

### **310.070 Unlawful practice or use of title -- Exceptions.**

- (1) It shall be unlawful for any person to engage in the practice of dietetics or nutrition, to act or to represent himself to be a dietitian or a nutritionist, or to use such titles as "dietitian," "nutritionist," "licensed dietitian," "certified nutritionist," or such letters as "L.D.," "C.N.," or any word, letters, or title indicating or implying that the person is a dietitian or nutritionist, unless that person holds a license or certificate issued by the board.
- (2) Nothing in this chapter shall be construed to prevent or restrict:
  - (a) A person licensed in this state from carrying out any therapy or practice for which he is duly licensed, including but not limited to physicians, osteopaths, podiatrists, chiropractors, dentists, and nurses;
  - (b) A student enrolled in an approved academic program in dietetics, if the practice constitutes a part of a course of study under the supervision of a licensed dietitian or certified nutritionist. The student shall be designated by title clearly indicating his status as a student or trainee;
  - (c) A dietitian serving in the Armed Forces, the Public Health Service of the United States, or employed by the United States Department of Veterans Affairs from engaging in the practice of dietetics, if that practice is related to his service or employment;
  - (d) Persons performing the activities and services of a nutrition educator in the employment of a federal, state, county, or municipal agency or in an elementary or secondary school or accredited degree granting educational institution, if the activities and services are part of a salaried position;
  - (e) Federal, state, county, or municipal employees involved with nutrition related programs, including but not limited to, the cooperative extension services, child nutrition programs, and Project Headstart from engaging in the practice of dietetics or nutrition within the discharge of their official duties. Any person engaging in the practice of dietetics or nutrition outside the scope of his official duties shall be licensed as provided in this chapter; or
  - (f) Persons employed in a hospital or nursing home from performing dietary services under the supervision of a licensed dietitian.
- (3) The provisions of this chapter shall not apply to a person who owns a health food store or who manufactures, distributes, or sells health foods, dietary supplements, or vitamins nor shall the provisions of this chapter be construed to affect any other person who provides nutritional or dietary advice or sells nutritional or dietary supplements if the person does not use the title dietitian, licensed dietitian, or certified nutritionist.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 42, sec. 15, effective June 29, 2017. --  
Created 1994 Ky. Acts ch. 319, sec. 4, effective July 15, 1994.