

CHAPTER 235

(SB 113)

AN ACT relating to beauty services.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

All licensees shall be required to maintain with the board updated contact information, addresses for current business locations, and employer contact information. This information shall be supplied on the form submitted to the board as established in administrative regulations promulgated by the board.

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

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

- (1) "Beauty salon" means any establishment in which the practice of cosmetology is conducted for the general public or for consideration;
- (2) "Board" means the Kentucky Board of Cosmetology;
- (3) ~~{(a) "Blow drying services" means beautifying, cleaning, or arranging the hair of an individual for consideration only at a limited beauty salon.~~
 - ~~1. Arranging;~~
 - ~~2. Cleaning;~~
 - ~~3. Curling;~~
 - ~~4. Dressing;~~
 - ~~5. Blow drying; and~~
 - ~~6. Performing any other similar procedure.~~
- ~~(b) "Blow drying services" include any of the following services performed on an individual's hair:~~
 - ~~1. Popularly known as a Brazilian blowout;~~
 - ~~2. That includes color services or that includes cutting, lightening, or chemically treating hair; or~~
 - ~~3. That otherwise falls under the practice of cosmetology, except as authorized in paragraph (b) of this subsection;~~
- (4) "Cosmetologist" means a person who engages in the practice of cosmetology for the public generally or for consideration, regardless of the name under which the practice is conducted;
- (4){(5)} "Cosmetology" means the practice *of*:
 - (a) *Hair styling*;
 - (b) *Esthetics*; and
 - (c) *Nail technology* ~~[upon the human neck and head of cutting hair, permanent waving, or hairdressing, and may also include but is not limited to:~~
 - ~~(a) Nail technology and finger waving;~~
 - ~~(b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or any contrivance;~~
 - ~~(c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the hair, or applying hair products;~~
 - ~~(d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other products;~~

- ~~(e) Facial hair removal; and~~
- ~~(f) Eyebrow shaping, design, or removal.~~

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

- ~~(5)(6)~~ "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment in or through which persons are trained or taught the practice of cosmetology, esthetic practices, and nail technology;
- ~~(6)(7)~~ "Esthetician" means a person who is licensed by the board to engage in esthetic practices in the Commonwealth of Kentucky;
- ~~(7)(8)(a)~~ "Esthetic practices" means one (1) or more of the following acts:
 - (a) Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup, removal of superfluous hair, stimulation, tinting, tweezing, or waxing;*
 - (b) Eyelash tinting, artificial eyelashes, or eyelash extensions;*
 - (c) Use of lotions, creams, oils, antiseptics, or depilatories;*
 - (d) Massaging the skin; and*
 - ~~1. Giving facials, including consultation and skin analysis;~~
 - ~~2. Giving skin care;~~
 - ~~3. Removing facial hair;~~
 - ~~4. Beautifying or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, creams; or~~
 - ~~5. Providing preoperative and postoperative esthetic skin care, either referred by or supervised by a medical professional, unless;~~
 - ~~(b) Except when these acts are performed incident to:~~
 - 1. Treatment of an illness or a disease;
 - 2. Work as a student in a board-approved school; *or*
 - 3. ~~Work without compensation from the person receiving the service; or~~
 - 4. ~~Work performed by a licensed massage therapist;~~
- ~~(8)(9)~~ "Esthetic practices school" or "school of esthetic practices" means any operation, place, or establishment in or through which persons are trained in esthetic practices;
- ~~(9)(10)~~ "Esthetic salon" means a place where an esthetician performs esthetic practices;
- ~~(10)(11)~~ "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash extensions to natural eyelashes;
- (11) "Hair styling" means the practice of:*
 - (a) Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting, dressing, manipulating, permanent waving, singeing, tinting, or trimming of natural or artificial hair;*
 - (b) Use of lotions, creams, and antiseptics; and*
 - (c) Massaging and stimulation of the scalp;*
- (12) "Instructor" means any individual licensed to teach cosmetology, esthetics, or nail technology who holds a corresponding license in cosmetology, esthetics practice, or nail technology;*
- (13) "Limited beauty salon" means any establishment in which the practice of shampoo and style services, makeup artistry, eyelash artistry, or threading are* ~~[blow-drying services only is]~~ conducted for the general public or for consideration;
- (14) "Limited stylist" means an individual licensed to perform shampoo and style services;*
- ~~(15)(13)~~ (a) "Makeup artistry" means applying cosmetic products to the face and body.

- (b) "Makeup artistry" includes:
1. Corrective and camouflage techniques; and
 2. Airbrushing.
- (c) "Makeup artistry" does not include:
1. Face painting at carnivals or fairs; or
 2. Application of cosmetics when not done for consideration;
- (16)~~(14)~~ "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;
- (17)~~(15)~~ "Nail technician" means a person who practices nail technology, ***including manicuring and pedicuring real and artificial nails for the purpose of beautifying***, for the general public or for consideration. ***Manicuring and pedicuring real and artificial nails for the purpose of beautifying includes:***
- (a) ***Cleaning;***
 - (b) ***Trimming;***
 - (c) ***Cutting;***
 - (d) ***Shaping;***
 - (e) ***Sculpting;***
 - (f) ***Polishing; and***
 - (g) ***Massaging the hands and feet***~~;~~
- ~~(16) "Nail technology" means the practice of cutting, trimming, polishing, coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying the hands and feet of any human, for which a license is required by this chapter;~~
- (18)~~(17)~~ "Nail technology school" or "school of nail technology" means any operation, place, or establishment in or through which persons are trained in nail technology;
- (19)~~(18)~~ (a) "Natural hair braiding" means a service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with mechanical devices. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles.
- (b) "Natural hair braiding" includes:
1. The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, decorative beads, and other hair accessories;
 2. Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
 3. The use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos; and
 4. The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions.
- (c) "Natural hair braiding" does not include:
1. The application of dyes, reactive chemicals, or other preparation to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
 2. The use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds.
- (d) For the purposes of this subsection, "mechanical devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders;~~and~~
- (20) (a) ***"Shampoo and style services" means beautifying, cleaning, or arranging the hair of an individual for consideration only at a limited beauty salon.***

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

1. *Arranging;*
2. *Cleaning;*
3. *Curling;*
4. *Dressing;*
5. *Blow drying; or*
6. *Performing any other similar procedure.*

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

1. *Is popularly known as a Brazilian blowout;*
2. *Includes color services, cutting, lightening, or chemically treating hair; or*
3. *Otherwise falls under the practice of cosmetology, except as authorized in paragraph (b) of this subsection; and*

~~(21)(19)~~ "Threading" means the process of removing hair from below the eyebrow by use of a thread woven through the hair to be removed.

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

- (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology, esthetic practices, or nail technology for the treatment of physical or mental ailments. This chapter does not apply to:
 - (a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology, esthetic practices, and nail technology in the normal course of the practice of their profession;
 - (b) Commissioned medical or surgical personnel of the United States Armed Forces who perform incidental practices of cosmetology, esthetic practices, or nail technology in the course of their duties;
 - (c) Cosmetology, esthetic practices, or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice; and
 - (d) Persons engaged in natural hair braiding.
- (2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology, esthetic practices, or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.
- (3) No person unless duly and properly licensed pursuant to this chapter shall:
 - (a) Teach cosmetology, esthetic practices, or nail technology;
 - (b) Operate a beauty salon;
 - (c) Operate an esthetic salon;
 - (d) Act as an esthetician;
 - (e) Operate a nail salon;
 - (f) Act as a nail technician; or
 - (g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians.
- (4) No person shall aid or abet any person in violating this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.
- (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists, licensed estheticians, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional cosmetologist's, esthetician's, or nail technician's group.

- (6) Whenever a person engages in different practices separately licensed, certified, or permitted by this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.
- (7) The board may:
- (a) Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred;
 - (b) *Issue an emergency order in accordance with KRS 13B.125 against any facility licensed by the board. The emergency order shall be based upon probable cause by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of any customer, patient, or the general public; and*
 - (c) *Institute civil and criminal proceedings against violators of this chapter. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of this chapter.*
- (8) *The board shall:*
- (a) *Govern all issues related to this chapter;*
 - (b) *Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;*
 - (c) *Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and*
 - (d) *Have the authority to take emergency action affecting the legal rights, duties, privileges, or immunities of named persons without a hearing to stop, prevent, or avoid an immediate danger to the public health, safety, or welfare, in accordance with KRS 13B.125.*

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

- (1) There is created an independent agency of the state government to be known as the Kentucky Board of Cosmetology, which shall have complete supervision over the administration of the provisions of this chapter relating to cosmetology, cosmetologists, schools of cosmetology, or esthetic practices or nail technology, students, estheticians, nail technicians, instructors of cosmetology, instructors of esthetic practices, or instructors of nail technology, cosmetology salons, esthetic salons, and nail salons.
- (2) The board shall be composed of five (5) members appointed by the Governor as follows:
- (a) Four (4) of the members shall have been cosmetologists five (5) years prior to their appointment and shall reside in Kentucky:
 - 1. Two (2) of whom shall be cosmetology salon owners;
 - 2. One (1) of whom shall be a cosmetology teacher in public education and shall not own any interest in a cosmetology salon; and
 - 3. One (1) of whom shall be an owner of or one who shall have a financial interest in a licensed cosmetology school and shall be a member of a nationally recognized association of cosmetologists;
 - (b) One (1) member shall be a citizen at large who is not associated with or financially interested in the practices or businesses regulated; and
 - (c) None of whom nor the *executive director*~~administrator~~ shall be financially interested in, or have any financial connection with, wholesale cosmetic supply or equipment businesses.

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

- (3) Appointments shall be for a term of two (2) years, ending on February 1.
- (4) The Governor shall not remove any member of the board except for cause.

- (5) The board shall elect from its members a chair, a vice chair, and a secretary.
- (6) Three (3) members shall constitute a quorum for the transaction of any board business.
- (7) Each member of the board shall receive one hundred dollars (\$100) per day for each day of attendance at board meetings, and shall be reimbursed for necessary traveling expenses and necessary expenses incurred in the performance of duties pertaining to official business of the board.
- (8) The board shall hold meetings at the place in the state and at the times deemed necessary by the board to discharge its duties.

➔Section 5. KRS 317A.040 is amended to read as follows:

- (1) The board may employ inspectors and any other personnel reasonably necessary to carry out the provisions of this chapter, whose compensations shall be established within budgetary limits by the Personnel Cabinet. The board may delegate staffing decisions to the *executive director*~~{administrator}~~.
- (2) The board shall by appropriate order employ an *executive director*~~{administrator}~~ who shall be charged with the responsibility of administering the provisions of this chapter, and the policies and administrative regulations of the board relating to cosmetology and esthetic practices.
- (3) No person shall be employed as an *executive director*~~{administrator}~~ unless the person is a licensed cosmetologist.
- (4) The *executive director*~~{administrator}~~ may receive a salary as may be established by classification of the position by the Personnel Cabinet.
- (5) The board shall publish or electronically provide copies of its administrative regulations and any proposed amendments to all persons licensed by it and to any other persons, places, or agencies as may be required by law or deemed by it reasonably necessary to the administration of the provisions of this chapter.

➔Section 6. KRS 317A.050 is amended to read as follows:

- (1) All applicants for licensure under this chapter shall meet the following minimum requirements:
 - (a) Be of good moral character and temperate habit;
 - (b) Be at least eighteen (18) years of age;
 - (c) Have a high school diploma, a High School Equivalency Diploma, or results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school; and
 - (d) Have submitted the completed application along with the required license fee as set forth in administrative regulation.
- (2) Notwithstanding any provision to the contrary, the board may refuse to grant a license to any applicant who fails to comply with the provisions of this chapter or any administrative regulations promulgated by the board.
- (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 esthetician or cosmetologist as manager of the esthetic salon at all times. If the owner, manager, or location of an esthetic salon changes, the required form and fee shall be submitted to the board.
 - (c) The board shall issue a license to operate a nail salon to any licensed nail technician. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, the required form and fee shall be submitted to the board.
- (7) The board shall issue an *instructor training certificate*~~[apprentice license]~~ to *train to be an instructor in teach* cosmetology, esthetic practices, or nail technology to any person who:
- (a) Has held a current cosmetologist, esthetician, or nail technician license for at least one (1) year; and
 - (b) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of seven hundred fifty (750) hours and not less than four and one-half (4.5) months at one (1) school providing this instruction. The school owner shall verify to the board the completion of seven hundred fifty (750) hours. For out-of-state verification, an applicant shall provide official certification from the board or agency that certifies schools in that other state of licensure verifying the applicant has completed a course of instruction consisting of at least seven hundred fifty (750) hours and not less than four and one-half (4.5) months at one (1) school providing the instruction.
- (8) The board shall issue a license to teach cosmetology to any person who:
- (a) Has held a current cosmetologist license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months; and
 - (b) Has satisfactorily passed the examination for the teaching of cosmetology as prescribed by the board.
- (9) The board shall issue a license to teach esthetic practices to any person who:
- (a) Has held a current esthetician license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months;
 - (b) Has completed fifty (50) hours in esthetics training within the last two (2) years; and
 - (c) Has satisfactorily passed the examination for the teaching of esthetic practices as prescribed by the board.
- (10) The board shall issue a license to teach nail technology to any person who:
- (a) Has held a current nail technician license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months;
 - (b) Has completed fifty (50) hours in nail technology training within the last two (2) years; and
 - (c) Has satisfactorily passed the examination for the teaching of nail technology as prescribed by the board.
- (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall issue a license to operate a school of cosmetology or a school of esthetic practices or a school of nail technology to any person who ~~is~~:
- ~~(a)~~ has as manager at all times a person who is:
 1. Licensed as an instructor;

2. Charged with the responsibility of ensuring that all applicable statutes and administrative regulations are complied with; and
 3. Responsible for having a sufficient number of licensed instructors of cosmetology or esthetic practices or nail technology to conduct the school. ~~;~~
- (b) ~~Has been a resident of Kentucky for five (5) years, if the applicant is an individual. If the applicant is a firm or corporation, it shall be a Kentucky corporation or licensed or qualified to do business in Kentucky and shall have been in existence for a period of at least five (5) years;~~
- ~~(e)~~ Any student enrolling in the school shall pay the fee set forth in administrative regulation to the board before enrollment in the school shall be allowed. ~~;~~ ~~and~~
- ~~(c)~~ ~~(d)~~ The transfer of any license to operate a school of cosmetology or esthetic practices or nail technology shall require the board's approval and shall become effective upon submitting the required form and fee to the board.
- (12) (a) The board shall issue a license to provide *shampoo and style* ~~blow drying~~ services to any person who:
1. ~~Is at least eighteen (18) years old;~~
 2. ~~Has successfully completed a twelfth grade education or the equivalent;~~
 3. ~~Has passed an examination prescribed by the board to determine fitness to perform *shampoo and style* ~~blow drying~~ services;~~
 2. ~~4.~~ Has completed at least *three hundred (300)* ~~four hundred fifty (450)~~ hours of instruction from a licensed school of cosmetology; and
 3. ~~5.~~ Has met any other reasonable criteria established in administrative regulations promulgated by the board.
- (b) The board shall issue a license to operate a limited beauty salon to any person:
1. Who is licensed to provide *shampoo and style* ~~blow drying~~ services or who employs at least one (1) person licensed to provide *shampoo and style* ~~blow drying~~ services at the limited beauty salon; and
 2. Whose limited beauty salon facility complies with standards established in administrative regulations promulgated by the board.
- (13) Licenses established under this chapter shall be valid for a period of time to be established by the board through the promulgation of administrative regulations.
- (14) Licenses and permits issued by the board may be renewed beginning July 1 through July 31 of each year.
- (a) Any license shall automatically be renewed by the board:
1. Upon submission and receipt of the application for renewal and the required annual license fee; and
 2. If the application for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (b) Any license application postmarked after July 31 shall be considered expired, and the appropriate restoration fee as required by administrative regulation of the board shall apply.
- (15) The requirements for a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:
- (a) Cosmetologists shall retake and pass *both* the practical *and theory* examination ~~only~~;
 - (b) Estheticians shall retake and pass both the practical and theory examination;
 - (c) Instructors of cosmetology or esthetic practices shall retake and pass both the practical and theory examination;
 - (d) Nail technicians shall retake and pass the practical and theory examination;
 - (e) Providers of *shampoo and style* ~~blow drying~~ services shall retake and pass both the practical and theory examination; and

- (f) The appropriate restoration fee as set forth in administrative regulation of the board shall be required.
- (16) Guest artists or demonstrators appearing and demonstrating before persons other than licensed cosmetologists, estheticians, nail technicians, and providers of *shampoo and style*~~[blow-drying]~~ services shall apply for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional cosmetologists', estheticians', or cosmetology school or *shampoo and style*~~[blow-drying]~~ services' or nail technicians' group shall apply for a permit, but shall not be required to pay the fee.
- (17) The board shall issue a permit for threading and may promulgate administrative regulations that set out requirements for the practice of threading. Threading shall be conducted in a licensed beauty salon or a facility with a permit to engage in threading, and the board may promulgate administrative regulations for facilities and the required sanitation standards. The permit shall be valid for a period of one (1) year.
- (18) The board shall issue a permit for eyelash artistry and may promulgate administrative regulations that set out the requirements for the practice of eyelash artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility with a permit to engage in eyelash artistry, and the board may promulgate administrative regulations for facilities, *education*, and the required sanitation standards. The permit shall be valid for a period of one (1) year.
- (19) The board shall issue a permit for makeup artistry and may promulgate administrative regulations that set out requirements for the practice of makeup artistry and required sanitation standards. The permit shall be valid for a period of one (1) year.
- (20) (a) ***The board may issue a permit for temporary event services to a Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician and shall promulgate administrative regulations that set out requirements for issuance of a temporary event services permit including:***
1. *Sanitation standards;*
 2. *Criteria for events that qualify;*
 3. *Application requirements and fees; and*
 4. *Any other requirements necessary to protect the public health and safety.*
- (b) ***The temporary event services permit shall be valid only for the specific dates and locations requested.***
- (c) ***No person other than a Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician shall perform services at a temporary event services location, and no licensee shall perform services other than those authorized by his or her respective license pursuant to Section 3 of this Act.***
- (d) ***The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician holding a temporary event services permit shall be liable for any violation of KRS Chapter 317A or administrative regulations promulgated under KRS Chapter 317A that occurs at the temporary event services location.***

➔Section 7. KRS 317A.060 is amended to read as follows:

- (1) The board shall promulgate administrative regulations including but not limited to administrative regulations that:
- (a) Protect the health and safety of the public;
 - (b) Protect the public against incompetent or unethical practice, misrepresentation, deceit, or fraud in the practice or teaching of beauty culture;
 - (c) Set standards for the operation of the schools and salons;
 - (d) Protect the students under this chapter;
 - (e) Set standards for the location and housing of beauty salons or cosmetology schools in the state. This subsection does not apply to the instructional programs in cosmetology in the state area vocational and technical schools;
 - (f) Set standards for the quantity and quality of equipment, supplies, materials, records, and furnishings required in beauty salons, esthetic salons, nail salons, and cosmetology, esthetic practices, and nail technology schools;

- (g) Establish the qualifications of instructors of cosmetology, instructors of esthetic practices, instructors of nail technology, and apprentice teachers;
 - (h) Establish requirements for the hours and courses of instruction at cosmetology schools and esthetic practices schools and nail technology schools;
 - (i) Establish requirements for the examinations of applicants for licenses;
 - (j) Establish the requirements for the proper education and training of students;
 - (k) Address the course and conduct of school owners, instructors, *instructor training certificate holders*~~[apprentice instructors]~~, licensed cosmetologists, estheticians, nail technicians, beauty salons, esthetic salons, nail salons, cosmetology schools, schools of esthetic practices, and schools of nail technology; and
 - (l) Establish a code of ethics for persons licensed by the board.
- (2) Administrative regulations pertaining to health and sanitation shall be approved by the Cabinet for Health and Family Services before becoming effective.

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

No license shall be issued or renewed by the board to any cosmetology school or school of esthetic practices or school of nail technology unless such school provides:

- (1) The name of the proposed school;
- (2) A statement that the proposed school is authorized to operate educational programs beyond secondary education;
- (3) As a prerequisite of graduation, a prescribed course of instruction of not less than one thousand five hundred (1,500) hours for a cosmetology school or seven hundred fifty (750) hours for a school of esthetic practices, or four hundred fifty (450) hours for a school of nail technology~~[, to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools, the required hours of instruction may be offered according to the schedule for other vocational classes in the school];~~
- (4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization, diseases of the skin, hair, and glands, and massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, chemical treatment of the hair and such other courses as may be prescribed by administrative regulation of the board;
- (5) Facilities, equipment, materials, and qualified instructors and *instructor training*~~[apprentice instructors]~~ as may be required by administrative regulations of the board adopted pursuant to this chapter, but no cosmetology school or school of esthetic practices or school of nail technology shall have fewer than one (1) licensed instructor per twenty (20) students present for instruction;
- (6) No cosmetology school or school of esthetic practices or school of nail technology, after being licensed for the first time, shall serve the public until one hundred fifty (150) hours of instruction has been taught; and
- (7) In compliance with KRS 317A.070, the board may revoke or suspend any license issued by it if, in the judgment of the board, the school is not following the requirements as set out in this chapter or the school does not comply with the administrative regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

➔Section 9. KRS 317A.155 is amended to read as follows:

- (1) As used in this section, "funeral establishment" means funeral establishment as defined in KRS 316.010.
- (2) Every person practicing as a cosmetologist, esthetician, *limited stylist*, or nail technician~~[, with the exception of a nail technician or cosmetologist exclusively practicing manicuring in a licensed barber shop,]~~ shall practice in an establishment licensed by the board.
- (3) Notwithstanding subsection (2) of this section, persons holding an active license from the board as a cosmetologist, esthetician, *limited stylist*, or nail technician and who practice in salons licensed by the board shall be permitted to render services *outside of an establishment licensed by the board* for pay, free, or otherwise, to:

- (a) A person suffering from a terminal illness and who is receiving the services of a hospice program either at home or at a hospice inpatient unit;~~[-or]~~
 - (b) A person who is deceased and in the care of a funeral establishment; *or*
 - (c) *A person suffering from a medical condition, as attested by a physician in writing, which limits physical mobility to such an extent that it would impose an undue burden on that person to attempt to travel to an establishment licensed by the board.*
- (4) Cosmetologists, estheticians, *limited stylists*, and nail technicians who render services authorized in subsection (3) of this section shall have the permission of the owner or administrator of the establishment where the services are rendered *and the permission of the person, or their legal representative, upon whom services will be rendered.*
- ➔Section 10. KRS 317A.990 is amended to read as follows:
- (1) Any person who violates any provision of this chapter shall be fined not less than fifty dollars (\$50) nor more than one thousand five hundred dollars (\$1,500) *per violation.*
 - (2) Any person who violates any administrative regulation lawfully promulgated by the board under the authority contained in this chapter shall be fined not less than twenty-five dollars (\$25) nor more than seven hundred fifty dollars (\$750) *per violation.*
 - (3) *Any person who violates Sections 3 or 9 of this Act shall be guilty of a Class B misdemeanor.*

Signed by Governor April 20, 2022.