

1 AN ACT relating to cosmetology, esthetics, and nail technology.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 5 of this Act:*

6 *(1) "Lawful occupation" means a course of conduct, pursuit, or profession that*
7 *includes the practice of cosmetology, esthetics, or nail technology;*

8 *(2) "Military":*

9 *(a) Means the Armed Forces of the United States, including the Air Force,*
10 *Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard,*
11 *and all reserve components and auxiliaries; and*

12 *(b) Includes the military reserves and militia of any United States territory or*
13 *state;*

14 *(3) "Other state" or "another state" means any territory or state of the United States,*
15 *other than this Commonwealth; and*

16 *(4) "Scope of practice" means the procedures, actions, processes, and work that a*
17 *person may perform under a cosmetologist, esthetician, or nail technician license*
18 *issued in this Commonwealth.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO
20 READ AS FOLLOWS:

21 *Notwithstanding any other law, the board shall issue a cosmetologist, esthetician, or*
22 *nail technician license to a person or military spouse upon application if all of the*
23 *following apply:*

24 *(1) The person holds a current and valid cosmetologist, esthetician, or nail*
25 *technician license in another jurisdiction, including in another state, district, or*
26 *territory of the United States, or in a location outside of the United States, in a*
27 *lawful occupation with a similar scope of practice, as determined by the board;*

- 1 (2) The person has held the cosmetologist, esthetician, or nail technician license in
 2 the issuing jurisdiction for at least one (1) year and is in good standing;
- 3 (3) The board in the issuing jurisdiction required the person to pass an examination,
 4 or to meet education, training, or experience standards;
- 5 (4) The person does not have a disqualifying criminal record as determined by the
 6 board in this Commonwealth;
- 7 (5) No board in another jurisdiction has revoked, nor has the person surrendered in
 8 another jurisdiction, a cosmetologist, esthetician, or nail technician license
 9 because of negligence or intentional misconduct related to the person's work in
 10 the occupation;
- 11 (6) The person does not have a complaint, allegation, or investigation pending before
 12 a board in another jurisdiction which relates to unprofessional conduct or an
 13 alleged crime. If the person has a complaint, allegation, or investigation pending,
 14 the board shall not issue, and shall not deny, a license to the person until the:
 15 (a) Complaint, allegation, or investigation is resolved; or
 16 (b) Person otherwise meets the criteria for a cosmetologist, esthetician, or nail
 17 technician license to the satisfaction of the board; and
- 18 (7) The person pays all applicable fees to the board.

19 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO
 20 READ AS FOLLOWS:

21 Notwithstanding any other law, the board shall issue a cosmetologist, esthetician, or
 22 nail technician license to a person or military spouse, upon an application based on
 23 work experience in another jurisdiction, if all of the following apply:

- 24 (1) The person worked in a jurisdiction that does not use a cosmetologist, esthetician,
 25 or nail technician license to regulate a lawful occupation;
- 26 (2) The person worked for at least one (1) year in the lawful occupation with a
 27 similar scope of practice, as determined by the board; and

1 (3) The person satisfies the requirements of subsection (1)(d) to (g) of Section 2 of
2 this Act.

3 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO
4 READ AS FOLLOWS:

5 (1) The board shall provide the person with a written decision regarding the
6 application within thirty (30) days after receiving a completed application.

7 (2) The person may appeal the board's decision to a court of general jurisdiction.

8 (3) The person may appeal the board's:

9 (a) Denial of a cosmetologist, esthetician, or nail technician license;

10 (b) Determination of the lawful occupation; and

11 (c) Determination of the similarity of the scope of practice of the license issued.

12 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO
13 READ AS FOLLOWS:

14 (1) A person who obtains a cosmetologist, esthetician, or nail technician license
15 pursuant to Sections 1 to 5 of this Act is subject to the:

16 (a) Laws regulating the occupation in this Commonwealth; and

17 (b) Jurisdiction of the board.

18 (2) Nothing in Sections 1 to 5 of this Act shall be construed to prohibit a person from
19 applying for an occupational license under another statute or administrative
20 regulation of this Commonwealth.

21 (3) A cosmetologist, esthetician, or nail technician license issued pursuant to
22 Sections 1 to 5 of this Act is valid only in this Commonwealth and does not make
23 the person eligible to work in another jurisdiction under an interstate compact or
24 reciprocity agreement unless otherwise provided in law.

25 (4) Nothing in Sections 1 to 5 of this Act shall be construed to require a private
26 certification organization to grant or deny private certification to any individual.

27 (5) The board may charge a fee to a person submitting an application under Sections

1 *1 to 5 of this Act to recoup its costs, not to exceed one hundred dollars (\$100).*
2 *(6) Sections 1 to 5 of this Act preempt laws of city, county, and other governments in*
3 *this Commonwealth which regulate cosmetologist, esthetician, or nail technician*
4 *licenses.*

5 ➔Section 6. The following KRS section is repealed:

6 317A.100 Reciprocal licensing -- Administrative regulations -- Continuing education.