

1 AN ACT relating to cosmetology.

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 **(1) A licensee shall not perform any service that goes beyond the stratum**
6 **germinativum layer, also known as the basal layer of the epidermis, unless**
7 **practicing under the direct supervision of:**

8 **(a) A licensed physician; or**

9 **(b) An advanced practice registered nurse as defined in KRS 314.011.**

10 **(2) A licensee shall not perform any service regulated by another state board or**
11 **agency without the appropriate licensing for that service. For the purpose of this**
12 **subsection, "service" includes but is not limited to:**

13 **(a) Permanent makeup;**

14 **(b) Microblading; and**

15 **(c) Piercing.**

16 ➔Section 2. KRS 317A.010 is amended to read as follows:

17 As used in this chapter, unless the context requires otherwise:

18 (1) "Beauty salon" means any establishment, **fixed or mobile**, in which the practice of
19 cosmetology is conducted for the general public or for consideration;

20 (2) "Board" means the Kentucky Board of Cosmetology;

21 (3) "Cosmetologist" means a person who engages in the practice of cosmetology for the
22 public generally or for consideration, regardless of the name under which the
23 practice is conducted;

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

25 (a) Hair styling;

26 (b) Esthetics; and

27 (c) Nail technology.

- 1 The practice of cosmetology does not include acts performed incident to treatment
2 of an illness or a disease;
- 3 (5) "Cosmetology school" or "school of cosmetology" means any operation, place, or
4 establishment in or through which persons are trained or taught the practice of
5 cosmetology, esthetic practices, and nail technology;
- 6 (6) "Esthetician" means a person who is licensed by the board to engage in esthetic
7 practices in the Commonwealth of Kentucky;
- 8 (7) "Esthetic practices" means one (1) or more of the following acts:
- 9 (a) Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup,
10 removal of superfluous hair, stimulation, tinting, tweezing, or waxing;
- 11 (b) Eyelash tinting, artificial eyelashes, or eyelash extensions;
- 12 (c) Use of lotions, creams, oils, antiseptics, or depilatories;
- 13 (d) Massaging the skin; and
- 14 (e) Providing preoperative and postoperative esthetic skin care, either referred by
15 or supervised by a medical professional, unless these acts are performed
16 incident to:
- 17 1. Treatment of an illness or a disease;
- 18 2. Work as a student in a board-approved school; or
- 19 3. Work performed by a licensed massage therapist;
- 20 (8) "Esthetic practices school" or "school of esthetic practices" means any operation,
21 place, or establishment in or through which persons are trained in esthetic practices;
- 22 (9) "Esthetic salon" means any establishment, fixed or mobile~~[a place]~~ where an
23 esthetician performs esthetic practices;
- 24 (10) "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash
25 extensions to natural eyelashes;
- 26 (11) "Fixed salon" means a licensed, stationary, physical establishment where a
27 person licensed under this chapter practices cosmetology or any other service

1 **licensed or permitted under this chapter;**

2 **(12)** "Hair styling" means the practice of:

3 (a) Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting,
4 dressing, manipulating, permanent waving, singeing, tinting, or trimming of
5 natural or artificial hair;

6 (b) Use of lotions, creams, and antiseptics; and

7 (c) Massaging and stimulation of the scalp;

8 **(13)**~~(12)~~ "Instructor" means any individual licensed to teach cosmetology, esthetics, or
9 nail technology who holds a corresponding license in cosmetology, esthetics
10 practice, or nail technology;

11 **(14)**~~(13)~~ "Limited facility~~beauty salon~~" means any establishment in which the
12 practice of shampoo and style services, makeup artistry, eyelash artistry,~~or~~
13 threading, or any other service licensed or permitted under this chapter is~~are~~
14 conducted for the general public or for consideration;

15 **(15)**~~(14)~~ "Limited stylist" means an individual licensed to perform shampoo and style
16 services;

17 **(16)**~~(15)~~ (a) "Makeup artistry" means applying cosmetic products to the face and
18 body.

19 (b) "Makeup artistry" includes:

20 1. Corrective and camouflage techniques; and

21 2. Airbrushing.

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

23 1. Face painting at carnivals or fairs; or

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

25 **(17) "Mobile salon":**

26 **(a) Means a licensed structure that moves on wheels where a person licensed**
27 **under this chapter practices cosmetology or any other service licensed or**

1 permitted under this chapter; and

2 (b) Does not mean a licensed individual performing services at different
3 locations that are not licensed by this chapter;

4 (18)[(16)] "Nail salon" means any establishment, fixed or mobile, in which the practice
5 of nail technology only is conducted for the general public or for consideration;

6 (19)[(17)] "Nail technician" means a person who practices nail technology, including
7 manicuring and pedicuring real and artificial nails for the purpose of beautifying,
8 for the general public or for consideration. Manicuring and pedicuring real and
9 artificial nails for the purpose of beautifying includes:

10 (a) Cleaning;

11 (b) Trimming;

12 (c) Cutting;

13 (d) Shaping;

14 (e) Sculpting;

15 (f) Polishing; and

16 (g) Massaging the hands and feet of any human, for which a license is required by
17 this chapter;

18 (20)[(18)] "Nail technology school" or "school of nail technology" means any operation,
19 place, or establishment in or through which persons are trained in nail technology;

20 (21)[(19)] (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,
21 extending, locking, or braiding hair by hand or with mechanical devices.
22 Natural hair braiding is commonly known as "African-style hair braiding" but
23 is not limited to any particular cultural, ethnic, racial, or religious forms of
24 hair styles.

25 (b) "Natural hair braiding" includes:

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

- 1 2. Minor trimming of natural hair or hair extensions incidental to twisting,
2 wrapping, weaving, extending, locking, or braiding hair;
- 3 3. The use of topical agents such as conditioners, gels, moisturizers, oils,
4 pomades, and shampoos; and
- 5 4. The making of wigs from natural hair, natural fibers, synthetic fibers,
6 and hair extensions.
- 7 (c) "Natural hair braiding" does not include:
- 8 1. The application of dyes, reactive chemicals, or other preparation to alter
9 the color of the hair or to straighten, curl, or alter the structure of the
10 hair; or
- 11 2. The use of chemical hair joining agents such as synthetic tape, keratin
12 bonds, or fusion bonds.
- 13 (d) For the purposes of this subsection, "mechanical devices" means clips, combs,
14 curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair
15 binders;
- 16 ~~(22)~~~~(20)~~ (a) "Shampoo and style services" means beautifying, cleaning, or arranging
17 the hair of an individual for consideration~~[only at a limited beauty salon]~~.
- 18 (b) "Shampoo and style services" includes any of the following services
19 performed on an individual's hair:
- 20 1. Arranging;
- 21 2. Cleaning;
- 22 3. Curling;
- 23 4. Dressing;
- 24 5. Blow drying; or
- 25 6. Performing any other similar procedure.
- 26 (c) "Shampoo and style services" does not include any service that:
- 27 1. Is popularly known as a Brazilian blowout;

- 1 2. Includes color services, cutting, lightening, or chemically treating hair;
2 or
3 3. Otherwise falls under the practice of cosmetology, except as authorized
4 in paragraph (b) of this subsection; and

5 ~~(23)~~~~(21)~~ "Threading" means the process of removing hair from below the eyebrow by
6 use of a thread woven through the hair to be removed.

7 ➔Section 3. KRS 317A.020 is amended to read as follows:

8 (1) ~~A~~~~no~~ person shall ***not*** engage in the practice of cosmetology, esthetic practices, or
9 nail technology for other than cosmetic purposes nor shall any person engage in the
10 practice of cosmetology, esthetic practices, or nail technology for the treatment of
11 physical or mental ailments. This chapter does not apply to:

12 (a) Persons authorized by the law of this state to practice medicine, podiatry,
13 optometry, dentistry, chiropractic, nursing, or embalming who perform
14 incidental practices of cosmetology, esthetic practices, and nail technology in
15 the normal course of the practice of their profession;

16 (b) Commissioned medical or surgical personnel of the United States Armed
17 Forces who perform incidental practices of cosmetology, esthetic practices, or
18 nail technology in the course of their duties; ***and***

19 (c) Cosmetology, esthetic practices, or nail technology services performed at an
20 institution operated or under contract to the Department of Corrections or the
21 Department of Juvenile Justice; ~~and~~

22 ~~(d) Persons engaged in natural hair braiding].~~

23 (2) Except as provided in subsection (1) of this section, ~~a~~~~no~~ person shall ***not*** engage
24 in the practice of cosmetology, esthetic practices, or nail technology for the public,
25 generally, or for consideration without the appropriate license required by this
26 chapter.

27 (3) ***(a)*** ~~A~~~~no~~ person, unless duly and properly licensed ***or permitted*** pursuant to this

1 chapter, shall ***not***:

2 ~~1. (a)~~ ***Act as a cosmetologist***~~[Teach cosmetology, esthetic practices, or~~
3 ~~nail technology];~~

4 ~~2. (b)~~ Operate a beauty salon;

5 ~~3. (c)~~ Operate an esthetic salon;

6 ~~4. (d)~~ Act as an esthetician;

7 ~~5. (e)~~ Operate a nail salon;

8 ~~6. (f)~~ Act as a nail technician; ~~or~~

9 ~~7. (g)~~ Conduct or operate a school for cosmetologists, estheticians, or
10 nail technicians; ***or***

11 ***8. Perform any other service regulated by this chapter.***

12 ***(b) 1. Any person who practices, offers or attempts to practice, or holds***
13 ***oneself out to practice cosmetology, esthetics, nail technology,***
14 ***shampoo styling, or any other practice regulated by this chapter***
15 ***without being licensed or permitted by this chapter shall, in addition to***
16 ***any other penalty provided by law, pay an administrative penalty to the***
17 ***board in an amount not to exceed one thousand five hundred dollars***
18 ***(\$1,500) for each offense as determined by the board.***

19 ***2. The administrative penalty shall be assessed by the board in a ruling***
20 ***after an administrative hearing is held in accordance with Section 7 of***
21 ***this Act and KRS Chapter 13B.***

22 ***(c) The board has the authority and power to investigate any and all unlicensed***
23 ***activity involving services licensed under this chapter.***

24 ***(d) The administrative penalty shall be paid within sixty (60) days after the***
25 ***effective date of the order imposing the administrative penalty. The order***
26 ***shall constitute a judgment and may be filed and executed in the same***
27 ***manner as any judgment from any court of record.***

- 1 (4) ~~A~~~~[No]~~ person shall ***not*** aid or abet any person in violating this section, nor shall any
 2 person engage or employ for consideration any person to perform any practice
 3 licensed ***or permitted*** by this chapter unless the person to perform the practice holds
 4 and displays the appropriate license ***or permit***.
- 5 (5) ***A licensed cosmetology, esthetic, or nail technology practice instructor, licensed***
 6 ***cosmetologist, licensed esthetician, licensed nail technician, licensed shampoo***
 7 ***stylist, or permit holder***~~[No licensed cosmetology or esthetic practices instructors,~~
 8 ~~licensed cosmetologists, licensed estheticians, or licensed nail technicians]~~ shall ***not***
 9 hold clinics for teaching or demonstrating for personal profit, either monetary or
 10 otherwise, if the clinics are not sponsored by a recognized professional
 11 cosmetologist's, esthetician's, or nail technician's group, ***or other beauty specialty***
 12 ***group for a service that requires a license or permit under this chapter***.
- 13 (6) Whenever a person engages in different practices separately licensed, certified, or
 14 permitted by this chapter, that person shall procure a separate license, certificate, or
 15 permit for each of the practices in which the person engages.
- 16 (7) The board shall:
- 17 (a) Govern all issues related to this chapter;
- 18 (b) Investigate alleged violations brought to its attention, conduct investigations,
 19 and schedule and conduct administrative hearings in accordance with KRS
 20 Chapter 13B to enforce the provisions of this chapter and administrative
 21 regulations promulgated pursuant to this chapter;
- 22 (c) Administer oaths, receive evidence, interview persons, and require the
 23 production of books, papers, documents, or other evidence; and
- 24 (d) Have the authority to take emergency action affecting the legal rights, duties,
 25 privileges, or immunities of named persons without a hearing to stop, prevent,
 26 or avoid an immediate danger to the public health, safety, or welfare, in
 27 accordance with KRS 13B.125(1), subject to the following:

- 1 1. An emergency order shall be based upon verified probable cause or
2 substantial evidence, documented by the board, that the emergency
3 order is in the interest of public health, welfare, and safety of any
4 customer, patient, or the general public; and
- 5 2. Upon the issuance of an emergency order, the board shall comply with
6 the administrative hearing procedures in KRS 13B.125(3) to determine
7 the reinstatement of operations of the licensed facility.
- 8 (8) (a) Unless a documented and verified violation creates an immediate and present
9 danger to the health and safety of the public, a warning notice shall be first
10 issued prior to imposing incremental punitive action against an otherwise
11 lawful salon. The warning notice shall include a specific and detailed
12 description of the violation and the specific remediation required to bring the
13 salon into compliance.
- 14 (b) It shall be deemed an immediate and present danger to the health and safety of
15 the public if it is documented and verified that a licensee knowingly employs
16 or utilizes the services of an unlicensed individual.
- 17 (9) The board may:
- 18 (a) Bring and maintain actions in its own name to enjoin any person in violation
19 of any provision of this chapter. These actions shall be brought in the Circuit
20 Court of the county where the violation is alleged to have occurred; and
- 21 (b) Refer violations of this chapter **and any potential violations of other chapters**
22 **relating to the practice of cosmetology or any other practice regulated by**
23 **this chapter** to county attorneys, Commonwealth's attorneys, and to the
24 Attorney General, **or any other applicable enforcement arm**[-.
- 25 ~~(10) Nothing in this section shall be construed to prohibit an instructor, student,~~
26 ~~cosmetologist, or nail technician from using callus graters for callus removal, and~~
27 ~~the board shall not promulgate any administrative regulation prohibiting the use of~~

1 ~~callus graters for callus removal].~~

2 ➔Section 4. KRS 317A.030 is amended to read as follows:

3 (1) There is created an independent agency of the state government to be known as the
4 Kentucky Board of Cosmetology, which shall have complete supervision over the
5 administration of the provisions of this chapter relating to the:

6 (a) Practice of cosmetology, esthetics, and nail technology;

7 (b) Instruction of cosmetology, esthetics, and nail technology;

8 (c) Salons where cosmetology, esthetics, and nail technology are practiced;

9 (d) Schools where cosmetology, esthetics, and nail technology are taught; and

10 (e) Practice, instruction, limited facility, or specialized course for any subset
11 skill of cosmetology, esthetics, or nail technology~~cosmetology,~~

12 ~~cosmetologists, schools of cosmetology, or esthetic practices or nail~~
13 ~~technology, students, estheticians, nail technicians, instructors of~~
14 ~~cosmetology, instructors of esthetic practices, or instructors of nail~~
15 ~~technology, cosmetology salons, esthetic salons, and nail salons].~~

16 (2) The board shall be composed of seven (7) members appointed by the Governor as
17 follows:

18 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
19 their appointment and shall reside in Kentucky:

20 1. Two (2) of whom shall be cosmetology salon owners;

21 2. One (1) of whom shall be a cosmetology teacher in public education and
22 shall not own any interest in a cosmetology salon; and

23 3. One (1) of whom shall be an owner of or one who shall have a financial
24 interest in a licensed cosmetology school and shall be a member of a
25 nationally recognized association of cosmetologists;

26 (b) One (1) member shall be a licensed nail technician;

27 (c) One (1) member shall be a licensed esthetician;

- 1 (d) One (1) member shall be a citizen at large who is not associated with or
 2 financially interested in the practices or businesses regulated; and
 3 (e) None of whom nor the executive director shall be financially interested in, or
 4 have any financial connection with, wholesale cosmetic supply or equipment
 5 businesses.

6 At all times in the filling of vacancies of membership on the board, this balance of
 7 representation shall be maintained.

- 8 (3) Appointments shall be for a term of two (2) years, ending on February 1.
 9 (4) The Governor shall not remove any member of the board except for cause.
 10 (5) The board shall elect from its members a chair, a vice chair, and a secretary.
 11 (6) Four (4) members shall constitute a quorum for the transaction of any board
 12 business.
 13 (7) Each member of the board shall receive one hundred dollars (\$100) per day for each
 14 day of attendance at board meetings, and shall be reimbursed for necessary
 15 traveling expenses and necessary expenses incurred in the performance of duties
 16 pertaining to official business of the board.
 17 (8) The board shall hold meetings at the place in the state and at the times deemed
 18 necessary by the board to discharge its duties.

19 ➔Section 5. KRS 317A.050 is amended to read as follows:

- 20 (1) All applicants for licensure under this chapter shall meet the following minimum
 21 requirements:
 22 (a) ~~Be of good moral character and temperate habit;~~
 23 ~~(b) Be at least eighteen (18) years of age;~~
 24 **(b) Have a diploma, transcript, or examination that reflects completion of**
 25 **secondary education approximate to the twelfth grade in public schools in**
 26 **the United States**~~[(c) Have a high school diploma, a High School~~
 27 ~~Equivalency Diploma, or results from the Test for Adult Basic Education~~

- 1 ~~indicating a score equivalent to the twelfth grade of high school~~; and
- 2 ~~(c)~~~~(d)~~ Have submitted the completed application along with the required
- 3 license fee as set forth in administrative regulation.
- 4 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
- 5 license ***or permit*** to any applicant who fails to comply with the provisions of this
- 6 chapter or any administrative regulations promulgated by the board.
- 7 (3) The board shall issue a cosmetologist license to any person who:
- 8 (a) Has official certification from the state board or agency that certifies
- 9 cosmetology schools that the applicant has ***satisfactorily completed***~~graduated~~
- 10 ~~from a licensed school of cosmetology requiring~~ one thousand five hundred
- 11 (1,500) hours within five (5) years of enrolling within the school; and
- 12 (b) Has satisfactorily passed an examination prescribed by the board to determine
- 13 fitness to practice cosmetology.
- 14 (4) The board shall issue an esthetician license to any person who:
- 15 (a) Has ***official certification from the state board or agency that certifies***
- 16 ***cosmetology schools that the applicant has*** satisfactorily completed seven
- 17 hundred fifty (750) hours of instruction in a licensed school ***within five (5)***
- 18 ***years of enrolling within the school***~~approved by the board~~; and
- 19 (b) Has ***satisfactorily passed***~~received a satisfactory grade on~~ an examination
- 20 prescribed by the board to determine fitness to practice as an esthetician.
- 21 (5) The board shall issue a license to act as a nail technician to any person who:
- 22 (a) Has official certification from the state board or agency that certifies
- 23 cosmetology schools that the applicant has completed satisfactorily a nail
- 24 technician course of study of four hundred fifty (450) hours in a licensed
- 25 school of cosmetology within five (5) years of ***enrolling within the***
- 26 ***school***~~submitting an application for licensure~~; and
- 27 (b) Has satisfactorily passed an examination prescribed by the board to determine

1 fitness to practice as a nail technician.

2 (6) The board shall issue a license to operate a ***fixed or mobile*** salon as follows:

3 (a) The board shall issue a license to operate a beauty salon to any licensed
4 cosmetologist. An owner who is not a licensed cosmetologist shall have a
5 licensed cosmetologist as manager of the beauty salon at all times. If the
6 owner, manager, or location of a beauty salon changes, the required form and
7 fee shall be submitted to the board;~~[-]~~

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

13 (c) The board shall issue a license to operate a nail salon to any licensed nail
14 technician. An owner who is not a licensed nail technician shall have a
15 licensed nail technician or cosmetologist as manager of the nail salon at all
16 times. If the owner, manager, or location of a nail salon changes, the required
17 form and fee shall be submitted to the board; ***and***

18 ***The board shall issue a license to operate a limited facility to anyone with***
19 ***an applicable license or permit prescribed by administrative regulation. An***
20 ***owner who is not licensed or permitted shall have someone with an***
21 ***applicable license or permit as manager of the limited facility at all times. If***
22 ***the owner, manager, or location changes, the required form and fee shall be***
23 ***submitted to the board.***

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

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

1 (b) Has submitted an application that has been signed by the owners of the school
2 in which the applicant will study. The course of instruction shall be for a
3 period of seven hundred fifty (750) hours and not less than four and one-half
4 (4.5) months at one (1) school providing this instruction. The school owner
5 shall verify to the board the completion of seven hundred fifty (750) hours.
6 For out-of-state verification, an applicant shall provide official certification
7 from the board or agency that certifies schools in that other state of licensure
8 verifying the applicant has completed a course of instruction consisting of at
9 least seven hundred fifty (750) hours and not less than four and one-half (4.5)
10 months at one (1) school providing the instruction.

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

12 (a) Has held a current cosmetologist license and an instructor training certificate
13 for at least seven hundred fifty (750) hours~~[four and one half (4.5) months];~~
14 and

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

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

18 (a) Has held a current esthetician license and an instructor training certificate for
19 seven hundred fifty (750) hours~~[at least four and one half (4.5) months];~~

20 ~~(b) Has completed fifty (50) hours in esthetics training within the last two (2)~~
21 ~~years;~~ and

22 ~~(b)~~~~(c)~~ Has satisfactorily passed the examination for the teaching of esthetic
23 practices as prescribed by the board.

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

25 (a) Has held a current nail technician license and an instructor training certificate
26 for at least seven hundred fifty (750) hours~~[four and one half (4.5) months];~~

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

1 ~~(2) years;~~ and

2 ~~(b)(e)~~ Has satisfactorily passed the examination for the teaching of nail
3 technology as prescribed by the board.

4 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall
5 issue a license to operate a school of cosmetology or a school of esthetic
6 practices or a school of nail technology to any person who has as manager at
7 all times a person who is:

- 8 1. Licensed as an instructor;
- 9 2. Charged with the responsibility of ensuring that all applicable statutes
10 and administrative regulations are complied with; and
- 11 3. Responsible for having a sufficient number of licensed instructors of
12 cosmetology or esthetic practices or nail technology to conduct the
13 school.

14 (b) Any student enrolling in the school shall pay the fee set forth in administrative
15 regulation to the board before enrollment in the school shall be allowed.

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

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

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

27 (b) The board shall issue a license to operate a limited facility~~[beauty salon]~~ to

1 any person:

- 2 1. Who is licensed to provide shampoo and style services or who employs
3 at least one (1) person licensed to provide shampoo and style services at
4 the limited facility~~[beauty salon]~~; and
- 5 2. Whose limited~~[beauty salon]~~ facility complies with standards
6 established in administrative regulations promulgated by the board.

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

9 (14) Licenses and permits issued by the board may be renewed beginning July 1 through
10 July 31 of each license period prescribed by administrative regulation
11 promulgated by the board~~[year]~~.

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

- 13 1. Upon submission and receipt of the application for renewal and the
14 required annual license fee; and
- 15 2. If the application for renewal is otherwise in compliance with the
16 provisions of this chapter and the administrative regulations of the
17 board.

18 (b) Any license application electronically submitted or postmarked after July 31
19 shall be considered expired, and the appropriate restoration fee as required by
20 administrative regulation of the board shall apply.

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

- 23 (a) Cosmetologists shall retake and pass both the practical and theory
24 examination;
- 25 (b) Estheticians shall retake and pass both the practical and theory examination;
- 26 (c) Instructors of cosmetology or esthetic practices shall retake and pass both the
27 practical and theory examination;

- 1 (d) Nail technicians shall retake and pass the practical and theory examination;
- 2 (e) Providers of shampoo and style services shall retake and pass both the
3 practical and theory examination; and
- 4 (f) The appropriate restoration fee as set forth in administrative regulation of the
5 board shall be required.
- 6 (16) Guest artists or demonstrators appearing and demonstrating before persons other
7 than licensed cosmetologists, estheticians, nail technicians, and providers of
8 shampoo and style services shall apply for a permit that shall be in effect for ten
9 (10) days. Guest artists performing before a nonprofit, recognized professional
10 cosmetologists', estheticians', or cosmetology school or shampoo and style services'
11 or nail technicians' group shall apply for a permit, but shall not be required to pay
12 the fee.
- 13 (17) The board shall issue a permit for threading and may promulgate administrative
14 regulations that set out requirements for the practice of threading. Threading shall
15 be conducted in a licensed beauty salon or a facility with a permit to engage in
16 threading, and the board may promulgate administrative regulations for facilities
17 and the required sanitation standards. The permit shall be valid for the renewal
18 period prescribed by administrative regulation promulgated by the board~~[a period~~
19 ~~of one (1) year]~~.
- 20 (18) The board shall issue a permit for eyelash artistry and may promulgate
21 administrative regulations that set out the requirements for the practice of eyelash
22 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
23 with a permit to engage in eyelash artistry, and the board may promulgate
24 administrative regulations for facilities, education, and the required sanitation
25 standards. The permit shall be valid for the renewal period prescribed by
26 administrative regulation promulgated by the board~~[a period of one (1) year]~~.
- 27 (19) The board shall issue a permit for makeup artistry and may promulgate

1 administrative regulations that set out requirements for the practice of makeup
 2 artistry and required sanitation standards. The permit shall be valid for the renewal
 3 period to be prescribed by administrative regulation promulgated by the board ~~for a~~
 4 ~~period of one (1) year~~.

5 (20) (a) The board shall issue a permit for natural hair braiding and may
 6 promulgate administrative regulations in accordance with KRS Chapter
 7 13A to set out sanitation standards for the practice of natural hair braiding
 8 in licensed, non-residential facilities with other professionals licensed under
 9 this chapter. The permit shall be valid for the renewal period prescribed by
 10 administrative regulation promulgated by the board.

11 (b) For a person practicing natural hair braiding, this chapter shall not be
 12 construed to require:

13 1. A salon or other facility license, if working out of their home;

14 2. A limited facility license, if only working with other natural hair
 15 braiders; or

16 3. Cosmetology instruction hours beyond a sanitation course.

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

21 1. Sanitation standards;

22 2. Criteria for events that qualify;

23 3. Application requirements and fees; and

24 4. Any other requirements necessary to protect the public health and
 25 safety.

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

1 (c) ~~A[n]~~ person other than a Kentucky-licensed cosmetologist, esthetician,
 2 limited stylist, or nail technician shall ***not*** perform services at a temporary
 3 event services location, and ~~a[n]~~ licensee shall ***not*** perform services other
 4 than those authorized by his or her respective license pursuant to KRS
 5 317A.020.

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

10 ➔Section 6. KRS 317A.060 is amended to read as follows:

11 (1) The board shall promulgate administrative regulations including but not limited to
 12 administrative regulations that:

13 (a) Protect the health and safety of the public;

14 (b) Protect the public against incompetent or unethical practice,
 15 misrepresentation, deceit, or fraud in the practice or teaching of beauty
 16 culture;

17 (c) Set standards for the operation of the schools and ***all*** salons;

18 (d) Protect the students under this chapter;

19 (e) Set standards for ***mobile salons and for*** the location and housing of
 20 ***fixed***~~beauty~~ salons or cosmetology schools in the state. This subsection does
 21 not apply to the instructional programs in cosmetology in the state area
 22 vocational and technical schools;

23 (f) Set standards for the quantity and quality of equipment, supplies, materials,
 24 records, and furnishings required in beauty salons, esthetic salons, nail salons,
 25 and cosmetology, esthetic practices,~~and~~ nail technology schools, ***and***
 26 ***limited facilities***;

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

- 1 esthetic practices, instructors of nail technology, and apprentice teachers;
- 2 (h) Establish requirements for the hours and courses of instruction at cosmetology
- 3 schools and esthetic practices schools and nail technology schools;
- 4 (i) Establish requirements for the examinations of applicants for licenses;
- 5 (j) Establish the requirements for the proper education and training of students;
- 6 (k) Address the course and conduct of license and permit holders under this
- 7 chapter~~[school owners, instructors, instructor training certificate holders,~~
- 8 ~~licensed cosmetologists, estheticians, nail technicians, beauty salons, esthetic~~
- 9 ~~salons, nail salons, cosmetology schools, schools of esthetic practices, and~~
- 10 ~~schools of nail technology];~~ ~~and~~
- 11 (l) Establish a code of professional conduct~~[ethics]~~ for persons licensed and
- 12 permitted by the board; and
- 13 (m) Establish the inspection criteria and inspections for fixed and mobile
- 14 salons.
- 15 (2) Administrative regulations pertaining to health and sanitation shall be approved by
- 16 the Cabinet for Health and Family Services before becoming effective.
- 17 (3) Administrative regulations promulgated under this section shall not be unduly
- 18 burdensome and shall balance the needs of protecting the public against the
- 19 feasibility of the requirements imposed.
- 20 ➔Section 7. KRS 317A.070 is amended to read as follows:
- 21 (1) The board shall hold hearings upon the request of any licensee or applicant directly
- 22 affected by the board's decision to refuse to issue or renew a license or permit, or to
- 23 deny, suspend, probate, fine, or revoke a license or permit. A licensee or applicant
- 24 shall request a hearing within thirty (30) days of the board's notice that it seeks to
- 25 refuse to issue or renew a license or permit, or to deny, suspend, probate, fine, or
- 26 revoke a license or permit. The hearing shall be conducted in accordance with KRS
- 27 Chapter 13B.

1 (2) *The board shall hold hearings upon the request of an unlicensed party facing*
 2 *penalties under this chapter. The unlicensed party shall request a hearing within*
 3 *thirty (30) days of the board's notice that a penalty may be issued. The hearing*
 4 *shall be conducted in accordance with KRS Chapter 13B.*

5 (3) Rulings of the board as a result of any hearing may be appealed to the Franklin
 6 Circuit Court in accordance with KRS Chapter 13B.

7 ➔Section 8. KRS 317A.090 is amended to read as follows:

8 ~~A~~ ~~license~~ shall ***not*** be issued or renewed by the board to any cosmetology school or
 9 school of esthetic practices or school of nail technology unless such school provides:

10 (1) The name of the proposed school;

11 (2) *The ability to effectively and independently administer the school, reflecting*
 12 *knowledge of the law in this chapter and administrative regulations prescribed by*
 13 *the board*~~[A statement that the proposed school is authorized to operate educational~~
 14 ~~programs beyond secondary education];~~

15 (3) As a prerequisite of graduation, a prescribed course of instruction of not less than
 16 one thousand five hundred (1,500) hours for a cosmetology school or seven
 17 hundred fifty (750) hours for a school of esthetic practices, or four hundred fifty
 18 (450) hours for a school of nail technology;

19 (4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of
 20 the face and neck; elementary chemistry with emphasis on sterilization, diseases of
 21 the skin, hair, and glands, and massaging and manipulating of the muscles of the
 22 upper body; cutting, shaving, arranging, dressing, chemical treatment of the hair
 23 and such other courses as may be prescribed by administrative regulation of the
 24 board;

25 (5) Facilities, equipment, materials, and qualified instructors and instructor training as
 26 may be required by administrative regulations of the board adopted pursuant to this
 27 chapter, ~~but no~~ Cosmetology *schools*~~[school]~~ or *schools*~~[school]~~ of esthetic

1 practices or schools~~[school]~~ of nail technology shall follow the student-teacher
 2 ratio listed in administrative regulations promulgated by the board~~[have fewer~~
 3 ~~than one (1) licensed instructor per twenty (20) students present for instruction];~~

4 (6) A~~[No]~~ cosmetology school or school of esthetic practices or school of nail
 5 technology, after being licensed for the first time, shall not serve the public until
 6 one hundred fifty (150) hours of instruction has been taught;~~[and]~~

7 (7) If a complaint or concern has been validated through an inspection,
 8 investigation, or audit, the board may take immediate remedial measures to help
 9 the school operate according to the requirements and standards prescribed by this
 10 chapter or in the administrative regulations prescribed by the board in
 11 accordance with KRS Chapter 13A.

12 (8) In compliance with KRS 317A.070, the board may revoke or suspend any license
 13 issued by it if, in the judgment of the board, the school is not following the
 14 requirements as set out in this chapter or the school does not comply with the
 15 administrative regulations promulgated by the board in order to regulate the
 16 conduct of the school and in order to supervise the proper education of the students.

17 ➔Section 9. KRS 317A.130 is amended to read as follows:

18 (1) A~~[No]~~ licensee shall not:

19 (a) Fail to follow sanitation standards prescribed by administrative regulations
 20 promulgated by this agency or other agencies in accordance with the
 21 Kentucky Revised Statutes~~[provide the head rest of each chair with a~~
 22 ~~relaunders towel or a sheet of clean paper for each person]; or~~

23 (b) ~~[Fail to place around the patron's neck a strip of cotton, towel, or neck strip so~~
 24 ~~that the haircloth does not come in contact with the patron's skin;~~

25 (c) ~~Use on one (1) patron a towel that has been used upon another patron, unless~~
 26 ~~the towel has been relaunders;~~

27 (d) ~~Use on any patron any razor, scissors, tweezers, comb, bowl, recirculating~~

1 ~~pipes, rubber disc, or part of a vibrator or other similar equipment or~~
 2 ~~appliance that comes into contact with the head, face, hands, feet, or neck of a~~
 3 ~~patron, until the equipment or appliance has been sterilized in accordance with~~
 4 ~~methods of sterilization that are bacteriologically effective and approved by~~
 5 ~~the Cabinet for Health and Family Services; or~~

6 ~~(e) Use on any patron a liquid nail enhancement product containing monomeric~~
 7 ~~methyl methacrylate, also known as dental acrylic monomer, for the purpose~~
 8 ~~of creating artificial nail enhancements in the practice of cosmetology and nail~~
 9 ~~technology.~~

10 (2) **This chapter shall not be construed to prohibit an instructor, student,**
 11 **cosmetologist, or nail technician from using callus graters for callus removal,**
 12 **and the board shall not promulgate any administrative regulation prohibiting the**
 13 **use of callus graters for callus removal**~~[No esthetician practicing under this~~
 14 ~~chapter shall perform any of the following unless practicing under the immediate~~
 15 ~~supervision of a licensed physician:~~

16 ~~(a) Botox or collagen injections;~~

17 ~~(b) Laser treatments;~~

18 ~~(c) Electrolysis;~~

19 ~~(d) Tattoo;~~

20 ~~(e) Permanent makeup;~~

21 ~~(f) Microblading; or~~

22 ~~(g) Piercing].~~

23 ➔ Section 10. KRS 317A.140 is amended to read as follows:

24 (1) The board may refuse to issue or renew a license or permit, or may suspend or
 25 revoke a license or permit, impose probationary conditions upon, impose an
 26 administrative fine, issue a written reprimand or admonishment, or take any
 27 combination of these actions regarding proof of any applicant's, permittee's, or

1 licensee's:

- 2 (a) Conviction of a felony, if in accordance with KRS Chapter 335B;
- 3 (b) Gross malpractice or incompetence;
- 4 (c) Mental or physical health that would endanger public health or safety;
- 5 (d) False or deceptive practice or misrepresentation including advertising;
- 6 (e) Practicing in an unlicensed salon or in a salon knowing that the salon is not in
- 7 compliance with this chapter or the administrative regulations of the board
- 8 promulgated pursuant to this chapter;
- 9 (f) ~~Immoral conduct,]Unprofessional conduct[, or a violation of the code of~~
- 10 ~~ethics];~~
- 11 (g) Teaching in an unlicensed school or in a school knowing that the school is not
- 12 in compliance with this chapter or the administrative regulations of the board
- 13 promulgated pursuant to this chapter;
- 14 (h) Failure to comply with the administrative regulations of the board.

15 (2) Payments in lieu of suspension collected by the board shall be deposited in the State

16 Treasury and credited to the general fund.

17 (3) The board may require retesting of any licensee upon proper showing of gross

18 malpractice or incompetence on the part of the licensee.

19 ➔Section 11. KRS 317A.145 is amended to read as follows:

20 (1) The board shall receive complaints concerning any person licensed **or permitted**

21 under this chapter relating to the licensee's business or professional practices. The

22 board may investigate all complaints concerning any person licensed under the

23 provisions of this chapter **or any person that is performing services regulated by**

24 **this chapter without a license or permit.** The board may on its own volition initiate

25 such an investigation and shall promulgate administrative regulations necessary for

26 the administration of the provisions of this section.

27 (2) If upon investigation there appears to be a violation of the provisions of this

1 chapter, the board shall take such action as it deems necessary under the provisions
2 of KRS 317A.140.

3 (3) For the purpose of enforcing the provisions of this chapter, officers, agents, and
4 inspectors of the board may enter upon premises of all facilities issued a permit or
5 license by the board, at all reasonable times and during periods when those
6 premises are otherwise open to the public, and make inspections to determine
7 compliance with this chapter and the administrative regulations promulgated by the
8 board, and inspect books, papers, or records pertaining to the licensed activity, a
9 copy of which may be obtained by the board officer, agent, or inspector.

10 ➔Section 12. KRS 317A.990 is amended to read as follows:

11 (1) Any licensee or permittee~~person~~ who violates any provision of this chapter shall
12 be fined not less than fifty dollars (\$50) nor more than one thousand five hundred
13 dollars (\$1,500) per violation.

14 (2) Any person who provides services regulated by this chapter without a license
15 shall be fined not less than fifty dollars (\$50) nor more than one thousand five
16 hundred dollars (\$1,500) per violation.

17 (3) Any person who violates any administrative regulation lawfully promulgated by the
18 board under the authority contained in this chapter shall be fined not less than
19 twenty-five dollars (\$25) nor more than seven hundred fifty dollars (\$750) per
20 violation~~[-~~.

21 ~~(3) Any person who violates KRS 317A.020 or 317A.155 shall be guilty of a Class B~~
22 ~~misdemeanor~~.