

1 AN ACT relating to beauty 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 in which the practice of cosmetology is
6 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 chemically
21 treating hair; or~~

22 3. ~~That otherwise falls under the practice of cosmetology, except as authorized in
23 paragraph (b) of this subsection;~~

24 ~~(4)]~~"Cosmetologist" means a person who engages in the practice of cosmetology for
25 the public generally or for consideration, regardless of the name under which the
26 practice is conducted;

27 ~~(4)~~~~[(5)]~~ "Cosmetology" means the practice ***of:***

1 (a) Hair styling;

2 (b) Esthetics; and

3 (c) Nail technology ~~[upon the human neck and head of cutting hair, permanent~~
4 ~~waving, or hairdressing, and may also include but is not limited to:~~

5 ~~(a) Nail technology and finger waving;~~

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

8 ~~(c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the~~
9 ~~hair, or applying hair products;~~

10 ~~(d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other~~
11 ~~products;~~

12 ~~(e) Facial hair removal; and~~

13 ~~(f) Eyebrow shaping, design, or removal].~~

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

16 ~~(5)~~~~(6)~~ "Cosmetology school" or "school of cosmetology" means any operation, place,
17 or establishment in or through which persons are trained or taught the practice of
18 cosmetology, esthetic practices, and nail technology;

19 ~~(6)~~~~(7)~~ "Esthetician" means a person who is licensed by the board to engage in
20 esthetic practices in the Commonwealth of Kentucky;

21 ~~(7)~~~~(8)~~ ~~—(a)~~ "Esthetic practices" means one (1) or more of the following acts:

22 (a) Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup,
23 removal of superfluous hair, stimulation, tinting, tweezing, or waxing;

24 (b) Eyelash tinting, artificial eyelashes, or eyelash extensions;

25 (c) Use of lotions, creams, oils, antiseptics, or depilatories;

26 (d) Massaging the skin; and

27 1. ~~— Giving facials, including consultation and skin analysis;~~

- 1 2.— ~~Giving skin care;~~
 2 3.— ~~Removing facial hair;~~
 3 4.— ~~Beautifying or cleaning the body with the use of cosmetic preparations,~~
 4 ~~antiseptics, tonics, lotions, creams; or~~
 5 5.— ~~Providing preoperative and postoperative esthetic skin care, either~~
 6 ~~referred by or supervised by a medical professional, unless [;~~

7 (b) ~~Except when]~~these acts are performed incident to:

- 8 1. Treatment of an illness or a disease;
 9 2. Work as a student in a board-approved school; or
 10 3. ~~[Work without compensation from the person receiving the service; or~~
 11 4.— ~~]Work performed by a licensed massage therapist;~~

12 ~~(8)~~~~(9)~~ "Esthetic practices school" or "school of esthetic practices" means any
 13 operation, place, or establishment in or through which persons are trained in esthetic
 14 practices;

15 ~~(9)~~~~(10)~~ "Esthetic salon" means a place where an esthetician performs esthetic
 16 practices;

17 ~~(10)~~~~(11)~~ "Eyelash artistry" means the process of attaching semipermanent lashes or
 18 eyelash extensions to natural eyelashes;

19 ~~(11)~~ **"Hair styling" means the practice of:**

20 ~~(a)~~ **Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting,**
 21 **dressing, manipulating, permanent waving, singeing, tinting, or trimming**
 22 **of natural or artificial hair;**

23 ~~(b)~~ **Use of lotions, creams, and antiseptics; and**

24 ~~(c)~~ **Massaging and stimulation of the scalp;**

25 (12) "Limited beauty salon" means any establishment in which the practice of **shampoo**
 26 **and style services, makeup artistry, eyelash artistry, or threading are** ~~[blow-drying~~
 27 ~~services only is]~~ conducted for the general public or for consideration;

1 **(13) "Limited stylist" means an individual licensed to perform shampoo and style**
 2 **services;**

3 **(14) (a)**~~(13) — (a)~~ "Makeup artistry" means applying cosmetic products to the face
 4 and body.

5 (b) "Makeup artistry" includes:

- 6 1. Corrective and camouflage techniques; and
- 7 2. Airbrushing.

8 (c) "Makeup artistry" does not include:

- 9 1. Face painting at carnivals or fairs; or
- 10 2. Application of cosmetics when not done for consideration;

11 **(15)**~~(14)~~ "Nail salon" means any establishment in which the practice of nail technology
 12 only is conducted for the general public or for consideration;

13 **(16)**~~(15)~~ "Nail technician" means a person who practices nail technology, **including**
 14 **manicuring and pedicuring real and artificial nails for the purpose of**
 15 **beautifying,** for the general public or for consideration. **Manicuring and**
 16 **pedicuring real and artificial nails for the purpose of beautifying includes:**

17 **(a) Cleaning;**

18 **(b) Trimming;**

19 **(c) Cutting;**

20 **(d) Shaping;**

21 **(e) Sculpting;**

22 **(f) Polishing; and**

23 **(g) Massaging the hands and feet;**

24 ~~(16) "Nail technology" means the practice of cutting, trimming, polishing, coloring,~~
 25 ~~cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying~~
 26 ~~the hands and feet~~ of any human, for which a license is required by this chapter;

27 (17) "Nail technology school" or "school of nail technology" means any operation, place,

1 or establishment in or through which persons are trained in nail technology;

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

7 (b) "Natural hair braiding" includes:

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

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

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

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

25 **(19) (a) "Shampoo and style services" means beautifying, cleaning, or arranging**
26 **the hair of an individual for consideration only at a limited beauty salon.**

27 **(b) "Shampoo and style services" includes any of the following services**

1 *performed on an individual's hair:*

2 *1. Arranging;*

3 *2. Cleaning;*

4 *3. Curling;*

5 *4. Dressing;*

6 *5. Blow drying; or*

7 *6. Performing any other similar procedure.*

8 *(c) "Shampoo and style services" does not include any service that:*

9 *1. Is popularly known as a Brazilian blowout;*

10 *2. Includes color services, cutting, lightening, or chemically treating*
 11 *hair; or*

12 *3. Otherwise falls under the practice of cosmetology, except as*
 13 *authorized in paragraph (b) of this subsection; and*

14 ~~(20)~~~~(19)~~ "Threading" means the process of removing hair from below the eyebrow by
 15 use of a thread woven through the hair to be removed.

16 ➔Section 2. KRS 317A.050 is amended to read as follows:

17 (1) All applicants for licensure under this chapter shall meet the following minimum
 18 requirements:

19 (a) Be of good moral character and temperate habit;

20 (b) Be at least eighteen (18) years of age;

21 (c) Have a high school diploma, a High School Equivalency Diploma, or results
 22 from the Test for Adult Basic Education indicating a score equivalent to the
 23 twelfth grade of high school; and

24 (d) Have submitted the completed application along with the required license fee
 25 as set forth in administrative regulation.

26 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
 27 license to any applicant who fails to comply with the provisions of this chapter or

1 any administrative regulations promulgated by the board.

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

3 (a) Has official certification from the state board or agency that certifies
4 cosmetology schools that the applicant has graduated from a licensed school
5 of cosmetology requiring one thousand five hundred (1,500) hours within five
6 (5) years of enrolling within the school; and

7 (b) Has satisfactorily passed an examination prescribed by the board to determine
8 fitness to practice cosmetology.

9 (4) The board shall issue an esthetician license to any person who:

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

12 (b) Has received a satisfactory grade on an examination prescribed by the board to
13 determine fitness to practice as an esthetician.

14 (5) The board shall issue a license to act as a nail technician to any person who:

15 (a) Has official certification from the state board or agency that certifies
16 cosmetology schools that the applicant has completed satisfactorily a nail
17 technician course of study of four hundred fifty (450) hours in a licensed
18 school of cosmetology within five (5) years of submitting an application for
19 licensure; and

20 (b) Has satisfactorily passed an examination prescribed by the board to determine
21 fitness to practice as a nail technician.

22 (6) The board shall issue a license to operate a salon as follows:

23 (a) The board shall issue a license to operate a beauty salon to any licensed
24 cosmetologist. An owner who is not a licensed cosmetologist shall have a
25 licensed cosmetologist as manager of the beauty salon at all times. If the
26 owner, manager, or location of a beauty salon changes, the required form and
27 fee shall be submitted to the board.

- 1 (b) The board shall issue a license to operate an esthetic salon to any licensed
2 esthetician. An owner who is not a licensed esthetician shall have a licensed
3 esthetician or cosmetologist as manager of the esthetic salon at all times. If the
4 owner, manager, or location of an esthetic salon changes, the required form
5 and fee shall be submitted to the board.
- 6 (c) The board shall issue a license to operate a nail salon to any licensed nail
7 technician. An owner who is not a licensed nail technician shall have a
8 licensed nail technician or cosmetologist as manager of the nail salon at all
9 times. If the owner, manager, or location of a nail salon changes, the required
10 form and fee shall be submitted to the board.
- 11 (7) The board shall issue an instructor training eligibility certificate~~[apprentice~~
12 ~~license]~~ to train to be an instructor in~~[teach]~~ cosmetology, esthetic practices, or
13 nail technology to any person who:
- 14 (a) Has held a current cosmetologist, esthetician, or nail technician license for at
15 least one (1) year; and
- 16 (b) Has submitted an application that has been signed by the owners of the school
17 in which the applicant will study. The course of instruction shall be for a
18 period of seven hundred fifty (750) hours and not less than four and one-half
19 (4.5) months at one (1) school providing this instruction. The school owner
20 shall verify to the board the completion of seven hundred fifty (750) hours.
21 For out-of-state verification, an applicant shall provide official certification
22 from the board or agency that certifies schools in that other state of licensure
23 verifying the applicant has completed a course of instruction consisting of at
24 least seven hundred fifty (750) hours and not less than four and one-half (4.5)
25 months at one (1) school providing the instruction.
- 26 (8) The board shall issue a license to teach cosmetology to any person who:
- 27 (a) Has held a current cosmetologist license and apprentice instructor license for

- 1 at least four and one-half (4.5) months; and
- 2 (b) Has satisfactorily passed the examination for the teaching of cosmetology as
- 3 prescribed by the board.
- 4 (9) The board shall issue a license to teach esthetic practices to any person who:
- 5 (a) Has held a current esthetician license and apprentice instructor license for at
- 6 least four and one-half (4.5) months;
- 7 (b) Has completed fifty (50) hours in esthetics training within the last two (2)
- 8 years; and
- 9 (c) Has satisfactorily passed the examination for the teaching of esthetic practices
- 10 as prescribed by the board.
- 11 (10) The board shall issue a license to teach nail technology to any person who:
- 12 (a) Has held a current nail technician license and apprentice instructor license for
- 13 at least four and one-half (4.5) months;
- 14 (b) Has completed fifty (50) hours in nail technology training within the last two
- 15 (2) years; and
- 16 (c) Has satisfactorily passed the examination for the teaching of nail technology
- 17 as prescribed by the board.
- 18 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall
- 19 issue a license to operate a school of cosmetology or a school of esthetic
- 20 practices or a school of nail technology to any person who ~~is~~:
- 21 ~~(a)~~ 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) ~~[Has been a resident of Kentucky for five (5) years, if the applicant is an~~
 2 ~~individual. If the applicant is a firm or corporation, it shall be a Kentucky~~
 3 ~~corporation or licensed or qualified to do business in Kentucky and shall have~~
 4 ~~been in existence for a period of at least five (5) years;~~

5 ~~(c)—~~Any student enrolling in the school shall pay the fee set forth in
 6 administrative regulation to the board before enrollment in the school shall be
 7 allowed. ~~;~~ ~~and~~

8 ~~(c)~~~~(d)~~ The transfer of any license to operate a school of cosmetology or esthetic
 9 practices or nail technology shall require the board's approval and shall
 10 become effective upon submitting the required form and fee to the board.

11 (12) (a) The board shall issue a license to provide shampoo and style~~[blow drying]~~
 12 services to any person who:

13 1. ~~[Is at least eighteen (18) years old;~~

14 2. ~~Has successfully completed a twelfth grade education or the equivalent;~~

15 3. ~~Has passed an examination prescribed by the board to determine fitness~~
 16 ~~to perform shampoo and style~~[blow drying]~~ services;~~

17 2. ~~[4.]~~Has completed at least three hundred (300)~~[four hundred fifty (450)]~~
 18 hours of instruction from a licensed school of cosmetology; and

19 3. ~~[5.]~~Has met any other reasonable criteria established in administrative
 20 regulations promulgated by the board.

21 (b) The board shall issue a license to operate a limited beauty salon to any person:

22 1. Who is licensed to provide shampoo and style~~[blow drying]~~ services or
 23 who employs at least one (1) person licensed to provide shampoo and
 24 style~~[blow drying]~~ services at the limited beauty salon; and

25 2. Whose limited beauty salon facility complies with standards established
 26 in administrative regulations promulgated by the board.

27 (13) Licenses established under this chapter shall be valid for a period of time to be

- 1 established by the board through the promulgation of administrative regulations.
- 2 (14) Licenses and permits issued by the board may be renewed beginning July 1 through
3 July 31 of each year.
- 4 (a) Any license shall automatically be renewed by the board:
- 5 1. Upon submission and receipt of the application for renewal and the
6 required annual license fee; and
- 7 2. If the application for renewal is otherwise in compliance with the
8 provisions of this chapter and the administrative regulations of the
9 board.
- 10 (b) Any license application postmarked after July 31 shall be considered expired,
11 and the appropriate restoration fee as required by administrative regulation of
12 the board shall apply.
- 13 (15) The requirements for a new license for any person whose license has expired for a
14 period exceeding five (5) years shall be as follows:
- 15 (a) Cosmetologists shall retake and pass the practical examination only;
- 16 (b) Estheticians shall retake and pass both the practical and theory examination;
- 17 (c) Instructors of cosmetology or esthetic practices shall retake and pass both the
18 practical and theory examination;
- 19 (d) Nail technicians shall retake and pass the practical and theory examination;
- 20 (e) Providers of shampoo and style~~[blow-drying]~~ services shall retake and pass
21 both the practical and theory examination; and
- 22 (f) The appropriate restoration fee as set forth in administrative regulation of the
23 board shall be required.
- 24 (16) Guest artists or demonstrators appearing and demonstrating before persons other
25 than licensed cosmetologists, estheticians, nail technicians, and providers of
26 shampoo and style~~[blow-drying]~~ services shall apply for a permit that shall be in
27 effect for ten (10) days. Guest artists performing before a nonprofit, recognized

1 professional cosmetologists', estheticians', or cosmetology school or shampoo and
2 style~~[blow-drying]~~ services' or nail technicians' group shall apply for a permit, but
3 shall not be required to pay the fee.

4 (17) The board shall issue a permit for threading and may promulgate administrative
5 regulations that set out requirements for the practice of threading. Threading shall
6 be conducted in a licensed beauty salon or a facility with a permit to engage in
7 threading, and the board may promulgate administrative regulations for facilities
8 and the required sanitation standards. The permit shall be valid for a period of one
9 (1) year.

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

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

20 (20) (a) The board may issue a permit for temporary event services to a Kentucky-
21 licensed cosmetologist, esthetician, limited stylist, or nail technician and
22 shall promulgate administrative regulations that set out requirements for
23 issuance of a temporary event services permit including:

24 1. Sanitation standards;

25 2. Criteria for events that qualify;

26 3. Application requirements and fees; and

27 4. Any other requirements necessary to protect the public health and

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safety.

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(b) The temporary event services permit shall be valid only for the specific dates and locations requested.

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(c) No person other than a Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician shall perform services at a temporary event services location, and no licensee shall perform services other than those authorized by his or her respective license pursuant to KRS 317A.020.

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(d) The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician holding a temporary event services permit shall be liable for any violation of KRS Chapter 317A or administrative regulations promulgated under KRS Chapter 317A that occurs at the temporary event services location.

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➔Section 3. KRS 317A.090 is amended to read as follows:

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No license shall be issued or renewed by the board to any cosmetology school or school of esthetic practices or school of nail technology unless such school provides:

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(1) The name of the proposed school;

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(2) A statement that the proposed school is authorized to operate educational programs beyond secondary education;

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(3) As a prerequisite of graduation, a prescribed course of instruction of not less than one thousand five hundred (1,500) hours for a cosmetology school or seven hundred fifty (750) hours for a school of esthetic practices, or four hundred fifty (450) hours for a school of nail technology~~], to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools, the required hours of instruction may be offered according to the schedule for other vocational classes in the school];~~

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(4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of

- 1 the face and neck; elementary chemistry with emphasis on sterilization, diseases of
2 the skin, hair, and glands, and massaging and manipulating of the muscles of the
3 upper body; cutting, shaving, arranging, dressing, chemical treatment of the hair and
4 such other courses as may be prescribed by administrative regulation of the board;
- 5 (5) Facilities, equipment, materials, and qualified instructors and apprentice instructors
6 as may be required by administrative regulations of the board adopted pursuant to
7 this chapter, but no cosmetology school or school of esthetic practices or school of
8 nail technology shall have fewer than one (1) licensed instructor per twenty (20)
9 students present for instruction;
- 10 (6) No cosmetology school or school of esthetic practices or school of nail technology,
11 after being licensed for the first time, shall serve the public until one hundred fifty
12 (150) hours of instruction has been taught; and
- 13 (7) In compliance with KRS 317A.070, the board may revoke or suspend any license
14 issued by it if, in the judgment of the board, the school is not following the
15 requirements as set out in this chapter or the school does not comply with the
16 administrative regulations promulgated by the board in order to regulate the conduct
17 of the school and in order to supervise the proper education of the students.
- 18 ➔Section 4. KRS 317A.155 is amended to read as follows:
- 19 (1) As used in this section, "funeral establishment" means funeral establishment as
20 defined in KRS 316.010.
- 21 (2) Every person practicing as a cosmetologist, esthetician, limited stylist, or nail
22 technician~~[, with the exception of a nail technician or cosmetologist exclusively~~
23 ~~practicing manicuring in a licensed barber shop,]~~ shall practice in an establishment
24 licensed by the board.
- 25 (3) Notwithstanding subsection (2) of this section, persons holding an active license
26 from the board as a cosmetologist, esthetician, limited stylist, or nail technician and
27 who practice in salons licensed by the board shall be permitted to render services

- 1 **outside of an establishment licensed by the board** for pay, free, or otherwise, to:
- 2 (a) A person suffering from a terminal illness and who is receiving the services of
- 3 a hospice program either at home or at a hospice inpatient unit;~~[or]~~
- 4 (b) A person who is deceased and in the care of a funeral establishment; **or**
- 5 **(c) A person suffering from a medical condition, as attested by a physician in**
- 6 **writing, which limits physical mobility to such an extent that it would**
- 7 **impose an undue burden on that person to attempt to travel to an**
- 8 **establishment licensed by the board.**
- 9 (4) Cosmetologists, estheticians, **limited stylists,** and nail technicians who render
- 10 services authorized in subsection (3) of this section shall have the permission of the
- 11 owner or administrator of the establishment where the services are rendered **and the**
- 12 **permission of the person, or their legal representative, upon whom services will**
- 13 **be rendered.**