

1 AN ACT relating to cosmetic services.

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

3 ➔Section 1. KRS 317A.010 is amended to read as follows:

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

- 5 (1) "Beauty salon" means any establishment, ***fixed or mobile***, in which the practice of
6 cosmetology is conducted for the general public or for consideration;
- 7 (2) "Board" means the Kentucky Board of Cosmetology;
- 8 (3) (a) "Blow drying services" means beautifying, cleaning, or arranging the hair of
9 an individual for consideration only at a limited beauty salon.
- 10 (b) "Blow drying services" include any of the following services performed on an
11 individual's hair:
- 12 1. Arranging;
 - 13 2. Cleaning;
 - 14 3. Curling;
 - 15 4. Dressing;
 - 16 5. Blow drying; and
 - 17 6. Performing any other similar procedure.
- 18 (c) "Blow drying services" do not include any service:
- 19 1. Popularly known as a Brazilian blowout;
 - 20 2. That includes color services or that includes cutting, lightening, or
21 chemically treating hair; or
 - 22 3. That otherwise falls under the practice of cosmetology, except as
23 authorized in paragraph (b) of this subsection;
- 24 (4) "Cosmetologist" means a person who engages in the practice of cosmetology for the
25 public generally or for consideration, regardless of the name under which the
26 practice is conducted;
- 27 (5) "Cosmetology" means the practice upon the human neck and head of cutting hair,

1 permanent waving, or hairdressing, and may also include but is not limited to:

2 (a) Nail technology and finger waving;

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

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

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

9 (e) Facial hair removal; and

10 (f) Eyebrow shaping, design, or removal.

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

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

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

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

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

20 2. Giving skin care;

21 3. Removing facial hair;

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

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

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

27 1. Treatment of an illness or a disease;

- 1 2. Work as a student in a board-approved school;
- 2 3. Work without compensation from the person receiving the service; or
- 3 4. Work performed by a licensed massage therapist;
- 4 (9) "Esthetic practices school" or "school of esthetic practices" means any operation,
- 5 place, or establishment in or through which persons are trained in esthetic practices;
- 6 (10) "Esthetic salon" means a place, fixed or mobile, where an esthetician performs
- 7 esthetic practices;
- 8 (11) "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash
- 9 extensions to natural eyelashes;
- 10 (12) "Limited beauty salon" means any establishment in which the practice of blow
- 11 drying services only is conducted for the general public or for consideration;
- 12 (13) (a) "Makeup artistry" means applying cosmetic products to the face and body.
- 13 (b) "Makeup artistry" includes:
- 14 1. Corrective and camouflage techniques; and
- 15 2. Airbrushing.
- 16 (c) "Makeup artistry" does not include:
- 17 1. Face painting at carnivals or fairs; or
- 18 2. Application of cosmetics when not done for consideration;
- 19 (14) "Nail salon" means any establishment, fixed or mobile, in which the practice of nail
- 20 technology only is conducted for the general public or for consideration;
- 21 (15) "Nail technician" means a person who practices nail technology for the general
- 22 public or for consideration;
- 23 (16) "Nail technology" means the practice of cutting, trimming, polishing, coloring,
- 24 cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying
- 25 the hands and feet of any human, for which a license is required by this chapter;
- 26 (17) "Nail technology school" or "school of nail technology" means any operation, place,
- 27 or establishment in or through which persons are trained in nail technology;

1 (18) (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,
2 extending, locking, or braiding hair by hand or with mechanical devices.
3 Natural hair braiding is commonly known as "African-style hair braiding" but
4 is not limited to any particular cultural, ethnic, racial, or religious forms of
5 hair styles.

6 (b) "Natural hair braiding" includes:

- 7 1. The use of natural or synthetic hair extensions, natural or synthetic hair
8 and fibers, decorative beads, and other hair accessories;
- 9 2. Minor trimming of natural hair or hair extensions incidental to twisting,
10 wrapping, weaving, extending, locking, or braiding hair;
- 11 3. The use of topical agents such as conditioners, gels, moisturizers, oils,
12 pomades, and shampoos; and
- 13 4. The making of wigs from natural hair, natural fibers, synthetic fibers,
14 and hair extensions.

15 (c) "Natural hair braiding" does not include:

- 16 1. The application of dyes, reactive chemicals, or other preparation to alter
17 the color of the hair or to straighten, curl, or alter the structure of the
18 hair; or
- 19 2. The use of chemical hair joining agents such as synthetic tape, keratin
20 bonds, or fusion bonds.

21 (d) For the purposes of this subsection, "mechanical devices" means clips, combs,
22 curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair
23 binders; and

24 (19) "Threading" means the process of removing hair from below the eyebrow by use of
25 a thread woven through the hair to be removed.

26 ➔Section 2. KRS 317A.060 is amended to read as follows:

27 (1) The board shall promulgate administrative regulations including but not limited to

- 1 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 this chapter;
- 8 (e) Set standards for the location and housing of beauty salons or cosmetology
9 schools in the state. This subsection does not apply to the instructional
10 programs in cosmetology in the state area vocational and technical schools;
- 11 (f) Set standards for the quantity and quality of equipment, supplies, materials,
12 records, and furnishings required in beauty salons, esthetic salons, nail salons,
13 and cosmetology, esthetic practices, and nail technology schools;
- 14 (g) Establish the qualifications of instructors of cosmetology, instructors of
15 esthetic practices, instructors of nail technology, and apprentice teachers;
- 16 (h) Establish requirements for the hours and courses of instruction at cosmetology
17 schools and esthetic practices schools and nail technology schools;
- 18 (i) Establish requirements for the examinations of applicants for licenses;
- 19 (j) Establish the requirements for the proper education and training of students;
- 20 (k) Address the course and conduct of school owners, instructors, apprentice
21 instructors, licensed cosmetologists, estheticians, nail technicians, beauty
22 salons, esthetic salons, nail salons, cosmetology schools, schools of esthetic
23 practices, and schools of nail technology;~~and~~
- 24 (l) Establish a code of ethics for persons licensed by the board; **and**
- 25 **(m) Establish provisions for scheduling inspections of mobile salons, along with**
26 **the inspection criteria mobile salons shall be required to meet.**
- 27 (2) Administrative regulations pertaining to health and sanitation shall be approved by

1 the Cabinet for Health and Family Services before becoming effective.

2 ➔Section 3. KRS 317A.155 is amended to read as follows:

- 3 (1) As used in this section, "funeral establishment" means funeral establishment as
4 defined in KRS 316.010.
- 5 (2) Every person practicing as a cosmetologist, esthetician, or nail technician, with the
6 exception of a nail technician or cosmetologist exclusively practicing manicuring in
7 a licensed barber shop, shall practice in an establishment licensed by the board.
- 8 (3) Notwithstanding subsection (2) of this section, persons holding an active license
9 from the board as a cosmetologist, esthetician, or nail technician and who practice
10 in salons licensed by the board shall be permitted to render services outside an
11 establishment licensed by the board for pay, free, or otherwise, to:
- 12 (a) A person suffering from a terminal illness and who is receiving the services of
13 a hospice program either at home or at a hospice inpatient unit;~~or~~
- 14 (b) A person who is deceased and in the care of a funeral establishment; or
- 15 (c) A person suffering from a medical condition, as attested by a physician in
16 writing, which limits physical mobility to such an extent that it would
17 impose an undue burden on that person to attempt to travel to an
18 establishment licensed by the board.
- 19 (4) Cosmetologists, estheticians, and nail technicians who render services authorized in
20 subsection (3) of this section shall have the permission of the owner or
21 administrator of the establishment where the services are rendered.