

1 AN ACT relating to medical and cosmetological services and declaring an
2 emergency.

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

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

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

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

- 1 (5) "Cosmetology" means the practice upon the human neck and head of cutting hair,
2 permanent waving, or hairdressing, and may also include but is not limited to:
- 3 (a) Nail technology and finger waving;
 - 4 (b) Giving facial and scalp massage or treatments with oils, creams, lotions, or
5 other preparations, either by hand or any contrivance;
 - 6 (c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the
7 hair, or applying hair products;
 - 8 (d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other
9 products;
 - 10 (e) Facial hair removal; and
 - 11 (f) Eyebrow shaping, design, or removal.

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

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

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

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

- 20 1. Giving facials, including consultation and skin analysis;
- 21 2. Giving skin care;
- 22 3. Removing facial hair;
- 23 4. Beautifying or cleaning the body with the use of cosmetic preparations,
24 antiseptics, tonics, lotions, creams; or
- 25 5. Providing preoperative and postoperative esthetic skin care, either
26 referred by or supervised by a medical professional;

- 27 (b) Except when these acts are performed incident to:

- 1 1. Treatment of an illness or a disease;
- 2 2. Work as a student in a board-approved school;
- 3 3. Work without compensation from the person receiving the service; or
- 4 4. Work performed by a licensed massage therapist;
- 5 (9) "Esthetic practices school" or "school of esthetic practices" means any operation,
- 6 place, or establishment in or through which persons are trained in esthetic practices;
- 7 (10) "Esthetic salon" means a place where an esthetician performs esthetic practices;
- 8 (11) "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash
- 9 extensions to natural eyelashes;
- 10 (12) "Limited beauty salon" means any establishment in which the practice of blow
- 11 drying services only is conducted for the general public or for consideration;
- 12 (13) (a) "Makeup artistry" means applying cosmetic products to the face and body.
- 13 (b) "Makeup artistry" includes:
- 14 1. Corrective and camouflage techniques; and
- 15 2. Airbrushing.
- 16 (c) "Makeup artistry" does not include:
- 17 1. Face painting at carnivals or fairs; or
- 18 2. Application of cosmetics when not done for consideration;
- 19 (14) *"Medical esthetic service" means the diagnosis, treatment, or correction of*
- 20 *human conditions, ailments, diseases, injuries, or infirmities of the skin, hair,*
- 21 *nails, and mucous membranes by any means, methods, devices, or instruments,*
- 22 *including the use of a biological or synthetic material, chemical application,*
- 23 *mechanical device, or displaced energy form of any kind if it alters or damages or*
- 24 *is capable of altering or damaging living tissue below the superficial epidermal*
- 25 *cells. "Medical esthetic service" includes but is not limited to:*
- 26 *(a) Ablative laser therapy;*
- 27 *(b) Vaporizing laser therapy;*

- 1 (c) Nonsuperficial light device therapy;
- 2 (d) Dermal filler treatments, including collagen or fat injections, hyaluronic
- 3 acid fillers and injectable bio-stimulating agents;
- 4 (e) Tissue alteration services, including liposuction;
- 5 (f) Nonsuperficial light-emitting diode therapy;
- 6 (g) Nonsuperficial intense pulse light therapy;
- 7 (h) Nonsuperficial radiofrequency therapy;
- 8 (i) Nonsuperficial ultrasonic therapy;
- 9 (j) Nonsuperficial exfoliation;
- 10 (k) Dermabrasion;
- 11 (l) Nonsuperficial dermaplane exfoliation;
- 12 (m) Nonsuperficial lymphatic drainage;
- 13 (n) Collagen induction therapy, including microneedling;
- 14 (o) Fat-freezing treatment, including cool sculpting;
- 15 (p) Neuromuscular injections, including formulations of botulinum toxin, such
- 16 as Botox;
- 17 (q) Collagen injections; and
- 18 (r) FDA-registered modalities and implements;
- 19 (15) (a) "Medical spa" means any facility or business in which a majority of
- 20 patients, clients, or customers are provided a medical esthetic service to alter
- 21 or reshape normal structures, textures, or surfaces of the body or skin solely
- 22 in order to improve appearance.
- 23 (b) "Medical spa" does not include:
- 24 1. A hospital, including a critical access hospital as defined in KRS
- 25 Chapter 216, a facility owned by the hospital, or the office of a
- 26 hospital-employed physician;
- 27 2. A school, college, university, or other educational institution or

1 program to the extent that it provides instruction to individuals
 2 preparing to practice as physicians, physician assistants, nurses,
 3 dentists, optometrists, estheticians, or cosmetologists;

4 3. Cosmetic counters within chain department stores; or

5 4. Any office facility owned by a plastic surgeon or dermatologist who
 6 holds a current certification from the American Board of Dermatology
 7 or American Board of Plastic Surgery or a current certificate of added
 8 qualification in dermatology or plastic and reconstructive surgery
 9 from the American Osteopathic Association Bureau of Osteopathic
 10 Specialists;

11 **(16)** "Nail salon" means any establishment in which the practice of nail technology only
 12 is conducted for the general public or for consideration;

13 **(17)**~~[(15)]~~ "Nail technician" means a person who practices nail technology for the
 14 general public or for consideration;

15 **(18)**~~[(16)]~~ "Nail technology" means the practice of cutting, trimming, polishing,
 16 coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or
 17 beautifying the hands and feet of any human, for which a license is required by this
 18 chapter;

19 **(19)**~~[(17)]~~ "Nail technology school" or "school of nail technology" means any operation,
 20 place, or establishment in or through which persons are trained in nail technology;

21 **(20)**~~[(18)]~~ (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,
 22 extending, locking, or braiding hair by hand or with mechanical devices.
 23 Natural hair braiding is commonly known as "African-style hair braiding" but
 24 is not limited to any particular cultural, ethnic, racial, or religious forms of
 25 hair styles.

26 (b) "Natural hair braiding" includes:

27 1. The use of natural or synthetic hair extensions, natural or synthetic hair

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

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

- 9 1. The application of dyes, reactive chemicals, or other preparation to alter
- 10 the color of the hair or to straighten, curl, or alter the structure of the
- 11 hair; or
- 12 2. The use of chemical hair joining agents such as synthetic tape, keratin
- 13 bonds, or fusion bonds.

14 (d) For the purposes of this subsection, "mechanical devices" means clips, combs,

15 curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair

16 binders; and

17 ~~(21)~~~~(19)~~ "Threading" means the process of removing hair from below the eyebrow by

18 use of a thread woven through the hair to be removed.

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO

20 READ AS FOLLOWS:

21 **(1) Beginning July 1, 2022, at least one (1) of the following licensees shall have full**

22 **ownership of a medical spa:**

23 **(a) A physician licensed to practice medicine by the Kentucky Board of Medical**

24 **Licensure;**

25 **(b) A nurse licensed by the Kentucky Board of Nursing;**

26 **(c) An optometrist licensed by the Kentucky Board of Optometric Examiners;**

27 **(d) An esthetician or cosmetologist licensed by the Kentucky Board of**

- 1 Cosmetology; or
- 2 (e) A practicing dentist who is currently licensed to practice dentistry by the
- 3 Kentucky Board of Dentistry.
- 4 (2) (a) Regardless of the form of facility or business, beginning July 1, 2022, at
- 5 least one (1) of the following licensees shall be physically present on site
- 6 during any time and at any location where medical esthetic services are
- 7 being offered:
- 8 1. A physician or physician assistant licensed to practice medicine by the
- 9 Kentucky Board of Medical Licensure;
- 10 2. A nurse licensed by the Kentucky Board of Nursing;
- 11 3. An optometrist licensed by the Kentucky Board of Optometric
- 12 Examiners;
- 13 4. An esthetician or cosmetologist licensed by the Kentucky Board of
- 14 Cosmetology; or
- 15 5. A practicing dentist who is currently licensed to practice dentistry by
- 16 the Kentucky Board of Dentistry.
- 17 (b) No person other than those listed in subsection (2)(a) of this section shall
- 18 perform or conduct any medical esthetic services within a medical spa.
- 19 Unlicensed persons may fulfill the sale of over-the-counter retail goods and
- 20 carry out administrative functions necessary to the operation of the medical
- 21 spa.
- 22 (3) Beginning July 1, 2022, only an individual licensed by one (1) of the licensing
- 23 boards listed in subsection (1) of this section shall have an ownership or
- 24 investment interest in a medical spa. Credit extended by a financial institution as
- 25 defined in KRS 136.500 to the facility shall not be deemed an investment interest
- 26 under this subsection. The ownership or investment requirement shall not be
- 27 enforced against any medical spa existing and operating on June 30, 2022, unless

1 there is a sanction imposed on the facility, any person employed by the facility, or
2 any person working at the facility as an independent contractor for delegating or
3 allowing, directly or indirectly, any person not licensed by one (1) of the licensing
4 boards listed in subsection (1) of this section to perform or conduct any medical
5 esthetic service.

6 (4) (a) Regardless of the form of facility or business, beginning July 1, 2022, every
7 existing or newly formed medical spa shall be incorporated as a business
8 entity with the Secretary of State and shall register and become licensed as a
9 medical spa with the Kentucky Board of Cosmetology.

10 (b) All medical spas shall maintain a current and active license issued by the
11 Kentucky Board of Cosmetology to remain in operation. If a license is
12 suspended, revoked, or lapsed, a medical spa shall be prohibited from
13 operating.

14 (c) 1. Notwithstanding paragraph (a) of this section, medical spas owned
15 and operated solely by physicians, nurses, dentists, optometrists,
16 estheticians, or cosmetologists licensed in the Commonwealth of
17 Kentucky shall not be required to register as a business entity with the
18 Secretary of State and shall register as a medical spa with the
19 Kentucky Board of Cosmetology.

20 2. The owner and operator of a medical spa facility license shall be
21 responsible for and accountable to their licensing boards for all
22 conduct within a medical spa.

23 (5) Each licensing board with licensees that perform medical esthetic services shall
24 adopt or amend administrative regulations to:

25 (a) Set forth training and continuing education requirements for licensees who
26 provide medical esthetic services;

27 (b) Define its licensees' scope of practice, consistent with and not to exceed

1 their scope of practice as of January 1, 2022, unless explicitly authorized by
 2 the General Assembly; and

3 (c) Prohibit the delegation of privileges within individual licensees' scope of
 4 practice to non-licensed persons, unless explicitly authorized by the General
 5 Assembly.

6 (6) Each medical spa shall post information, including the names, license numbers,
 7 and any specialty areas of any licensed professional that performs medical
 8 esthetic services, in a conspicuous place that is accessible to customers at the
 9 medical spa and on any Web site maintained by the medical spa. The information
 10 shall be:

11 (a) Contained in any advertisement by the medical spa or state that such
 12 information may be found on the medical spa's Web site and list the address
 13 for the Web site; and

14 (b) Contained in a written notice that is provided to each person before
 15 undergoing any medical esthetic service at the medical spa.

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

17 (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail
 18 technology for other than cosmetic purposes nor shall any person engage in the
 19 practice of cosmetology, esthetic practices, or nail technology for the treatment of
 20 physical or mental ailments. This chapter does not apply to:

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

25 (b) Commissioned medical or surgical personnel of the United States Armed
 26 Forces who perform incidental practices of cosmetology, esthetic practices, or
 27 nail technology in the course of their duties;

- 1 (c) Cosmetology, esthetic practices, or nail technology services performed at an
2 institution operated or under contract to the Department of Corrections or the
3 Department of Juvenile Justice; and
- 4 (d) Persons engaged in natural hair braiding.
- 5 (2) Except as provided in subsection (1) of this section, no person shall engage in the
6 practice of cosmetology, esthetic practices, ~~or~~ nail technology, **or medical esthetic**
7 **services** for the public, generally, or for consideration without the appropriate
8 license required by this chapter.
- 9 (3) No person unless duly and properly licensed pursuant to this chapter shall:
- 10 (a) Teach cosmetology, esthetic practices, or nail technology;
- 11 (b) Operate a beauty salon;
- 12 (c) Operate an esthetic salon;
- 13 (d) Act as an esthetician;
- 14 (e) Operate a nail salon;
- 15 (f) Act as a nail technician;~~or~~
- 16 (g) Conduct or operate a school for cosmetologists, estheticians, or nail
17 technicians; **or**
- 18 **(h) Operate a medical spa.**
- 19 (4) No person shall aid or abet any person in violating this section, nor shall any person
20 engage or employ for consideration any person to perform any practice licensed by
21 this chapter unless the person to perform the practice holds and displays the
22 appropriate license.
- 23 (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists,
24 licensed estheticians, or licensed nail technicians shall hold clinics for teaching or
25 demonstrating for personal profit, either monetary or otherwise, if the clinics are not
26 sponsored by a recognized professional cosmetologist's, esthetician's, or nail
27 technician's group.

- 1 (6) Whenever a person engages in different practices separately licensed, certified, or
2 permitted by this chapter, that person shall procure a separate license, certificate, or
3 permit for each of the practices in which the person engages.
- 4 (7) The board may:
- 5 (a) Bring and maintain actions in its own name to enjoin any person in violation
6 of any provision of this chapter. These actions shall be brought in the Circuit
7 Court of the county where the violation is alleged to have occurred;
- 8 (b) Issue an emergency order in accordance with KRS 13B.125 against any
9 facility licensed by the board. The emergency order shall be based upon
10 probable cause by the board that the emergency order is in the public
11 interest and there is substantial evidence of immediate danger to the health,
12 welfare, and safety of any customer, patient, or the general public; and
- 13 (c) Institute civil and criminal proceedings against violators of this chapter.
14 The Attorney General, Commonwealth's attorneys, and county attorneys
15 shall assist the board in prosecuting violations of this chapter.
- 16 (8) The board shall:
- 17 (a) Govern all issues related to medical spa licensure;
- 18 (b) Investigate alleged violations brought to its attention, conduct
19 investigations, and schedule and conduct administrative hearings in
20 accordance with KRS Chapter 13B to enforce the provisions of this chapter
21 and administrative 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) Forward all investigation reports, complaints, and other documents
25 necessary to inform the regulatory boards listed in Section 2 of this Act of
26 any person licensed by any of the boards in Section 2 of this Act who
27 violates Sections 1 to 6 of this Act.

1 ➔Section 4. KRS 317A.050 is amended to read as follows:

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

1 cosmetology schools that the applicant has completed satisfactorily a nail
2 technician course of study of four hundred fifty (450) hours in a licensed
3 school of cosmetology within five (5) years of submitting an application for
4 licensure; and

5 (b) Has satisfactorily passed an examination prescribed by the board to determine
6 fitness to practice as a nail technician.

7 (6) The board shall issue a license to operate a salon as follows:

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

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

18 (c) The board shall issue a license to operate a nail salon to any licensed nail
19 technician. An owner who is not a licensed nail technician shall have a
20 licensed nail technician or cosmetologist as manager of the nail salon at all
21 times. If the owner, manager, or location of a nail salon changes, the required
22 form and fee shall be submitted to the board.

23 (7) **The board shall issue a license to operate a medical spa to any licensed individual**
24 **listed in subsection (1) of Section 2 of this Act. If the owner, operator, or location**
25 **of a medical spa changes, the required form and fee shall be submitted to the**
26 **board as established in administrative regulations promulgated by the board.**

27 (8) The board shall issue an apprentice license to teach cosmetology, esthetic practices,

1 or nail technology to any person who:

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

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

14 ~~(9)~~~~(8)~~ The board shall issue a license to teach cosmetology to any person who:

15 (a) Has held a current cosmetologist license and apprentice instructor license for
16 at least four and one-half (4.5) months; and

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

19 ~~(10)~~~~(9)~~ The board shall issue a license to teach esthetic practices to any person who:

20 (a) Has held a current esthetician license and apprentice instructor license for at
21 least four and one-half (4.5) months;

22 (b) Has completed fifty (50) hours in esthetics training within the last two (2)
23 years; and

24 (c) Has satisfactorily passed the examination for the teaching of esthetic practices
25 as prescribed by the board.

26 ~~(11)~~~~(10)~~ The board shall issue a license to teach nail technology to any person who:

27 (a) Has held a current nail technician license and apprentice instructor license for

1 at least four and one-half (4.5) months;

2 (b) Has completed fifty (50) hours in nail technology training within the last two
3 (2) years; and

4 (c) Has satisfactorily passed the examination for the teaching of nail technology
5 as prescribed by the board.

6 ~~(12)~~~~(11)~~ If the requirements of KRS 317A.090 have been satisfied, the board shall
7 issue a license to operate a school of cosmetology or a school of esthetic practices
8 or a school of nail technology to any person who:

9 (a) Has as manager at all times a person who is:

10 1. Licensed as an instructor;

11 2. Charged with the responsibility of ensuring that all applicable statutes
12 and administrative regulations are complied with; and

13 3. Responsible for having a sufficient number of licensed instructors of
14 cosmetology or esthetic practices or nail technology to conduct the
15 school;

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

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

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

25 ~~(13)~~~~(12)~~ (a) The board shall issue a license to provide blow drying services to any
26 person who:

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

- 1 2. Has successfully completed a twelfth grade education or the equivalent;
- 2 3. Has passed an examination prescribed by the board to determine fitness
- 3 to perform blow drying services;
- 4 4. Has completed at least four hundred fifty (450) hours of instruction from
- 5 a licensed school of cosmetology; and
- 6 5. Has met any other reasonable criteria established in administrative
- 7 regulations promulgated by the board.

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

14 ~~(14)~~~~(13)~~ Licenses established under this chapter shall be valid for a period of time to be
15 established by the board through the promulgation of administrative regulations.

16 ~~(15)~~~~(14)~~ Licenses and permits issued by the board may be renewed beginning July 1
17 through July 31 of each year.

- 18 (a) Any license shall automatically be renewed by the board:
- 19 1. Upon submission and receipt of the application for renewal and the
- 20 required annual license fee; and
- 21 2. If the application for renewal is otherwise in compliance with the
- 22 provisions of this chapter and the administrative regulations of the
- 23 board.

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

27 ~~(16)~~~~(15)~~ The requirements for a new license for any person whose license has expired

1 for a period exceeding five (5) years shall be as follows:

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

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

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

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

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

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

11 ~~(17)~~~~(16)~~ Guest artists or demonstrators appearing and demonstrating before persons
12 other than licensed cosmetologists, estheticians, nail technicians, and providers of
13 blow drying services shall apply for a permit that shall be in effect for ten (10) days.
14 Guest artists performing before a nonprofit, recognized professional
15 cosmetologists', estheticians', or cosmetology school or blow drying services' or nail
16 technicians' group shall apply for a permit, but shall not be required to pay the fee.

17 ~~(18)~~~~(17)~~ The board shall issue a permit for threading and may promulgate
18 administrative regulations that set out requirements for the practice of threading.
19 Threading shall be conducted in a licensed beauty salon or a facility with a permit to
20 engage in threading, and the board may promulgate administrative regulations for
21 facilities and the required sanitation standards. The permit shall be valid for a period
22 of one (1) year.

23 ~~(19)~~~~(18)~~ The board shall issue a permit for eyelash artistry and may promulgate
24 administrative regulations that set out the requirements for the practice of eyelash
25 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
26 with a permit to engage in eyelash artistry, and the board may promulgate
27 administrative regulations for facilities and the required sanitation standards. The

1 permit shall be valid for a period of one (1) year.

2 ~~(20)~~~~(19)~~ The board shall issue a permit for makeup artistry and may promulgate
3 administrative regulations that set out requirements for the practice of makeup
4 artistry and required sanitation standards. The permit shall be valid for a period of
5 one (1) year.

6 ➔Section 5. KRS 317A.145 is amended to read as follows:

7 (1) The board shall receive complaints concerning any person licensed under this
8 chapter relating to the licensee's business or professional practices. The board may
9 investigate all complaints concerning any person licensed under the provisions of
10 this chapter. The board may on its own volition initiate such an investigation and
11 shall promulgate administrative regulations necessary for the administration of the
12 provisions of this section.

13 (2) If upon investigation there appears to be a violation of the provisions of this
14 chapter, the board shall take such action as it deems necessary under the provisions
15 of KRS 317A.140.

16 (3) For the purpose of enforcing the provisions of this chapter, officers, agents, and
17 inspectors of the board may enter upon premises of all facilities issued a permit or
18 license by the board **and all medical spas**, at all reasonable times and during
19 periods when those premises are otherwise open to the public, and make inspections
20 to determine compliance with this chapter and the administrative regulations
21 promulgated by the board, and inspect books, papers, or records pertaining to the
22 licensed activity, a copy of which may be obtained by the board officer, agent, or
23 inspector.

24 ➔Section 6. KRS 317A.990 is amended to read as follows:

25 (1) Any person who violates any provision of this chapter shall be fined not less than
26 fifty dollars (\$50) nor more than one thousand five hundred dollars (\$1,500) **per**
27 **violation**.

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

5 (3) Any person who violates KRS 317A.155 and Section 3 and of this Act shall be
6 guilty of a Class B misdemeanor.

7 ➔Section 7. Whereas the number of unregulated day spas continues to pose an
8 urgent threat to public health, an emergency is declared to exist, and this Act takes effect
9 upon its passage and approval by the Governor or upon its otherwise becoming a law.