

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY: Arkansas Department of Health
DIVISION: Health Systems Licensing and Regulation/Cosmetology and Massage Therapy Section
DIVISION DIRECTOR: Connie Melton
CONTACT PERSON: Kelli Kersey
ADDRESS: 4815 West Markham, Slot 8, Little Rock, AR 72205
PHONE NO.: 501-661-2171 **FAX NO.:** 501-661-2055 **E-MAIL:** kelli.kersey@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING: Laura Shue
PRESENTER E-MAIL: laura.shue@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Rules for Cosmetology in Arkansas
2. What is the subject of the proposed rule? Rule revision to update language of Rule to mirror Act 488, Act 972, Act 973, and Act 1081 of 2017; also to comply with Act 325, Act 426, Act 820, Act 990, and Act 1011 of 2019. Provides clarification and reduces licensure fees.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ___ No x
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ___ No x
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ___ No x
5. Is this a new rule? Yes ___ No x If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes _____ No x _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes x _____ No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. § 17-26-102 (3) et seq.

7. What is the purpose of this proposed rule? Why is it necessary? To update language of the Rules to mirror Act 488, Act 972, Act 973, and Act 1081 of 2017; and Act 325, Act 426, Act 820, Act 990, Act 426 and Act 1011 of 2019. Also to clarify and to reduce licensure fees.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes x _____ No _____
If yes, please complete the following:
Date: 8/27/2020
Time: 10:00 A.M.
Place: Freeway Medical Tower, 5800 W. 10th St., Room 906, Little Rock, Arkansas

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
Tentative 8/27/2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
October 1, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
Cosmetology and related fields licensees – In favor

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Arkansas Department of Health

DIVISION: Health Systems Licensing and Regulation/Cosmetology and Massage Therapy Section

PERSON COMPLETING THIS STATEMENT: Kelli Kersey

TELEPHONE NO.: 501-682-2171 **FAX NO.:** 501-682-5640 **EMAIL:** kelli.kersey@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Rules for Massage Therapy of Arkansas

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes x No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes x No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes x No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

 - (b) The reason for adoption of the more costly rule;

 - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

 - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue: 0
Federal Funds: 0
Cash Funds: 0
Special Revenue

General Revenue: 0
Federal Funds: 0
Cash Funds: 0
Special Revenue

Other (Identify) _____

Other (Identify) _____

Total: 0

Total: 0

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue: 0

General Revenue: 0

Federal Funds: 0

Federal Funds: 0

Cash Funds: 0

Cash Funds: 0

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total: 0

Total: 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

Reciprocity applicants:	Current \$150	Proposed	\$50
New Establishment or mobile salon Applicants:	Current \$150	Proposed	\$100 (onetime fee)
Establishment or mobile salon Renewal:	Current \$100	Proposed	\$50 (annually)
Establishment Relocation:	Current \$150	Proposed	\$50 (onetime fee)
Name and/or ownership change of establishment or mobile salon:	Current \$75	Proposed	\$25 (onetime fee)
New School of Cosmetology or postsecondary school of cosmetology:	Current \$1500	Proposed	\$1000 (onetime fee)
Name and/or ownership change of School of Cosmetology or postsecondary school of cosmetology:	Current \$500	Proposed	\$100 (onetime fee)
Duplicate license:	Current \$25	Proposed	\$10 (onetime fee)
Certificate of Department records:	Current \$50	Proposed	\$10 (onetime fee)

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 1,280,023.00

\$ 1,138,522.00

Revenue reduction for FY21 \$282,260 with fee reduction _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No x

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary of Proposed Changes
Rules for Cosmetology in Arkansas

REVISION by Section	Supporting Information
<p>§1 Cosmetology Section</p>	
<p>§ (1.2) (1.3) Add Language "mobile salons"</p> <p>§ (1.4) Replace language "www.healthylarkansas.com" with "healthy.arkansas.gov"</p> <p>§ (1.5) Replace language "Department" with "following fees" and "collect fees in accordance with the following fee schedule" with "apply" and "through" with "under" Add language "All fees are non-refundable upon submission."</p> <p>§ (1.5) b. 1) i. Add language "(Payable to School) – not to exceed"</p> <p>§ (1.5) b. 2) i. Add language "(Payable to School) – not to exceed"</p> <p>§ (1.5) b. 4) i. Add language "Transfer fee - \$65.00 one-time fee" ii. Add language "(Payable to School) – not to exceed"</p> <p>§ (1.5) d., e., f., g., h., j., k., l., m.,</p> <p>§ (1.5) e., f., k., o. Add language "mobile salon"</p>	<p>Correct rules to meet requirements of Act 1081</p> <p>Correct Department website in Rules</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Lower renewal fees, transfer fees and first time licensure fees</p> <p>Correct Rule to meet requirements of Act 1081</p>
<p>§2 Definitions</p>	
<p>§ (2.4) Add language "Certified hours- Cosmetology, Manicure, Aesthetic, Electrology, or Instructor hours which have been earned and recorded with the Department in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school."</p> <p>Move Rule's: § (2.7), § (2.9), § (2.17)</p> <p>§ (2.13) Add language "and pseudomonacidal."</p> <p>§ (2.14) (a) (b) (c) Add language "Domestic violence and sexual assault awareness training (a) A one (1) hour training course in domestic violence and sexual assault awareness (b) The training course materials are provided by the Department of Health and incorporated into the curriculum of cosmetology and its branches. (c) Certificates of training shall contain proof of domestic violence and sexual assault training."</p>	<p>Better Clarification of the definition</p> <p>Better flow of the Rule</p> <p>Better Clarification of the definition</p> <p>Correct Rule to meet requirements of Act 488</p>

Governor's summary

<p>§ (2.17) Add language "or Mobile Salon"</p> <p>§ (2.20) Add language "Mobile Salon A self-contained, self-supporting, enclosed unit that:</p> <ul style="list-style-type: none"> (a) Is at least twenty-four-feet (24') in length; (b) May be transported from one location to another; (c) Has a base location at the home, salon or office of the owner of the mobile salon; (d) Is licensed as a cosmetology establishment for the practice of a branch or a combination of branches of cosmetology or the occupation of a cosmetologist licensed by the Department; and (e) Complies with rules established by the Department. <p>§ (2.27) Add language "Revocation, Official cancellation of practitioner, establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology license."</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Better Clarification of the definition</p>
<p>§3 Requirements for Cosmetology and Related Occupations</p>	
<p>§ (3.1) Add language "mobile salon"</p> <p>§ (3.2) Add language "(A)" and "(B) An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a license for a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds."</p> <p>§ (3.3) Add language "or mobile salon"</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Rule required based on language utilized by the Department of Education.</p> <p>Correct Rule to meet requirements of Act 1081</p>
<p>§ 4 Examinations</p>	
<p>§ (4.1) Replace language "Eligibility" with "Written"</p> <p>§ (4.1) Remove language "The Department will admit to examination for a license"</p> <p>§ (4.1) (A) Add language "1. Completed training:" and "Graduated" and "2. Partial training currently enrolled – The School of cosmetology or Postsecondary school of cosmetology is responsible for submitting Early Testing-examination form." And "the written"</p> <p>Remove language "then" and "Hours must be certified by the school of cosmetology or postsecondary school of cosmetology in order to be eligible for the examination. Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school."</p> <p>§ (4.2) Add language "Practical: Schools of Cosmetology or Postsecondary Schools of Cosmetology shall administer the Arkansas practical licensing examination that has been</p>	<p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p>

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<p>developed by the Department and which shall include use of the official (grading, scoring, rating) document.”</p> <p>§ (4.3) Remove language “exam deadline dates,” and “and dress codes” and “practical” Add language “for the written examination”</p> <p>§ (4.3) Add Language “(B) Supply list and Allotted Time: 1) A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list. 2) Schools will determine allotted time for the examination.”</p> <p>§ (4.4) Replace language “part” with “examination”</p>	<p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p> <p>Correct Rule to meet requirements of Act 972 and 973</p>
<p>§ 5 Reciprocity</p>	
<p>Move Rule § (4.1) (C) (A), (B) and (D) Reciprocity Requirements and create § 5 (A)(1)(2)(3)(4) (B) (C) (D) and (E)</p> <p>§ (5) (A) Add language “(application shall expire after one Year)”</p> <p>§ (5) (B) Add language “A person who has completed 1500 hours under the laws of another state shall be eligible for examination upon the followings conditions: (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age; (2) Completed hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require; (3) Passes a written and practical examination”</p> <p>§ (5) (C) Add Language “A person that has completed partial hours under the laws of another state shall be eligible for examination under upon the followings conditions: (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age; (2) Partial hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require; (3) Completes the required 1500 hours required under the rules of the Department (4) Passes a written and practical examination</p> <p>§ (5) (D) Add Language “Temporary License: (1) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the</p>	<p>Better flow and ease for reciprocity candidates</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Correct Rule to meet requirements of Act 1011</p>

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<p>documentation required under (A) (1), (2), <u>and (3)</u>. (2) The temporary license shall be effective for 160 days or, unless the Department determines <u>that</u>, the applicant does not meet the requirements in Reciprocity sections <u>(A) (1)</u>, through (4), in which case the temporary license shall be immediately revoked. (3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of <u>a temporary license.</u>"</p> <p>§ (5) (E) Add Language "Military Automatic Licensure: Upon application active duty military personal stationed in the State of Arkansas, a returning military veteran applying within one (1) year of his or her discharge from active duty or a spouse of an active duty military personal or veteran shall be granted automatic licensure to practice cosmetology and its branches under the following requirements: (1) Payment of the initial licensure fee. (2) Evidence that the individual holds a substantially equivalent license in another state: and <u>(3)</u> Evidence that the applicant is a qualified applicant, by submitting a certified copy of the license and an affidavit from the other state stating the license <u>is in good standing.</u>"</p> <p>§ (5) (F) Add Language "License for person from a state that does not license profession under Act 1011 of 2019. (1)Required Qualifications. An applicant from a state that does not license cosmetologists, electrologists, manicurists, aestheticians or instructors shall meet the following requirements: a. The applicant shall be sufficiently competent in the applicable occupation and b. Meet the same application and licensure requirements as any other applicant under these rules."</p>	<p>Correct Rule to meet requirements of Act 1011</p> <p>Correct Rule to meet requirements of Act 1011</p>
<p>§ 6 Requirements for Schools of Cosmetology, Postsecondary Schools of Cosmetology and Establishments</p>	
<p>§ 6 Add Language "and Mobile salons"</p> <p>§ (6.1) (A) (2)(B) Add language "To assure compliance with the laws and rules governing the operations of mobile salons, the Department's authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department's representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only."</p> <p>§ (6.1) (B) (1) Replace language "posted in a designated place in the reception area, at individual work station or in clinic area."</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Clarification of Rule for better understanding</p>

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<p>§ (6.1) (B) (4) Add language "A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in the reception area, at the individual work stations or in clinic area."</p> <p>§ (6.1) (C)</p> <ul style="list-style-type: none"> • (2) (a) (b) (c) (d) Remove language • (5) Remove language • (8) Remove language "walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials" "Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned" • (9) Remove language • (10) Remove language • (12) Remove language "have sufficient ventilation installed and operated according to State and local requirements to" "keep them" • (13) (b) and (d) Remove language • (17) (a) Remove language "covered with a clean towel or paper sheet for each client" Add language "kept clean" • (17) (d) (3) (a) (i) (a) Remove language" and pseudomonacidal (Formulated for Hospitals)." • (17) (d) (3) (a) (ii) (a) Remove language" or Tuberculocidal" • (17) (d) (4) (c) Remove language" and pseudomonacidal (Formulated for Hospitals). • (17) (d) (5) Remove language" or Tuberculocidal" • (17) (e) Add language "and covered when not in use" • (18) Remove language "and disinfected" • (20) Add language "Exemption freshly laundered/clean cape used for each client" • (25) (c) Add language "and Sharpeners" "Sharpeners must be cleaned after each use" • (25) (c) Remove language " disinfected and" 	<p>Clarification of Rule for better understanding</p> <p>Industry Concerns raised by subcommittee to mirror textbook</p>
<p>§7 Cosmetology Establishment Certificate of Registration and Licensure</p>	
<p>§ (7.1) Add language "mobile salons"</p> <p>§ (7.2) Add language (A)" or mobile salon". (B) "or mobile salon"</p> <p>Replace Language (B) "letter of authorization" with "license" and "letter" with "license"</p> <p>Remove Language(B) "provided that the owner has certified compliance with the licensing code and the rules of the Board"</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 1081</p>

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<p>§ (7.3) (A) (B) Add language "Mobile salon"</p> <p>§ (7.3) (D) Remove language</p> <p>§ (7.4) (A) (B) (1) (2) & (C) (1) Add language "mobile salon"</p> <p>§ (7.4) (C) (2) (3) Add language "mobile salon owner"</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p>
<p>§8 School of Cosmetology and Postsecondary School of Cosmetology Requirements</p>	
<p>§ (8.1) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(11) Add Language "Proof that the school adopts and discloses to students the complaint process outlined in Rule 11"</p> <p>§ (8.2) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>§ (8.4) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(11) Add Language "Proof that the school adopts and discloses to students the complaint process outlined in Rule 11"</p> <p>§ (8.5) (A) (1) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>Remove language "regulation"</p> <p>§ (8.10) Add language "an inspection report of compliance is received."</p> <p>Move Rule § (8.21) (C) (6) and (H) and create Rule § (8.11) (b) and (c)</p> <p>§ (8.14) (A) (8), (8.15) (A) (6), (8.16) (A) (16), (8.17) (C) Add Language "One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.</p> <p>(E) Replace language "one-hundred-eighty (180)" with "one-hundred-fifty (150)"</p> <p>§ (8.21) (A)(1) Remove language "Extended break time should be on a scheduled basis, such as lunch, coffee, etc., and shall not be counted as classroom instruction time or creditable time.")(2) Remove language "and regulations" (3) Remove language "thirty (30) and Add language" (a)" "forty-five (45)". Add language "(last day of attendance)" and "If a Certificate of Training is not received within forty-five (45) days, the student will be dropped by the Department and all hours will be certified."</p> <p>Move § (8.21) (B) (5) to § (8.21) (A) (3) (b)</p> <p>(4) Replace language "www.healthysarkansas.com" with "healthy.arkansas.gov"</p> <p>(5) Add Language "Textbook material must be completed before fifteen-hundred (1500) hours are completed."</p> <p>§ (8.21) (B) (1) Add Language "report monthly hours to" and "for"</p> <p>§ (8.21) (C) Remove language "and inspections"</p> <p>§ (8.21) (C)(6) Moved to § (8.11) (b) and (c)</p>	<p>Correct Department website in Rules</p> <p>Mirror secondary school policy to postsecondary school policy.</p> <p>Correct Department website in Rules</p> <p>Correct Department website in Rules</p> <p>Mirror secondary school policy to postsecondary school policy.</p> <p>Correct Department website in Rules</p> <p>Clarification of Rule for better understanding</p> <p>Better flow and ease for understanding</p> <p>Correct Rule to meet requirements of Act 488</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Correct Department website in Rules</p> <p>Industry concerns raised by subcommittee</p> <p>Industry concerns raised by subcommittee</p> <p>Separated for clarification of Rule</p> <p>Better flow and ease for understanding</p>

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<p>§ (8.21) (E) (4) Add Language "Practical Examination fee for licensure shall be set by the School and shall not exceed \$65.00."</p> <p>§ (8.21) (F) (1) Remove language "or regulation" (b) (c) Replace language "regulation with rule"</p> <p>§ (8.21) (F) (7) Remove language " and regulations"</p>	<p>Clarification to meet requirements of Act 973</p> <p>Correct Rule to Act 315</p> <p>Correct Rule to Act 315</p>
<p>§ 9 INSTRUCTOR TRAINING</p>	
<p>§ (9) Add language "and renewal requirements"</p> <p>§ (9.1) (A) Remove Rule</p> <p>§ (9.2) (G) Add language "Domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a) – 1</p> <p>§ (9.4) (A) (B) (C) (D) Add language "(9.4) Renewal Requirements</p> <p>(A) For biannual renewal Instructors shall not be required to renew the specialty license in which they were originally licensed however shall only be allowed to instruct in the specialty area of original licensure. Should an instructor wish to retain their specialty license they may renew it also.</p> <p>(B) Continuing Education Requirements</p> <p>(1) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education Course. Compliance with the requirement of continuing education is a prerequisite for license renewal.</p> <p>(2) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:</p> <p>a. Payment of all past due renewal fees;</p> <p>b. Payment of the late renewal fee; and</p> <p>c. Compliance with continuing education requirements for each license renewal period.</p> <p>(3) Out-of-State Program: Hours earned at an out-of-state continuing education program will be accepted provided said program is certified by the Cosmetology Board in that State or by a nationally recognized provider and is designated as an "Instructor Training Seminar". To receive credit for hours earned out of state, the Instructor must submit a signed certificate of completion from the out-of-state provider.</p> <p>(4) Those persons newly licensed shall not be required to complete continuing education as a prerequisite for license renewal the first renewal period following the date of licensure.</p> <p>(5) Program Sponsor:</p> <p>(a) Any program, seminar, or workshop must be sponsored by a bona fide association/organization that is committed to the advancement of the Cosmetology Profession. "Bona fide" as used herein means state and/or national association/organization chartered with bylaws.</p> <p>(b) Community College or University.</p> <p>(6) Program requirements: All advanced-teaching education must be generic in nature.</p> <p>(A) 1) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques. Examples include: curriculum development,</p>	<p>Add Rule to meet requirements of Act 972 and 973 Addressed in Rule §4</p> <p>Correct Rule to Act 488</p> <p>Add Rule to meet requirements of Act 972 and 973</p>

Governor's summary

<p>lesson plan preparation, human resource management, etc.</p> <p>2) Credit accrues at one (1) contact hour for each hour of actual contact.</p> <p>(B) Courses offered at the Community College or University Level, which contribute directly to the professional competency of the licensee. Examples include semester hours in Psychology, Sociology, Methods of Teaching, Business Law, etc.</p> <p>(C) Program Educators: Approved programs must be conducted by individuals who have special education, training and experience or by other persons who by reason of special education, training and experience said individuals would be considered experts concerning the subject matter of the program.</p> <p>(D) Violations: Any licensee found falsifying continuing education attendance will be subject to disciplinary action by the Committee.</p>	
<p>§11 Complaint Policy</p>	
<p>(A) (1) Add language " Mobile salon</p> <p>(4) Any disciplinary action taken under § 17-26-105 (10) the Cosmetology Act may be waived as authorized by Ark. Code Ann. § 17-2-102 in certain circumstances.</p> <p>(5) (a) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.</p> <p>(b) The individual must obtain the pre-licensure criminal background check petition form from the Department.</p> <p>(c)The Department will respond with a decision in writing to a completed petition within a reasonable time.</p> <p>(d) The Department's response will state the reason(s) for the decision.</p> <p>(e)All decisions of the Department in response to the petition will be determined by the information provided by the individual.</p> <p>(f) Any decision made by the Department in response to a pre-licensure criminal background check petition is not subject to appeal.</p> <p>(g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.</p>	<p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 990</p>
<p>§12 Equipment and Chemical Use in Cosmetology and its Related Branches</p>	
<p>(A) Equipment</p> <p>(1) Add language - "(1) "With the exception of piercing as set forth in sub part three (3) below,"</p>	<p>Industry Concerns raised by subcommittee</p>

Governor's summary

<p>Remove language – “incision, or piercing”</p> <p>(1) (a) add Language - “and manufactures instructions”;</p> <p>(2) (b) Remove language” Must not penetrate or pierce the skin beyond the epidermis or mucous membrane of the body, the ocular cavity, or the urethra, or enter the ear beyond the external auditory canal, the nose beyond the nares, the mouth beyond the pharynx, the anal canal beyond the rectum, or the vagina beyond the opening of the cervix;” and</p> <p>(3) add language – “Piercing activity of cosmetologist and aestheticians shall be limited to piercing the lobe of the ear using an ear piercing gun.”</p> <p>(C) Add language “mobile salons”</p> <p>(D) (2) Add language “mobile salons”</p>	<p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 1081</p> <p>Correct Rule to meet requirements of Act 1081</p>
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 1720

4
5 By: Representative C. Fite

For An Act To Be Entitled

8 AN ACT TO REQUIRE COSMETOLOGY STUDENTS TO HAVE
9 TRAINING IN DOMESTIC VIOLENCE AND SEXUAL ASSAULT
10 AWARENESS; AND FOR OTHER PURPOSES.

Subtitle

12 TO REQUIRE COSMETOLOGY STUDENTS TO HAVE
13 TRAINING IN DOMESTIC VIOLENCE AND SEXUAL
14 ASSAULT AWARENESS.

15
16
17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 17-26-205(a), concerning powers and duties
22 of the Cosmetology Technical Advisory Committee of the Department of Health,
23 is amended to add an additional subdivision to read as follows:

24 (6) Develop rules to establish and implement the domestic
25 violence and sexual assault awareness training required under § 17-26-419.

26
27 SECTION 2. Arkansas Code Title 17, Chapter 26, Subchapter 4, is
28 amended to add an additional section to read as follows:

29 17-26-419. Domestic violence and sexual assault awareness training.

30 (a) A cosmetological school or establishment under this subchapter
31 shall establish a domestic violence and sexual assault awareness training
32 course.

33 (b)(1) A student enrolled in a cosmetological school or establishment
34 shall complete a one-hour course in domestic violence and sexual assault
35 awareness training as a part of his or her required training hours under §
36 17-26-304 in order to be eligible for an examination.



1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 351

4
5 By: Senator B. Sample
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS REGARDING COSMETOLOGY
9 INSTRUCTOR TRAINING; AND FOR OTHER PURPOSES.
10

Subtitle

12 TO AMEND THE LAWS REGARDING COSMETOLOGY
14 INSTRUCTOR TRAINING.
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 17-26-304, concerning the prerequisites to
20 examination for a cosmetologist, manicurist, or aesthetician, is amended to
21 read as follows:

22 17-26-304. Prerequisites to examination for a cosmetologist,
23 manicurist, ~~or aesthetician, or instructor.~~

24 The Department of Health shall admit to examination for a license as a
25 cosmetologist, manicurist, ~~or aesthetician, or instructor~~ a person who has
26 made application to the department in proper form, has paid the fee required,
27 and who:

- 28 (1) Is not less than sixteen (16) years of age;
29 (2) Has completed two (2) years of high school in the public
30 schools of this state or its equivalent; and
31 (3) Has completed one (1) of the following:
32 (A) For a cosmetologist, training of at least one thousand
33 two hundred (1,200) hours;
34 (B) For a manicurist, training of at least four hundred
35 eighty (480) hours;
36 (C) For an aesthetician, training of at least four hundred



1 State of Arkansas

As Engrossed: H3/16/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1714

4
5 By: Representative Petty

6
7 **For An Act To Be Entitled**

8 AN ACT TO PERMIT THE OPERATION OF MOBILE SALONS; TO
9 CREATE A LICENSING PROCEDURE CONCERNING MOBILE
10 SALONS; AND FOR OTHER PURPOSES.

11
12
13 **Subtitle**

14 ACT TO PERMIT THE OPERATION OF MOBILE
15 SALONS; AND TO CREATE A LICENSING
16 PROCEDURE CONCERNING MOBILE SALONS.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 17-26-102(a)(2), concerning definitions, is
22 amended to read as follows:

23 (2) "Cosmetological establishment" means ~~any premises a premise,~~
24 building, or part of a building, or mobile salon in which is practiced ~~any a~~
25 branch or any a combination of branches of cosmetology or the occupation of a
26 cosmetologist except:

27 (A) The branch of manicuring as practiced in barbershops
28 licensed by the Cosmetology Technical Advisory Committee and complying with
29 the provisions of this chapter; and

30 (B) Nursing facilities as defined under § 20-10-1401;

31
32 SECTION 2. Arkansas Code § 17-26-102(a), concerning definitions, is
33 amended to add a new subdivision to read as follows:

34 (10) "Mobile salon" means a self-contained, self-supporting,
35 enclosed unit that:

36 (A) Is at least twenty-four-feet (24') in length;



1 of the committee, and is in compliance with the this chapter.

2 (2) Requirements that apply to a cosmetological establishment
3 under this chapter shall apply to mobile salons, except to the extent that
4 the requirements conflict with rules adopted by the department under
5 subdivision (b)(1) of this section.

6 (b)(1) By September 1, 2017, the department shall adopt rules to
7 implement this section.

8 (2) The rules as described in subdivision (b)(1) of this section
9 shall include the establishment of minimum specifications for the facilities,
10 technical equipment, environment, supplies, personnel, operation, ownership,
11 and procedures for mobile salons.

12
13 */s/Petty*

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16 *APPROVED: 04/07/2017*
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(906 pages)

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1430

4
5 By: Representative Dotson
6 By: Senator B. Ballinger

For An Act To Be Entitled

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8
9 AN ACT TO ELIMINATE UNNECESSARY REFERENCES TO
10 REGULATIONS THROUGHOUT THE ARKANSAS CODE; TO PROVIDE
11 FOR CONSISTENT REFERENCES TO RULES THROUGHOUT THE
12 ARKANSAS CODE; TO CHANGE THE NAME OF A ARKANSAS
13 LEGISLATIVE COUNCIL SUBCOMMITTEE; TO AMEND PORTIONS
14 OF THE ARKANSAS CODE RESULTING FROM INITIATED ACT 1
15 OF 1914, INITIATED ACT 4 OF 1948, INITIATED ACT 1 OF
16 1988, AND INITIATED ACT 1 OF 1996; AND FOR OTHER
17 PURPOSES.

Subtitle

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19
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21 TO ELIMINATE UNNECESSARY REFERENCES TO
22 REGULATIONS AND TO PROVIDE FOR CONSISTENT
23 REFERENCES TO RULES THROUGHOUT THE
24 ARKANSAS CODE; AND TO CHANGE THE NAME OF
25 A ARKANSAS LEGISLATIVE COUNCIL
26 SUBCOMMITTEE.

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28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30
31 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

32 (a) The General Assembly finds:

33 (1) The Administrative Procedure Act, § 25-15-202(9)(A) defines
34 "rule" as "an agency statement of general applicability and future effect
35 that implements, interprets, or prescribes law or policy, or describes the
36 organization, procedure, or practice of an agency and includes, but is not



Stricken language would be deleted from and underlined language would be added to present law.
Act 426 of the Regular Session

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/13/19

A Bill

HOUSE BILL 1301

5 By: Representative Cozart
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
9 TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
10 OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
11 TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
12 INDIVIDUALS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE RED TAPE REDUCTION
16 EXPEDITED TEMPORARY AND PROVISIONAL
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
18 LICENSING ENTITIES TO GRANT EXPEDITED
19 TEMPORARY AND PROVISIONAL LICENSING FOR
20 CERTAIN INDIVIDUALS.
21
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "Red Tape Reduction
28 Expedited Temporary and Provisional Licensure Act."
29

30 SECTION 2. DO NOT CODIFY. Legislative findings and intent.

31 (a) The General Assembly finds that:

32 (1) Arkansas is taking a leading role in the nationwide pursuit
33 of reforms to the system of occupational licensing;

34 (2) Arkansas became one (1) of eleven (11) states chosen to
35 participate in the Occupational Licensing Policy Learning Consortium, an
36 initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

7 (4) The Red Tape Reduction Working Group issued a final report
8 to the Governor in the fall of 2018 with five (5) recommendations for
9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
11 licensing entities to collectively submit administrative rules that are
12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
18 types of individuals or entities that may be issued temporary or provisional
19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
26 licensing entities to identify types of individuals or entities that may be
27 issued temporary or provisional licenses.

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
34 partnership, corporation, or other entity that may hold an occupational
35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

5 (3) "Occupational licensure" means a license, certificate,
6 registration, permit, or other form of authorization required by law or rule
7 that is required for an individual to engage in a particular occupation or
8 profession.

9 (b) An occupational licensing entity shall by rule adopt the least
10 restrictive requirements for occupational licensure for an individual who:

11 (1) Demonstrates that he or she:

12 (A) Holds an occupational licensure that is substantially
13 similar to practice in the field of his or her occupation or profession in
14 another state, territory, or district of the United States;

15 (B) Holds his or her occupational licensure in good
16 standing;

17 (C) Has not had his or her occupational licensure revoked
18 for:

19 (i) An act of bad faith; or

20 (ii) A violation of law, rule, or ethics;

21 (D) Is not holding a suspended or probationary
22 occupational licensure in any state, territory, or district of the United
23 States; and

24 (E) Is sufficiently competent in his or her field; and

25 (2) Pays any occupational licensure fee required by law or rule.

26 (c)(1)(A) An occupational licensing entity shall comply with the
27 requirements under subsection (b) of this section by adopting the least
28 restrictive rule that allows for reciprocity or licensure by endorsement.

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

6 (3) The occupational licensing entity may require additional
7 state-specific education for an individual with an occupational licensure in
8 another state, territory, or district of the United States that does not
9 offer reciprocity similar to reciprocity under this section to individuals
10 with occupational licensure in this state.

11 (d)(1) Except as provided under subdivision (d)(2) of this section, an
12 occupational licensing entity shall not require an individual who meets the
13 requirements of subsection (b) of this section to participate in the
14 apprenticeship, education, or training required as a prerequisite to
15 occupational licensure of a new professional in the field.

16 (2) The occupational licensing entity may require the individual
17 to participate in continuing education or training if the continuing
18 education or training is required for all professionals in the field to
19 maintain the occupational licensure.

20 (e) If a criminal background check is required of an applicant for an
21 initial occupational licensure or of a person currently holding an
22 occupational licensure, then the occupational licensing entity may require a
23 person seeking his or her occupational licensure under this section to meet
24 the same criminal background check requirements as the applicant for an
25 initial occupational licensure or as the person currently holding an
26 occupational licensure.

27 (f) The occupational licensing entity may require the individual
28 applying for occupational licensure under this section to meet any bonding,
29 financial statement, or insurance requirements that are applicable to all
30 applicants.

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

2 (h) An occupational licensing entity may enter into written agreements
3 with similar occupational licensing entities of another state, territory, or
4 district of the United States as necessary to assure for licensees in this
5 state have comparable nonresident licensure opportunities as those
6 opportunities available to nonresidents by occupational licensing entities in
7 this state.

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9 /s/Cozart

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12 APPROVED: 3/12/19
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Stricken language would be deleted from and underlined language would be added to present law.
Act 820 of the Regular Session

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/28/19

A Bill

SENATE BILL 564

5 By: Senators Irvin, T. Garner, J. Hendren, D. Wallace
6 By: Representative Bentley
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
10 LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
11 MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
12 AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
13 OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
14 ENTITIES; AND FOR OTHER PURPOSES.
15
16

Subtitle

18 TO AMEND THE LAW CONCERNING THE
19 OCCUPATIONAL LICENSURE OF ACTIVE DUTY
20 SERVICE MEMBERS, RETURNING MILITARY
21 VETERANS, AND THEIR SPOUSES; TO PROVIDE
22 AUTOMATIC LICENSURE; TO REQUIRE REVIEW
23 AND APPROVAL OF RULES SUBMITTED.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. DO NOT CODIFY. Legislative Intent.

29 The General Assembly finds that:

30 (1) The current law regarding the issuance of licenses,
31 certificates, and permits required to enable the holder to lawfully engage in
32 a profession, trade, or employment in this state continues to constitute a
33 hardship on active duty service members, returning military veterans, and
34 their spouses;

35 (2) Acts 2017, No. 248, amended the law to require that all
36 state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
 2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by
 4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships
 6 and allow active duty service members, returning military veterans, and their
 7 spouses to engage in their chosen professions.

8
 9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of Automatic~~
 11 licensure for active duty service members, returning military veterans, and
 12 spouses – Definition Definitions.

13 (a) As used in this section,:

14 (1) "Automatic licensure" means the granting of occupational
 15 licensure without an individual's having met occupational licensure
 16 requirements provided under this title or by the rules of the occupational
 17 licensing entity;

18 (2) "Occupational licensing entity" means an office, board,
 19 commission, department, council, bureau, or other agency of state government
 20 having authority to license, certify, register, permit, or otherwise
 21 authorize an individual to engage in a particular occupation or profession;

22 (3) "Occupational licensure" means a license, certificate,
 23 registration, permit, or other form of authorization required by law or rule
 24 that is required for an individual to engage in a particular occupation or
 25 profession; and

26 (4) "returning Returning military veteran" means a former member
 27 of the United States Armed Forces who was discharged from active duty under
 28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
 30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
 31 ~~trade, or employment in this state An occupational licensing entity shall~~
 32 ~~allow grant the following individuals to secure employment with a temporary~~
 33 ~~license, certificate, or permit while completing the application process for~~
 34 ~~full licensure or certification or permitting automatic licensure to engage~~
 35 ~~in an occupation or profession if the to an individual who is the holder in~~
 36 ~~good standing of a substantially equivalent license, certificate, or permit~~

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

5 ~~(2)(B)~~ A returning military veteran applying for licensure
6 within one (1) year of his or her discharge from active duty; or

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 ~~(b)(1)(A)~~ and ~~(2) (b)(1)(B)~~ of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

15 ~~(1) An active duty military service member stationed in the~~
16 ~~State of Arkansas;~~

17 ~~(2) A returning military veteran applying within one (1) year of~~
18 ~~his or her discharge from active duty; or~~

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

23 An occupational licensing entity may submit proposed rules recommending
24 an expedited process and procedure for occupational licensure instead of
25 automatic licensure as provided under subsection (b) of this section to the
26 Administrative Rules and Regulations Subcommittee of the Legislative Council.

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

29 (1) Review the proposed rules of an occupational licensing
30 entity as submitted for public comment and at least thirty (30) days before
31 the public comment period ends under the Arkansas Administrative Procedure
32 Act, § 25-15-201 et seq.; and

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and
3 Regulations Subcommittee of the Legislative Council determines necessary to
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

7 (1) Establish a subcommittee to assist in the duties assigned
8 under this section;

9 (2) Assign information filed with the Administrative Rules and
10 Regulations Subcommittee of the Legislative Council under this section to one

11 (1) or more subcommittee of the Legislative Council, including without
12 limitation a subcommittee created under subdivision (e)(1) of this section;

13 or

14 (3) Delegate its duties under this section to one (1) or more
15 subcommittees of the Legislative Council, subject to final review and
16 approval of the Administrative Rules and Regulations Subcommittee of the
17 Legislative Council.

18 (f) An occupational licensing entity shall:

19 (1) Submit proposed rules authorized under subsection (c) of
20 this section to the Administrative Rules and Regulations Subcommittee of the
21 Legislative Council for review and approval before the proposed rules are
22 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et
23 seq.; and

24 (2) Provide to the House Committee on Aging, Children and Youth,
25 Legislative and Military Affairs an annual report stating the number of
26 automatic licenses and expedited occupational licenses granted under this
27 section to:

28 (A) Active duty military service members stationed in the
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)
33 and (f)(2)(B) of this section.

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

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/s/Irvin

APPROVED: 4/9/19

Stricken language would be deleted from and underlined language would be added to present law.
Act 990 of the Regular Session

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/18/19 H4/3/19
A Bill (66 pages)

SENATE BILL 451

5 By: Senator J. Cooper
6 By: Representative Dalby
7

8 For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
10 BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
11 OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
12 CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
13 FOR OTHER PURPOSES.
14

15 Subtitle

16 TO AMEND THE LAWS REGARDING CRIMINAL
17 BACKGROUND CHECKS FOR PROFESSIONS AND
18 OCCUPATIONS TO OBTAIN CONSISTENCY
19 REGARDING CRIMINAL BACKGROUND CHECKS AND
20 DISQUALIFYING OFFENSES FOR LICENSURE.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

28 (1) Arkansas is taking a leading role in the nationwide pursuit
29 of reforms to the system of occupational licensing;

30 (2) Arkansas became one (1) of eleven (11) states chosen to
31 participate in the Occupational Licensing Policy Learning Consortium, an
32 initiative funded by a grant from the United States Department of Labor and
33 supported in partnership with the National Conference of State Legislatures,
34 the Council of State Governments, and the National Governors Association;

35 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
36 to the Red Tape Reduction Working Group to review and address occupational



Stricken language would be deleted from and underlined language would be added to present law.
Act 1011 of the Regular Session

1 State of Arkansas

As Engrossed: H2/4/19 S4/5/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1255

4
5 By: Representative Dotson

6 By: Senator Hester
7

For An Act To Be Entitled

8
9 AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
10 SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
11 THE LAW CONCERNING LICENSING, REGISTRATION, AND
12 CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
13 SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
14 FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
15 CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.
16

Subtitle

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19 TO AMEND THE LAW CONCERNING LICENSING,
20 REGISTRATION, AND CERTIFICATION FOR
21 CERTAIN PROFESSIONS; AND TO ESTABLISH A
22 SYSTEM OF ENDORSEMENT, RECOGNITION, AND
23 RECIPROCITY FOR LICENSING.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:
29 17-1-107. Reinstatement of licenses – Definition.

30 ~~(a)(1) It is not the intent of the General Assembly to cause the~~
31 ~~licensing entity to engage in simple comparisons of the required hours of~~
32 ~~training and other personal qualifications under Arkansas's occupational~~
33 ~~licensing statutes with those qualifications required in the state where the~~
34 ~~person is credentialed.~~

35 ~~(2) It is the intent of the General Assembly to ensure that a~~
36 ~~person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A occupational licensing entity shall by rule adopt reduced
4 requirements for reinstatement of a license, registration, permit, or
5 certification for a person who:

6 (1) Demonstrates that he or she:

7 (A) Was previously licensed, registered, permitted, or
8 certified to practice in the field of his or her profession at any time in
9 this state;

10 (B) Held his or her license, registration, permit, or
11 certification in good standing at the time of licensing, registration,
12 permitting, or certification;

13 (C) Did not have his or her license, registration, permit,
14 or certification revoked for:

15 (i) An act of bad faith; or

16 (ii) A violation of law, rule, or ethics;

17 (D) Is not holding a suspended or probationary license,
18 registration, permit, or certification in any state; and

19 (E) Is sufficiently competent in his or her field; and

20 (2) Pays any reinstatement fee required by law.

21 ~~(e)(b)~~ The occupational licensing entity may require that sufficient
22 competency in a particular field be demonstrated by:

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

25 (3) Both proficiency testing and letters of recommendation.

26 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
27 section, the occupational licensing entity shall not require a person who
28 meets the requirements of subsection (a) of this section to participate in
29 the apprenticeship, education, or training required as a prerequisite to
30 licensing, registration, permitting, or certification of a new professional
31 in the field.

32 (2) The occupational licensing entity may require the person to
33 participate in continuing education or training if the continuing education
34 or training is required for all professionals in the field to maintain the
35 license, registration, permit, or certification.

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 *registration, permit, or certification* if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor,~~ that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

3 (2) "Occupational licensing entity" means an office, board,
4 commission, committee, department, council, bureau, or other agency of state
5 government having authority to license, certify, register, permit, or
6 otherwise authorize an individual to engage in a particular occupation or
7 profession; and

8 (3) "Occupational licensure" means a license, certificate,
9 registration, permit, or other form of authorization required by law or rule
10 that is required for an individual to engage in a particular occupation or
11 profession.

12 ~~(b)(c)~~ An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

15 (A) Holds an occupational licensure that is substantially
16 similar to practice in the field of his or her occupation or profession in
17 another state, territory, or district of the United States;

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

23 (ii) A violation of law, rule, or ethics;

24 (D) Is not holding a suspended or probationary
25 occupational licensure in any state, territory, or district of the United
26 States; and

27 (E) Is sufficiently competent in his or her field; and

28 (2) Pays any occupational licensure fee required by law or rule.

29 ~~(e)(1)(A)(d)(1)(A)~~ An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)(c)~~ of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)(d)(1)(A)~~
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)~~(c) of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

11 (3) The occupational licensing entity may require additional
12 state-specific education for an individual with an occupational licensure in
13 another state, territory, or district of the United States that does not
14 offer reciprocity similar to reciprocity under this section to individuals
15 with occupational licensure in this state.

16 ~~(d)~~(1)(e)(1) Except as provided under subdivision ~~(d)~~(1)(e)(2) of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)~~(c) of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)~~(f) If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)~~(g) The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)~~(h) This section shall not apply to:

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(1) Reciprocity or license by endorsement provisions under §§ 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305, 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

(2) The occupational licensing entities that administer the reciprocity provisions under subdivision ~~(g)~~~~(l)~~(h)(1) of this section.

(h)(i) An occupational licensing entity may enter into written agreements with similar occupational licensing entities of another state, territory, or district of the United States as necessary to assure ~~for~~ that licensees in this state have comparable nonresident licensure opportunities as those opportunities available to nonresidents by occupational licensing entities in this state.

/s/Dotson

APPROVED: 4/15/19