

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Wingfield**

A Bill

HOUSE BILL 2080

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 17-18-102 PERTAINING TO
9 BARBERS AND COSMETOLOGISTS; AND FOR OTHER PURPOSES."

Subtitle

12 "AMEND ARKANSAS CODE 17-18-102 PERTAINING TO BARBERS AND
13 COSMETOLOGISTS."

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17 SECTION 1. Arkansas Code 17-18-102(a) is amended to read as follows:

18 "(a) As used in this chapter, unless the context otherwise requires,
19 "barbering" means any one or any combination of the following practices, when
20 performed upon the head, face, and neck for cosmetic purposes and done for the
21 public generally for pay, either directly or indirectly:

22 (1) Shaving or trimming the beard;

23 (2) Cutting hair;

24 (3) Giving facial and scalp massage or application of oils, creams,
25 lotions, or other preparations, either by hand or mechanical appliances;

26 (4) Singeing, shampooing, or applying chemicals;

27 (5) Applying cosmetic preparations, antiseptics, powders, oils, clays, or
28 lotions to scalp, face, or neck;

29 (6) Use of the traditional symbol known as the barber pole, which is
30 comprised of a vertical cylinder or pole with a ball on top, with alternating
31 stripes of any combination including red and white, and red, white, and blue,
32 which run diagonally along the length of the cylinder or pole, or any likeness
33 thereof, with the intent to mislead the public in any manner that would make
34 the public believe that barbering was being practiced in, or that a licensed
35 barber was employed in, an establishment that does not employ barbers."

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SECTION 2. Arkansas Code 17-18-104 is amended by inserting two (2) additional subsections at the end thereof to read as follows:

(d) Each day of unlawful practice as described in this section shall constitute a separate offense.

(e) It shall be the duty of all prosecuting attorneys of the state and all political subdivisions of this state to enforce the provisions of this chapter and prosecute persons violating them."

SECTION 3. Arkansas Code 17-18-303 is amended to read as follows:

"§17-18-303. Application.

(a) Any person, firm, or corporation desiring to operate as a barber, barbershop, barber corporation, or barber school or college shall file an application for a certificate of registration on a form furnished by the board.

(b) Any person who desires to practice barbering in this state shall file, with the Executive Secretary of the State Board of Barber Examiners, a written application, under oath, together with two (2) identical two inch by three inch (2" x 3") signed photographs and satisfactory proof that the applicant is of good moral character.

(c) Any person recently coming into this state who has an unrevoked or unexpired license issued by the proper authorities of another state may be issued a certificate of registration as a registered barber upon making the application as required by law and upon the payment of a one hundred fifty dollar (\$150) reciprocity fee, subject to the conditions outlined in (d) below. The reciprocity fee shall include the license fee until the beginning of the next renewal period.

(d) Any person applying for reciprocity who has at least one thousand five hundred (1,500) hours of training may be granted registration by reciprocity upon completion of those hours and proof of licensure by the proper authorities in the state in which the person received the training. Any person applying for reciprocity who has less than one thousand five hundred (1,500) hours of training must also have been continuously engaged in the practice of barbering for at least one (1) year in addition to providing proof of licensure in the state where the applicant received training or holds

1 a license."

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3 SECTION 4. Arkansas Code 17-18-308 is amended to read as follows:

4 "§17-18-308. Grounds for disciplinary action.

5 The board may refuse to issue or renew or may suspend or revoke any
6 certificate of registration, take other appropriate disciplinary action, and
7 impose a civil penalty as provided in 17-18-310 for any of the following:

8 (1) Conviction of a felony shown by a certified copy of the record of
9 the court of conviction;

10 (2) Malpractice or gross incompetency;

11 (3) Affliction of applicant or registered barber or registered
12 apprentice barber with an infectious or communicable disease;

13 (4) Advertising by means of knowingly false or deceptive statements;

14 (5) Advertising, practicing, or attempting to practice under a trade
15 name or name other than one's own;

16 (6) Habitual drunkenness or habitual addiction to the use of morphine,
17 cocaine, or other habit-forming drugs;

18 (7) Immoral or unprofessional conduct;

19 (8) The violation of any of the sanitary regulations promulgated by
20 either the State Board of Barber Examiners or Department of Health for the
21 regulation of barbershops and barber schools;

22 (9) Continuing employment in a barbershop wherein the sanitary
23 regulations of the State Board of Barber Examiners or Department of Health
24 promulgated for the regulation of barbershops or barber schools are known by
25 the registered barber or registered apprentice to be violated."

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27 SECTION 5. Arkansas Code 17-18-310(a) is amended to read as follows:

28 "(a) Whenever the State Board of Barber Examiners, after a hearing
29 conducted in accordance with the Arkansas Administrative Procedure Act,
30 §25-15-201 et seq., determines that any person has violated any provision of
31 the Arkansas Barber Law or any regulation promulgated by the board pursuant to
32 it, the board may impose a civil penalty on such person not to exceed two
33 hundred fifty dollars (\$250)."

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35 SECTION 6. Arkansas Code 17-18-405 is amended to read as follows:

1 "§17-18-405. Licensing prerequisites - Managers and teachers.

2 (a) No school or college of barbering shall be approved by the board
3 and no license shall be issued to operate or conduct any school or college of
4 barbering until the following provisions are complied with:

5 (1) Management and faculty are registered barber teachers under
6 this subchapter;

7 (2) The manager, person, or teacher in charge of the school must
8 have had at least three (3) years' experience as a registered barber before he
9 may be put in charge of the school as manager;

10 (3) The teacher must be a high school graduate;

11 (4) The teacher shall have completed a postgraduate course of six
12 hundred (600) hours in barber teacher theory in an approved school, which
13 school shall regularly offer such a course;

14 (5) At least one (1) approved teacher is teaching therein at all
15 times and in charge of each daily class in theoretical scientific study,
16 scientific barbering practice, and general barbering practice at all times;

17 (6) One (1) teacher is provided for every twenty (20) students;

18 (7)(A) Every teacher shall pay a teacher license fee of forty
19 dollars (\$40.00) per year;

20 (B) For restoration of an expired license to practice as a
21 teacher, such teacher shall pay a fee of forty-eight dollars (\$48.00).

22 (b) Subdivisions (4), (5), and (6) of §17-18-404 shall not apply to any
23 school or college of barbering which was engaged in the operation or conduct
24 of any such school or college on June 16, 1961.

25 (c) Any person who has been continuously licensed or registered in
26 another state to practice barbering who also meets the requirements of
27 subparagraphs (3) and (4), above, may be issued a certificate of registration
28 as a registered barber teacher upon making application as required by law and
29 upon payment of a one hundred fifty dollar (\$150) reciprocity fee to obtain
30 registration in this state as a registered barber, plus a one hundred fifty
31 dollar (\$150) barber teacher reciprocity fee."

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33 SECTION 7. Arkansas Code 17-23-104 is amended by inserting two (2)
34 additional subsections at the end thereof to read as follows:

35 "(c) Each day of such unlawful practice shall constitute a separate

1 offense.

2 (d) *It shall be the duty of all prosecuting attorneys of the state and*
3 *all political subdivisions of the state to enforce the provisions of this*
4 *chapter and prosecute any persons violating them."*

5 SECTION 8. *Arkansas Code 17-23-322 is amended by inserting an*
6 *additional subsection at the end thereof to read as follows:*

7 "*(d) In addition to any other sanctions authorized by this chapter, the*
8 *board may impose a civil penalty as provided above against any unlicensed*
9 *person, firm, or corporation practicing or offering to practice any actions*
10 *requiring licensure pursuant to the provisions of this chapter."*

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12 SECTION 9. *Arkansas Code 17-23-323 is amended to read as follows:*
13 *"§17-23-323. Use of funds from penalties.*

14 *Funds derived from penalties assessed by the State Board of Cosmetology*
15 *pursuant to the authority granted in §17-23-322 shall be maintained in a*
16 *separate bank account and shall be used exclusively to defray the costs of*
17 *disciplinary hearings and any other enforcement actions, including the*
18 *investigation thereof."*

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20 SECTION 10. *Subsection (a) of Arkansas Code 17-18-406 is hereby*
21 *repealed.*

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23 SECTION 11. *All provisions of this act of a general and permanent*
24 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
25 *Code Revision Commission shall incorporate the same in the Code.*

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27 SECTION 12. *If any provision of this act or the application thereof to*
28 *any person or circumstance is held invalid, such invalidity shall not affect*
29 *other provisions or applications of the act which can be given effect without*
30 *the invalid provision or application, and to this end the provisions of this*
31 *act are declared to be severable.*

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33 SECTION 13. *All laws and parts of laws in conflict with this act are*
34 *hereby repealed.*

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/s/Gus Wingfield