

1 AN ACT relating to cosmetology.

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

3 ➔Section 1. KRS 317A.010 is amended to read as follows:

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

- 5 (1) "Beauty salon" means any establishment in which the practice of cosmetology is
6 conducted for the general public or for consideration;
- 7 (2) "Board" means the Kentucky Board of Cosmetology;
- 8 (3) (a) "Blow drying services" means beautifying, cleaning, or arranging the hair of
9 an individual for consideration only at a limited beauty salon.
- 10 (b) "Blow drying services" include any of the following services performed on an
11 individual's hair:
- 12 1. Arranging;
 - 13 2. Cleaning;
 - 14 3. Curling;
 - 15 4. Dressing;
 - 16 5. Blow drying; and
 - 17 6. Performing any other similar procedure.
- 18 (c) "Blow drying services" do not include any service:
- 19 1. Popularly known as a Brazilian blowout;
 - 20 2. That includes color services or that includes cutting, lightening, or
21 chemically treating hair; or
 - 22 3. That otherwise falls under the practice of cosmetology, except as
23 authorized in paragraph (b) of this subsection;
- 24 (4) "Cosmetologist" means a person who engages in the practice of cosmetology for the
25 public generally or for consideration, regardless of the name under which the
26 practice is conducted;
- 27 (5) "Cosmetology" means the practice upon the human neck and head of cutting hair,

1 permanent waving, or hairdressing, and may also include but is not limited to:

2 (a) Nail technology and finger waving;

3 (b) Giving facial and scalp massage or treatments with oils, creams, lotions, or
4 other preparations, either by hand or any contrivance;

5 (c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the
6 hair, or applying hair products;

7 (d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other
8 products;

9 (e) Facial hair removal;~~and~~

10 (f) Eyebrow shaping, design, or removal; and

11 (g) Application and manipulation of wax for removal of body hair and cosmetic
12 services and treatments.

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

15 (6) "Cosmetology school" or "school of cosmetology" means any operation, place, or
16 establishment in or through which persons are trained or taught the practice of
17 cosmetology, esthetic practices, and nail technology;

18 (7) "Esthetician" means a person who is licensed by the board to engage in esthetic
19 practices in the Commonwealth of Kentucky;

20 (8) (a) "Esthetic practices" means one (1) or more of the following acts:

21 1. Giving facials, including consultation and skin analysis;

22 2. Giving skin care;

23 3. Removing facial hair;

24 4. Beautifying or cleaning the body with the use of cosmetic preparations,
25 antiseptics, tonics, lotions, creams; or

26 5. Providing preoperative and postoperative esthetic skin care, either
27 referred by or supervised by a medical professional;

- 1 (b) Except when these acts are performed incident to:
- 2 1. Treatment of an illness or a disease;
- 3 2. Work as a student in a board-approved school;
- 4 3. Work without compensation from the person receiving the service; or
- 5 4. Work performed by a licensed massage therapist;
- 6 (9) "Esthetic practices school" or "school of esthetic practices" means any operation,
- 7 place, or establishment in or through which persons are trained in esthetic practices;
- 8 (10) "Esthetic salon" means a place where an esthetician performs esthetic practices;
- 9 (11) "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash
- 10 extensions to natural eyelashes;
- 11 (12) "Limited beauty salon" means any establishment in which the practice of blow
- 12 drying services only is conducted for the general public or for consideration;
- 13 (13) (a) "Makeup artistry" means applying cosmetic products to the face and body.
- 14 (b) "Makeup artistry" includes:
- 15 1. Corrective and camouflage techniques; and
- 16 2. Airbrushing.
- 17 (c) "Makeup artistry" does not include:
- 18 1. Face painting at carnivals or fairs; or
- 19 2. Application of cosmetics when not done for consideration;
- 20 (14) "Nail salon" means any establishment in which the practice of nail technology only
- 21 is conducted for the general public or for consideration;
- 22 (15) "Nail technician" means a person who practices nail technology for the general
- 23 public or for consideration;
- 24 (16) "Nail technology" means the practice of cutting, trimming, polishing, coloring,
- 25 cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying
- 26 the hands and feet of any human, for which a license is required by this chapter;
- 27 (17) "Nail technology school" or "school of nail technology" means any operation, place,

1 or establishment in or through which persons are trained in nail technology;

2 (18) (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,
3 extending, locking, or braiding hair by hand or with mechanical devices.
4 Natural hair braiding is commonly known as "African-style hair braiding" but
5 is not limited to any particular cultural, ethnic, racial, or religious forms of
6 hair styles.

7 (b) "Natural hair braiding" includes:

- 8 1. The use of natural or synthetic hair extensions, natural or synthetic hair
9 and fibers, decorative beads, and other hair accessories;
- 10 2. Minor trimming of natural hair or hair extensions incidental to twisting,
11 wrapping, weaving, extending, locking, or braiding hair;
- 12 3. The use of topical agents such as conditioners, gels, moisturizers, oils,
13 pomades, and shampoos; and
- 14 4. The making of wigs from natural hair, natural fibers, synthetic fibers,
15 and hair extensions.

16 (c) "Natural hair braiding" does not include:

- 17 1. The application of dyes, reactive chemicals, or other preparation to alter
18 the color of the hair or to straighten, curl, or alter the structure of the
19 hair; or
- 20 2. The use of chemical hair joining agents such as synthetic tape, keratin
21 bonds, or fusion bonds.

22 (d) For the purposes of this subsection, "mechanical devices" means clips, combs,
23 curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair
24 binders;~~and~~

25 (19) "Threading" means the process of removing hair from below the eyebrow by use of
26 a thread woven through the hair to be removed; and

27 **(20) "Wax technician" means a person who applies and manipulates wax on a person**

1 *for the purpose of removing hair from the body, and for wax-related cosmetic*
2 *services and treatments.*

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

- 4 (1) All applicants for licensure under this chapter shall meet the following minimum
5 requirements:
- 6 (a) Be of good moral character and temperate habit;
 - 7 (b) Be at least eighteen (18) years of age;
 - 8 (c) Have a high school diploma, a High School Equivalency Diploma, or results
9 from the Test for Adult Basic Education indicating a score equivalent to the
10 twelfth grade of high school; and
 - 11 (d) Have submitted the completed application along with the required license fee
12 as set forth in administrative regulation.
- 13 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
14 license to any applicant who fails to comply with the provisions of this chapter or
15 any administrative regulations promulgated by the board.
- 16 (3) The board shall issue a cosmetologist license to any person who:
- 17 (a) Has official certification from the state board or agency that certifies
18 cosmetology schools that the applicant has graduated from a licensed school
19 of cosmetology requiring one thousand five hundred (1,500) hours within five
20 (5) years of enrolling within the school; and
 - 21 (b) Has satisfactorily passed an examination prescribed by the board to determine
22 fitness to practice cosmetology.
- 23 (4) The board shall issue an esthetician license to any person who:
- 24 (a) Has satisfactorily completed seven hundred fifty (750) hours of instruction in
25 a licensed school approved by the board; and
 - 26 (b) Has received a satisfactory grade on an examination prescribed by the board to
27 determine fitness to practice as an esthetician.

- 1 (5) The board shall issue a license to act as a nail technician to any person who:
- 2 (a) Has official certification from the state board or agency that certifies
- 3 cosmetology schools that the applicant has completed satisfactorily a nail
- 4 technician course of study of four hundred fifty (450) hours in a licensed
- 5 school of cosmetology within five (5) years of submitting an application for
- 6 licensure; and
- 7 (b) Has satisfactorily passed an examination prescribed by the board to determine
- 8 fitness to practice as a nail technician.
- 9 (6) The board shall issue a license to operate a salon as follows:
- 10 (a) The board shall issue a license to operate a beauty salon to any licensed
- 11 cosmetologist. An owner who is not a licensed cosmetologist shall have a
- 12 licensed cosmetologist as manager of the beauty salon at all times. If the
- 13 owner, manager, or location of a beauty salon changes, the required form and
- 14 fee shall be submitted to the board.
- 15 (b) The board shall issue a license to operate an esthetic salon to any licensed
- 16 esthetician. An owner who is not a licensed esthetician shall have a licensed
- 17 esthetician or cosmetologist as manager of the esthetic salon at all times. If the
- 18 owner, manager, or location of an esthetic salon changes, the required form
- 19 and fee shall be submitted to the board.
- 20 (c) The board shall issue a license to operate a nail salon to any licensed nail
- 21 technician. An owner who is not a licensed nail technician shall have a
- 22 licensed nail technician or cosmetologist as manager of the nail salon at all
- 23 times. If the owner, manager, or location of a nail salon changes, the required
- 24 form and fee shall be submitted to the board.
- 25 (7) The board shall issue an apprentice license to teach cosmetology, esthetic practices,
- 26 or nail technology to any person who:
- 27 (a) Has held a current cosmetologist, esthetician, or nail technician license for at

- 1 least one (1) year; and
- 2 (b) Has submitted an application that has been signed by the owners of the school
- 3 in which the applicant will study. The course of instruction shall be for a
- 4 period of seven hundred fifty (750) hours and not less than four and one-half
- 5 (4.5) months at one (1) school providing this instruction. The school owner
- 6 shall verify to the board the completion of seven hundred fifty (750) hours.
- 7 For out-of-state verification, an applicant shall provide official certification
- 8 from the board or agency that certifies schools in that other state of licensure
- 9 verifying the applicant has completed a course of instruction consisting of at
- 10 least seven hundred fifty (750) hours and not less than four and one-half (4.5)
- 11 months at one (1) school providing the instruction.
- 12 (8) The board shall issue a license to teach cosmetology to any person who:
- 13 (a) Has held a current cosmetologist license and apprentice instructor license for
- 14 at least four and one-half (4.5) months; 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 apprentice instructor license for at
- 19 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 (c) Has satisfactorily passed the examination for the teaching of esthetic practices
- 23 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 apprentice instructor license for
- 26 at least 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 (c) Has satisfactorily passed the examination for the teaching of nail technology
3 as prescribed by the board.

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

7 (a) Has as manager at 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) Has been a resident of Kentucky for five (5) years, if the applicant is an
15 individual. If the applicant is a firm or corporation, it shall be a Kentucky
16 corporation or licensed or qualified to do business in Kentucky and shall have
17 been in existence for a period of at least five (5) years;

18 (c) Any student enrolling in the school shall pay the fee set forth in administrative
19 regulation to the board before enrollment in the school shall be allowed; and

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

23 (12) (a) The board shall issue a license to provide blow drying services to any person
24 who:

25 1. ~~Is at least eighteen (18) years old;~~

26 2. ~~Has successfully completed a twelfth grade education or the equivalent;~~

27 3. ~~Has passed an examination prescribed by the board to determine fitness~~

1 to perform blow drying services; ***and***
 2 ~~2.~~~~[4.]~~ Has completed at least four hundred fifty (450) hours of instruction from
 3 a licensed school of cosmetology~~[-; and~~
 4 ~~5. Has met any other reasonable criteria established in administrative~~
 5 ~~regulations promulgated by the board].~~

6 (b) The board shall issue a license to operate a limited beauty salon to any person:
 7 1. Who is licensed to provide blow drying services or who employs at least
 8 one (1) person licensed to provide blow drying services at the limited
 9 beauty salon; and
 10 2. Whose limited beauty salon facility complies with standards established
 11 in administrative regulations promulgated by the board.

12 (13) ***The board shall issue a license to act as a wax technician to any person who:***

13 ***(a) Has official certification from the state board or agency that certifies***
 14 ***cosmetology schools that the applicant has completed satisfactorily a wax***
 15 ***technician course of study of one hundred seventy-five (175) hours in a***
 16 ***licensed school of cosmetology within five (5) years of submitting an***
 17 ***application for licensure; and***

18 ***(b) Has satisfactorily passed an examination prescribed by the board to***
 19 ***determine fitness to practice as a wax technician.***

20 ***(14)*** Licenses established under this chapter shall be valid for a period of time to be
 21 established by the board through the promulgation of administrative regulations.

22 ***(15)***~~[(14)]~~ Licenses and permits issued by the board may be renewed beginning July 1
 23 through July 31 of each year.

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

25 1. Upon submission and receipt of the application for renewal and the
 26 required annual license fee; and
 27 2. If the application for renewal is otherwise in compliance with the

1 provisions of this chapter and the administrative regulations of the
2 board.

3 (b) Any license application postmarked after July 31 shall be considered expired,
4 and the appropriate restoration fee as required by administrative regulation of
5 the board shall apply.

6 ~~(16)~~~~(15)~~ The requirements for a new license for any person whose license has expired
7 for a period exceeding five (5) years shall be as follows:

8 (a) Cosmetologists shall retake and pass the practical examination only;

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

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

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

13 (e) Providers of blow drying services shall retake and pass both the practical and
14 theory examination; and

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

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

23 ~~(18)~~~~(17)~~ The board shall issue a permit for threading and may promulgate
24 administrative regulations that set out requirements for the practice of threading.
25 Threading shall be conducted in a licensed beauty salon or a facility with a permit to
26 engage in threading, and the board may promulgate administrative regulations for
27 facilities and the required sanitation standards. The permit shall be valid for a period

1 of one (1) year.

2 ~~(19)~~[(18)] The board shall issue a permit for eyelash artistry and may promulgate
3 administrative regulations that set out the requirements for the practice of eyelash
4 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
5 with a permit to engage in eyelash artistry, and the board may promulgate
6 administrative regulations for facilities and the required sanitation standards. The
7 permit shall be valid for a period of one (1) year.

8 ~~(20)~~[(19)] The board shall issue a permit for makeup artistry and may promulgate
9 administrative regulations that set out requirements for the practice of makeup
10 artistry and required sanitation standards. The permit shall be valid for a period of
11 one (1) year.