

1 AN ACT relating to mobile services.

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

3 ➔Section 1. KRS 317.410 is amended to read as follows:

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

- 5 (1) A "barber" is any person who engages in the practice of "barbering" for the public
6 generally or for consideration;
- 7 (2) "Barbering" is the practice upon the human neck, face, and head, principally of
8 shaving or trimming the beard or cutting the hair, but includes also:
- 9 (a) Giving facial and scalp massage or treatments with oils, creams, lotions, or
10 other preparations, either by hand or any contrivance;
- 11 (b) Singeing, shampooing, pressing, arranging, dressing, styling, or dyeing the
12 hair or applying hair tonics; and
- 13 (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other
14 preparations;
- 15 (3) "Barber pole" means a cylinder or pole with alternating stripes of any combination,
16 including but not limited to red and white, or red, white, and blue, which run
17 diagonally along the length of the pole;
- 18 (4) "Barber school" or "school of barbering" means an operation, place, or
19 establishment in or through which persons are trained or taught the practice of
20 barbering;
- 21 (5) "Barber shop" is any establishment in which the practice of barbering is conducted
22 for the general public or for consideration **and includes a mobile barber shop;**
- 23 (6) "Board" means the Kentucky Board of Barbering;
- 24 (7) "Endorsement" means the process of granting a license under this chapter to an
25 applicant licensed in another state;
- 26 (8) "Independent contract owner" means any barber or apprentice barber licensed under
27 this chapter who leases or rents space in a barber shop;~~and~~

(9) "Lapse fees" means the annual renewal license fee which would have been paid for the period during which a license has lapsed; and

(10) "Mobile barber shop" means a self-contained unit in which the practice of barbering is conducted and which may be moved, towed, or transported from one (1) location to another.

➔Section 2. KRS 317.420 is amended to read as follows:

(1) No person shall engage in the practice of "barbering" for other than cosmetic purposes nor shall any person engage in barbering for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:

(a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing, or embalming when incidental practices of barbering are performed by them in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States Armed Forces performing incidental practices of barbering in the course of their duties; or

(c) Barbering services performed at an institution operated by or under contract to the Department of Corrections or the Department of Juvenile Justice.

(2) Except as provided in subsection (1) of this section, no person shall engage in the practice of barbering 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 barbering;

(b) Operate a barber shop or mobile barber shop;

(c) Conduct or operate a school for barbers; ~~or~~

(d) Lease or rent booth space as an independent contract owner; or

(e) Operate a mobile barber shop without first notifying the board of its

1 *location or change in its location.*

- 2 (4) No person shall aid or abet any person in violating the provisions of this section,
3 nor shall any person engage or employ for consideration any person for the
4 performance of any practice licensed by this chapter unless the person to perform
5 such practice holds and displays the appropriate license therefor.
- 6 (5) Except as provided in this chapter, no person or business shall:
- 7 (a) Advertise barbering services, unless the person or business and the personnel
8 it employs are licensed under this chapter;
- 9 (b) Advertise as a barber shop *or mobile barber shop*, unless all persons in the
10 shop practicing barbering services are licensed under this chapter. Any barber
11 practicing in a shop licensed as both a barber shop and a salon licensed under
12 KRS Chapter 317A may display an image, that is at least four (4) inches high,
13 of a barber pole at his or her station; or
- 14 (c) Use or display a barber pole for the purpose of advertising barbering services
15 to the public unless it:
- 16 1. Has a barber shop license; and
- 17 2. Employs a barber licensed under this chapter.
- 18 (6) A person holding an active barber license from the board and who practices in a
19 shop licensed by the board may render services for pay or otherwise to:
- 20 (a) A person suffering from a terminal illness who is receiving the services of a
21 hospice program either at home or at a hospice inpatient unit; or
- 22 (b) A person who is deceased and in the care of a funeral establishment.
- 23 ➔Section 3. KRS 317.430 is amended to read as follows:
- 24 (1) There is hereby created an independent agency of the state government to be known
25 as the Kentucky Board of Barbering, which shall have complete supervision over
26 the administration of the provisions of this chapter relating to barbers, barbering,
27 barber shops, *mobile barber shops*, independent contract owners, barber schools,

- 1 and the teaching of barbering.
- 2 (2) The board shall be composed of five (5) members appointed by the Governor. Four
- 3 (4) members shall be barbers holding a valid license and practicing in Kentucky.
- 4 One (1) member shall be a citizen at large who is not associated with or financially
- 5 interested in barbering. At all times in the filling of vacancies of membership on the
- 6 barber board, this balance of representation shall be maintained.
- 7 (3) The two (2) members appointed to fill the terms beginning on February 1, 2008,
- 8 shall serve until February 1, 2011, and the three (3) members appointed to fill the
- 9 terms beginning on February 1, 2007, shall serve until February 1, 2010. All
- 10 subsequent appointments shall be for a term of three (3) years, with terms ending on
- 11 February 1.
- 12 (4) The Governor shall not remove any member of the board except for cause.
- 13 (5) The board shall elect from its members one (1) to serve as chairman, one (1) to
- 14 serve as vice chairman, and a third to serve as secretary.
- 15 (6) Three (3) members shall constitute a quorum for the transaction of business.
- 16 (7) In addition to the other qualifications specified in this section, barber members of
- 17 the board shall be at least twenty-three (23) years of age, citizens of the United
- 18 States, residents of Kentucky, and must have engaged in the practice of barbering in
- 19 this state for a period of at least five (5) years.
- 20 (8) No member of the board shall be financially interested in, or have any financial
- 21 connection with, any barber or cosmetology school, wholesale cosmetic or barber
- 22 supply or equipment business, nor shall any member of the barber board teach
- 23 barbering, cosmetology, or manicuring for monetary considerations.
- 24 (9) Each member of the board shall receive a compensation of one hundred dollars
- 25 (\$100) per day for each day of attendance at a meeting of the board, and shall be
- 26 reimbursed for necessary traveling expenses.
- 27 (10) The board shall hold its meetings within the state and when deemed necessary by

1 the board to discharge its duties.

2 ➔Section 4. KRS 317.440 is amended to read as follows:

3 (1) To protect the health and safety of the public and to protect the public against
4 misrepresentation, deceit, or fraud in the practice or teaching of barbering, the
5 board shall promulgate administrative regulations governing the:

- 6 (a) Location and housing of barber shops, mobile barber shops, or schools;
7 (b) Quantity and quality of equipment, supplies, materials, records, and
8 furnishings required in barber shops, mobile barber shops, or schools;
9 (c) Qualifications of teachers of barbering;
10 (d) Qualifications of applicants to or enrollees in barber schools;
11 (e) Hours and courses of instruction at barber schools;
12 (f) Examinations of applicants for barber or teacher of barbering;~~and~~
13 (g) Qualifications of independent contract owners; and
14 (h) Inspection criteria for mobile barber shops.

15 (2) The board shall establish:

16 (a) Fees by administrative regulation; and

17 (b) On its website a system for a licensed mobile barber shop to:

18 1. Submit to the board a weekly itinerary detailing the locations at which
19 it will offer barbering services; and

20 2. Notify the board of any changes in its location or itinerary.

21 (3) Administrative regulations pertaining to health and sanitation shall be approved by
22 the Kentucky secretary for health and family services before becoming effective.

23 ➔Section 5. KRS 317.450 is amended to read as follows:

24 (1) (a) The board shall issue an apprentice license to practice barbering to any person
25 who:

- 26 1. Is at least seventeen and one-half (17-1/2) years of age;
27 2. Is of good moral character and temperate habit;

- 1 3. Possesses a high school diploma, a High School Equivalency Diploma,
2 or a transcript from an issuing institution that is recognized by the
3 educational authority in the state from which the diploma, certificate, or
4 transcript is issued;
- 5 4. Has graduated from a licensed school of barbering;
- 6 5. Has satisfactorily passed the apprentice examination prescribed by the
7 barber board, which shall include a practical assessment of the
8 applicant's skills, including but not limited to a taper haircut, shampoo,
9 straight razor facial shave, facial, and a chemical application; and
- 10 6. Has paid a fee as established in administrative regulations promulgated
11 by the board in accordance with KRS Chapter 13A.
- 12 (b) A barber shall serve an apprentice period of at least six (6) months but not
13 more than nine (9) months of continuous service from the effective date of the
14 license issued pursuant to paragraph (a) of this subsection.
- 15 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,
16 the board may, during the apprentice period, require a licensee to retake any
17 part or all of the written or practical examination, or both.
- 18 (d) At the end of the apprentice period, the board shall issue a license to practice
19 barbering to an apprentice licensee who has:
 - 20 1. Satisfactorily passed the barber examination prescribed by the board by
21 administrative regulations promulgated in accordance with KRS Chapter
22 13A; and
 - 23 2. Complied with all other requirements of this subsection.
- 24 (e) The board may issue a barber license by endorsement to a resident of another
25 state, district, or territory within the United States of America upon payment
26 of a fee as established in administrative regulations promulgated by the board
27 in accordance with KRS Chapter 13A, and upon submission of satisfactory

1 evidence that the requirements for licensure in the other state are substantially
2 equivalent to the requirements of this state at the time of application. In the
3 absence of the required equivalency, an applicant from another state, district,
4 or territory within the United States of America, shall show proof of three (3)
5 years or more experience immediately before making application and be
6 currently licensed and in good standing with the state, district, or territory in
7 which he or she is licensed. The board may also require an applicant under
8 this section to pass a written and practical examination to establish
9 equivalency.

10 (2) The board shall:

- 11 (a) Issue a license to operate a barber shop or mobile barber shop to any barber
12 licensed under the provisions of this chapter upon application and payment of
13 a fee as established in administrative regulations promulgated by the board in
14 accordance with KRS Chapter 13A;
- 15 (b) Refuse to issue the license upon a failure of the licensed barber to comply
16 with the provisions of this chapter or the administrative regulations
17 promulgated by the board;
- 18 (c) Allow the licensed owner of a barber shop or mobile barber shop, which is
19 licensed under this chapter, to rent or lease space in his or her barber shop to
20 an independent contract owner; and
- 21 (d) Allow an unlicensed owner of a barber shop to rent or lease space in his or her
22 barber shop to an independent contract owner, only if the shop owner has a
23 licensed barber as a manager of the shop at all times. If the owner, manager,
24 or location of a barber shop changes, the required form and fee shall be
25 submitted to the board.

26 (3) The board shall issue a license to operate a school of barbering to any person, firm,
27 or corporation who or which:

- 1 (a) Applies for a license upon forms furnished by the board;
- 2 (b) Has the equipment and facilities that may be required by administrative
- 3 regulations promulgated by the board;
- 4 (c) Has furnished adequate evidence to the board that:
- 5 1. There is an intent to establish a bona fide school for the education and
- 6 training of competent barbers; and
- 7 2. A sufficient number of teachers licensed by the board will be employed
- 8 to conduct the school, including at least one (1) teacher with a minimum
- 9 of twelve (12) months' experience teaching in a barber school that
- 10 includes administrative experience; and
- 11 (d) Pays a fee as established in administrative regulations promulgated by the
- 12 board in accordance with KRS Chapter 13A.
- 13 (4) The board shall issue a student permit to any person enrolled in a licensed barber
- 14 school upon payment of a fee as established in administrative regulations
- 15 promulgated by the board in accordance with KRS Chapter 13A.
- 16 (5) The board shall issue a license to teach barbering to any person who:
- 17 (a) Is of good moral character and temperate habit;
- 18 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 19 (c) Has been a Kentucky-licensed and practicing barber for at least eighteen (18)
- 20 months;
- 21 (d) Has satisfactorily passed the examination prescribed by the board by
- 22 promulgation of administrative regulations; and
- 23 (e) Has paid a fee as established in administrative regulations promulgated by the
- 24 board in accordance with KRS Chapter 13A.
- 25 (6) The board shall issue a license to any barber who holds an independent contract
- 26 owner's license who:
- 27 (a) Is of good moral character and temperate habit;

- 1 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 2 (c) Is a licensed and practicing barber under this chapter; and
- 3 (d) Has paid a fee as established in administrative regulations promulgated by the
- 4 board in accordance with KRS Chapter 13A.
- 5 (7) The board shall issue a demonstration charity event permit to any licensed barber
- 6 who pays a fee as established in administrative regulations promulgated by the
- 7 board in accordance with KRS Chapter 13A.
- 8 (8) Applications for examination required in this section shall be accompanied by an
- 9 examination fee as established in administrative regulations promulgated by the
- 10 board in accordance with KRS Chapter 13A.
- 11 (9) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire
- 12 on the first day of July next following the date of its issuance. A license shall
- 13 be renewed on June 1 through July 1 of each year.
- 14 (b) Any license shall automatically be renewed by the board:
- 15 1. Upon receipt of the application for renewal or duplicate renewal
- 16 application form and the required annual renewal license fee submitted
- 17 either in person or via written or electronic means; and
- 18 2. If the applicant for renewal is otherwise in compliance with the
- 19 provisions of this chapter and the administrative regulations of the
- 20 board.
- 21 (10) The annual renewal license fee for each type of license renewal shall be as
- 22 established in administrative regulations promulgated by the board in accordance
- 23 with KRS Chapter 13A.
- 24 (11) (a) The fee per year for the renewal of an expired license, if the period of
- 25 expiration does not exceed five (5) years, shall be as established by
- 26 administrative regulations promulgated by the board in accordance with KRS
- 27 Chapter 13A.

1 (b) An applicant who fails to renew a license within five (5) years of its
2 expiration shall comply with the requirements for relicensure established by
3 the board through promulgation of administrative regulations in accordance
4 with KRS Chapter 13A.

5 ➔Section 6. KRS 317.580 is amended to read as follows:

6 No barber, independent contract owner, or student shall:

- 7 (1) Knowingly continue to practice while he or she has an infectious or communicable
8 disease;
- 9 (2) Fail to provide the head rest of each chair with a relaundersed towel or a sheet of
10 clean paper for each patron;
- 11 (3) Fail to place around the patron's neck a strip of cotton, towel, or neck strip so that
12 the haircloth does not come in contact with the nude skin of the patron's body;
- 13 (4) Use on one (1) patron a towel that has been used upon another patron, unless the
14 towel has been relaundersed; or
- 15 (5) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of
16 vibrator or other similar equipment or appliance that comes into contact with the
17 head, face, hands, or neck of a patron, until the equipment or appliance has been
18 immersed in boiling water for ten (10) minutes or in a sterilizing solution and
19 placed in a wet or dry sterilizer until again used. Only such methods of sterilization
20 as are bacteriologically effective and approved by the Cabinet for Health and
21 Family Services shall be used.
- 22 (6) Fail to wash his or her hands in a sink both before and after contact with each
23 patron. Methods to sterilize hands that are bacteriologically effective as approved
24 by the United States Food and Drug Administration's Food Code, Sections 2-301.11
25 through 2-304.11, shall also be recognized and used. Barber shop and mobile
26 barber shop licenses issued after July 12, 2006, shall require that a sink with hot
27 and cold running water be located in the room where barbering is done.

1 ➔Section 7. KRS 317A.010 is amended to read as follows:

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

3 (1) "Beauty salon" means any establishment in which the practice of cosmetology is
4 conducted for the general public or for consideration and includes a mobile beauty
5 salon;

6 (2) "Board" means the Kentucky Board of Cosmetology;

7 (3) "Cosmetologist" means a person who engages in the practice of cosmetology for the
8 public generally or for consideration, regardless of the name under which the
9 practice is conducted;

10 (4) "Cosmetology" means the practice of:

11 (a) Hair styling;

12 (b) Esthetics; and

13 (c) Nail technology.

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

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

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

21 (7) "Esthetic practices" means one (1) or more of the following acts:

22 (a) Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup,
23 removal of superfluous hair, stimulation, tinting, tweezing, or waxing;

24 (b) Eyelash tinting, artificial eyelashes, or eyelash extensions;

25 (c) Use of lotions, creams, oils, antiseptics, or depilatories;

26 (d) Massaging the skin; and

27 (e) Providing preoperative and postoperative esthetic skin care, either referred by

- 1 or supervised by a medical professional, unless these acts are performed
2 incident to:
- 3 1. Treatment of an illness or a disease;
 - 4 2. Work as a student in a board-approved school; or
 - 5 3. Work performed by a licensed massage therapist;
- 6 (8) "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 (9) "Esthetic salon" means a place where an esthetician performs esthetic practices **and**
9 **includes a mobile esthetic salon;**
- 10 (10) "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash
11 extensions to natural eyelashes;
- 12 (11) "Hair styling" means the practice of:
- 13 (a) Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting,
14 dressing, manipulating, permanent waving, singeing, tinting, or trimming of
15 natural or artificial hair;
 - 16 (b) Use of lotions, creams, and antiseptics; and
 - 17 (c) Massaging and stimulation of the scalp;
- 18 (12) "Instructor" means any individual licensed to teach cosmetology, esthetics, or nail
19 technology who holds a corresponding license in cosmetology, esthetics practice, or
20 nail technology;
- 21 (13) "Limited beauty salon" means any establishment in which the practice of shampoo
22 and style services, makeup artistry, eyelash artistry, or threading are conducted for
23 the general public or for consideration **and includes a mobile limited beauty salon;**
- 24 (14) "Limited stylist" means an individual licensed to perform shampoo and style
25 services;
- 26 (15) (a) "Makeup artistry" means applying cosmetic products to the face and body.
- 27 (b) "Makeup artistry" includes:

1 1. Corrective and camouflage techniques; and

2 2. Airbrushing.

3 (c) "Makeup artistry" does not include:

4 1. Face painting at carnivals or fairs; or

5 2. Application of cosmetics when not done for consideration;

6 (16) "Mobile beauty salon" or "mobile salon" means a self-contained unit in which
7 the practice of cosmetology is conducted and which may be moved, towed, or
8 transported from one (1) location to another;

9 (17) "Mobile esthetic salon" means a self-contained unit in which esthetic practices
10 are conducted and which may be moved, towed, or transported from one (1)
11 location to another;

12 (18) "Mobile nail salon" means a self-contained unit in which the practice of nail
13 technology is conducted and which may be moved, towed, or transported from
14 one (1) location to another;

15 (19) "Nail salon" means any establishment in which the practice of nail technology only
16 is conducted for the general public or for consideration and includes a mobile nail
17 salon;

18 (20)~~(17)~~ "Nail technician" means a person who practices nail technology, including
19 manicuring and pedicuring real and artificial nails for the purpose of beautifying,
20 for the general public or for consideration. Manicuring and pedicuring real and
21 artificial nails for the purpose of beautifying includes:

22 (a) Cleaning;

23 (b) Trimming;

24 (c) Cutting;

25 (d) Shaping;

26 (e) Sculpting;

27 (f) Polishing; and

1 (g) Massaging the hands and feet of any human, for which a license is required by
2 this chapter;

3 ~~(21)~~~~(18)~~ "Nail technology school" or "school of nail technology" means any operation,
4 place, or establishment in or through which persons are trained in nail technology;

5 ~~(22)~~~~(19)~~ (a) "Natural hair braiding" means a service of twisting, wrapping, weaving,
6 extending, locking, or braiding hair by hand or with mechanical devices.
7 Natural hair braiding is commonly known as "African-style hair braiding" but
8 is not limited to any particular cultural, ethnic, racial, or religious forms of
9 hair styles.

10 (b) "Natural hair braiding" includes:

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

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

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

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

1 ~~(23)~~~~(20)~~ (a) "Shampoo and style services" means beautifying, cleaning, or arranging
2 the hair of an individual for consideration only at a limited beauty salon or
3 mobile limited beauty salon.

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

- 6 1. Arranging;
- 7 2. Cleaning;
- 8 3. Curling;
- 9 4. Dressing;
- 10 5. Blow drying; or
- 11 6. Performing any other similar procedure.

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

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

18 ~~(24)~~~~(21)~~ "Threading" means the process of removing hair from below the eyebrow by
19 use of a thread woven through the hair to be removed.

20 ➔Section 8. KRS 317A.020 is amended to read as follows:

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

- 25 (a) Persons authorized by the law of this state to practice medicine, podiatry,
26 optometry, dentistry, chiropractic, nursing, or embalming who perform
27 incidental practices of cosmetology, esthetic practices, and nail technology in

- 1 the normal course of the practice of their profession;
- 2 (b) Commissioned medical or surgical personnel of the United States Armed
3 Forces who perform incidental practices of cosmetology, esthetic practices, or
4 nail technology in the course of their duties;
- 5 (c) Cosmetology, esthetic practices, or nail technology services performed at an
6 institution operated or under contract to the Department of Corrections or the
7 Department of Juvenile Justice; and
- 8 (d) Persons engaged in natural hair braiding.
- 9 (2) Except as provided in subsection (1) of this section, no person shall engage in the
10 practice of cosmetology, esthetic practices, or nail technology for the public,
11 generally, or for consideration without the appropriate license required by this
12 chapter.
- 13 (3) No person unless duly and properly licensed pursuant to this chapter shall:
- 14 (a) Teach cosmetology, esthetic practices, or nail technology;
- 15 (b) Operate a beauty salon or mobile beauty salon;
- 16 (c) Operate an esthetic salon or mobile esthetic salon;
- 17 (d) Act as an esthetician;
- 18 (e) Operate a nail salon or mobile nail salon;
- 19 (f) Act as a nail technician;~~{or}~~
- 20 (g) Conduct or operate a school for cosmetologists, estheticians, or nail
21 technicians; or
- 22 (h) Operate any of the mobile salons identified in this subsection without first
23 notifying the board of its location or change in location pursuant to KRS
24 317A.065 and subsection (6) of Section 10 of this Act.
- 25 (4) No person shall aid or abet any person in violating this section, nor shall any person
26 engage or employ for consideration any person to perform any practice licensed by
27 this chapter unless the person to perform the practice holds and displays the

1 appropriate license.

2 (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists,
3 licensed estheticians, or licensed nail technicians shall hold clinics for teaching or
4 demonstrating for personal profit, either monetary or otherwise, if the clinics are not
5 sponsored by a recognized professional cosmetologist's, esthetician's, or nail
6 technician's group.

7 (6) Whenever a person engages in different practices separately licensed, certified, or
8 permitted by this chapter, that person shall procure a separate license, certificate, or
9 permit for each of the practices in which the person engages.

10 (7) The board shall:

11 (a) Govern all issues related to this chapter;

12 (b) Investigate alleged violations brought to its attention, conduct investigations,
13 and schedule and conduct administrative hearings in accordance with KRS
14 Chapter 13B to enforce the provisions of this chapter and administrative
15 regulations promulgated pursuant to this chapter;

16 (c) Administer oaths, receive evidence, interview persons, and require the
17 production of books, papers, documents, or other evidence;~~and~~

18 (d) Have the authority to take emergency action affecting the legal rights, duties,
19 privileges, or immunities of named persons without a hearing to stop, prevent,
20 or avoid an immediate danger to the public health, safety, or welfare, in
21 accordance with KRS 13B.125(1), subject to the following:

22 1. An emergency order shall be based upon verified probable cause or
23 substantial evidence, documented by the board, that the emergency
24 order is in the interest of public health, welfare, and safety of any
25 customer, patient, or the general public; and

26 2. Upon the issuance of an emergency order, the board shall comply with
27 the administrative hearing procedures in KRS 13B.125(3) to determine

- 1 the reinstatement of operations of the licensed facility; and
- 2 (e) Establish on its website a system for a licensed mobile salon to:
- 3 1. Submit to the board a weekly itinerary detailing the locations at which
- 4 it will offer services; and
- 5 2. Notify the board of any changes in its location or itinerary.

6 (8) Unless a documented and verified violation creates an immediate and present
7 danger to the health and safety of the public, a warning notice shall be first issued
8 prior to imposing incremental punitive action against an otherwise lawful salon.
9 The warning notice shall include a specific and detailed description of the violation
10 and the specific remediation required to bring the salon into compliance.

11 (9) The board may:

- 12 (a) Bring and maintain actions in its own name to enjoin any person in violation
13 of any provision of this chapter. These actions shall be brought in the Circuit
14 Court of the county where the violation is alleged to have occurred; and
- 15 (b) Refer violations of this chapter to county attorneys, Commonwealth's
16 attorneys, and to the Attorney General.

17 (10) Nothing in this section shall be construed to prohibit an instructor, student,
18 cosmetologist, or nail technician from using callus graters for callus removal, and
19 the board shall not promulgate any administrative regulation prohibiting the use of
20 callus graters for callus removal.

21 ➔Section 9. KRS 317A.030 is amended to read as follows:

- 22 (1) There is created an independent agency of the state government to be known as the
23 Kentucky Board of Cosmetology, which shall have complete supervision over the
24 administration of the provisions of this chapter relating to cosmetology,
25 cosmetologists, schools of cosmetology, or esthetic practices or nail technology,
26 students, estheticians, nail technicians, instructors of cosmetology, instructors of
27 esthetic practices, ~~[-or-]~~ instructors of nail technology, cosmetology salons, esthetic

1 salons, ~~and~~ nail salons, mobile beauty salons, mobile esthetic salons, and mobile
2 nail salons.

3 (2) The board shall be composed of seven (7) members appointed by the Governor as
4 follows:

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

7 1. Two (2) of whom shall be cosmetology salon owners;

8 2. One (1) of whom shall be a cosmetology teacher in public education and
9 shall not own any interest in a cosmetology salon; and

10 3. One (1) of whom shall be an owner of or one who shall have a financial
11 interest in a licensed cosmetology school and shall be a member of a
12 nationally recognized association of cosmetologists;

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

14 (c) One (1) member shall be a licensed esthetician;

15 (d) One (1) member shall be a citizen at large who is not associated with or
16 financially interested in the practices or businesses regulated; and

17 (e) None of whom nor the executive director shall be financially interested in, or
18 have any financial connection with, wholesale cosmetic supply or equipment
19 businesses.

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

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

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

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

25 (6) Four (4) members shall constitute a quorum for the transaction of any board
26 business.

27 (7) Each member of the board shall receive one hundred dollars (\$100) per day for each

1 day of attendance at board meetings, and shall be reimbursed for necessary
2 traveling expenses and necessary expenses incurred in the performance of duties
3 pertaining to official business of the board.

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

6 ➔Section 10. KRS 317A.050 is amended to read as follows:

7 (1) All applicants for licensure under this chapter shall meet the following minimum
8 requirements:

9 (a) Be of good moral character and temperate habit;

10 (b) Be at least eighteen (18) years of age;

11 (c) Have a high school diploma, a High School Equivalency Diploma, or results
12 from the Test for Adult Basic Education indicating a score equivalent to the
13 twelfth grade of high school; and

14 (d) Have submitted the completed application along with the required license fee
15 as set forth in administrative regulation.

16 (2) Notwithstanding any provision to the contrary, the board may refuse to grant a
17 license to any applicant who fails to comply with the provisions of this chapter or
18 any administrative regulations promulgated by the board.

19 (3) The board shall issue a cosmetologist license to any person who:

20 (a) Has official certification from the state board or agency that certifies
21 cosmetology schools that the applicant has graduated from a licensed school
22 of cosmetology requiring one thousand five hundred (1,500) hours within five
23 (5) years of enrolling within the school; and

24 (b) Has satisfactorily passed an examination prescribed by the board to determine
25 fitness to practice cosmetology.

26 (4) The board shall issue an esthetician license to any person who:

27 (a) Has satisfactorily completed seven hundred fifty (750) hours of instruction in

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

1 salon at all times. If the owner, manager, or location of a nail salon or mobile
2 nail salon changes, the required form and fee shall be submitted to the board.

3 (7) The board shall issue an instructor training certificate to train to be an instructor in
4 cosmetology, esthetic practices, or nail technology to any person who:

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

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

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

18 (a) Has held a current cosmetologist license and an instructor training certificate
19 for at least four and one-half (4.5) months; and

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

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

23 (a) Has held a current esthetician license and an instructor training certificate for
24 at least four and one-half (4.5) months;

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

27 (c) Has satisfactorily passed the examination for the teaching of esthetic practices

1 as prescribed by the board.

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

3 (a) Has held a current nail technician license and an instructor training certificate
4 for at least four and one-half (4.5) months;

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

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

9 (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall
10 issue a license to operate a school of cosmetology or a school of esthetic
11 practices or a school of nail technology to any person who has as manager at
12 all times a person who is:

13 1. Licensed as an instructor;

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

16 3. Responsible for having a sufficient number of licensed instructors of
17 cosmetology or esthetic practices or nail technology to conduct the
18 school.

19 (b) Any student enrolling in the school shall pay the fee set forth in administrative
20 regulation to the board before enrollment in the school shall be allowed.

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

24 (12) (a) The board shall issue a license to provide shampoo and style services to any
25 person who:

26 1. Has passed an examination prescribed by the board to determine fitness
27 to perform shampoo and style services;

- 1 2. Has completed at least three hundred (300) hours of instruction from a
- 2 licensed school of cosmetology; and
- 3 3. Has met any other reasonable criteria established in administrative
- 4 regulations promulgated by the board.

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

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

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

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

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

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

- 26 (a) Cosmetologists shall retake and pass both the practical and theory
- 27 examination;

- 1 (b) Estheticians shall retake and pass both the practical and theory examination;
- 2 (c) Instructors of cosmetology or esthetic practices shall retake and pass both the
- 3 practical and theory examination;
- 4 (d) Nail technicians shall retake and pass the practical and theory examination;
- 5 (e) Providers of shampoo and style services shall retake and pass both the
- 6 practical and theory examination; and
- 7 (f) The appropriate restoration fee as set forth in administrative regulation of the
- 8 board shall be required.
- 9 (16) Guest artists or demonstrators appearing and demonstrating before persons other
- 10 than licensed cosmetologists, estheticians, nail technicians, and providers of
- 11 shampoo and style services shall apply for a permit that shall be in effect for ten
- 12 (10) days. Guest artists performing before a nonprofit, recognized professional
- 13 cosmetologists', estheticians', or cosmetology school or shampoo and style services'
- 14 or nail technicians' group shall apply for a permit, but shall not be required to pay
- 15 the fee.
- 16 (17) The board shall issue a permit for threading and may promulgate administrative
- 17 regulations that set out requirements for the practice of threading. Threading shall
- 18 be conducted in a licensed beauty salon or a facility with a permit to engage in
- 19 threading, and the board may promulgate administrative regulations for facilities
- 20 and the required sanitation standards. The permit shall be valid for a period of one
- 21 (1) year.
- 22 (18) The board shall issue a permit for eyelash artistry and may promulgate
- 23 administrative regulations that set out the requirements for the practice of eyelash
- 24 artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility
- 25 with a permit to engage in eyelash artistry, and the board may promulgate
- 26 administrative regulations for facilities, education, and the required sanitation
- 27 standards. The permit shall be valid for a period of one (1) year.

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

5 (20) (a) The board may issue a permit for temporary event services to a Kentucky-
6 licensed cosmetologist, esthetician, limited stylist, or nail technician and shall
7 promulgate administrative regulations that set out requirements for issuance
8 of a temporary event services permit including:

- 9 1. Sanitation standards;
- 10 2. Criteria for events that qualify;
- 11 3. Application requirements and fees; and
- 12 4. Any other requirements necessary to protect the public health and
13 safety.

14 (b) The temporary event services permit shall be valid only for the specific dates
15 and locations requested.

16 (c) No person other than a Kentucky-licensed cosmetologist, esthetician, limited
17 stylist, or nail technician shall perform services at a temporary event services
18 location, and no licensee shall perform services other than those authorized by
19 his or her respective license pursuant to KRS 317A.020.

20 (d) The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail
21 technician holding a temporary event services permit shall be liable for any
22 violation of KRS Chapter 317A or administrative regulations promulgated
23 under KRS Chapter 317A that occurs at the temporary event services location.

24 ➔Section 11. KRS 317A.060 is amended to read as follows:

25 (1) The board shall promulgate administrative regulations including but not limited to
26 administrative regulations that:

27 (a) Protect the health and safety of the public, including inspection criteria for

1 *mobile salons*;

2 (b) Protect the public against incompetent or unethical practice,
3 misrepresentation, deceit, or fraud in the practice or teaching of beauty
4 culture;

5 (c) Set standards for the operation of the schools, ~~and~~ salons, *and mobile*
6 *salons*;

7 (d) Protect the students under this chapter;

8 (e) Set standards for the location and housing of beauty salons, *mobile salons*, or
9 cosmetology schools in the state. This subsection does not apply to the
10 instructional programs in cosmetology in the state area vocational and
11 technical schools;

12 (f) Set standards for the quantity and quality of equipment, supplies, materials,
13 records, and furnishings required in beauty salons, esthetic salons, nail salons,
14 *mobile salons*, and cosmetology, esthetic practices, and nail technology
15 schools;

16 (g) Establish the qualifications of instructors of cosmetology, instructors of
17 esthetic practices, instructors of nail technology, and apprentice teachers;

18 (h) Establish requirements for the hours and courses of instruction at cosmetology
19 schools and esthetic practices schools and nail technology schools;

20 (i) Establish requirements for the examinations of applicants for licenses;

21 (j) Establish the requirements for the proper education and training of students;

22 (k) Address the course and conduct of school owners, instructors, instructor
23 training certificate holders, licensed cosmetologists, estheticians, nail
24 technicians, beauty salons, esthetic salons, nail salons, cosmetology schools,
25 schools of esthetic practices, and schools of nail technology;~~and~~

26 (l) Establish a code of ethics for persons licensed by the board; *and*

27 *(m) Establish sanitation and inspection criteria for mobile salons regulated in*

1 **Sections 7, 8, 9, 10, and 11 of this Act.**

2 (2) Administrative regulations pertaining to health and sanitation shall be approved by
3 the Cabinet for Health and Family Services before becoming effective.