

1 AN ACT relating to cosmetology.

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) "Cosmetologist" means a person who engages in the practice of cosmetology for the
9 public generally or for consideration, regardless of the name under which the
10 practice is conducted;

11 (4) "Cosmetology" means the practice of:

12 (a) Hair styling;

13 (b) Esthetics; and

14 (c) Nail technology.

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

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

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

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

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

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

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

27 (d) Massaging the skin; and

1 (e) Providing preoperative and postoperative esthetic skin care, either referred by
2 or supervised by a medical professional, unless these acts are performed
3 incident to:

4 1. Treatment of an illness or a disease;
5 2. Work as a student in a board-approved school; or
6 3. Work performed by a licensed massage therapist;

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

9 (9) "Esthetic salon" means a place, fixed or mobile, where an esthetician performs
10 esthetic practices;

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

13 (11) "Hair styling" means the practice of:

14 (a) Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting,
15 dressing, manipulating, permanent waving, singeing, tinting, or trimming of
16 natural or artificial hair;
17 (b) Use of lotions, creams, and antiseptics; and
18 (c) Massaging and stimulation of the scalp;

19 (12) "Instructor" means any individual licensed to teach cosmetology, esthetics, or nail
20 technology who holds a corresponding license in cosmetology, esthetics practice, or
21 nail technology;

22 (13) "Limited beauty salon" means any establishment, fixed or mobile, in which the
23 practice of shampoo and style services, makeup artistry, eyelash artistry, or
24 threading are conducted for the general public or for consideration;

25 (14) "Limited stylist" means an individual licensed to perform shampoo and style
26 services;

27 (15) (a) "Makeup artistry" means applying cosmetic products to the face and body.

1 (b) "Makeup artistry" includes:

2 1. Corrective and camouflage techniques; and

3 2. Airbrushing.

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

5 1. Face painting at carnivals or fairs; or

6 2. Application of cosmetics when not done for consideration;

7 (16) "Nail salon" means any establishment, fixed or mobile, in which the practice of nail

8 technology only is conducted for the general public or for consideration;

9 (17) "Nail technician" means a person who practices nail technology, including

10 manicuring and pedicuring real and artificial nails for the purpose of beautifying,

11 for the general public or for consideration. Manicuring and pedicuring real and

12 artificial nails for the purpose of beautifying includes:

13 (a) Cleaning;

14 (b) Trimming;

15 (c) Cutting;

16 (d) Shaping;

17 (e) Sculpting;

18 (f) Polishing; and

19 (g) Massaging the hands and feet of any human, for which a license is required by

20 this chapter;

21 (18) "Nail technology school" or "school of nail technology" means any operation,

22 place, or establishment in or through which persons are trained in nail technology;

23 (19) (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,

24 extending, locking, or braiding hair by hand or with mechanical devices.

25 Natural hair braiding is commonly known as "African-style hair braiding" but

26 is not limited to any particular cultural, ethnic, racial, or religious forms of

27 hair styles.

1 (b) "Natural hair braiding" includes:

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

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

6 3. The use of topical agents such as conditioners, gels, moisturizers, oils,
7 pomades, and shampoos; and

8 4. The making of wigs from natural hair, natural fibers, synthetic fibers,
9 and hair extensions.

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

11 1. The application of dyes, reactive chemicals, or other preparation to alter
12 the color of the hair or to straighten, curl, or alter the structure of the
13 hair; or

14 2. The use of chemical hair joining agents such as synthetic tape, keratin
15 bonds, or fusion bonds.

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

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

21 (b) "Shampoo and style services" includes any of the following services
22 performed on an individual's hair:

23 1. Arranging;

24 2. Cleaning;

25 3. Curling;

26 4. Dressing;

27 5. Blow drying; or

1 6. Performing any other similar procedure.

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

3 1. Is popularly known as a Brazilian blowout;

4 2. Includes color services, cutting, lightening, or chemically treating hair;

5 or

6 3. Otherwise falls under the practice of cosmetology, except as authorized

7 in paragraph (b) of this subsection; and

8 (21) "Threading" means the process of removing hair from below the eyebrow by use of

9 a thread woven through the hair to be removed.

10 ➔ Section 2. KRS 317A.020 is amended to read as follows:

11 (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail

12 technology for other than cosmetic purposes nor shall any person engage in the

13 practice of cosmetology, esthetic practices, or nail technology for the treatment of

14 physical or mental ailments. This chapter does not apply to:

15 (a) Persons authorized by the law of this state to practice medicine, podiatry,

16 optometry, dentistry, chiropractic, nursing, or embalming who perform

17 incidental practices of cosmetology, esthetic practices, and nail technology in

18 the normal course of the practice of their profession;

19 (b) Commissioned medical or surgical personnel of the United States Armed

20 Forces who perform incidental practices of cosmetology, esthetic practices, or

21 nail technology in the course of their duties;

22 (c) Cosmetology, esthetic practices, or nail technology services performed at an

23 institution operated or under contract to the Department of Corrections or the

24 Department of Juvenile Justice; and

25 (d) Persons engaged in natural hair braiding.

26 (2) Except as provided in subsection (1) of this section, no person shall engage in the

27 practice of cosmetology, esthetic practices, or nail technology for the public,

1 generally, or for consideration without the appropriate license required by this
2 chapter.

3 (3) No person unless duly and properly licensed pursuant to this chapter shall:
4 (a) Teach cosmetology, esthetic practices, or nail technology;
5 (b) Operate a beauty salon;
6 (c) Operate an esthetic salon;
7 (d) Act as an esthetician;
8 (e) Operate a nail salon;
9 (f) Act as a nail technician; or
10 (g) Conduct or operate a school for cosmetologists, estheticians, or nail
11 technicians.

12 (4) No person shall aid or abet any person in violating this section, nor shall any person
13 engage or employ for consideration any person to perform any practice licensed by
14 this chapter unless the person to perform the practice holds and displays the
15 appropriate license.

16 (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists,
17 licensed estheticians, or licensed nail technicians shall hold clinics for teaching or
18 demonstrating for personal profit, either monetary or otherwise, if the clinics are not
19 sponsored by a recognized professional cosmetologist's, esthetician's, or nail
20 technician's group.

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

24 (7) The board shall:
25 (a) Govern all issues related to this chapter;
26 (b) Investigate alleged violations brought to its attention, conduct investigations,
27 and schedule and conduct administrative hearings in accordance with KRS

1 Chapter 13B to enforce the provisions of this chapter and administrative
2 regulations promulgated pursuant to this chapter;

3 (c) Administer oaths, receive evidence, interview persons, and require the
4 production of books, papers, documents, or other evidence; and
5 (d) Have the authority to take emergency action affecting the legal rights, duties,
6 privileges, or immunities of named persons without a hearing to stop, prevent,
7 or avoid an immediate danger to the public health, safety, or welfare, in
8 accordance with KRS 13B.125(1), subject to the following:

9 1. An emergency order shall be based upon verified probable cause or
10 substantial evidence, documented by the board, that the emergency
11 order is in the interest of public health, welfare, and safety of any
12 customer, patient, or the general public; and

13 2. Upon the issuance of an emergency order, the board shall comply with
14 the administrative hearing procedures in KRS 13B.125(3) to determine
15 the reinstatement of operations of the licensed facility.

16 (8) (a) Unless a documented and verified violation creates an immediate and present
17 danger to the health and safety of the public, a warning notice shall be first
18 issued prior to imposing incremental punitive action against an otherwise
19 lawful salon. The warning notice shall include a specific and detailed
20 description of the violation and the specific remediation required to bring the
21 salon into compliance.

22 (b) It shall be deemed an immediate and present danger to the health and safety of
23 the public if it is documented and verified that a licensee knowingly employs
24 or utilizes the services of an unlicensed individual.

25 (9) The board may:

26 (a) Bring and maintain actions in its own name to enjoin any person in violation
27 of any provision of this chapter. These actions shall be brought in the Circuit

8 (11) For the purposes of this chapter, any type of mobile salon shall be considered a
9 facility.

10 ➔Section 3. KRS 317A.050 is amended to read as follows:

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

13 (a) Be of good moral character and temperate habit:

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

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

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

20 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
21 license to any applicant who fails to comply with the provisions of this chapter or
22 any administrative regulations promulgated by the board

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

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

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

5 (7) The board shall issue an instructor training certificate to train to be an instructor in
6 cosmetology, esthetic practices, or nail technology to any person who:

7 (a) Has held a current cosmetologist, esthetician, or nail technician license for at
8 least one (1) year; and
9 (b) Has submitted an application that has been signed by the owners of the school
10 in which the applicant will study. The course of instruction shall be for a
11 period of seven hundred fifty (750) hours and not less than four and one-half
12 (4.5) months at one (1) school providing this instruction. The school owner
13 shall verify to the board the completion of seven hundred fifty (750) hours.
14 For out-of-state verification, an applicant shall provide official certification
15 from the board or agency that certifies schools in that other state of licensure
16 verifying the applicant has completed a course of instruction consisting of at
17 least seven hundred fifty (750) hours and not less than four and one-half (4.5)
18 months at one (1) school providing the instruction.

19 (8) The board shall issue a license to teach cosmetology to any person who:

20 (a) Has held a current cosmetologist license and an instructor training certificate
21 for at least four and one-half (4.5) months; and
22 (b) Has satisfactorily passed the examination for the teaching of cosmetology as
23 prescribed by the board.

24 (9) The board shall issue a license to teach esthetic practices to any person who:

25 (a) Has held a current esthetician license and an instructor training certificate for
26 at least four and one-half (4.5) months;
27 (b) Has completed fifty (50) hours in esthetics training within the last two (2)

1 years; and

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

3 as prescribed by the board.

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

5 (a) Has held a current nail technician license and an instructor training certificate

6 for at least four and one-half (4.5) months;

7 (b) Has completed fifty (50) hours in nail technology training within the last two

8 (2) years; and

9 (c) Has satisfactorily passed the examination for the teaching of nail technology

10 as prescribed by the board.

11 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall

12 issue a license to operate a school of cosmetology or a school of esthetic

13 practices or a school of nail technology to any person who has as manager at

14 all times a person who is:

15 1. Licensed as an instructor;

16 2. Charged with the responsibility of ensuring that all applicable statutes

17 and administrative regulations are complied with; and

18 3. Responsible for having a sufficient number of licensed instructors of

19 cosmetology or esthetic practices or nail technology to conduct the

20 school.

21 (b) Any student enrolling in the school shall pay the fee set forth in administrative

22 regulation to the board before enrollment in the school shall be allowed.

23 (c) The transfer of any license to operate a school of cosmetology or esthetic

24 practices or nail technology shall require the board's approval and shall

25 become effective upon submitting the required form and fee to the board.

26 (12) (a) The board shall issue a license to provide shampoo and style services to any

27 person who:

1. Has passed an examination prescribed by the board to determine fitness
2 to perform shampoo and style services;
3. Has completed at least three hundred (300) hours of instruction from a
4 licensed school of cosmetology; and
5. Has met any other reasonable criteria established in administrative
6 regulations promulgated by the board.

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

8. 1. Who is licensed to provide shampoo and style services or who employs
9 at least one (1) person licensed to provide shampoo and style services at
10 the limited beauty salon; and
11. 2. Whose limited beauty salon facility complies with standards established
12 in administrative regulations promulgated by the board.

13 (13) Licenses established under this chapter shall be valid for a period of time to be
14 established by the board through the promulgation of administrative regulations.

15 (14) Licenses and permits issued by the board may be renewed beginning July 1 through
16 July 31 of each year.

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

18. 1. Upon submission and receipt of the application for renewal and the
19 required annual license fee; and
20. 2. If the application for renewal is otherwise in compliance with the
21 provisions of this chapter and the administrative regulations of the
22 board.

23 (b) Any license application postmarked after July 31 shall be considered expired,
24 and the appropriate restoration fee as required by administrative regulation of
25 the board shall apply.

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

1 (a) Cosmetologists shall retake and pass both the practical and theory
2 examination;

3 (b) Estheticians shall retake and pass both the practical and theory examination;

4 (c) Instructors of cosmetology or esthetic practices shall retake and pass both the
5 practical and theory examination;

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

7 (e) Providers of shampoo and style services shall retake and pass both the
8 practical and theory examination; and

9 (f) The appropriate restoration fee as set forth in administrative regulation of the
10 board shall be required.

11 (16) Guest artists or demonstrators appearing and demonstrating before persons other
12 than licensed cosmetologists, estheticians, nail technicians, and providers of
13 shampoo and style services shall apply for a permit that shall be in effect for ten
14 (10) days. Guest artists performing before a nonprofit, recognized professional
15 cosmetologists', estheticians', or cosmetology school or shampoo and style services'
16 or nail technicians' group shall apply for a permit, but shall not be required to pay
17 the fee.

18 (17) The board shall issue a permit for threading and may promulgate administrative
19 regulations that set out requirements for the practice of threading. Threading shall
20 be conducted in a licensed beauty salon or a facility with a permit to engage in
21 threading, and the board may promulgate administrative regulations for facilities
22 and the required sanitation standards. The permit shall be valid for a period of one
23 (1) year.

24 (18) The board shall issue a permit for eyelash artistry and may promulgate
25 administrative regulations that set out the requirements for the practice of eyelash
26 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
27 with a permit to engage in eyelash artistry, and the board may promulgate

1 administrative regulations for facilities, education, and the required sanitation
2 standards. The permit shall be valid for a period of one (1) year.

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

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

11 1. Sanitation standards;

12 2. Criteria for events that qualify;

13 3. Application requirements and fees; and

14 4. Any other requirements necessary to protect the public health and
15 safety.

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

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

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

26 ➔Section 4. 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 mobile salons and for the location and housing of

9 fixed[beauty] salons or cosmetology schools in the state. This subsection does

10 not apply to the instructional programs in cosmetology in the state area

11 vocational and technical schools;

12 (f) Set standards for the quantity and quality of equipment, supplies, materials,

13 records, and furnishings required in beauty salons, esthetic salons, nail salons,

14 and cosmetology, esthetic practices, and nail technology schools;

15 (g) Establish the qualifications of instructors of cosmetology, instructors of

16 esthetic practices, instructors of nail technology, and apprentice teachers;

17 (h) Establish requirements for the hours and courses of instruction at cosmetology

18 schools and esthetic practices schools and nail technology schools;

19 (i) Establish requirements for the examinations of applicants for licenses;

20 (j) Establish the requirements for the proper education and training of students;

21 (k) Address the course and conduct of school owners, instructors, instructor

22 training certificate holders, licensed cosmetologists, estheticians, nail

23 technicians, beauty salons, esthetic salons, nail salons, cosmetology schools,

24 schools of esthetic practices, and schools of nail technology;[and]

25 (l) Establish a code of ethics for persons licensed by the board; and

26 **(m) Establish the inspection criteria and schedule of inspections for mobile**

27 **salons.**

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

3 (3) Administrative regulations promulgated under this section shall not be unduly
4 burdensome and shall balance the needs of protecting the public against the
5 feasibility of the requirements imposed.

6 ➔Section 5. KRS 317A.145 is amended to read as follows:

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

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

16 (3) (a) *As used in this subsection, "premises" includes any type of mobile salon.*

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

25 ➤Section 6. KRS 317A.155 is amended to read as follows:

26 (1) As used in this section, "funeral establishment" means funeral establishment as
27 defined in KRS 316.010

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