

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.

Act 223 of the Regular Session

As Engrossed: S2/12/07 H2/15/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 229

4
5 By: Senator Faris
6 By: Representative Dunn

7
8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND VARIOUS ARKANSAS LAWS PERTAINING
11 TO THE STATE BOARD OF COSMETOLOGY; AND FOR OTHER
12 PURPOSES.

13
14
15 **Subtitle**

16 TO AMEND VARIOUS ARKANSAS LAWS
17 PERTAINING TO THE STATE BOARD OF
18 COSMETOLOGY.

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 17-26-102 is amended to read as follows:
24 17-26-102. Definitions.

25 (a) As used in this chapter:

26 (1) "Aesthetician" means any person who engages in the practice
27 of beautifying the ~~face, neck, arms, bust, or upper part of the human~~ body by
28 ~~massaging,~~ cleaning, waxing, externally manipulating, or stimulating the
29 ~~face, neck, arms, bust, or upper part of the human~~ body by means of the
30 hands, devices, apparatus, or appliances, with or without the use of cosmetic
31 preparations, antiseptics, tonics, lotions, and creams;

32 ~~(3)~~(2) "Cosmetological establishment" means any premises,
33 building, or part of a building in which is practiced any branch or any
34 combination of branches of cosmetology or the occupation of a ~~cosmetician or~~
35 cosmetologist except:



1 (A) The branch of manicuring as practiced in barbershops
2 licensed by the State Board of Cosmetology and complying with the provisions
3 of this chapter; and

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

5 ~~(2)(3)~~ ~~"Cosmetician" or "cosmetologist"~~ "Cosmetologist" means
6 any person who:

7 (A) engages ~~Engages~~ in the practice of cosmetology in a
8 licensed cosmetological establishment, except the branch of electrolysis; or

9 (B) Services a client in premises not licensed as a
10 cosmetological establishment when the services rendered involve a special
11 event in which the cosmetology service is to be performed for an on-site
12 participant of the event;

13 (4) "Electrologist" means any person who permanently removes
14 hair from, or destroys hair on, the human body for beautification by the use
15 of an electric needle, or by the use of any other kinds of devices or
16 appliances designed to permanently remove hair from the human body;

17 ~~(5) "Junior electrologist" means any person who is engaged in~~
18 ~~learning or acquiring a knowledge of the practice of electrolysis in~~
19 ~~epilation in a licensed school of cosmetology under a licensed instructor of~~
20 ~~electrology;~~

21 ~~(6)(5)~~ "Manager-operator" means a licensed ~~cosmetician or~~
22 cosmetologist authorized to engage in the practice of cosmetology,
23 independent of personal supervision in a duly licensed establishment;

24 ~~(7)(6)~~ "Manicurist" means any person who engages in the
25 occupation of manicuring the nails of any person by cutting, trimming,
26 polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending,
27 protecting, wrapping, covering, building, or beautifying the nails or
28 performing any other similar work upon the nails of any person by any means,
29 including the softening of the arms, hands, feet, or ankles of any person by
30 use of hands, mechanical or electrical apparatus or appliances, cosmetic or
31 chemical preparations, antiseptics, lotions, or creams or by massaging,
32 cleansing, manipulating or stimulating the arms, hands, feet, or ankles of
33 any person; and

34 ~~(8)(7)~~ "Student aesthetician" means any person ~~who is~~ enrolled
35 and engaged in learning or acquiring a knowledge of the occupation of
36 aesthetics cosmetology or any branch of cosmetology in a licensed school of

1 cosmetology under a licensed instructor;

2 ~~(9) "Student operator" means any person who is engaged in~~
3 ~~learning or acquiring a knowledge of the occupations of a cosmetician or~~
4 ~~cosmetologist in a licensed school of cosmetology under a licensed~~
5 ~~instructor; and~~

6 ~~(10) "Year" means the period from and including January 1 to and~~
7 ~~including December 31 next thereafter.~~

8 (b) The art of cosmetology includes any and all and any combination of
9 the following practices:

10 (1) Arranging, dressing, curling, waving, machineless permanent
11 waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting,
12 coloring, straightening, dyeing, brushing, beautifying, or otherwise treating
13 by any means the hair of any person or wigs or hairpieces;

14 (2) ~~Massaging~~ Externally manipulating, cleaning, waxing, or
15 stimulating the ~~scalp, face, neck, arms, bust, or upper part of the human~~
16 body, by means of the hands, devices, apparatus, or appliances, with or
17 without the use of cosmetic preparations, antiseptics, tonics, lotions, or
18 creams;

19 (3) Beautifying the ~~face, neck, arm, bust, or upper part of the~~
20 ~~human~~ body, by use of cosmetic preparations, antiseptics, tonics, lotions, or
21 creams;

22 (4) ~~Removing, temporarily,~~ Temporarily removing, superfluous
23 hair from the body of any person by the use of depilatories or by the use of
24 tweezers, chemicals, or preparations or by the use of devices or appliances
25 of any kind or description, except by the use of light waves, commonly known
26 as rays;

27 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
28 or manicuring the nails of any person; and

29 (6) Massaging, cleansing, or beautifying the nails of any
30 person.

31 (c) The branch of electrolysis, a practice of cosmetology requiring a
32 separate course of training as prescribed by § 17-26-306, includes ~~any and~~
33 ~~all and any combination of the following practices:~~

34
35 Permanently permanently removing hair from or destroying hair on the human
36 body by the use of an electric needle or by the use of any other kind of

1 ~~devices or appliances~~ device or appliance designed to permanently remove hair
2 from the human body.

3 (d) Every person, firm, or corporation exacting a fee for the teaching
4 of any branch of cosmetology is classed as a school of cosmetology under this
5 chapter and is required to comply with all of its provisions.

6
7 SECTION 2. Arkansas Code § 17-26-103(c), concerning cosmetics, is
8 amended to read as follows:

9 (c) This chapter does not prohibit the recommendation, demonstration,
10 administration, or sale of cosmetics by any person not claiming to be a
11 ~~cosmetician~~ cosmetologist.

12
13 SECTION 3. Arkansas Code § 17-26-104 is amended to read as follows:

14 17-26-104. Unlawful practices — ~~Penalties~~.

15 (a)(1) It ~~shall be~~ is unlawful for any person, firm, or corporation to
16 violate any of the provisions of this chapter or a rule adopted by the State
17 Board of Cosmetology pursuant to this chapter.

18 (2) Evidence of a violation may result in a criminal or civil
19 penalty.

20 (3) Each day of a violation is a separate offense.

21 ~~(2) Any person, firm, or corporation violating any of the~~
22 ~~provisions of this chapter shall be guilty of a misdemeanor and upon~~
23 ~~conviction shall be punished~~ (b)(1) Being found guilty of a criminal penalty
24 is a Class D misdemeanor and is punishable by a fine in any sum not less than
25 twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500) or by
26 imprisonment in the county jail for a period of not more than ninety (90)
27 days, or by both fine and imprisonment.

28 (4) After being found guilty of a Class D misdemeanor under this
29 section, a subsequent charge under this section is a Class C misdemeanor.

30 ~~(b)(1) It shall be unlawful to violate any valid rule or regulation of~~
31 ~~the State Board of Cosmetology adopted pursuant to the provisions of this~~
32 ~~chapter.~~

33 ~~(2) Any person, firm, or corporation violating any valid rule or~~
34 ~~regulation of the board adopted pursuant to the provisions of this chapter~~
35 ~~shall be guilty of a misdemeanor and upon conviction shall be punished by a~~
36 ~~fine in any sum not less than twenty five dollars (\$25.00) nor more than~~

1 ~~three hundred dollars (\$300) or by imprisonment in the county jail for a~~
2 ~~period of not more than sixty (60) days, or by both fine and imprisonment.~~

3 ~~(c) Each day of such unlawful practice shall constitute a separate~~
4 ~~offense.~~

5 ~~(d)(5) It shall be the duty of all All prosecuting attorneys of the~~
6 ~~state and all political subdivisions of the state ~~to~~ shall enforce ~~the~~~~
7 ~~provisions of this chapter and prosecute any ~~persons~~ person or entity~~
8 ~~violating ~~them~~ it.~~

9 (c)(1) Being found in violation of a civil penalty under this section
10 may result in suspension of license, revocation of license, fine, or any
11 combination.

12 (2) For good cause shown and pursuant to rules of the board, the
13 board may revoke, suspend, or refuse to renew at any time any license issued
14 under this chapter on any of the grounds for disciplinary actions under § 17-
15 26-105.

16 (3)(A) The board shall suspend the license of any person
17 licensed under this chapter who has been adjudged by a court of competent
18 jurisdiction to be insane or legally incompetent.

19 (B) The record of the adjudication shall be prima facie
20 evidence that the person is insane or legally incompetent within the meaning
21 of subdivision (c)(3)(A) of this section.

22 (C) The board shall not reinstate a license that has been
23 suspended under subdivision (c)(3)(A) of this section, except upon proof that
24 the licensee has been restored to a mental condition that would allow the
25 licensee to comply with the requirements of this chapter.

26 (4)(A) Whenever the board finds that a licensee or a holder of a
27 permit issued by the board is guilty of a violation of the rules of the board
28 or the laws of this state pertaining to any occupation, profession, or
29 business licensed or regulated by the board, the board may impose a penalty
30 on the licensee or permit holder in lieu of suspension or revocation of the
31 license or permit.

32 (B) Upon imposition of a penalty in lieu of suspension or
33 revocation of a license or permit, the board may require that the licensee or
34 permit holder pay a penalty to the board for the violation with the condition
35 that the license or permit may be suspended until the penalty is paid.

36 (C)(i) Prior to the imposition of a penalty, the board

1 shall hold an investigation and hearing after notice to the licensee or his
2 or her attorney.

3 (ii) The penalty may be imposed in lieu of
4 revocation or suspension of a license or permit only if the board finds that
5 the public health, safety, welfare, and morals would not be impaired and that
6 the penalty achieves the desired disciplinary result.

7 (5)(A) The board shall establish by rule the penalty system to
8 be imposed under this section.

9 (B) The minimum penalty shall be twenty-five (\$25.00), and
10 a maximum penalty of one thousand dollars (\$1,000) is authorized if the
11 penalty is imposed by the board in lieu of revocation or suspension or a
12 license or permit.

13 (C) The board shall establish by rule an option that
14 mandates a person to attend a health and safety training course in lieu of or
15 in addition to paying a penalty.

16 (6) The power of the board to impose penalties shall not be
17 affected by any other civil or criminal proceeding concerning the violation.

18 (d) The board may refuse to issue a license to any person upon
19 reasonable evidence that the person would jeopardize the health and safety of
20 the public.

21 (e) Any person penalized by the board under this chapter may appeal
22 any order of the board in the manner provided by law.

23 (f) The board may impose a civil penalty as provided in this section
24 against any unlicensed person, firm, or corporation practicing or offering to
25 practice any act that requires licensure under this chapter.

26
27 SECTION 4. Arkansas Code § 17-26-105 is amended to read as follows:

28 17-26-105. Grounds for disciplinary action.

29 The grounds for disciplinary action are as follows:

30 (1) Failure of a person, firm, or corporation operating a
31 cosmetological establishment or school of cosmetology or engaged in the
32 practice of cosmetology or any of its branches to comply with the
33 requirements of this chapter and the regulations of the State Board of
34 Cosmetology;

35 (2) Failure to comply with the rules governing ~~sanitary~~
36 ~~conditions~~ health and safety adopted by the State Board of Cosmetology and

1 approved by the State Board of Health for the regulation of cosmetological
2 establishments, schools of cosmetology, or the practice of the occupations of
3 a cosmetician or cosmetologist;

4 (3) Obtaining practice in cosmetology or any branch thereof, or
5 money, or any other thing of value, by fraudulent misrepresentation;

6 (4) Gross malpractice;

7 (5) Continued practice by a person knowingly having an
8 infectious or contagious disease;

9 (6) Habitual drunkenness or habitual addiction to the use of
10 morphine or any habit-forming drug;

11 (7) Advertisement by means of knowingly false or deceptive
12 statements;

13 (8) Permitting a certificate of registration or license to be
14 used when the holder is not personally, actively, and continuously engaged in
15 business;

16 (9) Failure to display the license;

17 (10) Conviction of a felony or of any crime involving moral
18 turpitude under the laws of the United States or any state or territory of
19 the United States of a crime that:

20 (A) Is a felony or misdemeanor, as evidenced by a
21 certified copy of a court record or by license application; and

22 (B) Involves dishonesty or is in any way related to the
23 practice or teaching of the cosmetology industry,
24 unless the applicant or licensee can demonstrate to the board's satisfaction
25 that the applicant or licensee has been sufficiently rehabilitated to warrant
26 the public trust;

27 (11) Engaging, outside of a licensed school of cosmetology or
28 cosmetological establishment and for compensation in any form whatever, in
29 any practice for which a license is required under this chapter, except that,
30 when such a service is necessary because of the illness or other physical
31 incapacity of the person with respect to whom it is performed, it may be
32 performed by a licensee obtained for the purpose from a licensed
33 cosmetological establishment;

34 (12) Failure to wear clean outer garments, as prescribed by the
35 State Board of Cosmetology, to allow the safe and hygienic practice of
36 cosmetology or any branch thereof; ~~or~~

1 (13) Any other unfair or unjust practice, method, or dealing
2 that the State Board of Cosmetology finds may justify such an action, or
3 failure to follow guidelines concerning the use of chemicals or equipment as
4 established by rule of the board; or

5 (14) Fraud or deception in procuring a license.

6
7 SECTION 5. Arkansas Code § 17-26-201 is amended to read as follows:

8 17-26-201. Creation - Members.

9 (a) There is created the State Board of Cosmetology.

10 (b)(1)(A) The board shall consist of ten (10) members appointed by the
11 Governor to five-year terms.

12 (B) The members of the board shall:

13 (i) Be of good moral character;

14 (ii) Be at least twenty-five (25) years of age; and

15 (iii) Not be directly or indirectly connected with
16 the wholesale business of the manufacture, rental, sale, or distribution of
17 cosmetological appliances or supplies.

18 (2) Nine (9) members of the board shall be appointed as follows:

19 (A) Eight (8) members of the board shall:

20 (i) Be registered as ~~cosmeticians~~ or cosmetologists
21 under this chapter;

22 (ii) Be actually engaged in conducting a
23 cosmetologist establishment or a school of cosmetology or actually engaged in
24 practicing the art of cosmetology at the time of appointment; and

25 (iii) Have had at least five (5) years' experience
26 in practicing the art of cosmetology in a cosmetological establishment or in
27 a school of cosmetology;

28 (B)(i) Two (2) members of the board appointed under this
29 subdivision (b)(2) shall be licensed instructors who own a school of
30 cosmetology.

31 (ii) At least two (2) members of the board shall be
32 licensed electrologists;

33 (C)(i) One (1) member of the board shall represent
34 consumers.

35 (ii) The consumer representative shall:

36 (a) Be of good moral character;

1 (b) Be twenty-five (25) years of age or older;
2 and

3 (c) Not be directly or indirectly connected
4 with the wholesale business of the manufacture, rental, sale, or distribution
5 of cosmetological appliances or supplies; and

6 (D) Not more than three (3) members of the board may be
7 appointed from any one (1) congressional district.

8 (3)(A) One (1) member of the board shall represent the elderly.

9 (B) The representative of the elderly shall:

10 (i) Be sixty (60) years of age or older;

11 (ii) Not be actively engaged in or retired from the
12 profession of cosmetology;

13 (iii) Be appointed from the state at large, subject
14 to confirmation by the Senate; and

15 (iv) Be a full voting member but shall not
16 participate in the grading of examinations.

17 (4) The consumer representative position and the representative
18 of the elderly position may not be filled by the same person.

19 (c) Vacancies occurring during a term shall be filled for the
20 unexpired term.

21 (d) Before entering upon the discharge of his or her duties, each
22 member shall make and file with the Secretary of State the oath of office
23 prescribed by Arkansas Constitution, Article 19, § 20.

24 (e) Each member of the board may receive expense reimbursement and
25 stipends in accordance with § 25-16-901 et seq. All compensation and
26 necessary traveling expenses shall be paid by the board out of the
27 Cosmetology Operating Fund only.

28
29 SECTION 6. Arkansas Code § 17-26-204 is amended to read as follows:

30 17-26-204. Inspectors, ~~investigators~~, and professional employees.

31 (a) The State Board of Cosmetology, in accordance with this chapter,
32 may employ inspectors, ~~investigators~~, and professional employees and fix
33 their compensation, which compensation and all reasonable expenses incurred
34 shall be paid from the Cosmetology Operating Fund only.

35 (b) Immediately upon assuming their duties, all inspectors shall give
36 bond to the board in the amount of one thousand dollars (\$1,000) with good

1 and sufficient sureties approved by the board and conditioned upon the
2 faithful performance of all duties required or which may be required by law
3 or the regulations of the board.

4 (c) All inspectors shall have had five (5) years' experience in the
5 licensed practice of cosmetology.

6 ~~(d) There shall be a mandatory retirement age of sixty two (62) years~~
7 ~~of age for all employees of the board hired on or after July 1, 1973, who are~~
8 ~~paid from the board's contingent fund.~~

9
10 SECTION 7. Arkansas Code § 17-26-205 is amended to read as follows:
11 17-26-205. Powers and duties.

12 (a) In addition to the other duties set forth in this chapter, the
13 State Board of Cosmetology shall:

14 (1) Prescribe the duties of its employees with all day-to-day
15 and employment decisions to be made by the Director of Cosmetology;

16 (2) Establish a principal office in Pulaski County where all
17 records of its proceedings and other records and files of the board shall be
18 kept and which shall, at all reasonable hours, be open to public inspection;

19 (3) Adopt a seal;

20 (4) Hold examinations as to the qualifications of all applicants
21 for registration, whose applications have been submitted to it in proper
22 form, unless otherwise provided;

23 (5) Issue ~~certificates of registration~~ permits and licenses to
24 such applicants as may be entitled thereto;

25 (6) Register cosmetological establishments and schools of
26 cosmetology;

27 (7) At each regular meeting, approve disbursement of all funds;

28 (8) Report to the proper officials all known violations of this
29 chapter; and

30 (9) Adopt reasonable rules and regulations:

31 (A) For carrying out the provisions of this chapter;

32 (B) For conducting examinations of applicants for
33 ~~registration and~~ licensing;

34 (C) For governing the recognition, and the credits to be
35 given to, the study of cosmetology or any of its branches, under a
36 ~~cosmetician or~~ cosmetologist or in a school of cosmetology, licensed under

1 the laws of another state; and

2 (D) For governing ~~sanitary conditions~~ health and safety,
 3 as it deems necessary, in regard to the precautions to be employed to prevent
 4 the creating or spreading of infections or contagious diseases in
 5 cosmetological establishments, in schools of cosmetology, and in the practice
 6 of a ~~cosmetician or~~ cosmetologist, and in any branch of cosmetology, provided
 7 the rules and regulations meet the minimum requirements of the law and rules
 8 and regulations of the State Board of Health. A copy of all rules governing
 9 ~~sanitary conditions~~ health and safety shall be furnished to each licensee.
 10 The rules and regulations adopted under this subsection shall have the force
 11 and effect of law.

12 (b) In addition to the powers conveyed upon the board by this chapter,
 13 it is empowered to enforce the provisions of this chapter or any reasonable
 14 rule or regulation adopted by it through injunctive process.

15 (c) The board may incur reasonable expenses and perform such other
 16 acts as may be necessary to carry out its duties and functions and to
 17 administer this chapter.

18
 19 SECTION 8. Arkansas Code § 17-26-206 is amended to read as follows:
 20 17-26-206. Meetings - Examinations.

21 (a) *The State Board of Cosmetology inspectors or a private testing*
 22 *entity shall hold administer meetings for the examination of applicants for*
 23 *registration and licensing under this chapter at least four (4) times a year*
 24 *at the capital city. The board may hold other meetings for examination of*
 25 *applicants for registration and licensing or for the transaction of such*
 26 *business as may be necessary licensing examinations for eligible applicants*
 27 *on a monthly basis.*

28 (b) *Any No member of the board ~~who owns a school of cosmetology~~ shall*
 29 *be permitted to participate in ~~and~~ or have the powers and duties that are*
 30 *related to the preparation of ~~examinations and~~ nor shall be permitted to give*
 31 *or grade the examinations of applicants for ~~registration and licensing,~~*
 32 *~~provided that the applicant has not attended a school of cosmetology in this~~*
 33 *~~state that is in the same city or town as the member's school.~~*

34
 35 SECTION 9. Arkansas Code § 17-26-207 is amended to read as follows:
 36 17-26-207. Registration record.

1 The State Board of Cosmetology shall keep a registration record
2 containing the names, known places of business, and the date and number of
3 the license of every licensed ~~cosmetician~~ or cosmetologist, and of those
4 engaged in the practice of any branch of cosmetology, together with the names
5 and addresses of all cosmetological establishments and schools of cosmetology
6 registered under this chapter. This record shall also contain such facts as
7 the applicants may have stated in their applications for examination for
8 ~~registration~~ permitting and licensing.

9
10 SECTION 10. Arkansas Code § 17-26-208 is amended to read as follows:

11 17-26-208. Investigations, hearings, or ~~proceedings~~ inspections.

12 ~~Any investigation, inquiry, hearing, or proceeding which the State~~
13 ~~Board of Cosmetology may hold or undertake may be held or undertaken by or~~
14 ~~before one (1) or more members of the board. The finding or order of the~~
15 ~~member or members constitutes the finding or order of the board when approved~~
16 ~~or confirmed by it. No investigation, inquiry, hearing, or proceeding shall~~
17 ~~be held or undertaken by only one (1) member of the board or by less than the~~
18 ~~entire membership of the board without the previous written authorization of~~
19 ~~the board.~~

20 (a) The State Board of Cosmetology shall conduct investigations and
21 inspections as promulgated by rule.

22 (b)(1) Hearings may be held bimonthly for review of cases for which
23 disciplinary action may be required.

24 (2)(A) Except as provided in subdivision (b)(2)(B) of this
25 section, a hearing attended by two (2) or more members of the board is a
26 meeting.

27 (B) A final order shall not be imposed by fewer than five
28 (5) members.

29
30 SECTION 11. Arkansas Code § 17-26-209 is amended to read as follows:

31 17-26-209. Fees - Method of payment.

32 ~~The State Board of Cosmetology shall collect fees in accordance~~
33 ~~with the following fee schedule:~~

34 ~~(1) For examination as a cosmetician, cosmetologist,~~
35 ~~electrologist, manicurist, aesthetician, instructor, or electrology~~
36 ~~instructor, thirty dollars (\$30.00);~~

1 ~~(2) For registering a cosmetician, cosmetologist, electrologist,~~
2 ~~manicurist, aesthetician, instructor, or electrology instructor, registered~~
3 ~~in another state, thirty eight dollars (\$38.00), plus the annual license fee~~
4 ~~of the respective class of license;~~

5 ~~(3) For renewal of a cosmetician, cosmetologist, electrologist,~~
6 ~~manicurist, aesthetician, instructor, or electrology instructor license,~~
7 ~~twelve dollars (\$12.00) annually;~~

8 ~~(4) For registering a new cosmetological establishment, thirty~~
9 ~~dollars (\$30.00), plus the annual license fee;~~

10 ~~(5) For renewal of all types of cosmetological establishment~~
11 ~~licenses, twenty dollars (\$20.00) annually;~~

12 ~~(6) Original registration for opening of a school of~~
13 ~~cosmetology, five hundred dollars (\$500);~~

14 ~~(7) For renewal of a cosmetology school license, one hundred~~
15 ~~dollars (\$100) annually. In addition, every school shall make a bond, to be~~
16 ~~approved by the Attorney General, in the amount of five thousand dollars~~
17 ~~(\$5,000) payable to the State of Arkansas for the protection of the duly~~
18 ~~enrolled students of the school. Any student may bring an action in the~~
19 ~~circuit court of the proper county to execute against the bond in the event~~
20 ~~the cosmetology school in which the student is enrolled should fail to remain~~
21 ~~accredited by the board and in operation throughout the student's period of~~
22 ~~registration;~~

23 ~~(8) For issuance of a duplicate license, two dollars (\$2.00);~~

24 ~~(9) Demonstrator's license for persons coming in contact with~~
25 ~~the patron and who are not licensed as cosmetologists but demonstrate wigs,~~
26 ~~cosmetics, and beauty shop products, fifteen dollars (\$15.00) annually. Any~~
27 ~~person cleaning or servicing wigs shall be a licensed cosmetologist so that~~
28 ~~health regulations can be enforced for the protection of the general public;~~

29 ~~(10) Beauty school student registration fee, ten dollars~~
30 ~~(\$10.00);~~

31 ~~(11) Transfer paper of board records, five dollars (\$5.00);~~

32 ~~(12) For a cosmetologist, electrologist, manicurist,~~
33 ~~aesthetician, instructor, and electrology instructor, the reinstatement fee~~
34 ~~is fifty percent (50%) of the renewal fee for each year the license is not~~
35 ~~renewed by January 31 up to five (5) years, at which time the license shall~~
36 ~~lapse; and~~

1 ~~(13) For cosmetology schools and cosmetological establishments,~~
2 ~~the reinstatement fee is fifty percent (50%) of the renewal fee after January~~
3 ~~31. The State Board of Cosmetology shall promulgate a fee schedule by rule~~
4 ~~and collect fees accordingly.~~

5 (b) In addition to any other method of payment acceptable to the
6 board, the board shall accept personal or business checks drawn on deposit
7 accounts in financial institutions as payment for fees collected by the
8 board.

9
10 SECTION 12. Arkansas Code § 17-26-301 is repealed.

11 ~~17-26-301. Penalties.~~

12 ~~(a) Any person who engages in, or attempts to engage in, the practice~~
13 ~~of cosmetology or any branch thereof without a license issued by the State~~
14 ~~Board of Cosmetology or in an establishment other than one licensed by the~~
15 ~~board is guilty of a misdemeanor.~~

16 ~~(b) Any licensee who uses any X-ray appliance, apparatus, or machine~~
17 ~~in the treatment of any human being or for the purpose of or with the intent~~
18 ~~to remove superfluous hair from the face or body of any human being or who~~
19 ~~applies to any human being a solution of phenol greater than ten percent~~
20 ~~(10%), or corrosive sublimate such as mercury or any of its preparations,~~
21 ~~derivatives, or compounds in a solution greater than one in five hundred~~
22 ~~(1:500) is guilty of a misdemeanor punishable by a fine of not less than~~
23 ~~twenty five dollars (\$25.00) nor more than two hundred fifty dollars (\$250),~~
24 ~~or by imprisonment in the county jail for a term of not less than fifty (50)~~
25 ~~nor more than one hundred eighty (180) days, or by both fine and~~
26 ~~imprisonment.~~

27
28 SECTION 13. Arkansas Code § 17-26-302 is amended to read as follows:

29 17-26-302. Application for examination and license.

30 (a) Every application for admission to examination, and every
31 application for license as a ~~cosmetician or~~ cosmetologist, or any branch of
32 cosmetology, shall be in writing on blanks prepared and furnished by the
33 State Board of Cosmetology.

34 (b) Each application shall be accompanied by the required fee and
35 shall contain proof of the qualifications of the applicant for examination
36 for registration and license.

1 (c) The application shall be verified by the oath of the applicant.

2
3 SECTION 14. Arkansas Code § 17-26-303 is amended to read as follows:
4 17-26-303. Examinations generally.

5 (a) The examination of applicants for a license in any of the branches
6 or practices of cosmetology shall include both a practical demonstration and
7 written ~~and oral~~ test and shall embrace the subjects concerning the
8 particular branch or branches, practice, or practices for which a ~~certificate~~
9 ~~of registration and~~ license is applied.

10 (b) The examination shall not be confined to any special system or
11 method.

12 (c) The examination shall be consistent in both practical and
13 technical requirements and of sufficient thoroughness to satisfy the State
14 Board of Cosmetology as to the applicant's skill in, and knowledge of, the
15 practice of the occupation or occupations for which a license is sought.

16 ~~(d) In the conduct of examinations, practical demonstrations shall~~
17 ~~prevail over written tests. A greater number of credits shall be allowed on~~
18 ~~practical demonstration than on written tests.~~

19
20 SECTION 15. Arkansas Code § 17-26-304 is amended to read as follows:

21 17-26-304. ~~Cosmeticians or cosmetologists~~ Prerequisites to
22 examination for a cosmetologist, manicurist, or aesthetician.

23 At any meeting of the State Board of Cosmetology held for the purpose
24 of conducting examination, the board shall admit to examination for a
25 ~~certificate of registration and~~ license as a ~~cosmetician or~~ cosmetologist,
26 manicurist, or aesthetician any person who has made application to the board
27 in proper form, has paid the fee required by ~~§ 17-26-209~~, and who:

28 (1) Is not less than sixteen (16) years of age;

29 ~~(2) Is of good moral character and temperate habits;~~

30 ~~(3)~~(2) Has completed two (2) years of high school in the public
31 schools of this state or its equivalent; and

32 ~~(4)~~(3) Has completed one (1) of the following:

33 (A) ~~Training~~ For a cosmetologist, training of at least one
34 thousand five hundred (1,500) hours ~~of not more than eight (8) hours a day~~
35 ~~and six (6) days per week during the course; or;~~

36 (B) For a manicurist, training of at least six hundred

1 (600) hours;

2 (C) For an aesthetician, training of at least six hundred
 3 (600) hours; or

4 ~~(B)(D)~~ The prescribed course of study in cosmetology under
 5 the laws of another state whose licensing requirements are equal to or
 6 stricter than those in Arkansas.

7
 8 SECTION 16. Arkansas Code § 17-26-305 is repealed.

9 ~~17-26-305. Manicurists - Prerequisites to examination.~~

10 ~~The State Board of Cosmetology shall admit to examination for a~~
 11 ~~certificate of registration and license as a manicurist any person who has~~
 12 ~~made application to the board in proper form, has paid the fee required by §~~
 13 ~~17-26-209, and who:~~

14 ~~(1) Is not less than sixteen (16) years of age;~~

15 ~~(2) Is of good moral character and temperate habits;~~

16 ~~(3) Has completed two (2) years of high school in the public~~
 17 ~~schools of this state or its equivalent; and~~

18 ~~(4) Has completed one (1) of the following:~~

19 ~~(A) Practical training of at least six hundred (600) hours~~
 20 ~~under the immediate supervision of a licensed instructor in a licensed school~~
 21 ~~in which the practice is taught; or~~

22 ~~(B) The prescribed course of study in manicuring under the~~
 23 ~~laws of another state whose licensing requirements are equal to or stricter~~
 24 ~~than those in Arkansas.~~

25
 26 SECTION 17. Arkansas Code § 17-26-306 is amended to read as follows:

27 17-26-306. Electrologists - Prerequisites to examination.

28 The State Board of Cosmetology shall admit to examination for a
 29 ~~certificate of registration and~~ license as an electrologist any person who
 30 has made application to the board in proper form, has paid the fee required
 31 by ~~§ 17-26-209~~, and who:

32 (1) Is not less than eighteen (18) years of age;

33 ~~(2) Is of good moral character and temperate habits;~~

34 ~~(3)~~(2) Has completed the twelfth grade or an accredited senior
 35 high school in the public schools of this state or its equivalent; and

36 ~~(4)~~(3) Has completed any one (1) of the following:

1 (A) A course of three hundred fifty (350) hours' practical
 2 training as a student in conjunction with a course of fifteen hundred (1500)
 3 hours in ~~beauty culture~~ cosmetology or for a licensed beauty operator
 4 cosmetologist;

5 (B) A course of six hundred (600) hours' practical
 6 training as a student, when not in conjunction with a regular course in
 7 ~~beauty culture~~ cosmetology or for a licensed beauty operator cosmetologist,
 8 extending over a period of not less than four (4) months under the immediate
 9 supervision of a licensed electrologist instructor in a school of
 10 cosmetology;

11 (C) The prescribed course of study in electrology under
 12 the laws of another state whose licensing requirements are equal to or
 13 stricter than those in Arkansas; or

14 (D) Training and practice in electrology for such period
 15 as shall be specified by rules of the board.

16
 17 SECTION 18. Arkansas Code § 17-26-307 is amended to read as follows:

18 17-26-307. Electrology instructors - Prerequisites to examination.

19 The State Board of Cosmetology shall admit to examination for
 20 ~~certificate of registration and~~ license as an electrology instructor any
 21 person who has made application to the board in proper form, has paid the fee
 22 required by ~~§ 17-26-209~~, and who:

23 (1) Is not less than twenty-one (21) years of age;

24 ~~(2) Is of good moral character and temperate habits;~~

25 ~~(3)~~(2) Holds a valid Arkansas license as an electrologist; and

26 ~~(4)~~(3) Has had three (3) years of practical experience as an
 27 electrologist in the State of Arkansas within the past five (5) years.

28
 29 SECTION 19. Arkansas Code § 17-26-308 is repealed.

30 ~~17-26-308. Aestheticians - Prerequisites to examination.~~

31 ~~The State Board of Cosmetology shall admit to examination for a~~
 32 ~~certificate of registration and license as an aesthetician any person who has~~
 33 ~~made application to the board in proper form, has paid the fee required by §~~
 34 ~~17-26-209, and who:~~

35 ~~(1) Is not less than sixteen (16) years of age;~~

36 ~~(2) Is of good moral character and temperate habits;~~

1 ~~(3) Has completed two (2) years of high school in the public~~
2 ~~schools of this state or its equivalent; and~~

3 ~~(4) Has completed one (1) of the following:~~

4 ~~(A) Practical and theoretical training of at least six~~
5 ~~hundred (600) hours of not more than eight (8) hours a day and six (6) days~~
6 ~~per week during the course; or~~

7 ~~(B) The prescribed course of study in aesthetics under the~~
8 ~~laws of another state whose licensing requirements are equal to or stricter~~
9 ~~than Arkansas'.~~

10
11 SECTION 20. Arkansas Code § 17-26-309 is amended to read as follows:

12 17-26-309. Examination for ~~cosmeticians or cosmetologists~~ and all
13 branches of cosmetology.

14 Examinations for ~~certificates of registration and license as~~
15 ~~cosmeticians or cosmetologists~~ and all other branches of cosmetology shall
16 include ~~both~~ a written core and law test and a practical test that ~~include~~
17 embrace all phases of cosmetology as deemed necessary by the State Board of
18 Cosmetology to protect the health, safety, and welfare of the public.

19
20 SECTION 21. Arkansas Code § 17-26-310 is amended to read as follows:

21 17-26-310. Failure to appear for examination.

22 ~~(a) Any applicant who without good cause fails to appear for~~
23 ~~examination within one (1) year after being notified by the State Board of~~
24 ~~Cosmetology of his or her eligibility may be removed from the list of~~
25 ~~eligible applicants for examination. The applicant may again become eligible~~
26 ~~only upon filing a new application and paying a new examination fee.~~

27 ~~(b) However, any person whose failure to appear for examination is due~~
28 ~~to service in any branch of the armed forces of the United States, upon~~
29 ~~application made not later than one (1) year from the date of discharge or~~
30 ~~return to inactive military status and upon the filing of an affidavit~~
31 ~~showing the date of entrance into service and whether still in service or the~~
32 ~~date of discharge or return to inactive status, shall be restored to the~~
33 ~~eligible list and permitted to take the examination.~~ The State Board of
34 Cosmetology shall promulgate rules concerning an applicant for an examination
35 who fails to appear for the examination.

1 SECTION 22. Arkansas Code § 17-26-312 is amended to read as follows:
2 17-26-312. ~~Cosmeticians or cosmetologists~~ - Issuance of ~~certificate~~
3 ~~and~~ license.

4 (a) Persons who pass ~~the~~ any examination under this chapter referred
5 ~~to in § 17-26-309~~ shall receive a license from the State Board of Cosmetology
6 ~~a certificate of registration and license as cosmetician or cosmetologist.~~

7 (b) This license, except for renewal fees, entitles the holder,
8 ~~without additional cost,~~ to engage in the practice of the ~~occupations of a~~
9 ~~cosmetician or cosmetologist~~ specified branch of cosmetology upon the public
10 in a licensed cosmetological establishment, except as provided in § 17-26-102
11 (3)(B).

12
13 SECTION 23. Arkansas Code § 17-26-313 is repealed.

14 ~~17-26-313. Manicurists, electrologists, aestheticians~~ - Issuance of
15 ~~certificate and license.~~

16 ~~Every applicant for registration to engage in the practice of~~
17 ~~manicuring, electrology, or aesthetics satisfactorily passing the examination~~
18 ~~conducted by the State Board of Cosmetology to determine his or her fitness~~
19 ~~to engage in the practice of manicuring, electrology, or aesthetics shall~~
20 ~~receive from the board a certificate of registration and license to engage in~~
21 ~~the practice of manicuring, electrology, or aesthetics, without additional~~
22 ~~cost, up to and including January 1 following the day of issue.~~

23
24 SECTION 24. Arkansas Code § 17-26-314 is amended to read as follows:

25 17-26-314. Specificity of ~~certificate~~ permit or license.

26 ~~Every certificate of registration and every~~ permit or license issued by
27 the State Board of Cosmetology shall specify the occupation or occupations
28 which the ~~certificate~~ permit and license entitle the holder to practice.

29
30 SECTION 25. Arkansas Code § 17-26-315 is amended to read as follows:

31 17-26-315. Reciprocity.

32 Upon application to the State Board of Cosmetology in the form provided
33 for the particular class of license applied for, accompanied by the required
34 fee, a person ~~registered or~~ licensed as a cosmetologist, electrologist,
35 manicurist, aesthetician, or instructor under the laws of another state shall
36 be granted ~~a certificate of registration and~~ a license to practice the

1 occupation or occupations in this state not of greater scope than the
 2 occupation or occupations for which the applicant was previously ~~registered~~
 3 ~~or~~ licensed in the other state, upon the following conditions:

4 (1) That the applicant for a license as a cosmetologist,
 5 manicurist, or aesthetician is not less than eighteen (18) years of age, and
 6 the applicant for a license as an instructor or electrologist is not less
 7 than twenty-one (21) years of age;

8 ~~(2) That the applicant is of good moral character and temperate~~
 9 ~~habits;~~

10 ~~(3)~~(2) That the applicant holds a current valid license upon
 11 application for reciprocity, evidenced by a certified copy of the license and
 12 an affidavit from the other state or by such other evidence as the board may
 13 require; ~~and~~

14 ~~(4)~~(3) That the applicant has passed ~~both a written and a~~
 15 ~~practical state approved examination for the particular class of license~~
 16 ~~applied for by the applicant~~ a national examination comparable to the
 17 examination given in this state; and

18 (4) That the applicant passes an Arkansas law examination under
 19 this chapter.

20
 21 SECTION 26. Arkansas Code § 17-26-316 is amended to read as follows:

22 17-26-316. Contents and display of license.

23 (a) Every license issued by the State Board of Cosmetology shall be
 24 signed by the president and attested by the Director of Cosmetology and shall
 25 bear the impress of the board's seal.

26 (b) Every licensee shall:

27 (1) ~~display~~ Display the license in a conspicuous place in his or
 28 her principal office, place of business, or place of employment; or

29 (2) Wear the license on his or her person while practicing
 30 cosmetology.

31 (c) Every license shall contain a photograph of the licensee.

32
 33 SECTION 27. Arkansas Code § 17-26-317 is amended to read as follows:

34 17-26-317. Notice of address change.

35 Every registered ~~cosmetician or~~ cosmetologist manager-operator,
 36 ~~cosmetician or~~ cosmetologist, electrologist, manicurist, or aesthetician,

1 within thirty (30) days after changing the address of his or her place of
2 business as designated on the books of the State Board of Cosmetology, shall
3 *notify the ~~secretary~~ State Board of Cosmetology administrative office of his*
4 *or her new place of business. Upon receipt of the notification, the*
5 *~~secretary~~ office shall make the necessary changes in the register.*

6
7 SECTION 28. Arkansas Code § 17-26-319 is amended to read as follows:
8 17-26-319. Expiration, renewal, and reinstatement.

9 (a) Licenses of ~~cosmeticians or~~ cosmetologists, instructors,
10 electrologists, aestheticians, and manicurists shall expire on December 31 of
11 each year the licensee's birthday on a biennial basis.

12 (b) Licenses of schools and establishments shall expire in one (1) of
13 the following ways at the choice of the school or establishment owner:

14 (1) Annually on December 31;

15 (2) Biennially on December 31; or

16 (3) Biennially on the owner's birthday in conjunction with the
17 individual license.

18 ~~(b) To renew an instructor's license, completion of not fewer than~~
19 ~~eight (8) hours of training during the preceding year in a board-certified~~
20 ~~instructor's training seminar or continuing education course is required.~~

21 (c) Application for license renewals shall be filed and the fee paid
22 not later than ~~January 31~~ thirty (30) days following the expiration date
23 established in subsection (a) of this section.

24 ~~(d)(1) A license which has expired by the failure of the licensee to~~
25 ~~renew within the time fixed by subsection (c) of this section may be~~
26 ~~reinstated within five (5) years of the date of expiration upon application~~
27 ~~therefor and upon payment of the reinstatement fee provided by § 17-26-209.~~

28 ~~(2) An instructor licensee shall also be required to submit~~
29 ~~proof that he or she has received the required additional training during the~~
30 ~~preceding year in a board-certified instructor's training seminar or~~
31 ~~continuing education course approved by the State Board of Cosmetology~~
32 ~~equivalent to eight (8) hours for each year the instructor licensee failed to~~
33 ~~renew or pass an instructor's examination given by the board. The instructor~~
34 ~~licensee shall be required to pay the required examination fee in lieu of a~~
35 ~~reinstatement fee.~~

36 (d) A licensee whose license has lapsed for failure to renew and who

1 is or was under the direct supervision of a physician for an extended or
2 long-term condition may request from the State Board of Cosmetology a waiver
3 of the reinstatement fee.

4 (e) After five (5) years from the date of its expiration, a license
5 may be reinstated upon the filing of an application as the board may
6 prescribe, ~~the furnishing of proof of good moral character and temperate~~
7 ~~habits as may be necessary,~~ the payment of the examination fee ~~required by~~
8 ~~this chapter,~~ and the passing of the examination required by the board.

9 (f) The board is authorized and directed to renew, upon application
10 ~~therefor~~ and the payment of the necessary fees ~~therefor~~, the ~~cosmetology~~
11 licenses of a cosmetologist, manicurist, aesthetician, instructor, or
12 electrologist who is also a ~~of any~~ veteran of World War II and the Korean
13 ~~Conflict who, subsequent to World War II or the Korean Conflict,~~ war who
14 possessed a ~~cosmetology~~ the license but ~~who may have~~ permitted it to lapse.
15 The renewal license shall be issued without the applicant's being required to
16 submit to any examination or to meet any additional schooling requirements.

17 (g)(1) A licensee who is sixty-five (65) years of age or older and has
18 been actively engaged in the practice or teaching of cosmetology for thirty
19 (30) or more years may apply for a lifetime license.

20 (2) The fee for a lifetime license shall be established by rule
21 of the board.

22 (3) The receipt of a lifetime license shall not exempt a
23 licensee from:

24 (A) Complying with any applicable law or rule; and
25 (B) Receiving a penalty for failing to comply with any
26 applicable law or rule.

27
28 SECTION 29. Arkansas Code § 17-26-320 is repealed.

29 ~~17-26-320. Refusal, suspension, and revocation.~~

30 ~~(a) For good cause shown and under such reasonable rules and~~
31 ~~regulations as may be imposed, the State Board of Cosmetology may revoke,~~
32 ~~suspend, or fail to renew at any time any license required by the provisions~~
33 ~~of this chapter on any of the grounds for disciplinary actions provided in §~~
34 ~~17-26-105. The proceedings under this section shall be conducted in~~
35 ~~accordance with this chapter, and the board shall have all the powers granted~~
36 ~~herein.~~

1 ~~(b) The board shall suspend the license of any person licensed under~~
2 ~~this chapter who has been adjudged by a court of competent jurisdiction to be~~
3 ~~insane or legally incompetent. The record of the adjudication shall be prima~~
4 ~~facie evidence that the person is insane or legally incompetent within the~~
5 ~~meaning of this section. The board shall not reinstate a license which has~~
6 ~~been suspended under this subsection, except upon proof that the licensee has~~
7 ~~been restored to such mental condition as to be capable of carrying on with~~
8 ~~safety to the public the practice authorized by this license.~~

9
10 SECTION 30. Arkansas Code § 17-26-322 is repealed.

11 ~~17-26-322. Penalty in lieu of suspension or revocation.~~

12 ~~(a)(1) Whenever the State Board of Cosmetology finds that the holder~~
13 ~~of a license, certificate of registration, or other permit issued by the~~
14 ~~board is guilty of a violation of the rules of the board or the laws of the~~
15 ~~State of Arkansas pertaining to any occupation, profession, or business~~
16 ~~licensed or regulated by the board, it shall have the power and authority to~~
17 ~~impose a penalty on the licensee or permit holder in lieu of suspension or~~
18 ~~revocation of license, certificate of registration, or other permit.~~

19 ~~(2) Upon imposition of a penalty in lieu of suspension or~~
20 ~~revocation of license, certificate of registration, or other permit, the~~
21 ~~board shall have the power and authority to require that the licensee or~~
22 ~~permit holder pay a penalty to the board with regard to the violation with~~
23 ~~the sanction that the license, certificate of registration, or permit may be~~
24 ~~suspended until the penalty is paid.~~

25 ~~(3) Prior to the imposition of any penalty, the board shall hold~~
26 ~~an investigation and hearing after notice to the licensee or his or her~~
27 ~~attorney. The penalty may be imposed in lieu of revocation or suspension of a~~
28 ~~license, certificate, or other permit only if the board formally finds that~~
29 ~~the public health, safety, welfare, and morals would not be impaired thereby~~
30 ~~and that the payment of the penalty will achieve the desired disciplinary~~
31 ~~results.~~

32 ~~(b)(1) No penalty imposed by the board in lieu of revocation or~~
33 ~~suspension of a license, certificate, or other permit may exceed one thousand~~
34 ~~dollars (\$1,000).~~

35 ~~(2) The power and authority of the board to impose these~~
36 ~~penalties shall not be affected by another civil or criminal proceeding~~

1 ~~concerning the same violation.~~

2 ~~(c) Any person penalized by the board under this chapter may appeal~~
3 ~~any order of the board in the manner now provided by law.~~

4 ~~(d) In addition to any other sanctions authorized by this chapter, the~~
5 ~~board may impose a civil penalty as provided in subsections (a) and (b) of~~
6 ~~this section against any unlicensed person, firm, or corporation practicing~~
7 ~~or offering to practice any actions requiring licensure pursuant to the~~
8 ~~provisions of this chapter.~~

9
10 SECTION 31. Arkansas Code § 17-26-323 is amended to read as follows:

11 17-26-323. Use of funds from penalties.

12 Funds derived from penalties assessed by the State Board of Cosmetology
13 pursuant to the authority granted in ~~§ 17-26-322~~ this chapter shall be
14 maintained in a separate bank account and shall be used exclusively to defray
15 the costs of disciplinary hearings and any other enforcement actions,
16 including the investigation thereof, and all necessary costs for the
17 development and staffing needs for educational training purposes under § 17-
18 26-104(c)(5)(C).

19
20 SECTION 32. Arkansas Code § 17-26-401 is amended to read as follows:

21 17-26-401. License requirements.

22 (a) No person, firm, or corporation shall conduct or operate a
23 cosmetological establishment, school of cosmetology, beauty parlor, or any
24 other place of business in which any one (1) or any combination of the
25 occupations of a ~~cosmetician~~ or cosmetologist are taught or practiced, except
26 the branch of manicuring as practiced in a barbershop, until licensed under
27 the provisions of this chapter and complying with the provisions of this
28 chapter relating to sanitation. ~~Any violation of this section is a~~
29 ~~misdemeanor.~~

30 (b) It shall be unlawful for any person to employ, or to allow to be
31 employed, any person not ~~duly registered~~ or licensed by the State Board of
32 Cosmetology in or about a cosmetological establishment as a ~~cosmetician~~ or
33 cosmetologist manager-operator, or as a manicurist, or as an electrologist,
34 or as an aesthetician.

35
36 SECTION 33. Arkansas Code § 17-26-402 is amended to read as follows:

1 17-26-402. Cosmetological establishments - ~~Certificate of registration~~
2 ~~and license~~ License.

3 (a) Any person, firm, or corporation desiring to operate a
4 cosmetological establishment shall make an application to the State Board of
5 Cosmetology for a ~~certificate of registration and~~ license.

6 (b) The application shall be accompanied by the ~~annual registration~~
7 required licensing fee.

8
9 SECTION 34. Arkansas Code § 17-26-403 is amended to read as follows:

10 17-26-403. School of cosmetology - Application to operate -
11 ~~Certificate of registration and license~~ License.

12 (a) Schools of cosmetology shall be conducted as provided in this
13 subchapter.

14 (b) Any person, firm, or corporation, except the Department of
15 Education, desiring to conduct a school of cosmetology shall make an
16 application to the State Board of Cosmetology for approval. When an
17 application is made after January 1, there shall be paid to the board that
18 portion of the registration fee which the unexpired number of months in the
19 year bears to the entire year, including the month in which the application
20 is made. In such cases the board shall issue a license for the fractional
21 part of the year.

22 (c) In the event that a member of the board shall wholly or partially
23 own any interest in any school of cosmetology in this state, the board member
24 shall disqualify himself or herself from the consideration of applications
25 for new schools of cosmetology or license renewals.

26 (d) The ~~certificate of registration and~~ license authorizes the school
27 of cosmetology holding it to transact operations in this state during the
28 year or fraction thereof for which it is issued subject to the rules ~~and~~
29 ~~regulations~~ of the board.

30 (e) Nothing in this section shall be construed as authorization or
31 permission to conduct a school of cosmetology without a valid, existing, and
32 unexpired ~~certificate of registration~~ license.

33
34 SECTION 35. Arkansas Code § 17-26-404 is amended to read as follows:

35 17-26-404. ~~Certificates of registration~~ Licensing requirements -
36 Expiration - Renewal.

1 (a) ~~Certificates of registration~~ Licensing for cosmetological
2 establishments and schools of cosmetology expire ~~on December 31 of each year~~
3 pursuant to § 17-26-319(b).

4 (b) An application for renewal of a ~~certificate~~ license shall be filed
5 with the State Board of Cosmetology ~~during the month of January~~, accompanied
6 by the ~~annual registration~~ required renewal fee ~~prescribed by § 17-26-209~~.

7 (c) Thereupon, the board shall renew the ~~certificate~~ license for the
8 ~~ensuing year~~ appropriate time period.

9 (d) A ~~certificate~~ license which has expired for failure of the
10 registrant to renew within the time fixed by this section may for a period of
11 one (1) year thereafter be renewed upon the filing of an application in such
12 form as the board may require and upon payment of the ~~annual registration~~
13 required renewal fee and the delinquency fee ~~provided by § 17-26-209~~.

14 (e) After one (1) year from the date of its expiration, a certificate
15 may not be renewed, and the establishment or school may again become entitled
16 to a ~~certificate~~ license only upon compliance with all of the provisions of
17 this chapter relating to the original issuance of a ~~certificate~~ license.

18
19 SECTION 36. Arkansas Code § 17-26-405 is amended to read as follows:
20 17-26-405. Facilities - Prohibition on use.

21 (a) No person having charge of a cosmetological establishment or
22 school of cosmetology, whether as an owner or an employee, shall permit any
23 room or part thereof in which any of the branches or practices of cosmetology
24 are conducted, practiced, or taught to be used for sleeping, for residential
25 purposes, or for any other purpose that would tend to make the room
26 unsanitary.

27 (b) A cosmetological establishment shall have a direct entrance
28 separate and distinct from any entrance in connection with private quarters.

29 ~~(c) New salons shall contain not less than one hundred sixty-eight~~
30 ~~square feet (168 sq. ft.) of floor space, exclusive of rest room facilities,~~
31 ~~before being approved for licenses.~~

32
33 SECTION 37. Arkansas Code § 17-26-406 is amended to read as follows:
34 17-26-406. Refusal or cancellation of school license - Causes.

35 (a) No school shall be licensed until the State Board of Cosmetology
36 has had ample opportunity to verify sworn statements as to the actual

1 ownership. In this respect, if false statements are submitted to the board in
2 connection with a license application, this in itself shall constitute
3 sufficient grounds for the refusal to grant any application under this
4 subchapter. If an application is granted and thereafter the board discovers
5 that false statements were made in connection therewith, this shall
6 constitute sufficient grounds for the cancellation of the school license even
7 though the false statements are detected after a license has been issued.

8 (b) The board ~~reserves the right to~~ may deny a school license to any
9 applicant ~~who fails to present satisfactory evidence of personal integrity~~
10 ~~and moral responsibility. In the event that the applicant is a corporation,~~
11 ~~this shall apply to all the officers thereof~~ or licensee upon reasonable
12 evidence that the school or its officials would jeopardize the health and
13 safety of the public. No school license shall be issued until the real owner
14 files with the board a statement definitely designating who is authorized to
15 accept service of notice from the board and to transact all business
16 negotiations on behalf of the school, including answers to citations for
17 hearing and compliance with rulings issued by the board.

18
19 SECTION 38. Arkansas Code § 17-26-409 is amended to read as follows:
20 17-26-409. School supervisor.

21 Every school shall at all times be in charge of and under the ~~immediate~~
22 supervision of a licensed ~~cosmetician or~~ cosmetologist manager-operator who
23 has had at least a total of three (3) years of practical experience in the
24 practice or teaching of all of the branches of cosmetology, except the branch
25 of electrology, in a licensed cosmetological establishment or a licensed
26 school of cosmetology and who holds an instructor's ~~permit~~ license.

27
28 SECTION 39. Arkansas Code § 17-26-410 is amended to read as follows:
29 17-26-410. Instructor qualifications.

30 (a) Every person employed in a school to instruct students in the
31 school shall be a licensed ~~cosmetician or~~ cosmetologist, aesthetician,
32 manicurist, or electrologist who:

33 (1) Is twenty-one (21) years of age and has had six hundred
34 (600) hours of teacher training in a school of cosmetology over a period of
35 not less than four (4) months; and

36 (2) Has passed an instructor's examination given by the State

1 Board of Cosmetology and has received an instructor's license permit. In
2 order to take the instructor's examination, the instructor's examination fee
3 shall be paid; and

4 ~~(3) Has received not fewer than eight (8) hours additional~~
5 ~~training each year in an instructor's training seminar or continuing~~
6 ~~education course certified by the board.~~

7 (b) A licensed instructor shall not teach outside the profession in
8 which the license to practice allows.

9 (c) A cosmetology school shall offer an education in cosmetology
10 regardless of whether the curriculum includes a specialty course.

11
12 SECTION 40. Arkansas Code § 17-26-411 is amended to read as follows:

13 17-26-411. Instructors - Duties - Number.

14 (a) All instructors shall be continuously engaged in teaching students
15 in theoretical or practical work. Except when instructing a student, no
16 instructor may practice upon a ~~patron~~ client, and any instructor who does so
17 is subject to disciplinary action by the State Board of Cosmetology.

18 (b) The board shall promulgate reasonable rules and regulations
19 concerning the number of instructors necessary to properly conduct a school
20 of cosmetology.

21
22 SECTION 41. Arkansas Code § 17-26-412 is amended to read as follows:

23 17-26-412. School term - ~~General~~ Cosmetology curriculum.

24 (a) Every school shall maintain a school term of not less than one
25 thousand five hundred (1,500) hours, instruction of which shall not be in
26 excess of eight (8) hours per day and six (6) days per week during the
27 course. The school shall maintain a course of practical training and
28 technical instruction equal to the requirements for examination for a
29 ~~certificate of registration and~~ license as a ~~cosmetician or~~ cosmetologist.

30 ~~(b) It shall include in its curriculum a course of shop department~~
31 ~~consisting of instruction in courtesy, neatness, and professional attitudes~~
32 ~~in meeting the public.~~

33 ~~(e)~~(b) It shall so arrange the courses devoted to each branch or
34 practice of cosmetology as the State Board of Cosmetology may from time to
35 time adopt as the course to be followed by the schools.

36

1 SECTION 42. Arkansas Code § 17-26-414 is amended to read as follows:
2 17-26-414. Special ~~courses~~ Credit programs.

3 (a) Instruction shall not exceed eight (8) hours per day and six (6)
4 days per week during the program.

5 (b) Where When a student completes the required number of hours for a
6 special ~~course~~ program and reenrolls for a ~~general-course~~ cosmetology program
7 or ~~where~~ when a student transfers from a special ~~course~~ program to a ~~general~~
8 ~~course~~ cosmetology program prior to completion of the special ~~course~~ program,
9 he or she shall be given credit for the number of hours spent in connection
10 with the special ~~course~~ program, but not to exceed the maximum hours required
11 thereof, toward the satisfaction of the time required for the ~~general-course~~
12 cosmetology program as determined by rules ~~and regulations~~ of the State Board
13 of Cosmetology.

14
15 SECTION 43. Arkansas Code § 17-26-415 is amended to read as follows:
16 17-26-415. Student registration - Reregistration on transfer.

17 (a)(1) All students of cosmetology, manicuring, electrology,
18 aesthetics, and ~~teacher~~ instructor training shall be registered with the
19 State Board of Cosmetology before accredited hours can be obtained.

20 (2) The enrollment application shall be accompanied by copy of a
21 method of identification containing a photograph of the applicant.

22 (3) A student shall not earn hours prior to the date in which
23 the board has issued a student permit.

24 ~~(b) All students of cosmetology, manicuring, electrology, aesthetics,~~
25 ~~and teacher training transferring to another school will be required to~~
26 ~~reregister with the board.~~

27 (b) A student who has completed the registration process and whose
28 information is on file with the board shall complete a re-enrollment form
29 without submitting additional documents other than the student permit fee and
30 a method of identification containing a photograph of the student.

31
32 SECTION 44. Arkansas Code § 17-26-416 is repealed.

33 ~~17-26-416. Partial credit.~~

34 ~~(a) Students transferring or failing to complete the entire course~~
35 ~~shall be given a certificate by the school evidencing the number of hours~~
36 ~~completed, provided that the required tuition has been paid. Applicants will~~

1 ~~receive credit only for hours of required study accumulated within three (3)~~
2 ~~years prior to the date of application for examination.~~

3 ~~(b) For students receiving only partial hours on the required course~~
4 ~~of cosmetology, manicuring, aesthetics, or teacher training or who have~~
5 ~~completed the course of cosmetology, manicuring, aesthetics, electrology, or~~
6 ~~teacher training in required hours but have failed to qualify and make~~
7 ~~application for the examination, the training will become nonaccredited in~~
8 ~~this state after three (3) years from school release, and the students must~~
9 ~~complete the entire course as prescribed in this chapter.~~

10
11 SECTION 45. Arkansas Code § 17-26-417 is amended to read as follows:
12 17-26-417. ~~Paid student~~ Student work.

13 (a) In every licensed school of cosmetology:

14 (1) A student for a license as a ~~cosmetician~~ or cosmetologist,
15 after one hundred fifty (150) hours of instruction, may engage, in the school
16 as a student, in work connected with any branch or any combination of the
17 *branches of cosmetology taught in the school upon a ~~patron~~ client who is*
18 *paying for service or materials;*

19 (2) A student for a license as a manicurist, after ~~thirty-five~~
20 ~~(35)~~ sixty (60) hours of instruction, may engage, in the school as a student,
21 *in work connected with manicuring taught in the school upon a ~~patron~~ client*
22 *who is paying for service or materials;*

23 (3) A student for a license as an aesthetician, after sixty (60)
24 hours of instruction, may engage, in the school as a student, in work
25 *connected with aesthetics taught in the school upon a ~~patron~~ client who is*
26 *paying for service or materials; and*

27 (4) A student for a license as an electrologist, after sixty
28 (60) hours of instruction, may engage, in the school as a student, in work
29 *connected with electrology taught in the school upon a ~~patron~~ client who is*
30 *paying for service or materials.*

31 (b) *No student may engage in any work upon a ~~patron~~ client who is*
32 *paying for service or materials until he or she has had the required number*
33 *of hours of instruction.*

34 (c) No school shall advertise student work to the public ~~for pay~~
35 through any medium unless the work is designated as student work.

36 (d)(1) A school may allow a student to volunteer in charity or special

1 events held outside the school if the following conditions are met:

2 (A) The student agrees to participate;

3 (B) The student has completed three quarters (3/4) of the
4 course of study;

5 (C) The student is accompanied by and acts under the
6 direct supervision of a licensed instructor; and

7 (D) The student receives no credit hours toward the course
8 of study.

9 (2) Documentation shall be maintained in the student's school
10 file outlining the date, name, and location of the event and the number of
11 hours volunteered.

12 (3) A school shall provide a thirty-day notice to the State
13 Board of Cosmetology, unless the special event involves a natural disaster as
14 proclaimed by the Governor.

15 (4) A student shall not provide services to an elderly person
16 who is confined to a hospital or nursing home.

17 (e)(1) A student providing services under this section shall apply for
18 a student permit from the board.

19 (2) The board shall promulgate rules concerning the issuance of
20 student permits.

21 (3) A student permit shall contain a photograph of the student.

22 (4) The student permit shall be:

23 (A) Maintained by the owner of the school attended by the
24 student during the student's enrollment; and

25 (B) Returned to the board along with a copy of the
26 student's Certificate of Training upon the conclusion of the student's
27 enrollment in the school.

28
29 SECTION 46. Arkansas Code § 17-26-418 is amended to read as follows:

30 17-26-418. Cosmetology courses in public schools.

31 (a) All public educational institutions operating cosmetological
32 schools shall comply with the standards, rules, and regulations promulgated
33 by the State Board of Cosmetology. However, the responsibility for approval
34 of cosmetological schools in public educational institutions shall be the
35 sole responsibility of the State Board of Workforce Education and Career
36 Opportunities.

1 (b) Such schools shall not be required to obtain a license as
2 prescribed in this chapter.

3 (c) Every person who successfully completes the courses in cosmetology
4 given in a school under the public school system of this state is eligible
5 for ~~registration and a~~ license under this chapter the same as though he or
6 she had graduated from a licensed private school of cosmetology approved by
7 the State Board of Cosmetology. For this purpose, successful completion of
8 courses in cosmetology given in public schools equal to and the equivalent of
9 the courses required to be given in licensed private schools of cosmetology
10 approved by the State Board of Cosmetology shall be deemed to be the
11 fulfillment of the requirements of this chapter in regard to completion of
12 courses in licensed schools of cosmetology approved by the State Board of
13 Cosmetology.

14
15 /s/ Faris

16
17 APPROVED: 3/9/2007
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36