

BOARDS AND COMMISSIONS

Board of Cosmetology

(Amendment)

201 KAR 12:100. Infection control, health, and safety.

RELATES TO: KRS 317A.130

STATUTORY AUTHORITY: KRS 317A.060

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the Kentucky Board of Cosmetology to regulate the practice of cosmetology, nail technology, and esthetics in Kentucky and establish standards for the course and conduct of school owners, instructors, apprentice instructors, licensed cosmetologists, nail technicians, beauty salons, nail salons, cosmetology schools, and estheticians to protect the health and safety of the public. This administrative regulation establishes infection control, health, and safety standards for all licensed facilities.

Section 1. Definitions.

(1)

(a) "Clean" means:

1. Removal of surface or visible debris by using soap, detergent, or chemical "cleaner", followed by a clean water rinse;
2. Preparing non-porous items for disinfection by removing debris, product residues, organic matter, and oils that may interfere with disinfection chemicals; and
3. Reducing the number and slowing the growth of pathogens on both porous and non-porous surfaces; and

(b) "Clean" does not mean making multi-use items safe for use.

(2) "Contact time" means:

- (a) The amount of wet contact time required for a disinfectant to be effective against the pathogens on the label; and
- (b) The clean items or surfaces remain completely immersed or visibly wet through the use of sprays or wipes for the full contact time to be effective.

(3) "Disinfect" means:

- (a) The process of making a non-porous item safe for use; and
- (b) Including the use of a chemical intended to kill or denature a bacteria, virus, or fungus.

(4) "Disinfectant" means an approved disinfectant that is:

- (a) Environmental Protection Agency (EPA) registered bactericidal, virucidal, and fungicidal disinfectant approved for use in the salon or spa environment, and used in accordance with the instruction label for dilution ratio and contact time; ~~or~~

(b)

1. EPA-registered Sodium Hypochlorite 5.25 percent or higher (household chlorine bleach) product used in accordance with the instructions for disinfection and dilution on the label; and
2. Uses bleach active (not expired) with a manufacture date of less than six (6) months prior to use; ~~or~~

(c) Devices or systems that employ the use of germicidal ultraviolet energy (GUV) that have been registered with the Environmental Protection Agency (EPA).

(5) "Non-Porous" means:

- (a) Material that has no pores and does not allow for liquids to be absorbed or passed through; and

- (b) Common non-porous materials include glass, metal, and plastic.
- (6) "Porous" means a material that has minute spaces or holes through which liquid or air may pass making it permeable, penetrable, and cellular.
- (7) "Sterilize" means the eradication of all microbial life through the use of heat, pressure, steam, ultraviolet energy, or chemical sterilants.

Section 2. Health and Public Safety. The entire licensed facility, including all equipment, employees, and implements contained in the facility, shall be continually maintained in a safe manner that reduces the risk of injury or illness for both the consumer and the licensee.

Section 3. Cleaning and Disinfecting.

- (1) All non-porous implements used on the public shall be cleaned and disinfected before each use including items such as combs, brushes, shears, hair clips, hair rollers, pushers, nippers, and plastic or metal spatulas.
- (2) Disinfectants shall be used properly to disinfect in accordance with the manufacturer's instructions or on the manufacturer's label with regard to concentration and contact time. UV light shall not be acceptable for disinfection.
- (3) Each non-porous implement used in a licensed facility shall first be thoroughly cleaned prior to disinfection with warm soapy water or a chemical cleaner. Non-porous surfaces, such as workstations and nail tables, shall be cleaned with a wipe or spray prior to each service.
- (4) After cleaning, implements shall be rinsed and dried with a single use paper towel or air dried.
- (5) Implements shall then be disinfected by completely immersing in an appropriate disinfectant for the full contact time listed on the manufacturer's label. If appropriate, ultraviolet energy, disinfecting wipes and sprays may also be used.
- (6) When the full contact time has been met, implements shall be removed, rinsed, and dried with a single use paper towel or air dried.
- (7) Disinfected implements shall be stored in a clean, covered container, ~~for~~ drawer, or bag labeled as "disinfected" or "ready to use". Dirty items shall be kept ~~in a~~ covered and ~~container,~~ labeled "dirty" until they are properly disinfected. Once an item has been placed in the "dirty" container, drawer, or bag, it shall not be removed until the cleaning and disinfecting process has been started.

Section 4. Chemical Safety. All chemicals used in a licensed facility shall be:

- (1) Transported and stored in accordance with the manufacturer's label;
- (2) Stored in original containers in cabinets that may be locked or that are not in public spaces or bathrooms;
- (3) Mixed and applied to individuals specifically as instructed by the manufacturer's label, including patch tests;
- (4) Discarded according to the manufacturer's label and, if applicable, local, state, and federal rules; and
- (5) All chemicals that are concentrates mixed into a container or distributed into a secondary container, shall be labeled to indicate the contents. All poisonous substances shall be clearly labeled.

Section 5. Disinfectant.

- (1) Disinfectants shall be prepared fresh daily and any time the solution becomes diluted or soiled.
- (2) Contact time. To disinfect a non-porous surface, it shall be left wet or completely immersed for the full contact time required by the manufacturer for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi. If no contact time is indicated for disinfecting, the product is not an EPA registered disinfectant.

- (3) A container other than the original manufacturer's container used for immersing or application of appropriate disinfectant shall be properly labeled as to contents.
- (4) All Food and Drug Administration (FDA) designated "medical devices" shall only be disinfected by appropriate EPA-approved disinfectants in accordance with the manufacturer's instructions.

Section 6. Towel Warmers.

- (1) Towel warmers shall be disinfected daily using disinfecting wipes or a spray and left open to allow the warmer to dry completely.
- (2) Towels used in a towel warmer both wet and dry shall be washed daily, regardless if used or not, and replaced at the opening of each day.

Section 7. Nail and Pedicure Stations.

- (1) Pedicure stations shall be cleaned and disinfected after each use by:
 - (a) Removing all removable parts;
 - (b) Emptying bowl and scrub with detergent and scrub brush;
 - (c) Rinsing bowl and filling with clean water;
 - (d) Adding appropriate disinfectant in a proper concentration for the size of bowl; and
 - (e)
 1. If the bowl has any circulation or whirlpool effect, allow disinfectant to circulate for full contact time as listed on the manufacturer's label; or
 2. If there is no circulation or whirlpool effect, allow disinfectant to stand in bowl for full contact time as listed on the manufacturer's label.
- (2) Surfaces of nail stations shall be disinfected between clients.
- (3) Nail clients shall be offered hand sanitizer prior to a service.
- (4) A nail drill or body treatment equipment shall be:
 - (a) Cleaned and disinfected after each use by removing all removable parts; and
 - (b) Following the specific disinfection instructions recommended by the manufacturer.
- (5) Drill bits shall be soaked in acetone to remove product, scrubbed, and soaked in disinfectant for full contact time after each use.

Section 8. Electrical Implements.

- (1) Heated electrical equipment, such as a thermal iron are disinfected by the heat source. Unheated parts of heated electrical equipment shall be cleaned and disinfected according to the manufacturer's recommendations.
- (2) All other electrical equipment, including clippers and attachments, shall be cleaned and disinfected after each use by:
 - (a) Removing hair and all foreign matter from the equipment; and
 - (b) Completely saturating the clipper blade and attachment with an EPA-registered high level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

Section 9. Waxing Services.

- (1) Waxing services shall only be performed on intact skin.
- (2) Wax applicator sticks shall only be used for a single dip into the wax and then shall be immediately discarded.
- (3) If the wax pot becomes contaminated or debris is visible it shall be completely cleaned and disinfected through the following steps:
 - (a) Wax shall be emptied and disposed of properly;
 - (b) Pots shall be washed with detergent and rinsed;
 - (c) All pot surfaces shall be wiped or sprayed with EPA- registered disinfectant following manufacturer's guidelines for contact time;
 - (d) Pots shall be air dried or wiped dry with a clean paper towel; and
 - (e) New wax shall always be used and pots shall remain covered at all times.

(4) Paraffin wax shall be portioned out to prevent contamination between clients and disposed of immediately.

Section 10. General Cleaning and Disinfection.

(1) Any item that may not be cleaned and disinfected is considered single use and shall be disposed of after each use. This includes items such as nail files or emery boards made of any material except metal or glass, all cotton, buffing blocks, pumice stones, wooden cuticle pushers, slipper shoes, toe separators, wooden spatulas, neck strips, and paper coverings.

(2) All shampoo bowls or similar items shall be cleaned after each use and disinfected at the end of each day.

(3) All nonporous items to be used on multiple clients shall be cleaned and disinfected after each use.

Section 11. Removal of Product from Multi-Use Containers.

(1) All products removed from a multi-use container such as a tub or tube, shall be done in a manner that prevents contamination of the remaining product within the container.

(2) Products such as pomades, waxes, and gels shall be removed with either a single use spatula that is disposed of immediately after a single use or a disinfected multi use spatula. Fingers shall not be used to remove product.

(3) Powders and lotions shall be dispensed from a shaker or pump ensuring that the licensee's or client's hands never touch the dispensing portions of the container.

Section 12. Special Solution Containers. Single use product containers shall be used whenever possible to prevent the contamination of unused solution. All leftover product shall be disposed of, not reused.

Section 13. Walls and Floors. Walls, floors, and fixtures shall be kept in a safe manner at all times. If any condition potentially places the consumer or the licensee at risk of harm, it shall be remedied immediately.

Section 14. Trash Containers and Debris.

(1) All trash containers shall have solid sides and a liner shall be used.

(2) All hair and debris shall be swept up immediately following each client and placed in the closed trash container.

Section 15. Proper Laundering Methods.

(1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions.

(2) Laundry may be done through a commercial laundry service.

(3) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, side vented hamper or receptacle shall be provided for all soiled towels and linens.

Section 16. Personal Hygiene.

(1) Every person licensed or permitted by the board shall thoroughly cleanse his or her hands with soap and water or an equally effective hand sanitizer immediately before serving each patron.

(2) Hand sanitizer shall be made available for use by patrons at each nail station in the licensed facility.

(3) A cosmetology instrument or implement shall not be carried or stored in a pocket, belt, apron, or smock.

Section 17. Blood Exposure.

(1) If a licensee or client are injured during the service and blood is present, service shall be stopped immediately.

(2) If possible, the area shall be washed under clean running water at a sink.

(3) If the injury is on the client, the licensee shall put on gloves and clean the area, then apply antibacterial ointment and offer a bandage to the client. The licensee shall then remove gloves, wash his or her own hands and re-apply gloves for the duration of the service.

(4) If the injury is on licensee, the licensee shall put on gloves and any blood on the workstation or client shall be cleaned. The licensee shall then remove gloves, wash the area, and apply antibiotic cream and a bandage to the area. The licensee shall then re-apply gloves, and properly disinfect the work surface and implements prior to starting the service again.

(5) When service is complete, all disposable items shall be immediately thrown away and all non-porous items thoroughly cleaned and disinfected.

(6) Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied using new gauze, or cotton.

Section 18. Communicable Disease.

(1) Licensees shall not perform any service if they have been diagnosed with a communicable disease until cleared in writing by a medical professional for return to work.

(2) Licensees with a respiratory illness, regardless of if they have been diagnosed, shall consider the use of a facemask to protect clients from the possibility of transmission.

(3) Licensees shall not perform a service on a client who has visible swelling, eruption, redness, bruising on skin, or rash in an area where a service is to be performed except when the client who supplies a physician's note indicating they are not suffering from a contagious condition, such as psoriasis or other non-communicable skin disorders.

~~[(4)] [Clients with a physician's note indicating they are not contagious, such as psoriasis or other non-communicable skin disorders, are an exception to this rule.]~~

Section 19. Eyelash Services.

(1) Eyelash stands, holders, or pallets including tiles or stones, and trays shall be cleaned and disinfected before use with each client.

(2) Eyelash extensions shall be stored in a clean, closed container or in closed, original packaging. Eyelash extensions that are removed from the container or original packaging for a client's eyelash service and not used shall be disposed of and shall not be used for another client.

(3) When removing eyelashes from the container or package to portion out eyelashes for a service, a practitioner shall use disinfected scissors, blade, or other tool to snip a portion of a strip, or disinfected tweezers to portion out the lashes for each service.

(4) Any cutting implement used to cut the lashes in to sections, to render lash strips a one-time use, shall be disinfected and stored in covered containers.

(5) Tape used for taping back eye lid skin or lashes shall not be de-tacked on skin. De-tacking shall only be done on a clean towel.

(6) Any nozzle or dropper used for rinsing or flushing the eye during the service shall not come in direct contact with the eye or skin.

(7) Only medical grade adhesives intended for use on the human body shall be used.

Section 20. Esthetics.

(1) All esthetics facilities shall have a sharp's disposal container available for disposal of sharp items, such as lancets.

(2) A microdermabrasion or facial machine shall be:

(a) Cleaned and disinfected after each use by removing all movable parts;

(b) Filled, circulated, cleaned, and disinfected with the use of hospital grade disinfectant or a ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer; and

(c) Rinsed and air dried, or wiped dry with a clean cloth or paper towel.

Section 21. Prohibited Items. The following sanitation methods and cosmetology practices shall be prohibited:

- (1) Methyl Methacrylate acid (MMA);
- (2) Isobornyl Methacrylate (IBMA);
- (3) Blades for cutting the skin including items such as a straight razor without a guard, and credo blades, rasps ~~[Blades for cutting the skin including items such as credo blades, rasps, and graters for callous removal];~~
- (4) ~~[UV light boxes or "Sterilizers";]~~
- ~~[(5)]~~ Roll on wax;
- ~~[(6)]~~ Waxing of nasal hair;
- ~~[(7)]~~ Any product banned by the FDA; and
- ~~[(8)]~~ Use of any live animal in any cosmetic service.

Section 22. Autoclaves.

- (1) Autoclaves used to sterilize shall be spore tested through an independent laboratory every thirty (30) days to ensure functionality.
- (2) Laboratory results shall be kept onsite for twelve (12) months.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes standards for infections control.

(b) The necessity of this administrative regulation:

The administrative regulation is necessary to prevent infections disease, bloodborne pathogens, and bacteria growth.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists or will assist in the effective administration of the statutes by establishing standards for these practices.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment will change this existing administrative regulation by updating the regulation to align with the applicable statutes and modern practices.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to keep the public safe.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will assist in the effective administration of the statutes by aligning with current standards.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

There will be no impact to licensee, businesses, organizations or local governments.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No actions will be needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No cost for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Entities will have a much more straightforward inspection.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

N/A

(b) On a continuing basis:

N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No changes or increases in fees is required by this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees are created or increased directly or indirectly by this regulation

(9) TIERING: Is tiering applied?

Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion:

N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):

There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion:

N/A