

<http://dx.doi.org/10.16926/gea.2025.01.01.10>

Ya. O. MENIV, PhD in Law, Senior Lecturer,

<https://orcid.org/0000-0001-9824-4449>

V. N. Karazin Kharkiv National University

e-mail: yaroslava_n3luba@ukr.net

Legal regulation of the provision of cosmetology services in Ukraine

Abstract

This theoretical and doctrinal article analyzes the current state of legal regulation in the field of cosmetology services in Ukraine. The paper identifies major legal gaps, including the absence of unified definitions, outdated normative acts, and inconsistent licensing requirements for practitioners. The author explores the blurred boundary between medical and aesthetic services, highlighting legal challenges faced by both consumers and providers. A special focus is placed on the need for harmonization of Ukrainian legislation with European Union standards, particularly in the areas of informed consent, licensing, and professional qualifications. Comparative legal analysis with the United States and Germany provides insights into effective foreign models. The article concludes with practical recommendations for reforming national legal norms to ensure safer, better-regulated cosmetology practices and enhanced protection of consumer rights. The research is grounded in the analysis of legal acts, case law, scholarly sources, and international documents related to medical law and bioethics.

Literature Review. Although the issue of cosmetology service regulation remains understudied in Ukraine, a number of scholars have addressed the legal aspects of healthcare services. Notably, I.V. Chekhovska and V.V. Bilotsok analyzed the boundaries between medical and aesthetic procedures (2019). D.S. Yevtushenko provided an overview of foreign administrative experience (2023), which is particularly relevant for harmonization with EU legislation.

Methods. In this study, a doctrinal legal research method was used. The analysis is based on normative legal acts of Ukraine, case law, doctrinal sources and comparative legal analysis with EU and US legal frameworks.

Keywords: medical law, cosmetology, bioethics, cosmetology services.

Introduction

Activities on the rendering of services in the field of cosmetology have gained significant scale in the world, including Ukraine. This is due to the high demand for cosmetology services and the rapid growth of the number of entities providing such services.

At the same time, along with the rapid growth of demand, cases of violation of the rights of consumers of cosmetology services have become more frequent. It seems that the foregoing is due to the imperfect and outdated regulatory framework (for example, the order of the USSR Ministry of Health "On measures to improve cosmetology care for the population" from 1982, which contains an outdated list of specialists and cosmetology services, is still in effect). In addition, there is no basic legislative terminology for the cosmetology services market, and the entities providing cosmetology services are not clearly defined. As a result, this leads to the unjustified identification of cosmetology and medical services and to complications in proving in court the facts of receiving low-quality cosmetology services by consumers who sometimes also act as patients.

The European orientation of Ukrainian policy in the field of medicine and healthcare provides for the harmonization of legislation with the standards of the European Union, which in turn requires reform, development and adoption of updated legislation in the field of healthcare, including on the provision of cosmetology services.

The purpose of this article is to investigate the current legal regulation of the cosmetology services market; to analyze approaches to defining the concept of "cosmetologist"; to identify problematic aspects in the field of providing cosmetology services; to analyze international experience in regulating this issue and also highlight promising areas for improving legislation in Ukraine regarding the regulation of activities on the provision of cosmetology services; to reveal the essence of liability for violations of law in the market of cosmetology services in Ukraine.

Presentation of basic material

Activities on the rendering of services in the area of cosmetology have acquired epic proportions in Ukraine. Along with the rapid growth of demand for cosmetology services, cases of violation of consumer rights in this area are also frequent. The foregoing is due to: insufficient legal regulation, lack of basic legislative terminology and definition of terms, uncertainty of entities providing cosmetology services, lack of a special body for controlling the activities of cosmetologists.

Gaps in the legislation lead to confusion about what are medical services and what are cosmetic services, mislead consumers, complicate, and sometimes even make impossible the procedure of proving in court the fact of receiving a poor-quality cosmetic procedure, lead to the formation of a low level of knowledge among consumers of cosmetology services about the impact and consequences of risk factors on the general health, skin condition and appearance of a person.

The current state of legal regulation of this issue in Ukraine indicates that there is no single normative legal act that would clearly define standards for the provision of cosmetology services. Most of the regulatory documents are outdated and do not meet the requirements of modern legal relationships. In particular, the order of the Ministry of Health of the USSR "On measures to improve the cosmetology nature of the population" dated 28.12.1982 No. 1290, which contains an outdated list of cosmetology services and a list of specialists entitled to provide them, is still in force. Scientific regulation is supplemented by industry standards and clinical guidelines in the areas of "Dermatovenereology" and "Dermatology", which are very few, and materials from scientific forums. Evidence-based technologies in the area of "Cosmetological care" are not used at all despite their presence in international sources.

It should be noted separately that in July 2021, the Ministry of Health of Ukraine announced its intention to develop a procedure for the provision of cosmetology services. The goal was to create a clear list of services falling under the category of "medical" and determine the procedure for their provision by medical professionals. This decision was made at a meeting of the Ministry of Health expert group in the field of "dermatovenereology". However, as of 2024, there are no official notifications about the approval of such a procedure or amendments to the legislation.

Among the legislative acts that regulate this area of service provision, it is necessary to mention the Law of Ukraine "On Licensing Types of Economic Activities", the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Healthcare", the Resolution of the Cabinet of Ministers of Ukraine dated March 2, 2016 "On Approval of Economic Activities in Medical Practice".

The key aspect of regulating the activities of cosmetologists is licensing of medical activities, which is currently carried out on the basis of the Law of Ukraine "On Licensing of Types of Economic Activities". A medical license for a cosmetologist is not just a formality, but an important document that confirms the compliance of the specialist and equipment with established standards.

Ukrainian market of cosmetology services is conventionally divided into aesthetic services, which can be provided in beauty salons without a license, and medical (cosmetic, cosmetology), which can be provided with an appropriate license. In connection with this division of services into aesthetic and medical (cosmetic, cosmetology) provided in beauty salons one should be guided by the

National Classifier of Economic Activities ¹ and the State Classifier of Products and Services.² These regulatory documents specify sections 86 “Healthcare” and 96 “Provision of other individual services”. Class 96.02 of the classifier DK 009:2010 “Provision of services by hairdressing and beauty salons” includes: hair washing, trimming and cutting, dyeing, tinting, perming, hair straightening and similar types of services provided to men and women; shaving and beard trimming; facial massage, manicure and pedicure, makeup, etc.

The State Classifier of Products and Services includes section 96.02.1 “Hair-dressing and other beauty care services”, which specifies hairdressing services for women and girls; hairdressing services for men and boys; cosmetic, manicure and pedicure services; beauty care services, superficial peeling services, etc.

The Ukrainian legislator does not classify the listed procedures as medical and considers them aesthetic services that a beauty salon can provide without a license.

Services subject to mandatory licensing include:

- 1) injection procedures (botulinum therapy, contour plastic);
- 2) instrument procedures (laser therapy, RF-lifting and others);
- 3) medium and deep chemical peeling;
- 4) mesotherapy;
- 5) dermabrasion.

In class 86.22 of the National Classifier of Economic Activities, it is distinguished “Specialized Medical Practice”, which provides for medical consultation and treatment in the field of special medicine by medical specialists and surgeons. Accordingly, medical services include procedures related to the introduction of substances into the body cavity in various ways (injection, natural ways, etc.), which involve damage to the skin and mucous membranes, also require the use of medical equipment and instruments. The list of these procedures is quite diverse. These include all types of plastic surgery, hardware cosmetology, mesotherapy, Botox and silicone injections, hair removal, peeling, liposuction, hydrocolonotherapy, etc. Such procedures, according to the Ukrainian legislator, should be carried out by persons with a medical education and with the appropriate license³.

To conduct such activities, the institution must have a license from the Ministry of Education in the specialty “Surgical Dermatology”, which allows medical practice.

¹ National Classifier of Types of Economic Activities DK 009:2010 [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/vb457609-10> (date of application: 28.11.2024).

² State Classifier of Products and Services DK 016:2010 [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/v457a609-10> (date of application: 28.11.2024).

³ Chekhovska I.V., Bilotsok V.V. *Legal regulation of the cosmetology services market: comparative legal analysis* // International Legal Bulletin: Current Problems of the Present (Theory and Practice). 2019. Issue 15. P. 101–111.

Despite the fact that the requirement of licensing is an important guarantee of receiving quality services, as well as sometimes preserving the health and beauty of the patient, liability for activities without obtaining such a license is only a fine in the amount of UAH 17,000 - UAH 34,000 (Part 1 of Article 164 of the Code of Administrative Offenses) for the first offense and from UAH 34,000 - UAH 85,000 for a repeated offense within a year (Part 2 of Article 164 of the Code of Administrative Offenses). It is evident that this sanction is quite loyal and rather moderate, considering the prices for cosmetology services in Ukraine. For example, the average price for lip contouring (depending on the drug) is from UAH 8,000 to UAH 13,000, and the service of collagen stimulation with polylactic acid can cost approximately 1,400 Euros. It is enough to provide the service to even one patient and the cosmetologist will be able to pay a fine for operating without a license. Such a situation, of course, creates favorable conditions for the further “prosperity” of cosmetology without properly executed documents.

However, the Ukrainian legislator provides for criminal liability for illegal medical activities (Article 138 of the Criminal Code of Ukraine).

An important issue is the definition of the concept of “cosmetologist” and the qualification requirements for the entity providing cosmetology services.

In the “Nomenclature of Medical Specialties” approved by the Order of the Ministry of Health of Ukraine dated 22.02.2019 No. 446, in paragraph 5 of section I “Internal Diseases”, the specialty “Dermatovenereology” is defined, but there are no such specialties as “dermatology” or “cosmetology”⁴

It is worth noting that according to the Handbook of Qualification Characteristics of Workers’ Occupations approved by the Order of the Ministry of Health of Ukraine of 29.03.2002 No. 117⁵, there is no such a profession as “cosmetologist” among professionals in the field of cosmetology. “Cosmetologist” is used only in combination with “pharmacist”. Such a profession as “pharmacist-cosmetologist” is legally established. At the same time, according to the Directory of Occupations DK 003:2005⁶, in Ukraine exists such a profession as “cosmetician” (No. 5141.2), which means a specialist who is engaged in artificially adding beauty to a person or a body, maintaining their healthy state and freshness.

⁴ Nomenclature of medical specialties approved by Order of the Ministry of Health of Ukraine dated February 22, 2019 No. 446 [Electronic resource]. URL: <https://zakon.rada.gov.ua/laws/show/z0204-19#Text> (date of application: 28.11.2024).

⁵ Regulation on professional training and the procedure for certification of employees. ISSUE 78 Health care [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/va117282-02> (date of application: 28.11.2024).

⁶ Kran O. S., Posylkina O. V., Bashura O. G., Peresedko I. G. *Monitoring the labor market in the field of practical cosmetology in Ukraine* // Management, economics and quality assurance in pharmacy. 2009. No. 3 (5). P. 49–57.

In July 2021, the Ministry of Health of Ukraine held an expanded meeting of a group of experts in the field of “dermatovenereology”, where it was decided to develop a procedure for the provision of cosmetology services. The experts noted that at that time there was no clear list of cosmetology services that could be attributed to medical services, as well as standards for their provision, treatment of complications and training of qualified specialists. Because of this, it was impossible to determine which services can be provided by cosmetologists without a license for medical practice, and which require such a license. As a result, it was decided to create a procedure for the provision of cosmetology services and a list of services that can be performed exclusively by medical professionals. Specialty of a surgeon dermatologist was introduced in the same year.

It should also be noted that the Ministry of Health on its official website in the section “Frequently Asked Questions and Answers on licensing of business activities in medical practice and accreditation of healthcare institutions” posted the question: “Is it possible to obtain a license to conduct business activities in medical practice in the field of cosmetology?” and the answer: “...procedures for cosmetic correction of skin defects, determination of aesthetic skin defects, use of fillers and botulinum toxin, microneedle therapy, contour plastic, hardware hair removal, use of physical and chemical agents (chemical peeling, photodynamic therapy, ultraviolet radiation, lasers, pulsed dye laser, cryotherapy), basic principles of cosmetic skin care, as well as organization of cosmetology, etc. are medical practice and can only be performed by a surgeon-dermatologist”.

The Handbook defines that a nurse/male nurse for cosmetic procedures provides cosmetic assistance to the population under the supervision of a physician⁷.

Nowadays, cosmetology establishments employ specialists of various qualification and educational levels, who usually have undergone additional training in short-term cosmetology courses. After completing such courses, a person receives a profession that is illegitimate at the nationwide level. This is due to the fact that various certificates, diplomas, and certificates issued after such training indicate professions that are not included in the Directory of Occupations of Ukraine⁸.

Authors of the article “Monitoring the Labor Market in the Field of Practical Cosmetology in Ukraine” interviewed more than 200 employees of cosmetology establishments in different regions of Ukraine and experimentally established that today anyone can work in the field of cosmetology regardless of their professional education. 38% of respondents have a medical education (15% of them

⁷ QUESTIONS AND ANSWERS on licensing of business activities in medical practice and accreditation of healthcare institutions [Electronic resource] <https://moz.gov.ua/storage/uploads/4925261d-6a0e-407e-bf92-cd606bbabef6/Запитання-відповіді-САЙТ-07-24-Т.Л.pdf>.

⁸ Kran O. S., Posylkina O. V., Bashura O. G., Peresedko I. G. *Monitoring the labor market in the field of practical cosmetology in Ukraine* // Management, economics and quality assurance in pharmacy. 2009. No. 3 (5). P. 49–57.

graduated from higher medical institutions). 19% of respondents have a pharmaceutical education and the qualification of a general pharmacist or a pharmacist-cosmetologist. The rest – 37.5% of respondents, graduated from technical, economic, pedagogical, aviation, road-transport, engineer-construction, sports and other higher education institutions, and after receiving their main profession decided (for various reasons of both personal and professional nature) to engage in practical cosmetology after completing the relevant courses. 5.5% of respondents work in cosmetology establishments after graduating from high school having completed training in cosmetology courses⁹.

Namely the lack of qualified personnel is one of the main problems in the field of cosmetology in Ukraine. This is due to the lack of unified state educational standards for training personnel in this field, which is a consequence of the lack of legislative framework regulating the activities of cosmetology institutions.

Case No. 953/2628/24 was considered on October 9, 2024, in Kyivsky District Court of Kharkiv city. It was about a preventive measure for a suspect in criminal proceedings under Art. 119 of the Criminal Code of Ukraine. The suspect was a citizen of Ukraine, registered as an individual entrepreneur providing cosmetology services. She conducted business in a cosmetology salon in Kharkiv city.

In March 2024, one of the clients applied to the salon for a laser lipolysis procedure, during which she was given local anesthesia with hydrochloride injection.

The investigation established that the suspect inadequately administered lidocaine as the anesthetic drug (namely, she exceeded the permissible dose by at least 15 times), which caused a breakdown in the patient's health. When the patient began to complain of worsening health, the salon staff tried to carry out anti-allergy therapy, but without success. Soon the patient's condition worsened so much that the staff had to call for an ambulance, but the patient died during transportation.

The court found that the suspect had insufficient qualifications to carry out invasive cosmetic procedures, in particular those that require the use of anesthesia. The court's decision stated that the suspect received a full higher education in the specialty "Technology of perfumery and cosmetic products" and obtained the qualification of a pharmacist-cosmetologist. After that, in 2021, she entered the Medical University and at the time of committing the crime she was an intern doctor specializing in "Surgery" and therefore she did not have the necessary medical education and appropriate qualification to perform such manipulations as laser lipolysis with the use of local anesthesia. She acted in violation of the requirements, not complying with safety standards, which led to drastic consequences for the patient.

⁹ Decision of the Kyivsky District Court of Kharkiv city dated October 9, 2024 [Electronic resource]. URL: <https://reyestr.court.gov.ua/Review/122179778#> (date of application: 28.11.2024).

On 04.10.2024, this cosmetologist was served with the notice of charges under part 1 Art. 119 of the Criminal Code of Ukraine, namely for negligent homicide. Insufficient qualifications of the suspect, according to court conclusions, became one of the key reasons for the fatal consequences for the patient.¹⁰

Another example is the decision of the Volyn region Court of Appeal dated March 31, 2016 No. 161/12939/15. In this case, the plaintiff asked the defendant to provide cosmetology services, in particular biorevitalization procedures and the introduction of fillers in order to improve the appearance. The defendant assured the plaintiff of her qualifications, stating that she has the appropriate certificates and purchases cosmetology products from a well-known supplier (Aesthetik Services LLC). The plaintiff agreed to the procedure and paid 3,500 hryvnias.

The services were provided in inappropriate conditions: the first procedure was carried out at the defendant's home, the second - in rented premises without proper sanitary conditions. After carrying out the procedures, the plaintiff developed serious complications including hematomas and swelling on the face, which was confirmed by doctors during further medical examinations. Specialists of another beauty salon confirmed that the procedure did not produce the expected results. The plaintiff addressed to Aesthetik Services LLC, which confirmed that the defendant had incorrectly selected the drugs and had violated the dosage and administration technique. This could cause negative consequences for the patient's health.

The court of first instance rejected the claim based on the fact that the plaintiff did not prove the fact of material damage due to the actions of the defendant. However, the plaintiff filed an appeal arguing that the provision of cosmetology services should have been performed by a licensed healthcare practitioner because they involved injection intervention that required qualifications.

The appellate court found that the defendant had no right to provide such services because she did not have a medical license and the necessary education to perform injection procedures. The court recognized that she exceeded her authority as a cosmetologist-esthetician violating the requirements of current legislation. As a result, the appellate court canceled the decision of the court of first instance and ordered the defendant to return 3,500 hryvnias to the plaintiff for poor-quality services.

However, it should be noted that the claim for compensation for moral damages was denied. The court did not satisfy the plaintiff's claims for compensation for moral damages arguing that the plaintiff had consciously agreed to the services of a cosmetologist-esthetician, but not a dermatologist. The court believed that the plaintiff could have been more careful in choosing a specialist, especially in the case of injection procedures.

¹⁰ Decision of the Volyn Region Court of Appeal dated March 31, 2016 [Electronic resource]. URL: <https://zakononline.com.ua/court-decisions/show/56944622> (date of application: 28.11.2024).

The court drew attention to the fact that the plaintiff did not show sufficient vigilance and did not verify the qualifications of the defendant, which indicates a lack of due diligence. The plaintiff did not check the validity of the certificates, licenses or conditions under which the services were provided, which could indicate a perceived risk on her part.

According to the Civil Code of Ukraine, in order to obtain compensation for moral damage, it is necessary to prove not only the fact of violation of rights, but also the existence of mental or physical suffering, the cause-and-effect relationship between the actions of the defendant and the damage, as well as the fault of the executor. The court considered that in this case moral damage is not subject to compensation, as the plaintiff could have avoided these consequences if she had checked the specialist's qualifications more thoroughly¹¹.

Another aspect that should be paid attention to is the issue of informed consent of the patient, which must be provided to every patient, but this requirement ignored by almost all entities providing cosmetic services. Informed consent is extremely important in cosmetology, since most procedures, especially invasive procedures, have potential risks and patients often have high expectations regarding the aesthetic result.

Informed consent contributes to the patient's awareness and conscious decision-making by the patient regarding his treatment, as well as ensuring the voluntary nature and proper recording of such decisions. When properly documented, informed consent disciplines both patients and healthcare professionals and reduces the risk of conflict situations. Informed consent is an important element of compliance with bioethics, in particular medical ethics and current Ukrainian legislation.

Providing the patient with adequate information about all important aspects related to a medical intervention allows the patient to make conscious decision about such intervention and, in most cases, adequately perceive the process and results of treatment.¹²

The importance of informed consent is confirmed by numerous international acts. It is worth mentioning among them: Article 6 of the Convention on Human Rights and Biomedicine adopted in 1977, which stipulates that any intervention in the field of healthcare can be carried out only after the voluntary and conscious consent of the person concerned. The European Charter of Patient Rights 2002 also notes the right to informed consent, which is a prerequisite for any procedure.

¹¹ *Medical law: textbook* / edited by D.J.S., Prof. S. B. Bushchenko; D.J.S., assist. prof. M. V. Menzhul. 2nd ed., revised and supplemented. Kyiv: Yurinkom Inter, 2024. 672 p.

¹² Hryasymiv O. Y. *Possibility of ratification by Ukraine of the convention for the protection of human rights and dignity of human being with regard to the application of biology and medicine: pros and cons* // *Medical Law*. 2021. No. 1 (27). P. 18–26.

It is worth noting individually the Oviedo Convention, officially known as the Convention on Human Rights and Biomedicine, which was adopted in 1997 by the Council of Europe. This Convention establishes, among other things, key principles regarding the patient informed consent. The Convention establishes that no medical intervention can be performed without the patient informed consent. This means that if this document is ratified by Ukraine, all cosmetologists in Ukraine will have clear obligations to inform patients about all aspects of procedures, including risks, alternatives and expected results. This approach is not only ethical, but also helps patients make deliberate decisions, increasing their trust in cosmetologists. Ratification of the Oviedo Convention can become an important step in the process of European integration of Ukraine. In the field of bioethics and cosmetology, this means the adoption of European norms and values, which will increase trust in Ukrainian cosmetology services among foreign patients and raise the prestige of Ukrainian cosmetologists at the international level.

In accordance with Article 43 of the Law of Ukraine “Fundamentals of Health Protection Legislation”, the patient informed consent is necessary for establishing methods of diagnosis, prevention measures and treatment. Patient informed consent is voluntary consent to medical intervention after receiving complete and understandable information about the state of health, the purpose of the proposed procedures, possible risks and alternative methods of treatment. Any medical practitioner is required to provide this information in an accessible form, as stipulated in Article 39 of the above mentioned law.

At the same time, the legislation of Ukraine does not contain a generalized definition of “informed consent to medical intervention” concept. Medical intervention that affects the human body can be invasive – violating the integrity of the skin or mucous membrane (in the field of cosmetology, this includes the introduction of botulinum toxin, the introduction of fillers, instrument procedures that are carried out with the help of instrument technologies and involve damage to the skin, plasmalifting, mesotherapy, thread lifting, introduction of lipolytic drugs and others), or non-invasive procedures (for example, laser therapy, photorejuvenation, ultrasonic SMAS lifting, microcurrent therapy and others).

In the case of cosmetic services, especially those that involve invasive procedures or have potential health risks, informed consent provides a proper record of the patient’s consent and can serve as evidence in the event of disputes.

It is obvious that modern cosmetology in Ukraine offers a wide range of both non-invasive and invasive procedures. However, the legal requirement for informed consent is often ignored. This is confirmed by judicial practice.

We would like to emphasize one more aspect – insufficient regulation of the issues regarding the patient informed consent in the field of cosmetology. The provision of cosmetology services is aimed at making a profit, and therefore, the Law of Ukraine “On the Protection of Consumer Rights” is very important in this

respect. The list of information provided to the consumer is envisaged in Article 15 of the aforementioned law. Consequently, the absence of informed consent means failure to inform the patient about the procedure that will be carried out on him. Nowadays the cost of drugs and procedures, both invasive and non-invasive, is quite high, so it becomes obvious that the patient, as a consumer, must be informed about the duration of the effect of the procedure, or whether the effect will occur at all.

It is necessary to mention separately the experience of foreign countries in the field of cosmetology. The system of providing cosmetology services in the USA deserves special attention.

Considering that the USA is a federal country, the procedure for performing cosmetology activities depends on the laws of a particular state. However, generally, cosmetology procedures are performed by cosmetologists (aesthetic care nurses) under the supervision of a dermatologist, plastic surgeon or cosmetologist. A cosmetologist is required to obtain specialized education and a license and have experience in this field. It should also be noted that in all states, except Connecticut, cosmetologists must have a license to carry out professional activities.

One of the states with many restrictions on cosmetology is Florida. According to clause 477.014 of the Florida Statute, effective January 1, 1979, no person other than a licensed cosmetologist may practice cosmetology or use the name or title of cosmetologist. If a person wishes to obtain a license to practice cosmetology, he or she must pass a state qualifying examination. Passing such an examination is not possible without a certificate from a Florida cosmetology school about the completion of at least 1,200 hours of training. The Florida Board of Cosmetologists oversees the licensing of cosmetology in Florida. It consists of 7 members, 5 of whom are licensed cosmetologists. Each member of the Board is responsible to the Governor for the proper performance of his or her duties. The Governor shall consider and take appropriate action against any complaints or adverse reports received regarding the actions of the Board or its members. The actions may include removal of any member of the Board. The Governor may remove any member of the Board from office for failure to perform his or her duties, incompetence, or unprofessional conduct.¹³

It is worth noting that in the USA, doctors do not provide cosmetic services since it is economically unprofitable for them. Dermatologists perform their direct functional duties: they treat patients with skin pathologies and their derivatives. Plastic surgeons perform operations in accordance with the specifics of their activities and administer injectable modeling drugs. Other areas are called

¹³ Yevtushenko D. S. *Foreign experience of administrative and legal regulation of the provision of cosmetology services and priorities of its borrowing for Ukraine* // Legal Scientific Electronic Journal, 2023, Issue 6, p. 733-735.

applied aesthetics, and in this field work people who do not have medical education, but must receive special education and a license.¹⁴

In Germany, licensing of cosmetology activities is also mandatory. German legislation, namely the “Consolidated Federal Law on the Rules for the Provision of Manicure, Pedicure, Massage, and Cosmetology Services” (Bundesrecht konsolidiert: Gesamte Rechtsvorschrift für Ausübungsregeln für Fußpflege, Kosmetik und Massage durch Gewerbetreibende, Fassung vom 06.02.2022), enshrined in detailed sanitary regulations in the field of cosmetology. This regulatory act establishes: general requirements for the premises (the surfaces of work chairs, work couches, as well as those areas that come into contact with the client’s skin, must be easy to clean and disinfect, etc.); general requirements for the cleanliness of the equipment; general requirements for personal hygiene; special requirements for instruments for permanent makeup (sterilization of instruments must be carried out in a sterilizer at a temperature of at least 180 °C; the sterilizer must be inspected once a year by an accredited body); special requirements for the cosmetologist’s tools (for example, after each use of the couch, antiseptic sprays and mild detergents without chlorine or alcohol should be used to prevent damage to the surface).¹⁵

Summary

Currently, providing and receiving cosmetology services in Ukraine are risky, because this area is not legally regulated and is not fully controlled. Cosmetology service, as a type, is complex, because it accumulates both medical and legal aspects. In addition, the result of the service affects both a person’s appearance and health on the whole. There is no legislation in Ukraine that would regulate relations in the cosmetology sector. This situation has an adverse effect on legal regulation and control over the procedure for providing cosmetology services. The right to consumer protection in this area is not fully implemented and various judicial practices have been formed in typical cases.

It seems that in order to regulate adequately the cosmetology industry, it is necessary to develop special legislation, establish clear requirements and standards that will guarantee the safety of providing cosmetology services and help minimize negative health consequences.

¹⁴ Chekhovska I.V., Bilotsok V.V. *Legal regulation of the cosmetology services market: comparative legal analysis* // International Legal Bulletin: Current Problems of the Present (Theory and Practice). 2019. Issue 15. P. 101–111.

¹⁵ Consolidated Federal Law on the Rules for the Provision of Manicure, Pedicure, Massage, and Cosmetology Services. Updated: 02/10/2022. [Electronic resource]. URL: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005904>.

Conclusions

The legal regulation of cosmetology services in Ukraine remains fragmented and outdated, posing risks for consumers and practitioners. There is an urgent need for harmonized legislation that clearly distinguishes between medical and aesthetic procedures, establishes qualification requirements for practitioners, and ensures consumer rights protection. Ukraine should adopt international practices, especially those based on EU standards, and introduce structured licensing, mandatory informed consent, and improved judicial enforcement mechanisms.

Bibliography

- National Classifier of Types of Economic Activities DK 009:2010* [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/vb457609-10> (date of application: 28.11.2024).
- State Classifier of Products and Services DK 016:2010* [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/v457a609-10> (date of application: 28.11.2024).
- Chekhovska I.V., Bilotsok V.V. *Legal regulation of the cosmetology services market: comparative legal analysis* // International Legal Bulletin: Current Problems of the Present (Theory and Practice). 2019. Issue 15. P. 101–111.
- Nomenclature of medical specialties approved by Order of the Ministry of Health of Ukraine dated February 22, 2019 No. 446* [Electronic resource]. URL: <https://zakon.rada.gov.ua/laws/show/z0204-19#Text> (date of application: 28.11.2024).
- Regulation on professional training and the procedure for certification of employees. ISSUE 78 Health care* [Electronic resource]. URL: <https://zakon.rada.gov.ua/rada/show/va117282-02> (date of application: 28.11.2024).
- Kran O. S., Posylkina O. V., Bashura O. G., Peresedko I. G. *Monitoring the labor market in the field of practical cosmetology in Ukraine* // Management, economics and quality assurance in pharmacy. 2009. No. 3 (5). P. 49–57.
- Decision of the Kyivsky District Court of Kharkiv city dated October 9, 2024 [Electronic resource]. URL: <https://reyestr.court.gov.ua/Review/122179778#> (date of application: 28.11.2024).
- Decision of the Volyn Region Court of Appeal dated March 31, 2016 [Electronic resource]. URL: <https://zakononline.com.ua/court-decisions/show/56944622> (date of application: 28.11.2024).
- Medical law: textbook* / edited by D.J.S., Prof. S. B. Bushchenko; D.J.S., assist. prof. M. V. Menzhul. 2nd ed., revised and supplemented. Kyiv: Yurinkom Inter, 2024. 672 p.

- Antonov S. V. *Features of compensation for damage caused to a patient by unsuccessful medical intervention*. Management of a healthcare institution. 2007, No 7: <http://www.medlawcenter.com.ua/ua/publications/76.html>.
- Hryasymiv O. Y. *Possibility of ratification by Ukraine of the convention for the protection of human rights and dignity of human being with regard to the application of biology and medicine: pros and cons* // Medical Law. 2021. No. 1 (27). P. 18–26.
- Yevtushenko D. S. *Foreign experience of administrative and legal regulation of the provision of cosmetology services and priorities of its borrowing for Ukraine* // Legal Scientific Electronic Journal, 2023, Issue 6, p. 733-735.
- Consolidated Federal Law on the Rules for the Provision of Manicure, Pedicure, Massage, and Cosmetology Services. Updated: 02/10/2022. [Electronic resource]. URL: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005904>.
- QUESTIONS AND ANSWERS on licensing of business activities in medical practice and accreditation of healthcare institutions [Electronic resource] <https://moz.gov.ua/storage/uploads/4925261d-6a0e-407e-bf92-cd606bbabef6/Заявляння-відповіді-САЙТ-07-24-Т.Л.pdf>.

Regulacja prawna świadczenia usług kosmetycznych na Ukrainie

Streszczenie

Niniejszy artykuł teoretyczno-doktrynalny analizuje obecny stan regulacji prawnych w dziedzinie usług kosmetycznych na Ukrainie. W artykule zidentyfikowano główne luki prawne, w tym brak ujednoliconych definicji, przestarzałe akty normatywne i niespójne wymogi licencyjne dla praktyków. Autor bada niewyraźną granicę między usługami medycznymi i estetycznymi, podkreślając wyzwania prawne, z jakimi borykają się zarówno konsumenci, jak i dostawcy. Szczególny nacisk położono na potrzebę harmonizacji ukraińskiego ustawodawstwa ze standardami Unii Europejskiej, w szczególności w zakresie świadomej zgody, licencjonowania i kwalifikacji zawodowych. Porównawcza analiza prawna ze Stanami Zjednoczonymi i Niemcami dostarcza wglądu w skuteczne modele zagraniczne. Artykuł kończy się praktycznymi zaleceniami dotyczącymi reformy krajowych norm prawnych w celu zapewnienia bezpieczniejszych, lepiej uregulowanych praktyk kosmetycznych i zwiększonej ochrony praw konsumentów. Badania opierają się na analizie aktów prawnych, orzecznictwa, źródeł naukowych i dokumentów międzynarodowych związanych z prawem medycznym i bioetyką.

Chociaż kwestia regulacji usług kosmetycznych pozostaje niedostatecznie zbadana na Ukrainie, wielu naukowców zajęło się prawnymi aspektami usług opieki zdrowotnej. W szczególności I.V. Chekhovska i V.V. Bilotsok przeanalizowali granice między procedurami medycznymi i estetycznymi (2019). D.S. Yevtushenko przedstawił przegląd zagranicznych doświadczeń administracyjnych (2023), które są szczególnie istotne dla harmonizacji z prawodawstwem UE.

Słowa kluczowe: prawo medyczne, kosmetyka, bioetyka, usługi kosmetyczne.