

1 AN ACT relating to beauty services.

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

3 ➔Section 1. KRS 317A.030 is amended to read as follows:

4 (1) There is created an independent agency of the state government to be known as the  
5 Kentucky Board of Cosmetology, which shall have complete supervision over the  
6 administration of the provisions of this chapter relating to cosmetology,  
7 cosmetologists, schools of cosmetology, or esthetic practices or nail technology,  
8 students, estheticians, nail technicians, instructors of cosmetology, instructors of  
9 esthetic practices, or instructors of nail technology, cosmetology salons, esthetic  
10 salons, and nail salons.

11 (2) The board shall be composed of seven (7)~~five (5)~~ members appointed by the  
12 Governor as follows:

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

- 15 1. Two (2) of whom shall be cosmetology salon owners;
- 16 2. One (1) of whom shall be a cosmetology teacher in public education and  
17 shall not own any interest in a cosmetology salon; and
- 18 3. One (1) of whom shall be an owner of or one who shall have a financial  
19 interest in a licensed cosmetology school and shall be a member of a  
20 nationally recognized association of cosmetologists;

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

22 (c) **Two (2) members**~~One (1) member~~ shall be **citizens**~~a citizen~~ at large who  
23 **are**~~is~~ not associated with or financially interested in the practices or  
24 businesses regulated; and

25 ~~(d)(e) —~~None of whom nor the executive director shall be financially interested  
26 in, or have any financial connection with, wholesale cosmetic supply or  
27 equipment businesses.

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

3 (3) Appointments shall be for a term of two (2) years, ending on February 1.

4 (4) The Governor shall not remove any member of the board except for cause.

5 (5) The board shall elect from its members a chair, a vice chair, and a secretary.

6 (6) **Four (4)**~~Three (3)~~ members shall constitute a quorum for the transaction of any  
7 board business.

8 (7) Each member of the board shall receive one hundred dollars (\$100) per day for each  
9 day of attendance at board meetings, and shall be reimbursed for necessary  
10 traveling expenses and necessary expenses incurred in the performance of duties  
11 pertaining to official business of the board.

12 (8) The board shall hold meetings at the place in the state and at the times deemed  
13 necessary by the board to discharge its duties.

14 **(9) The board shall collect and retain statistical data regarding applicants and**  
15 **licensees, including the individual's age, sex, ethnicity, country of origin, and**  
16 **languages spoken and fluency levels.**

17 ➔Section 2. KRS 317A.120 is amended to read as follows:

18 (1) Examinations given by the board shall cover all phases of qualifications for the  
19 license applied for including skill and technique of applicant as well as scientific  
20 and other knowledge. National exams may be used if approved by the board.

21 (2) Examinations shall be given by trained proctors.

22 (3) Examinations shall be given at regularly prescribed intervals.

23 (4) Examinations shall be given at locations that have been approved by the board.

24 **(5) For nail technician applicants:**

25 **(a) Written theory tests shall be given in the applicant's first or second fluent**  
26 **language, allowing the applicant's actual knowledge to be best assessed;**

27 **(b) The board shall provide and compensate an interpreter certified in an**

1           applicant's first or second fluent language during oral practical  
 2           demonstrations to facilitate the applicant's ability to ask relevant questions  
 3           and to request instruction clarification if necessary. Electronic device  
 4           technology or telephonic services may be used for this purpose at the  
 5           board's discretion and with consent of the applicant;

6           (c) An applicant who fails a written theory test or an oral practical  
 7           demonstration shall be eligible to retake that portion after one (1) month  
 8           from the date the applicant received actual notice of the failure;

9           (d) An applicant shall be allowed to retake any failed examination for an  
 10           unlimited number of times; and

11           (e) The fee for retesting shall be capped at thirty-five dollars (\$35) per  
 12           examination per applicant.

13           ➔Section 3. KRS 317A.130 is amended to read as follows:

14           (1) No instructor, student, cosmetologist, or nail technician shall:

15           (a) Fail to provide the head rest of each chair with a relaundersed towel or a sheet  
 16           of clean paper for each person;

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

19           (c) Use on one (1) patron a towel that has been used upon another patron, unless  
 20           the towel has been relaundersed;

21           (d) Use on any patron any razor, scissors, tweezers, comb, bowl, recirculating  
 22           pipes, rubber disc, or part of vibrator or other similar equipment or appliance  
 23           that comes into contact with the head, face, hands, feet, or neck of a patron,  
 24           until the equipment or appliance has been sterilized in accordance with  
 25           methods of sterilization that are bacteriologically effective and approved by  
 26           the Cabinet for Health and Family Services; or

27           (e) Use on any patron a liquid nail enhancement product containing monomeric

1 methyl methacrylate, also known as dental acrylic monomer, for the purpose  
2 of creating artificial nail enhancements in the practice of cosmetology and nail  
3 technology.

4 (2) No esthetician practicing under this chapter shall perform any of the following  
5 unless practicing under the immediate supervision of a licensed physician:

- 6 (a) Botox or collagen injections;
- 7 (b) Laser treatments;
- 8 (c) Electrolysis;
- 9 (d) Tattoo;
- 10 (e) Permanent makeup;
- 11 (f) Microblading; or
- 12 (g) Piercing.

13 **(3) Unless a documented and verified violation creates an immediate and present**  
14 **danger to the health and safety of the public, a warning notice shall be first**  
15 **issued prior to imposing incremental punitive action against an otherwise lawful**  
16 **salon. The warning notice shall include a specific, detailed description of the**  
17 **violation and the specific remediation required to bring the salon into compliance**  
18 **within a reasonable amount of time agreed upon by the salon and the board**  
19 **inspector issuing the warning notice.**