

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2022 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **HB 340/HCS 1**

Starting on page 3, line 19 to page 4, line 16, delete subsection (14) in its entirety and insert in lieu thereof the following:

"(14) ***"Medical esthetic service" means the diagnosis, treatment, or correction of human conditions, ailments, diseases, injuries, or infirmities of the skin, hair, nails, and mucous membranes by any means, methods, devices, or instruments, including the use of a biological or synthetic material, chemical application, mechanical device, or displaced energy form of any kind if it alters or damages or is capable of altering or damaging living tissue below the superficial epidermal cells. "Medical esthetic service" includes but is not limited to:***

***(a) Ablative laser therapy;***

***(b) Vaporizing laser therapy;***

***(c) Nonsuperficial light device therapy;***

***(d) Dermal filler treatments, including collagen or fat injections, hyaluronic acid fillers and injectable bio-stimulating agents;***

***(e) Tissue alteration services, including liposuction;***

***(f) Nonsuperficial light-emitting diode therapy;***

***(g) Nonsuperficial intense pulse light therapy;***

***(h) Nonsuperficial radiofrequency therapy;***

Amendment No. HFA 1

Rep. Rep. Jonathan Dixon

Committee Amendment \_\_\_\_\_

Floor Amendment \_\_\_\_\_

**Not for Filing**

Signed: \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

- (i) Nonsuperficial ultrasonic therapy;**
- (j) Nonsuperficial exfoliation;**
- (k) Dermabrasion;**
- (l) Nonsuperficial dermaplane exfoliation;**
- (m) Nonsuperficial lymphatic drainage;**
- (n) Collagen induction therapy, including microneedling;**
- (o) Fat-freezing treatment, including cool sculpting;**
- (p) Neuromuscular injections, including formulations of botulinum toxin, such as Botox;**
- (q) Collagen injections; and**
- (r) FDA-registered modalities and implements;"; and**

On page 5, line 1, insert "**optometrists,**" after "**dentists,**" and before "**estheticians,**"; and

On page 5, line 3, insert "**office**" after "**Any**" and before "**facility**"; and

On page 6, between lines 23 and 24, insert:

**"(c) An optometrist licensed by the Kentucky Board of Optometric Examiners;"**; and

On page 6, line 24, delete "**(c)**" and insert "**(d)**" in lieu thereof; and

On page 6, line 26, delete "**(d)**" and insert "**(e)**" in lieu thereof; and

On page 7, between lines 7 and 8, insert:

**"3. An optometrist licensed by the Kentucky Board of Optometric Examiners;"**;

and

On page 7, line 8, delete "**3.**" and insert "**4.**" in lieu thereof; and

On page 7, line 10, delete "**4.**" and insert "**5.**" in lieu thereof; and

On page 8, line 10, insert "**optometrists,**" after "**dentists,**" and before "**estheticians,**"; and

On page 8, delete lines 18 to 21 in their entirety and insert in lieu thereof the following:

**"(5) Each licensing board with licensees that perform medical esthetic services shall adopt or**

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**amend administrative regulations to:**

- (a) Set forth training and continuing education requirements for licensees who provide medical esthetic services;**
- (b) Define its licensees' scope of practice, consistent with and not to exceed their scope of practice as of January 1, 2022, unless explicitly authorized by the General Assembly; and**
- (c) Prohibit the delegation of privileges within individual licensees' scope of practice to non-licensed persons, unless explicitly authorized by the General Assembly.**"; and

On page 9, line 4, delete "**cosmetic medical procedure**" and insert in lieu thereof: "**medical esthetic service**"; and

On page 10, delete lines 4 through 6 in their entirety and insert in lieu thereof:

- "(f) Act as a nail technician;~~or~~
- (g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians;**or**
- (h) Operate a medical spa.**"; and

Starting on page 10, line 19 to page 11, line 10 delete subsections (7) and (8) in their entirety and insert in lieu thereof the following:

"(7) The board may:

- (a) Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred;**
- (b) Issue an emergency order in accordance with KRS 13B.125 against any facility licensed by the board. The emergency order shall be based upon probable cause by the board that the emergency order is in the public interest and there is substantial evidence of immediate danger to the health, welfare, and safety of any customer, patient, or the general public; and**

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(c) Institute civil and criminal proceedings against violators of this chapter. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of this chapter.

(8) The board shall:

(a) Govern all issues related to medical spa licensure;

(b) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;

(c) Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and

(d) Forward all investigation reports, complaints, and other documents necessary to inform the regulatory boards listed in Section 2 of this Act of any person licensed by any of the boards in Section 2 of this Act who violates Sections 1 to 6 of this Act."