

Requirements for Nail Salon Businesses

In addition to the Healthy at Work Minimum Requirements, **nail salon businesses must meet the requirements below in order to reopen and remain open:**

Social Distancing Requirements

- Nail salon businesses must limit the number of clients present in any given nail salon business to 60% of the occupational capacity of the facility. Employees are excluded from this 60% maximum.
- Nail salon businesses should not allow additional persons to accompany any customer into the business.
- Nail salon businesses should provide services and conduct business via phone or Internet to the greatest extent practicable. Any employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Nail salon businesses must eliminate the use of any waiting areas, provide services by appointment only and communicate by phone or text when the client may enter the salon. Nail salon businesses must ensure clients do not congregate in the salon before or after their appointment.
- Nail salon businesses should, to the greatest extent practicable, modify traffic flow to minimize contacts between employees and clients.
- Nail salon businesses should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Nail salon businesses must establish controls, when six (6) feet of physical distancing between employees is not feasible. This includes, for example, installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between work stations.
- Nail salon businesses should communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable. For those nail salon businesses that cannot utilize contactless payments, the business should install floor or wall decals for cashier queuing areas to demark safe waiting distances of a six (6) feet minimums.
- Nail salon businesses should ensure, to the greatest extent practicable, that any paperwork can be completed electronically by using DocuSign or other e-signature technology for signatures.

- Nail salon business must reduce, to the greatest extent practicable, the number of employees and clients entering, exiting, or gathering at one time.
- Nail salon businesses should prohibit gatherings or meetings of employees of ten (10) or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Nail salon businesses should discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable.

Cleaning and Disinfecting Requirements

- Nail salon businesses should ensure that their facilities, including workstations, common areas, breakrooms and restrooms and are properly cleaned and ventilated.
- Nail salon businesses must ensure tools (e.g., nail clippers, files, or brushes) are cleaned and disinfected after each use with appropriate germicide solutions.
- Nail salon businesses should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Nail salon businesses must ensure employees properly wash their hands before providing service to each new client.
- Nail salon businesses must encourage clients to properly wash their hands prior to nail services being provided. If clients refuse to properly wash their hands prior to service the business may refuse to provide nail service and access to the facility.
- Nail salon businesses should not serve clients who do not adhere to the business's policy on requiring hand washing.
- Nail salon businesses making restrooms available must ensure restrooms frequently touched surfaces are appropriately disinfected after each use (e.g. door knobs and handles).
- Nail salon businesses should ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Nail salon businesses must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces include fitting rooms, doors, PIN pads, and common areas. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol.

- Nail salon businesses must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Nail salon businesses should ensure employees wipe their workstations and/or cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations and/or cash registers for a significant period of time.
- Nail salon businesses should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.
- Nail salon businesses should disallow clients from any direct use of retail items or products prior to sale.
- Nail salon businesses should encourage clients to touch only those retail items or products they intend to buy.
- Nail salon businesses should ensure any retail items or products that are touched by clients but not purchased are set aside and are appropriately sanitized prior to returning to sales shelves in accordance with CDC guidelines.

Personal Protective Equipment (PPE) Requirements

- Pursuant to Executive Order 2020-586 and 902 KAR 2010E, which are attached to this document, all nail salon businesses must ensure that all customers, vendors, contractors, and any other member of the public who enters the premises wear a face covering so long as they are not subject to any of the exemptions listed in the Executive Order.
- If any person attempts to enter the nail salon business without a face covering, the nail salon business must inform them of the requirement to wear a face covering. If the individual refuses and is not subject to any of the exemptions listed in the Executive Order, the individual must not be permitted entry onto the premises.
- If an individual who was previously wearing a face covering removes it while on the premises and not subject to any of the exemptions listed in the Executive Order, the nail salon business must ask them to put it back on. If the individual refuses to do so, the nail salon business must not provide them service and must ask them to leave.
- Nail salon businesses who fail to follow these requirements of the Executive Order will be subject to a fine and may also be subject to an order from a local health department or the Labor Cabinet requiring immediate closure.
- Nail salon businesses must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees so long as such use does not jeopardize the employees' health or safety.
- Nail salon businesses must ensure their employees wear face coverings for any interactions between clients and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits).

Employees are not required to wear face coverings while alone in personal offices or if doing so would pose a serious threat to their health or safety.

- Nail salon businesses must ensure employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Nail salon businesses must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Nail salon businesses must ensure employees wear gloves while handling products during shipping and receiving.

Training and Safety Requirements

- Nail salon business must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Nail salon businesses must train employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Nail salon businesses must place conspicuous signage at entrances and throughout the store alerting staff and customers to the face covering requirements, occupancy limits, and requirement of six feet of physical distance. Signage should inform employees and clients about good hygiene and new practices.
- Nail salon businesses should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Nail salon businesses must ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-996
December 3, 2020

STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

WHEREAS, I declared on July 9, 2020, through Executive Order 2020-586 that Kentuckians were required to wear face coverings in many public places to fight the continued spread of COVID-19 for the reasons set forth in that Order; and

WHEREAS, I renewed that Order: on August 8, 2020, through Executive Order 2020-651; on September 4, 2020, through Executive Order 2020-750; on October 6, 2020, through Executive Order 2020-856, and; on November 4, 2020, through Executive Order 2020-931; and

WHEREAS, data from the University of Oxford show an inverse correlation between the number of COVID-19 mitigation measures taken by a state, such as a face covering mandate, and the seriousness of the virus's third spike within that state;

WHEREAS, the Centers for Disease Control and Prevention conducted a study of Kansas's face covering mandate, wherein the 24 counties who complied with the mandate experienced a 6% decrease in new COVID-19 infections but the 81 counties who opted out of the mandate experienced a 100% increase in new COVID-19 cases;

WHEREAS, the Kentucky Constitution and Kentucky Revised Statutes, including, but not limited to, KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth and the State of Emergency continues:



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
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2020-996
December 3, 2020

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a “face covering” is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.
2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: <https://healthyatwork.ky.gov>.
3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:
 - a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person’s household;
 - b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle, or driving any of the above while customers are present; or
 - c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of



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the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:
- a. Children who are age 5 or younger;
 - b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;
 - c. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;
 - d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
 - e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;
 - f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
 - g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;
 - h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;
 - i. Any person who is in a swimming pool, lake, or other body of water;
 - j. Any person who is exempt from wearing a face covering under guidance provided by the



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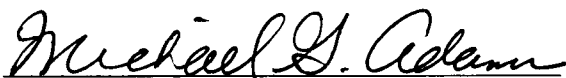
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Kentucky High School Athletics Association or under guidance for athletic activities at institutions of higher education;

- k. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.
5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services. Failure to follow the requirements could also subject a person or entity to penalties as authorized by law.
6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.
7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.
8. This Order is effective at 5:00 p.m. on December 3, 2020, for a period of 30 days, and is subject to renewal.



ANDY BESHEAR, Governor
Commonwealth of Kentucky



MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE

12/4/2020

MICHAEL G. ADAMS
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

Sarah M. Dungen