

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/12/03

A Bill

Act 680 of 2003
HOUSE BILL 2529

5 By: Representatives Agee, Biggs, Bradford, Borhauer, Dees, Edwards, J. Johnson, Judy, Key, Lendall,
6 Medley, Pace, Pritchard, Roebuck
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For An Act To Be Entitled

10 AN ACT CONCERNING ROUTINE PERSONAL HYGIENE AND
11 RELATED DAILY CARE SERVICES PROVIDED TO RESIDENTS
12 OF NURSING FACILITIES; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT CONCERNING ROUTINE PERSONAL
16 HYGIENE AND RELATED DAILY CARE SERVICES
17 PROVIDED TO RESIDENTS OF NURSING
18 FACILITIES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 20, Chapter 10, Subchapter 14 is
24 amended to add an additional section to read as follows:

25 20-10-1410. Cosmetology and barbering services.

26 (a)(1) Cosmetology and barbering services provided to residents of
27 nursing facilities and for which a fee is charged that is separate from and
28 additional to monthly facility charges, shall be provided only by a licensed
29 cosmetologist or registered barber, respectively.

30 (2) Routine personal hygiene and related daily care services
31 that are provided to residents of nursing facilities and for which the fee is
32 included in the monthly facility charges, may be provided by direct care
33 staff, who are trained, licensed, and certified through various state and
34 federal regulatory agencies.

35 (3) Routine personal hygiene and related daily care services
36 shall not include the use of chemical or cosmetic preparations, such as those



1 used in permanent waving, bleaching, tinting, coloring, and dyeing, but do
2 not include shampoos, conditioners, soaps, antiseptics, or similar items.

3 (4) Direct care staff shall not be required to hold a license as
4 a cosmetologist or barber in order to provide routine personal hygiene and
5 related daily care services.

6 (b) Nursing facilities shall be exempt from the licensure requirements
7 for cosmetological establishments under §§ 17-26-401 through 17-26-418.

8 (c) A relative of a resident of a nursing facility providing
9 cosmetological services to a related resident of a nursing facility shall be
10 exempt from the following:

11 (1) The licensure requirements for cosmetologists under §§ 17-
12 26-301 through 17-26-323; and

13 (2) The registration requirements for barbers under §§ 17-26-301
14 through 17-26-310.

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16 SECTION 2. Arkansas Code § 17-26-102(3), concerning the definition of
17 cosmetological establishment, is amended to read as follows:

18 (3) "Cosmetological establishment" means any premises, building,
19 or part of a building whereon or wherein is practiced any branch or any
20 combination of branches of cosmetology or the occupation of a cosmetician or
21 cosmetologist, except the branch of manicuring as practiced in barbershops
22 licensed by the State Board of Cosmetology and complying with the provisions
23 of this chapter and except nursing facilities as defined under § 20-10-1401;
24

25 SECTION 3. Arkansas Code § 17-26-103(a), concerning persons exempt
26 from the Cosmetology Act, is amended to read as follows:

27 (a) The following persons are exempt from this chapter:

28 (1) All persons authorized by the laws of this state to practice
29 medicine, surgery, dentistry, pharmacy, osteopathy, chiropractic,
30 naturopathy, or podiatry;

31 (2) Barbers, insofar as their usual and ordinary vocation and
32 profession is concerned;

33 (3) Employees employed to render cosmetological services in the
34 course of and incidental to the business of employers engaged in the
35 theatrical, radio, television, or motion picture production industry; ~~and~~

36 (4) Individuals and employees rendering cosmetological services

1 in the course of, in connection with, and incidental to the preparation of
2 bodies for burial, or the business of embalmers and undertakers;

3 (5) Direct care staff, as defined in § 20-10-1401, who provide
4 routine personal hygiene and related daily care services to residents of
5 nursing facilities, as defined in § 20-10-1401, and for which the fee is
6 included in the monthly facility charges; and

7 (6) Relatives of residents of nursing facilities, as defined in §
8 20-10-1401, who provide cosmetological services to a related resident of a
9 nursing facility.

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11 /s/ Agee, et al
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14 APPROVED: 3/26/2003
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