

1 AN ACT relating to licensed professionals.

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

3 ➔Section 1. KRS 317.450 is amended to read as follows:

4 (1) (a) The board shall issue an apprentice license to practice barbing to any person
5 who:

- 6 1. Is at least seventeen and one-half (17-1/2) years of age;
- 7 2. Is of good moral character and temperate habit;
- 8 3. Possesses a high school diploma, a High School Equivalency Diploma,
9 or a transcript from an issuing institution that is recognized by the
10 educational authority in the state from which the diploma, certificate, or
11 transcript is issued;
- 12 4. Has graduated from a licensed school of barbing;
- 13 5. Has satisfactorily passed the apprentice examination prescribed by the
14 barber board, which shall include a practical assessment of the
15 applicant's skills, including but not limited to a taper haircut, shampoo,
16 straight razor facial shave, facial, and a chemical application; and
- 17 6. Has paid a fee as established in administrative regulations promulgated
18 by the board in accordance with KRS Chapter 13A.

19 (b) A barber shall serve an apprentice period of at least six (6) months but not
20 more than nine (9) months of continuous service from the effective date of the
21 license issued pursuant to paragraph (a) of this subsection.

22 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,
23 the board may, during the apprentice period, require a licensee to retake any
24 part or all of the written or practical examination, or both.

25 (d) At the end of the apprentice period, the board shall issue a license to practice
26 barbing to an apprentice licensee who has:

- 27 1. Satisfactorily passed the barber examination prescribed by the board by

1 administrative regulations promulgated in accordance with KRS Chapter
2 13A;[and]

3 2. *Submitted satisfactory proof that he or she has successfully completed*
4 *up to one (1) hour of online or in-person training provided by a*
5 *recognized statewide nonprofit antidomestic violence association. The*
6 *training shall be a one (1) time course with a focus on how to*
7 *recognize the signs of domestic violence, respond to these signs, and*
8 *refer a client to resources for victims of domestic violence; and*

9 (3) Complied with all other requirements of this subsection.

10 (e) The board may issue a barber license by endorsement to a resident of another
11 state, district, or territory within the United States of America upon payment
12 of a fee as established in administrative regulations promulgated by the board
13 in accordance with KRS Chapter 13A, and upon submission of satisfactory
14 evidence that the requirements for licensure in the other state are substantially
15 equivalent to the requirements of this state at the time of application. In the
16 absence of the required equivalency, an applicant from another state, district,
17 or territory within the United States of America, shall show proof of three (3)
18 years or more experience immediately before making application and be
19 currently licensed and in good standing with the state, district, or territory in
20 which he or she is licensed. The board may also require an applicant under
21 this section to pass a written and practical examination to establish
22 equivalency.

23 (f) *The board shall make the domestic violence training required in paragraph*
24 *(d) of this subsection available online at no cost to the attendee and shall*
25 *collaborate with ZeroV to develop the training materials.*

26 (g) *A person licensed under this chapter, and the employer of that licensee, who*
27 *responds to signs of domestic violence with a client, refers a client to*

1 *resources for victims of domestic violence, or fails to respond or refer a*
2 *client shall not be civilly or criminally liable for his or her actions or*
3 *inactions under this paragraph.*

4 (2) The board shall:

5 (a) Issue a license to operate a barber shop or mobile barber shop to any barber
6 licensed under the provisions of this chapter upon application and payment of
7 a fee as established in administrative regulations promulgated by the board in
8 accordance with KRS Chapter 13A;

9 (b) Refuse to issue the license upon a failure of the licensed barber to comply
10 with the provisions of this chapter or the administrative regulations
11 promulgated by the board;

12 (c) Allow the licensed owner of a barber shop or mobile barber shop, which is
13 licensed under this chapter, to rent or lease space in his or her barber shop to
14 an independent contract owner; and

15 (d) Allow an unlicensed owner of a barber shop to rent or lease space in his or her
16 barber shop to an independent contract owner, only if the shop owner has a
17 licensed barber as a manager of the shop at all times. If the owner, manager,
18 or location of a barber shop changes, the required form and fee shall be
19 submitted to the board.

20 (3) The board shall issue a license to operate a school of barbering to any person, firm,
21 or corporation who or which:

22 (a) Applies for a license upon forms furnished by the board;

23 (b) Has the equipment and facilities that may be required by administrative
24 regulations promulgated by the board;

25 (c) Has furnished adequate evidence to the board that:

26 1. There is an intent to establish a bona fide school for the education and
27 training of competent barbers; and

- 1 2. A sufficient number of teachers licensed by the board will be employed
2 to conduct the school, including at least one (1) teacher with a minimum
3 of twelve (12) months' experience teaching in a barber school that
4 includes administrative experience; and
- 5 (d) Pays a fee as established in administrative regulations promulgated by the
6 board in accordance with KRS Chapter 13A.
- 7 (4) The board shall issue a student permit to any person enrolled in a licensed barber
8 school upon payment of a fee as established in administrative regulations
9 promulgated by the board in accordance with KRS Chapter 13A.
- 10 (5) The board shall issue a license to teach barbering to any person who:
 - 11 (a) Is of good moral character and temperate habit;
 - 12 (b) Possesses a high school diploma or a High School Equivalency Diploma;
 - 13 (c) Has been a Kentucky-licensed and practicing barber for at least eighteen (18)
14 months;
 - 15 (d) Has satisfactorily passed the examination prescribed by the board by
16 promulgation of administrative regulations; and
 - 17 (e) Has paid a fee as established in administrative regulations promulgated by the
18 board in accordance with KRS Chapter 13A.
- 19 (6) The board shall issue a license to any barber who holds an independent contract
20 owner's license who:
 - 21 (a) Is of good moral character and temperate habit;
 - 22 (b) Possesses a high school diploma or a High School Equivalency Diploma;
 - 23 (c) Is a licensed and practicing barber under this chapter; and
 - 24 (d) Has paid a fee as established in administrative regulations promulgated by the
25 board in accordance with KRS Chapter 13A.
- 26 (7) The board shall issue a demonstration charity event permit to any licensed barber
27 who pays a fee as established in administrative regulations promulgated by the

1 board in accordance with KRS Chapter 13A.

2 (8) Applications for examination required in this section shall be accompanied by an
3 examination fee as established in administrative regulations promulgated by the
4 board in accordance with KRS Chapter 13A.

5 (9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire
6 on the first day of July next following the date of its issuance. A license shall
7 be renewed on June 1 through July 1 of each year.

8 (b) Any license shall automatically be renewed by the board:

9 1. Upon receipt of the application for renewal or duplicate renewal
10 application form and the required annual renewal license fee submitted
11 either in person or via written or electronic means; and

12 2. If the applicant for renewal is otherwise in compliance with the
13 provisions of this chapter and the administrative regulations of the
14 board.

15 (10) The annual renewal license fee for each type of license renewal shall be as
16 established in administrative regulations promulgated by the board in accordance
17 with KRS Chapter 13A.

18 (11) (a) The fee per year for the renewal of an expired license, if the period of
19 expiration does not exceed five (5) years, shall be as established by
20 administrative regulations promulgated by the board in accordance with KRS
21 Chapter 13A.

22 (b) An applicant who fails to renew a license within five (5) years of its
23 expiration shall comply with the requirements for relicensure established by
24 the board through promulgation of administrative regulations in accordance
25 with KRS Chapter 13A.

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

27 (1) All applicants for licensure under this chapter shall meet the following minimum

1 requirements:

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

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

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

7 (d) Have submitted the completed application along with the required license fee
8 as set forth in administrative regulation; and

9 (e) 1. Have submitted satisfactory proof that the applicant successfully
10 completed up to one (1) hour of online or in-person training provided
11 by a recognized statewide nonprofit antidomestic violence association.

12 2. The one (1) time training shall focus on how to recognize the signs of
13 domestic violence, respond to these signs, and refer a client to
14 resources for victims of domestic violence.

15 3. The board shall make the required domestic violence training
16 available online at no cost to the attendee and shall collaborate with
17 ZeroV to develop the training materials.

18 4. A person licensed under this chapter, and the employer of that
19 licensee, who responds to signs of domestic violence with a client,
20 refers a client to resources for victims of domestic violence, or fails to
21 respond or refer a client shall not be civilly or criminally liable for his
22 or her actions or inactions under this paragraph under this
23 paragraph.

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

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

- (a) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has graduated from a licensed school of cosmetology requiring one thousand five hundred (1,500) hours within five (5) years of enrolling within the school; and
- (b) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology.

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

- (a) Has satisfactorily completed seven hundred fifty (750) hours of instruction in a licensed school approved by the board; and
- (b) Has received a satisfactory grade on an examination prescribed by the board to determine fitness to practice as an esthetician.

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

- (a) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has completed satisfactorily a nail technician course of study of four hundred fifty (450) hours in a licensed school of cosmetology within five (5) years of submitting an application for licensure; and
- (b) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician.

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

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

1 esthetician or cosmetologist as manager of the esthetic salon at all times. If the
2 owner, manager, or location of an esthetic salon changes, the required form
3 and fee shall be submitted to the board.

4 (c) The board shall issue a license to operate a nail salon to any licensed nail
5 technician. An owner who is not a licensed nail technician shall have a
6 licensed nail technician or cosmetologist as manager of the nail salon at all
7 times. If the owner, manager, or location of a nail salon changes, the required
8 form and fee shall be submitted to the board.

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

11 (a) Has held a current cosmetologist, esthetician, or nail technician license for at
12 least one (1) year; and

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

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

24 (a) Has held a current cosmetologist license and an instructor training certificate
25 for at least four and one-half (4.5) months; and

26 (b) Has satisfactorily passed the examination for the teaching of cosmetology as
27 prescribed by the board.

- 1 (9) The board shall issue a license to teach esthetic practices to any person who:
 - 2 (a) Has held a current esthetician license and an instructor training certificate for
3 at least four and one-half (4.5) months;
 - 4 (b) Has completed fifty (50) hours in esthetics training within the last two (2)
5 years; and
 - 6 (c) Has satisfactorily passed the examination for the teaching of esthetic practices
7 as prescribed by the board.
- 8 (10) The board shall issue a license to teach nail technology to any person who:
 - 9 (a) Has held a current nail technician license and an instructor training certificate
10 for at least four and one-half (4.5) months;
 - 11 (b) Has completed fifty (50) hours in nail technology training within the last two
12 (2) years; and
 - 13 (c) Has satisfactorily passed the examination for the teaching of nail technology
14 as prescribed by the board.
- 15 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall
16 issue a license to operate a school of cosmetology or a school of esthetic
17 practices or a school of nail technology to any person who has as manager at
18 all times a person who is:
 - 19 1. Licensed as an instructor;
 - 20 2. Charged with the responsibility of ensuring that all applicable statutes
21 and administrative regulations are complied with; and
 - 22 3. Responsible for having a sufficient number of licensed instructors of
23 cosmetology or esthetic practices or nail technology to conduct the
24 school.
- 25 (b) Any student enrolling in the school shall pay the fee set forth in administrative
26 regulation to the board before enrollment in the school shall be allowed.
- 27 (c) The transfer of any license to operate a school of cosmetology or esthetic

1 practices or nail technology shall require the board's approval and shall
2 become effective upon submitting the required form and fee to the board.

3 (12) (a) The board shall issue a license to provide shampoo and style services to any
4 person who:

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

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

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

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

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

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

- 22 1. Upon submission and receipt of the application for renewal and the
23 required annual license fee; and
- 24 2. If the application for renewal is otherwise in compliance with the
25 provisions of this chapter and the administrative regulations of the
26 board.

27 (b) Any license application postmarked after July 31 shall be considered expired,

1 and the appropriate restoration fee as required by administrative regulation of
2 the board shall apply.

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

5 (a) Cosmetologists shall retake and pass both the practical and theory
6 examination;

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

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

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

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

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

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

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

- 1 (18) The board shall issue a permit for eyelash artistry and may promulgate
2 administrative regulations that set out the requirements for the practice of eyelash
3 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
4 with a permit to engage in eyelash artistry, and the board may promulgate
5 administrative regulations for facilities, education, and the required sanitation
6 standards. The permit shall be valid for a period of one (1) year.
- 7 (19) The board shall issue a permit for makeup artistry and may promulgate
8 administrative regulations that set out requirements for the practice of makeup
9 artistry and required sanitation standards. The permit shall be valid for a period of
10 one (1) year.
- 11 (20) (a) The board may issue a permit for temporary event services to a Kentucky-
12 licensed cosmetologist, esthetician, limited stylist, or nail technician and shall
13 promulgate administrative regulations that set out requirements for issuance
14 of a temporary event services permit including:
 - 15 1. Sanitation standards;
 - 16 2. Criteria for events that qualify;
 - 17 3. Application requirements and fees; and
 - 18 4. Any other requirements necessary to protect the public health and
19 safety.
- 20 (b) The temporary event services permit shall be valid only for the specific dates
21 and locations requested.
- 22 (c) No person other than a Kentucky-licensed cosmetologist, esthetician, limited
23 stylist, or nail technician shall perform services at a temporary event services
24 location, and no licensee shall perform services other than those authorized by
25 his or her respective license pursuant to KRS 317A.020.
- 26 (d) The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail
27 technician holding a temporary event services permit shall be liable for any

1 violation of KRS Chapter 317A or administrative regulations promulgated
2 under KRS Chapter 317A that occurs at the temporary event services location.