fund are hereby appropriated for the purposes set forth**
24 **in this section and shall not be appropriated or transferred by the General**
25 **Assembly for any other purposes** ~~All fees and charges collected by the board shall~~
26 ~~be available for the administration of the provisions of this chapter as it relates to~~
27 ~~the board, and for no other purpose.~~

1 ➔Section 21. KRS 317A.090 is amended to read as follows:

2 No license shall be ***issued or*** renewed~~[or issued]~~ by the~~[cosmetologist]~~ board to any
3 cosmetology school ***or school of esthetic practices or school of nail technology*** unless
4 such school provides:

- 5 (1) The name of the proposed school;
- 6 (2) A statement that the proposed school is authorized to operate educational programs
7 beyond secondary education;
- 8 (3) As a prerequisite of graduation, a prescribed course of instruction of not less than
9 one thousand five hundred (1,500) hours ~~for~~~~[in the case of]~~ a cosmetology school ***or***
10 ***seven hundred fifty (750) hours for a school of esthetic practices, or four hundred***
11 ***fifty (450) hours for a school of nail technology,*** to be given within an
12 uninterrupted period with not more than eight (8) hours nor less than four (4) hours
13 of instruction a day, exclusive of Sundays; except that in the state area vocational
14 schools, the ***required***~~[one thousand five hundred (1,500)]~~ hours of instruction may
15 be offered according to the schedule for other vocational classes in the school;
- 16 (4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of
17 the face and neck; elementary chemistry with emphasis on sterilization~~[and~~
18 ~~antiseptics]~~, diseases of the skin, hair, and glands, and massaging and manipulating
19 of the muscles of the upper body; cutting, shaving, arranging, dressing, ***chemical***
20 ***treatment of***~~[coloring, bleaching, and tinting]~~ the hair and such other courses as
21 may be prescribed by administrative regulation of the board;
- 22 (5) ~~[Such]~~Facilities, equipment, materials, and qualified instructors and apprentice
23 instructors as may be required by administrative regulations of the board adopted
24 pursuant to this chapter, but~~[in]~~ no ~~[event shall any]~~ cosmetology school ***or school***
25 ***of esthetic practices or school of nail technology shall*** have fewer than one (1)
26 licensed instructor per twenty (20) students present for instruction;
- 27 (6)~~[The fee for the initial license of a cosmetology school shall be one thousand dollars~~

1 (\$1,000);

2 ~~(7)~~ No cosmetology school or school of esthetic practices or school of nail
3 technology, after being licensed for the first time, shall serve the public until one
4 hundred fifty (150)~~three hundred (300)~~ hours of instruction has been taught; and

5 ~~(7)~~~~(8)~~ In compliance with KRS 317A.070, the board may revoke or suspend any
6 license issued by it if, in the judgment of the board, the school is not following the
7 requirements as set out in this chapter or ~~the~~~~such~~ school does not comply with the
8 administrative regulations promulgated by the board in order to regulate the conduct
9 of the school and in order to supervise the proper education of the students.

10 ➔Section 22. KRS 317A.100 is amended to read as follows:

11 (1) The~~cosmetologist~~ board may promulgate~~prescribe~~ reasonable administrative
12 regulations pertaining to the issuance of a license, upon payment of the prescribed
13 license fee, to any person holding a comparable license issued by another state
14 where the laws of that state, in the opinion of the~~cosmetologist~~ board, provide
15 comparable professional qualification, health, and safety standards;

16 (2) A person who provides certification of licensure from a state board or appropriate
17 agency, whose requirements are not comparable to those of Kentucky, who has held
18 a license in good standing for more than two (2) years, shall be issued a Kentucky
19 license after completion of an application, payment of a fee, and passage of the
20 theory and practical examinations.

21 (3) A person who provides certification of licensure from a state board or appropriate
22 agency, whose requirements are not comparable to those of Kentucky, who has held
23 a license in good standing for less than two (2) years, shall be able to cure the
24 deficiency of comparability through continuing education~~or apprenticeship~~ in
25 Kentucky as determined by the board. The board may require completion of an
26 application, payment of a fee, and passage of the theory and practical examinations.

27 ➔Section 23. KRS 317A.120 is amended to read as follows:

1 ~~(1) No examination or part of any examination required by this chapter shall be given~~
 2 ~~unless a quorum of the board is present to supervise such examination.~~

3 ~~(2)~~ Examinations given by the board shall cover all phases of qualifications for the
 4 license applied for including skill and technique of applicant as well as scientific
 5 and other knowledge. **National exams may be used if approved by the board.**

6 **(2) Examinations shall be given by trained proctors.**

7 (3) Examinations shall be given at regularly prescribed intervals.

8 (4) Examinations shall be given at **locations that have been approved by**~~the principal~~
 9 ~~office of~~ the board.

10 ➔Section 24. KRS 317A.130 is amended to read as follows:

11 **(1)** No instructor, student, cosmetologist,~~apprentice,~~ or nail technician shall:

12 **(a)**~~(1)~~ Fail to provide the head rest of each chair with a relaundersed towel or a
 13 sheet of clean paper for each person;

14 **(b)**~~(2)~~ Fail to place around the patron's neck a strip of cotton, towel, or neck
 15 strip so that the haircloth does not come in contact with the patron's skin;

16 **(c)**~~(3)~~ Use on one (1) patron a towel that has been used upon another patron,
 17 unless the towel has been relaundersed;

18 **(d)**~~(4)~~ Use on any patron any razor, scissors, tweezers, comb, bowl,
 19 recirculating pipes, rubber disc, or part of vibrator or other similar equipment
 20 or appliance that comes into contact with the head, face, hands, feet, or neck
 21 of a patron, until the equipment or appliance has been **sterilized in accordance**
 22 **with**~~immersed in boiling water for ten (10) minutes or in a sterilizing solution~~
 23 ~~and placed in a wet or dry sterilizer until again used. Only those~~ methods of
 24 sterilization that are bacteriologically effective and approved by the **Cabinet**
 25 **for Health and Family Services**~~Department for Public Health~~ shall be used;

26 or

27 **(e)**~~(5)~~ Use on any patron a liquid nail enhancement product containing

1 monomeric methyl methacrylate, also known as dental acrylic monomer, for
 2 the purpose of creating artificial nail enhancements in the practice of
 3 cosmetology and nail technology.

4 **(2) No esthetician practicing under this chapter shall perform any of the following**
 5 **unless practicing under the immediate supervision of a licensed physician:**

6 **(a) Botox or collagen injections;**

7 **(b) Laser treatments;**

8 **(c) Electrolysis;**

9 **(d) Tattoo;**

10 **(e) Permanent makeup;**

11 **(f) Microblading; or**

12 **(g) Piercing.**

13 ➔Section 25. KRS 317A.140 is amended to read as follows:

14 (1) The board may **refuse to issue or renew a license or permit, or may suspend or**
 15 **revoke a license or permit, impose probationary conditions upon, impose an**
 16 **administrative fine, issue a written reprimand or admonishment, or take any**
 17 **combination of these actions regarding proof of any**~~[fine, refuse to issue or renew~~
 18 ~~a license, or revoke or suspend a license upon proper showing of an]~~ applicant's,
 19 perмитеe's, or licensee's:

20 (a) Conviction of a felony, if in accordance with KRS Chapter 335B;

21 (b) Gross malpractice or incompetence;

22 (c) Mental or physical health that would endanger public health or safety;

23 (d) False or deceptive practice or misrepresentation including advertising;

24 (e) Practicing in an unlicensed ~~salon~~~~[shop]~~ or in a ~~salon~~~~[shop]~~ knowing that the
 25 ~~salon~~~~[shop]~~ is not **in compliance**~~[complying]~~ with this chapter or **the**
 26 administrative regulations of the board promulgated pursuant to this chapter;

27 (f) Immoral **conduct**, ~~for~~ unprofessional conduct, **or a violation of the code of**

1 ethics;

2 (g) Teaching in an unlicensed school or in a school knowing that the school is not
3 in compliance~~[complying]~~ with this chapter or the administrative regulations
4 of the board promulgated pursuant to this chapter;

5 (h) Failure to comply with the administrative regulations of the board.

6 (2) Payments in lieu of suspension collected by the board shall be deposited in the State
7 Treasury and credited to the general fund.

8 (3) The board may require retesting of any licensee upon proper showing of gross
9 malpractice or incompetence on the part of the licensee.

10 ➔Section 26. KRS 317A.145 is amended to read as follows:

11 (1) The board shall receive complaints concerning any person licensed under this
12 chapter relating to the licensee's business or professional practices. The board
13 may~~[shall]~~ investigate all complaints concerning any person licensed under the
14 provisions of this chapter. The board may on its own volition initiate such an
15 investigation and shall promulgate administrative regulations necessary for the
16 administration of the provisions of this section.

17 (2) If upon investigation there appears to be a violation of the provisions of this
18 chapter, the board shall take such action as it deems necessary under the provisions
19 of KRS 317A.140.

20 **(3) For the purpose of enforcing the provisions of this chapter, officers, agents, and**
21 **inspectors of the board may enter upon premises of all facilities issued a permit**
22 **or license by the board, at all reasonable times and during periods when those**
23 **premises are otherwise open to the public, and make inspections to determine**
24 **compliance with this chapter and the administrative regulations promulgated by**
25 **the board, and inspect books, papers, or records pertaining to the licensed**
26 **activity, a copy of which may be obtained by the board officer, agent, or inspector.**

27 ➔Section 27. KRS 317A.150 is amended to read as follows:

1 Nothing in this chapter shall supersede KRS 156.010 nor shall any fee be required for any
 2 student enrolling in a program operated by ~~either the State Board for Occupational~~
 3 ~~Education or~~ the Kentucky~~[State]~~ Department of Education.

4 ➔Section 28. KRS 317A.155 is amended to read as follows:

- 5 (1) As used in this section, "funeral establishment" means funeral establishment as
 6 defined in KRS 316.010.
- 7 (2) Every person practicing as a cosmetologist, esthetician~~[apprentice]~~, or nail
 8 technician, with the exception of a nail technician or cosmetologist exclusively
 9 practicing manicuring in a licensed barber shop, shall practice in an establishment
 10 licensed by the board.
- 11 (3) Notwithstanding ~~the provisions in~~ subsection (2) of this section, persons holding
 12 an active license from the board as a cosmetologist, esthetician, or nail technician
 13 and who practice in salons licensed by the board shall be permitted to render
 14 services for pay, free, or otherwise, to:
- 15 (a) A person suffering from a terminal illness ~~[, whose death is anticipated,]~~ and
 16 who is receiving the services of a hospice program either at home or at a
 17 hospice inpatient unit; or
- 18 (b) A person~~[Persons]~~ who is~~[are]~~ deceased and in the care of a funeral
 19 establishment~~[establishments]~~.
- 20 (4) Cosmetologists, estheticians, and nail technicians who render services authorized in
 21 subsection (3) of this section shall have the permission of the owner or
 22 administrator of the establishment where the services are rendered.
- 23 ➔Section 29. KRS 317A.990 is amended to read as follows:
- 24 (1) Any person who violates any provision of this chapter shall be fined not less than
 25 fifty dollars (\$50)~~[\$50]~~ nor more than one thousand five hundred dollars
 26 (\$1,500)~~[\$500 or imprisoned for not less than ten (10) days nor more than six (6)~~
 27 ~~months, or both such fine and imprisonment].~~

1 (2) Any person who violates any administrative regulation lawfully
 2 promulgated~~adopted~~ by the board under the authority contained in this chapter
 3 shall be fined not less than twenty-five dollars (\$25)~~[\$25]~~ nor more than seven
 4 hundred fifty dollars (\$750)~~[\$200 or imprisoned for not less than ten (10) days nor~~
 5 ~~more than three (3) months, or both such fine and imprisonment].~~

6 ➔Section 30. KRS 164.945 is amended to read as follows:

7 As used in KRS 164.945 to 164.947, unless the context otherwise requires:

8 (1) (a) "College" means any educational facility or institution maintained or
 9 conducted by any person, association, partnership, corporation, or trust and
 10 operating as an institute, junior college, college, university, or entity of
 11 whatever kind which awards a degree, diploma, or other statement of
 12 recognition purporting to indicate a level of collegiate attainment beyond
 13 secondary school graduation. This definition includes private colleges located
 14 in Kentucky, private colleges located outside of Kentucky but which operate
 15 in Kentucky, and public colleges located outside of Kentucky but which
 16 operate in Kentucky.

17 (b) The term "college" does not include state-supported colleges and universities
 18 authorized by KRS 164.100, 164.290, 164.580, and 164.810, nor does it
 19 include colleges licensed or approved for establishment and operation under
 20 the statutory authority given to the Kentucky Board of Barbering under KRS
 21 317.430, the Kentucky Board of Cosmetology~~Hairdressers—and~~
 22 ~~Cosmetologists~~ under KRS 317A.030, the Kentucky Commission on
 23 Proprietary Education under KRS 165A.340, or the State Board of Nursing
 24 under KRS 314.121.

25 (2) "Degree" means any academic or honorary title of designation, mark, appellation,
 26 series of letters, numbers or words, such as, but not limited to, associate, bachelors,
 27 masters, doctorate, or fellow, which signifies, purports, or is generally taken to

1 signify satisfactory completion of the requirements of an academic, educational, or
2 professional program of study beyond the secondary school level.

3 (3) "Diploma" means a certificate, transcript, report, document, or title of designation,
4 mark, appellation, series of letters, numbers, or words which signifies, purports, or
5 is generally taken to signify attendance, progress, or achievement in an academic
6 program.

7 ➔Section 31. KRS 165A.310 is amended to read as follows:

8 As used in this chapter:

9 (1) "Proprietary school" or "school" means a privately owned for-profit educational
10 institution, establishment, agency, organization, or person offering or administering
11 a plan, course, or program of instruction in business, trade, technical, industrial, or
12 related areas for which a fee or tuition is charged whether conducted in person, by
13 mail, or by any other method;

14 (2) "Commission" means the Kentucky Commission on Proprietary Education;

15 (3) "Cabinet" means the Finance and Administration Cabinet;

16 (4) "Agent" means any person employed by an institution to act as agent, solicitor,
17 broker, or independent contractor to procure students for such school by solicitation
18 of enrollment in any form made at any place other than the main office or principal
19 place of business of the school;

20 (5) "Degree" means associate degree;

21 (6) "Person" means an individual, corporation, business trust, estate, partnership,
22 unincorporated association, two (2) or more of any of the foregoing having a joint
23 or common interest, or any other legal or commercial entity;

24 (7) "School year" is beginning the first day of July and ending the thirtieth day of June
25 next following, except when approval shall be suspended or canceled pursuant to
26 the provisions herein;

27 (8) "CDL" means a commercial driver's license as defined in KRS 281A.010;

- 1 (9) "CDL driver training" means a course of study that complies with the provisions of
2 KRS 332.095 governing the instruction of persons in the operation of commercial
3 motor vehicles;
- 4 (10) "CDL driver training school" means any person, firm, partnership, association,
5 educational institution, establishment, agency, organization, or corporation that
6 offers CDL driver training to persons desiring to obtain a Kentucky CDL in order to
7 operate a commercial motor vehicle and for which a fee or tuition is charged;
- 8 (11) "Classification" means as established in KRS 281A.170;
- 9 (12) "Commercial motor vehicle" means as defined in KRS 281A.010;
- 10 (13) "Endorsement" means as established in KRS 281A.170;
- 11 (14) "Restrictions" means as established in KRS 281A.170;
- 12 (15) "Resident" means any person who has established Kentucky as his or her state of
13 domicile. Proof of residency shall include but not be limited to a deed or property
14 tax bill, utility agreement or utility bill, or rental housing agreement;
- 15 (16) "Formal complaint" means a written statement filed on a form specified by the
16 commission in which the complainant alleges that a school has violated a Kentucky
17 statute or administrative regulation and has negatively impacted the complainant,
18 and resolution is requested by the commission; and
- 19 (17) The definition of a "proprietary school" shall not include the following:
- 20 (a) A school or educational institution supported entirely or partly by taxation
21 from either a local or state source;
- 22 (b) A parochial, denominational, or eleemosynary school or institution;
- 23 (c) A school or training program which offers instruction solely in the field of an
24 avocation, recreation, or entertainment, as determined by the state
25 commission;
- 26 (d) A course or courses of instruction or study sponsored by an employer for the
27 training and preparation of its own employees for the benefit of the employer

1 and without charge to the employee; or
2 (e) A school or educational institution licensed or approved by or a course or
3 courses of study or instruction sponsored by the Kentucky Board of Barbering
4 established by KRS 317.430, the Kentucky Board of
5 Cosmetology~~[Hairdressers and Cosmetologists]~~ established by KRS
6 317A.030, the Kentucky Board of Nursing established by KRS 314.121, the
7 State Board of Embalmers and Funeral Directors of the State of Kentucky
8 established by KRS 316.170, or the Kentucky Council on Postsecondary
9 Education established by KRS 164.011.

10 ➔Section 32. KRS 309.352 is amended to read as follows:

11 KRS 309.350 to 309.364 shall not preclude:

- 12 (1) Persons duly licensed, registered, or certified as massage therapists in another state
13 or territory, the District of Columbia, or a foreign country teaching a course related
14 to massage therapy or consulting with a person licensed under KRS 309.350 to
15 309.364;
- 16 (2) Students enrolled in a program recognized by the board and completing a clinical
17 requirement for graduation while under the supervision of a board-licensed massage
18 therapist or other licensed health-care professional as defined by the board in
19 administrative regulation;
- 20 (3) A person administering a massage to members of the person's immediate family;
- 21 (4) Persons who restrict manipulation of the soft tissues of the human body to the
22 hands, feet, or ears, and do not hold themselves out to be massage therapists;
- 23 (5) Persons who use procedures within the scope of practice of their profession, which
24 has established standards and ethics, provided that their services use touch, words,
25 and directed movement to deepen awareness of existing patterns of movement in
26 the body as well as to suggest new possibilities of movement while engaged, but
27 who are not designated or implied to administer massage or to be massage

1 therapists. These practices include, but are not limited to, the Feldenkrais Method
2 and the Trager Approach;

3 (6) Persons engaged within the scope of practice of a profession with established
4 standards and ethics in which touch is limited to what is essential for palpation and
5 affecting of the human energy system, provided that their services are not
6 designated or implied to be massage or massage therapy. These practices include
7 but are not limited to polarity therapy;

8 (7) Persons duly licensed, certified, or registered in another state or territory, the
9 District of Columbia, or a foreign country when incidentally in this state to provide
10 service as a part of an emergency response team working in conjunction with
11 disaster relief officials or as part of a charity event, athletic event, or artistic
12 performance;

13 (8) Students participating in massage therapy classes or continuing education while in
14 the classroom or practicing on a classmate and not holding themselves out as
15 massage therapists or accepting compensation for the practice; or

16 (9) Practitioners of the following occupations and professions regulated by state law
17 while engaging in the practices for which they are duly licensed and while not
18 holding themselves out to be massage therapists:

19 (a) Physicians, osteopaths, podiatrists, and athletic trainers regulated under KRS
20 Chapter 311;

21 (b) Chiropractors regulated under KRS Chapter 312;

22 (c) Registered nurses and practical nurses regulated under KRS Chapter 314;

23 (d) Barbers, cosmetologists, and estheticians regulated under KRS Chapters 317
24 and ~~[,] 317A, [and 317B]~~ respectively;

25 (e) Occupational therapists regulated under KRS Chapter 319A; and

26 (f) Physical therapists regulated under KRS Chapter 327.

27 ➔Section 33. KRS 324B.030 is amended to read as follows:

- 1 (1) The Department of Professional Licensing in the Public Protection Cabinet shall
2 provide administrative services, technical assistance, and advice to the following
3 boards and commissions at the request of the individual boards or commissions, all
4 of which maintain their identity and their full authority for making policy decisions
5 in the fields that they regulate: the State Board of Accountancy, the Kentucky Board
6 of Architects, the Kentucky Board of Barbering, the Kentucky Board of
7 Cosmetology~~[Hairdressers and Cosmetologists]~~, the State Board of Podiatry, the
8 Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry,
9 the State Board of Embalmers and Funeral Directors, the State Board of
10 Registration for Professional Engineers and Land Surveyors, the Kentucky Board of
11 Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of
12 Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of
13 Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky
14 Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board
15 of Auctioneers, the Kentucky Board of Landscape Architects, the State Board of
16 Medical Licensure, the Board of Speech-Language Pathology and Audiology, the
17 Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky
18 Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of
19 Social Work, and any other boards and commissions that are created to license,
20 certify, register, or otherwise regulate any occupational or professional category.
- 21 (2) The department may also provide administrative services to a board or commission
22 that is created to license, certify, register, or otherwise regulate any occupational or
23 professional category if these administrative services are deemed to be preferable or
24 required after the review process conducted under KRS 324B.040.
- 25 (3) To the extent that the department provides administrative services, the respective
26 boards and commissions are relieved of the power and duty to provide the services
27 for themselves. The department shall charge each board or commission a reasonable

1 amount for administrative services provided pursuant to subsection (1) of this
2 section. The department may employ persons previously employed by boards or
3 commissions.

4 (4) The department may receive complaints against the conduct of licensees granted
5 licensure by the boards and commissions assigned to the department for
6 administrative purposes. The department shall cause these complaints to be reduced
7 to writing and forwarded to the appropriate board or commission for investigation
8 and a determination of the validity of the complaint. The department shall keep a
9 record of all complaints received by it and forwarded to a board or commission.

10 (5) Any board or commission listed in subsection (1) of this section, shall accept
11 personal checks in payment of license renewal fees.

12 ➔Section 34. The following KRS sections are repealed:

13 317A.160 Cosmetologist and nail technician lessees as independent contractors --
14 Limitation of salon operator's liability.

15 317B.010 Definitions for chapter.

16 317B.015 Prohibited activities -- Applicability of KRS Chapter 317B.

17 317B.020 Kentucky Board of Hairdressers and Cosmetologists to administer KRS
18 Chapter 317B -- Powers and duties.

19 317B.025 Qualifications and fees for esthetician, esthetic salon, and esthetics instructor
20 licenses -- Dual licenses.

21 317B.030 License renewal -- Expiration and restoration -- Administrative regulations.

22 317B.035 Examinations required by chapter.

23 317B.040 Reciprocal licensing.

24 317B.045 Denial, suspension, probation, or revocation of license -- Grounds --
25 Administrative fine -- Hearing -- Mediation.

26 317B.050 Investigation of complaints concerning licensees under this chapter.

27 317B.055 Hearings -- Appeals.

1 317B.060 Penalties.

2 ➔Section 35. Whereas it is difficult to obtain a quorum of the board to hold
3 licensing exams, and such a requirement is a hindrance to obtaining a license, an
4 emergency is declared to exist, and this Act takes effect upon its passage and approval by
5 the Governor or upon its otherwise becoming a law.