

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 4 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 39

5 By: Senator Faris
6 By: Representative Dunn
7

For An Act To Be Entitled

10 AN ACT TO CREATE THE COSMETOLOGY TECHNICAL
11 ADVISORY COMMITTEE; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO CREATE THE COSMETOLOGY
15 TECHNICAL ADVISORY COMMITTEE.
16
17

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

20 SECTION 1. Legislative intent.

21 (a) The General Assembly declares that this act is necessary to:

22 (1) Improve the health of the citizens of Arkansas in an
23 effective and efficient manner; and

24 (2) Provide for effective administration of the delivery of
25 cosmetology-related programs.

26 (b) It is the intent of the General Assembly to provide for an orderly
27 transfer of powers, authorities, duties, and functions of the State Board of
28 Cosmetology to the State Board of Health and the Department of Health with a
29 minimum disruption of government services and functions and with a minimum
30 expense.

31
32 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

33 (a)(1) Effective July 1, 2009, the State Board of Cosmetology is
34 abolished and transferred to the State Board of Health and the Department of
35 Health by a type 3 transfer pursuant to § 25-2-106.



1 (2) As used in this act, the Department of Health shall be
 2 considered a principal department established by Acts 1971, No. 38, § 11.

3 (b)(1) All authority, powers, duties, and functions as established by
 4 law for the State Board of Cosmetology, including all purchasing, budgeting,
 5 fiscal, accounting, human resources, payroll, legal, information systems,
 6 maintenance, program support, administrative support, and other management
 7 functions are transferred to the State Board of Health and the Department of
 8 Health, except as specified in this act.

9 (2) All records, personnel, property, unexpended balances of
 10 appropriations, allocations, or other funds are transferred to the Department
 11 of Health. All funds shall be deposited into the Public Health Fund.

12 (3) All powers, duties, and functions, including without
 13 limitation rulemaking, regulation, and licensing, promulgation of rules,
 14 rates, regulations, and standards, and the rendering of findings, orders, and
 15 adjudications as established by law for the State Board of Cosmetology are
 16 transferred to the State Board of Health, except as specified in this act.

17 (c) The Arkansas Code Revision Commission shall replace “State Board
 18 of Cosmetology” in the Arkansas Code with “State Board of Health”, except as
 19 specified in this act.

20
 21 SECTION 3. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended
 22 to read as follows:

23 17-26-201. Creation – Members.

24 (a) There is created the ~~State Board of Cosmetology~~ Cosmetology
 25 Technical Advisory Committee.

26 (b)(1) The ~~board~~ committee shall consist of ~~ten (10)~~ five (5) members
 27 appointed by the ~~Governor~~ State Board of Health to ~~five-year~~ two-year terms.

28 (2) ~~Terms shall be staggered annually on January 15 and shall be~~
 29 ~~determined by lot.~~ A member may be removed from the committee by the board
 30 for cause.

31 ~~(3) A member may serve two (2) nonconsecutive terms.~~

32 ~~(4)(3) No~~ A member shall not serve more than ten (10) years on
 33 the ~~board~~ committee.

34 (c) The ~~board~~ committee shall be composed of the following
 35 representatives from within the cosmetology industry who are of good moral
 36 character and who are at least twenty-five (25) years of age:

1 (1) ~~Four (4) members~~ One (1) member shall be a licensed
 2 ~~cosmetologists~~ cosmetologist actively engaged in practicing the art of
 3 cosmetology for at least five (5) years at the time of appointment;

4 (2) One (1) member shall be a licensed nail technician;

5 (3) ~~Two (2) members~~ One (1) member shall be ~~owners~~ an owner of a
 6 licensed school of cosmetology or shall be a director of cosmetology at a
 7 state-supported school; and

8 ~~(4) One (1) member shall be a director of cosmetology at a~~
 9 ~~state-supported school who is also a licensed instructor; and~~

10 ~~(5)~~(4) One (1) member shall be a licensed aesthetician.

11 (d) One (1) member of the ~~board~~ committee shall be a consumer
 12 representative ~~who is at least sixty (60) years of age and~~ who is not
 13 actively engaged in or retired from the cosmetology industry.

14 (e)~~(1)~~ ~~No~~ A member of the ~~board~~ committee shall not be directly or
 15 indirectly connected with the wholesale business of the manufacture, rental,
 16 sale, or distribution of cosmetological appliances or supplies.

17 (2) No member of the ~~board~~ committee shall have a contract or a
 18 pending bid for a contract with the ~~board~~ Department of Health concerning
 19 cosmetology.

20 (f) ~~Not more than~~ Only three (3) two (2) members of the ~~board~~
 21 committee may be appointed from any one (1) congressional district. ~~The~~
 22 ~~consumer representative may be appointed from the state at large.~~

23 (g) Vacancies occurring during a term shall be filled for the
 24 unexpired term.

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

28 (i) Each member of the ~~board~~ committee may receive expense
 29 reimbursement and stipends in accordance with § 25-16-901 et seq. ~~All~~
 30 ~~compensation and necessary traveling expenses shall be paid by the board out~~
 31 ~~of the Cosmetology Operating Fund only.~~

32 (j) The State Board of Health shall promulgate by rule the duties and
 33 powers of the committee.

34
 35 ~~17-26-202. Officers.~~

36 ~~(a) The members of the State Board of Cosmetology shall annually elect~~

1 ~~from among their number, a president, first vice president, second vice~~
 2 ~~president, secretary, and treasurer.~~

3 ~~(b) The board shall by regulation prescribe the duties of these~~
 4 ~~officers.~~

5
 6 ~~17-26-203. Director.~~

7 ~~(a) The State Board of Cosmetology shall appoint a Director of~~
 8 ~~Cosmetology with secretarial qualifications, who shall not be a member of the~~
 9 ~~board and who shall have had at least five (5) years' experience in~~
 10 ~~secretarial and administrative employment in this state immediately prior to~~
 11 ~~appointment.~~

12 ~~(b) Immediately upon assuming the duties of his or her office, the~~
 13 ~~director shall give bond to the board in the amount of five thousand dollars~~
 14 ~~(\$5,000), with good and sufficient sureties, approved by the board and~~
 15 ~~conditioned upon the faithful performance of all duties required or which may~~
 16 ~~be required of him or her by law or the regulations of the board.~~

17
 18 17-26-204. Inspectors and professional employees.

19 ~~(a) The State Board of Cosmetology, in accordance with this chapter,~~
 20 Department of Health may employ inspectors and professional employees and fix
 21 their compensation, which compensation and all reasonable expenses incurred
 22 shall be paid from the ~~Cosmetology Operating Fund~~ only Public Health Fund
 23 from fees generated by the program.

24 ~~(b) Immediately upon assuming their duties, all inspectors shall give~~
 25 ~~bond to the board in the amount of one thousand dollars (\$1,000) with good~~
 26 ~~and sufficient sureties approved by the board and conditioned upon the~~
 27 ~~faithful performance of all duties required or that may be required by law or~~
 28 ~~the regulations of the board.~~

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

31
 32 17-26-205. Powers and duties.

33 ~~(a) In addition to the other duties set forth in this chapter, the~~
 34 ~~State Board of Cosmetology~~ Department of Health shall:

35 (1) ~~Prescribe the duties of its~~ the department's employees with
 36 ~~all day to day and employment decisions to be made by the Director of~~

1 Cosmetology;

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

5 ~~(3) Adopt a seal;~~

6 ~~(4)~~(2) Hold examinations as to the qualifications of all
 7 applicants for registration whose applications have been submitted to it in
 8 proper form, unless otherwise provided;

9 ~~(5)~~(3) Issue permits and licenses to ~~such~~ the applicants ~~as may~~
 10 ~~be who are~~ entitled thereto;

11 ~~(6)~~(4) Register cosmetological establishments and schools of
 12 cosmetology;

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

14 ~~(8) Report to the proper officials all known violations of this~~
 15 ~~chapter; and~~

16 ~~(9)~~(5) ~~Adopt reasonable~~ Implement the State Board of Health's
 17 ~~rules and regulations:~~

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

19 (B) For conducting examinations of applicants for
 20 licensing;

21 (C) For governing the recognition and the credits to be
 22 given to the study of cosmetology or any of its branches, under a
 23 cosmetologist or in a school of cosmetology, licensed under the laws of
 24 another state; and

25 (D) For governing health and safety, as it ~~deems~~ considers
 26 necessary, in regard to the precautions to be employed to prevent the
 27 creating or spreading of infections or contagious diseases in cosmetological
 28 establishments, in schools of cosmetology, and in the practice of a
 29 cosmetologist and in any branch of cosmetology, provided the rules ~~and~~
 30 ~~regulations~~ meet the minimum requirements of the law ~~and rules and~~
 31 ~~regulations of the State Board of Health.~~ A copy of all rules governing
 32 health and safety shall be ~~furnished~~ made available to each licensee. The
 33 rules ~~and regulations~~ adopted under this subsection shall have the force and
 34 effect of law.

35 (b) In addition to the powers conveyed upon the ~~board~~ department by
 36 this chapter, ~~it~~ the department ~~is empowered to~~ may enforce the provisions of

1 this chapter or any reasonable rule ~~or regulation~~ adopted by ~~it~~ the board
 2 through injunctive process.

3 (c) The ~~board~~ department may incur reasonable expenses and perform
 4 such other acts as may be necessary to carry out its duties and functions and
 5 to administer this chapter.

6
 7 17-26-206. Meetings – Examinations.

8 (a) The ~~State Board of Cosmetology inspectors~~ Department of Health or
 9 a private testing entity shall administer licensing examinations for eligible
 10 applicants ~~on a monthly basis~~.

11 (b) ~~No~~ A member of the ~~board~~ Cosmetology Technical Advisory Committee
 12 shall not be permitted to participate in or have the powers and duties that
 13 are related to the preparation of examinations ~~nor shall~~ or be permitted to
 14 give or grade the examinations of applicants for licensing.

15
 16 17-26-207. Registration record.

17 The ~~State Board of Cosmetology~~ Department of Health shall keep a
 18 registration record containing the names, known places of business, and the
 19 date and number of the license of every licensed cosmetologist and of those
 20 engaged in the practice of any branch of cosmetology, together with the names
 21 and addresses of all cosmetological establishments and schools of cosmetology
 22 registered under this chapter. This record shall also contain such facts as
 23 the applicants may have stated in their applications for examination for
 24 permitting and licensing.

25
 26 17-26-208. Investigations, hearings, or inspections.

27 (a) The ~~State Board of Cosmetology~~ Department of Health shall conduct
 28 investigations and inspections as promulgated by rule.

29 (b)(1) Hearings conducted by the Cosmetology Technical Advisory
 30 Committee may be held bimonthly for review of cases for which disciplinary
 31 action may be required.

32 (2)(A) Except as provided in subdivision (b)(2)(B) of this
 33 section, a hearing attended by two (2) or more members of the ~~board~~ committee
 34 is a meeting.

35 (B) A final order shall not be imposed by fewer than ~~five~~
 36 ~~(5)~~ three (3) members.

1 (C) A final order imposed by the committee may be appealed
 2 to the State Board of Health within thirty (30) days of its receipt.

3
 4 17-26-209. Fees – Method of payment.

5 (a) ~~The State Board of Cosmetology~~ State Board of Health shall
 6 promulgate a fee schedule by rule and collect fees accordingly.

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

11
 12 17-26-210. Disposition of funds.

13 (a) All fees, fines, and penalties collected under this chapter and on
 14 behalf of the ~~State Board of Cosmetology~~ State Board of Health and all
 15 receipts of every kind and nature collected under this chapter shall be paid
 16 into the State Treasury and shall be credited to the ~~Cosmetology Operating~~
 17 Fund Public Health Fund.

18 ~~(b)(1) The fund shall be for the general uses of the board and out of~~
 19 ~~it shall be paid all salaries and all other expenses necessarily incurred in~~
 20 ~~carrying into effect the provisions of this chapter. The fees, fines,~~
 21 penalties, and receipts shall be for the general uses of the Department of
 22 Health.

23 (2) Salaries and other expenses necessarily incurred in carrying
 24 into effect the provisions of this chapter and other programs administered by
 25 the department shall be paid from the fees, fines, penalties, and receipts.

26 (c) Expenditures ~~from the fund~~ shall be substantiated by vouchers and
 27 itemized statements at the end of each fiscal year or at any other time when
 28 demand therefor is made by the Department of Finance and Administration.

29
 30 SECTION 4. Arkansas Code § 17-26-302 is amended to read as follows:

31 17-26-302. Application for examination and license.

32 (a) ~~Every~~ Each application for admission to examination and ~~every~~ each
 33 application for a license as a cosmetologist or any branch of cosmetology
 34 shall be in writing on blanks prepared and furnished by the ~~State Board of~~
 35 Cosmetology Department of Health.

36 (b) Each application shall be accompanied by the required fee and

1 shall contain proof of the qualifications of the applicant for examination
 2 for registration and license.

3 (c) The application shall be verified by the oath of the applicant.
 4

5 SECTION 5. Arkansas Code § 17-26-304 is amended to read as follows:

6 17-26-304. Prerequisites to examination for a cosmetologist,
 7 manicurist, or aesthetician.

8 ~~At any meeting of the State Board of Cosmetology held for the purpose~~
 9 ~~of conducting examination, the board~~ The Department of Health shall admit to
 10 examination for a license as a cosmetologist, manicurist, or aesthetician ~~any~~
 11 a person who has made application to the ~~board~~ department in proper form, has
 12 paid the fee required, and who:

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

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

16 (3) Has completed one (1) of the following:

17 (A) For a cosmetologist, training of at least one thousand
 18 five hundred (1,500) hours;

19 (B) For a manicurist, training of at least six hundred
 20 (600) hours;

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

23 (D) The prescribed course of study in cosmetology under
 24 the laws of another state whose licensing requirements are equal to or
 25 stricter than those in Arkansas.
 26

27 SECTION 6. Arkansas Code § 17-26-306 is amended to read as follows:

28 17-26-306. Electrologists – Prerequisites to examination.

29 ~~The State Board of Cosmetology~~ Department of Health shall admit to
 30 examination for a license as an electrologist ~~any~~ a person who has made
 31 application to the board in proper form, has paid the fee required, and who:

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

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

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

36 (A) A course of three hundred fifty (350) ~~hours~~ hours of

1 practical training as a student in conjunction with a course of fifteen
 2 hundred (1500) hours in cosmetology or for a licensed cosmetologist;

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

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

11 (D) Training and practice in electrology for ~~such a~~ a period
 12 as shall be specified by rules of the ~~board~~ State Board of Health.

13
 14 SECTION 7. Arkansas Code § 17-26-307 is amended to read as follows:

15 17-26-307. Electrology instructors – Prerequisites to examination.

16 The ~~State Board of Cosmetology~~ Department of Health shall admit to
 17 examination for ~~licenseas~~ license as an electrology instructor any person who
 18 has made application to the ~~board~~ department in proper form, has paid the fee
 19 required, and who:

- 20 (1) Is not less than twenty-one (21) years of age;
- 21 (2) Holds a valid Arkansas license as an electrologist; and
- 22 (3) Has had three (3) years of practical experience as an
 23 electrologist in the State of Arkansas within the past five (5) years.

24
 25 SECTION 8. Arkansas Code § 17-26-315 is amended to read as follows:

26 17-26-315. Reciprocity.

27 Upon application to the ~~State Board of Cosmetology~~ Department of Health
 28 in the form provided for the particular class of license applied for,
 29 accompanied by the required fee, a person licensed as a cosmetologist,
 30 electrologist, manicurist, aesthetician, or instructor under the laws of
 31 another state shall be granted a license to practice the occupation or
 32 occupations in this state not of greater scope than the occupation or
 33 occupations for which the applicant was previously licensed in the other
 34 state, upon the following conditions:

- 35 (1) That the applicant for a license as a cosmetologist,
 36 manicurist, or aesthetician is not less than eighteen (18) years of age, and

1 the applicant for a license as an instructor or electrologist is not less
 2 than twenty-one (21) years of age;

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

7 (3) That the applicant has passed a national examination
 8 comparable to the examination given in this state; and

9 (4) That the applicant passes an Arkansas law examination under
 10 this chapter.

11
 12 SECTION 9. Arkansas Code § 17-26-316 is amended to read as follows:

13 17-26-316. ~~Contents and display~~ Display of license.

14 ~~(a) Every license issued by the State Board of Cosmetology shall be~~
 15 ~~signed by the president and attested by the Director of Cosmetology and shall~~
 16 ~~bear the impress of the board's seal.~~

17 ~~(b)~~(a) Every licensee shall:

18 (1) Display the license in a conspicuous place in his or her
 19 principal office, place of business, or place of employment; or

20 (2) Wear the license on his or her person while practicing
 21 cosmetology.

22 ~~(c)~~(b) Every A license ~~shall~~ may contain a photograph of the licensee.

23
 24 SECTION 10. Arkansas Code § 17-26-317 is amended to read as follows:

25 17-26-317. Notice of address change.

26 Every registered cosmetologist manager-operator, cosmetologist,
 27 electrologist, manicurist, or aesthetician, within thirty (30) days after
 28 changing the address of his or her place of business as designated on the
 29 books of the ~~State Board of Cosmetology~~ Department of Health, shall notify
 30 the ~~State Board of Cosmetology administrative office~~ department of his or her
 31 new place of business. Upon receipt of the notification, the ~~office~~
 32 department shall make the necessary changes in the register.

33
 34 SECTION 11. Arkansas Code § 17-26-319 is amended to read as follows:

35 17-26-319. Expiration, renewal, and reinstatement.

36 (a) Licenses of cosmetologists, instructors, electrologists,

1 aestheticians, and manicurists shall expire on the licensee's birthday on a
 2 biennial basis.

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

5 (1) Annually on December 31;

6 (2) Biennially on December 31; or

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

9 (c) Application for license renewals shall be filed and the fee paid
 10 not later than thirty (30) days following the expiration date established in
 11 subsection (a) of this section.

12 (d) A licensee whose license has lapsed for failure to renew and who
 13 is or was under the direct supervision of a physician for an extended or
 14 long-term condition may request from the ~~State Board of Cosmetology~~
 15 Department of Health a waiver of the reinstatement fee.

16 (e) After five (5) years from the date of its expiration, a license
 17 may be reinstated upon the filing of an application as the ~~board~~ department
 18 may prescribe, the payment of the examination fee, and the passing of the
 19 examination required by the ~~board~~ department.

20 (f) The ~~board~~ department is authorized and directed to renew, upon
 21 application and the payment of the necessary fees, the license of a
 22 cosmetologist, manicurist, aesthetician, instructor, or electrologist who is
 23 also a veteran of war who possessed the license but permitted it to lapse.
 24 The renewal license shall be issued without the applicant's being required to
 25 submit to any examination or to meet any additional schooling requirements.

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

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

31 (3) The receipt of a lifetime license shall not exempt a
 32 licensee from:

33 (A) Complying with any applicable law or rule; and

34 (B) Receiving a penalty for failing to comply with ~~any~~ an
 35 applicable law or rule.

36

1 SECTION 12. Arkansas Code § 17-26-321 is amended to read as follows:
2 17-26-321. Reissuance and reinstatement.

3 For good cause shown and under such reasonable rules ~~and regulations~~ as
4 may be imposed, the ~~State Board of Cosmetology~~ Department of Health may
5 reissue or reinstate the license of any person whose license has been
6 previously revoked.

7
8 SECTION 13. Arkansas Code § 17-26-323 is repealed.

9 ~~17-26-323. Use of funds from penalties.~~

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

16
17 SECTION 14. Arkansas Code § 17-26-402 is amended to read as follows:
18 17-26-402. Cosmetological establishments – License.

19 (a) ~~Any~~ A person, firm, or corporation desiring to operate a
20 cosmetological establishment shall make an application to the ~~State Board of~~
21 ~~Cosmetology~~ Department of Health for a license.

22 (b) The application shall be accompanied by the required licensing
23 fee.

24
25 SECTION 15. Arkansas Code § 17-26-403 is amended to read as follows:
26 17-26-403. School of cosmetology – Application to operate – License.

27 (a) Schools of cosmetology shall be conducted as provided in this
28 subchapter.

29 (b)(1) ~~Any person, firm, or corporation, except the Department of~~
30 ~~Education, desiring to conduct a school of cosmetology shall make an~~
31 ~~application to the State Board of Cosmetology for approval. When an~~
32 ~~application is made after January 1, there shall be paid to the board that~~
33 ~~portion of the registration fee that the unexpired number of months in the~~
34 ~~year bears to the entire year, including the month in which the application~~
35 ~~is made. In such cases the board shall issue a license for the fractional~~
36 ~~part of the year. A person, firm, or corporation desiring to conduct a~~

1 school of cosmetology shall apply to the Department of Health for approval.

2 (2) The Department of Education shall not be required to apply
3 to the Department of Health for approval.

4 (3)(A) When an application is made after January 1, the portion
5 of the registration fee that the unexpired number of months in the year bears
6 to the entire year, including the month the application is made, shall be
7 paid to the Department of Health.

8 (B) In such a case the Department of Health shall issue a
9 license for the fractional part of the year.

10 ~~(e) In the event that a member of the board shall wholly or partially~~
11 ~~own any interest in any school of cosmetology in this state, the board member~~
12 ~~shall disqualify himself or herself from the consideration of applications~~
13 ~~for new schools of cosmetology or license renewals.~~

14 ~~(d)(c)~~ The license authorizes the school of cosmetology holding it to
15 transact operations in this state during the year or fraction thereof for
16 which it is issued subject to the rules of the ~~board~~ department.

17 ~~(e)(d)~~ Nothing in this section shall be construed as authorization or
18 permission to conduct a school of cosmetology without a valid, existing, and
19 unexpired license.

20
21 SECTION 16. Arkansas Code § 17-26-404 is amended to read as follows:

22 17-26-404. Licensing requirements – Expiration – Renewal.

23 (a) Licensing for cosmetological establishments and schools of
24 cosmetology expires pursuant to § 17-26-319(b).

25 (b) An application for renewal of a license shall be filed with the
26 ~~State Board of Cosmetology~~ Department of Health, accompanied by the required
27 renewal fee.

28 (c) Thereupon, the ~~board~~ department shall renew the license for the
29 appropriate time period.

30 (d) A license that has expired for failure of the registrant to renew
31 within the time fixed by this section may for a period of one (1) year
32 thereafter be renewed upon the filing of an application in such form as the
33 ~~board~~ department may require and upon payment of the required renewal fee and
34 the delinquency fee.

35 (e) After one (1) year from the date of its expiration, a certificate
36 may not be renewed, and the establishment or school may again become entitled

1 to a license only upon compliance with all of the provisions of this chapter
2 relating to the original issuance of a license.

3
4 SECTION 17. Arkansas Code § 17-26-406 is amended to read as follows:

5 17-26-406. Refusal or cancellation of school license – Causes.

6 (a) ~~No~~ A school shall not be licensed until the ~~State Board of~~
7 ~~Cosmetology~~ Department of Health has had ample opportunity to verify sworn
8 statements as to the actual ownership. In this respect, if false statements
9 are submitted to the ~~board~~ department in connection with a license
10 application, this in itself shall constitute sufficient grounds for the
11 refusal to grant any application under this subchapter. If an application is
12 granted and thereafter the ~~board~~ department discovers that false statements
13 were made in connection therewith, this shall constitute sufficient grounds
14 for the cancellation of the school license even though the false statements
15 are detected after a license has been issued.

16 (b)(1) The ~~board~~ department may deny a school license to any applicant
17 or licensee upon reasonable evidence that the school or its officials would
18 jeopardize the health and safety of the public.

19 (2) ~~No~~ A school license shall not be issued until the real owner
20 files with the ~~board~~ department a statement definitely designating who is
21 authorized to accept service of notice from the ~~board~~ department and to
22 transact all business negotiations on behalf of the school, including answers
23 to citations for hearing and compliance with rulings issued by the ~~board~~
24 committee.

25
26 SECTION 18. Arkansas Code § 17-26-407 is amended to read as follows:

27 17-26-407. Inspection of school facilities.

28 (a) Before any school license ~~as provided in~~ under this subchapter
29 shall be finally granted, a second inspection shall be made after the
30 equipment has been installed and before the school is permitted to begin
31 operation.

32 (b) ~~No~~ An applicant shall not be granted a license to operate a school
33 unless the ~~State Board of Cosmetology~~ Department of Health finds that
34 sufficient equipment has been installed for the requirements of enrolling a
35 minimum of not fewer than twenty-five (25) bona fide students and that not
36 fewer than twenty-five (25) bona fide full-time student registration requests

1 have been received in the case of any new school. New schools of cosmetology
 2 shall be required to contain not less than two thousand five hundred square
 3 feet (2,500 sq. ft.) of floor space in the working area.

4
 5 SECTION 19. Arkansas Code § 17-26-408 is amended to read as follows:
 6 17-26-408. Duties of school.

7 ~~Every~~ Each school shall:

8 (1) Possess sufficient apparatus and equipment necessary for the
 9 ready and full teaching of all the subjects or practices of cosmetology;

10 (2) Maintain licensed instructors competent to impart
 11 instruction in all branches or practices of cosmetology;

12 (3) Keep a daily record of the attendance of each student and
 13 the time devoted by each student to the various practices or branches of
 14 cosmetology and electrology;

15 (4) Establish grades and hold examinations before issuing
 16 diplomas; and

17 (5) Fix its tuition at an amount that will enable it to furnish
 18 without further charge to the student all cosmetics, materials, and supplies
 19 used on the public and in classes. This does not include books and
 20 instruments as shall be determined from time to time by the ~~State Board of~~
 21 ~~Cosmetology~~ Department of Health.

22
 23 SECTION 20. Arkansas Code § 17-26-410 is amended to read as follows:
 24 17-26-410. Instructor qualifications.

25 (a) ~~Every~~ Each person employed in a school to instruct students in the
 26 school shall be a licensed cosmetologist, aesthetician, manicurist, or
 27 electrologist who:

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

31 (2) Has passed an instructor's examination given by the ~~State~~
 32 ~~Board of Cosmetology~~ Department of Health and has received an instructor's
 33 license.

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

36 (c) A cosmetology school shall offer an education in cosmetology

1 regardless of whether the curriculum includes a specialty course.

2
 3 SECTION 21. Arkansas Code § 17-26-411 is amended to read as follows:
 4 17-26-411. Instructors – Duties – Number.

5 (a) All instructors shall be continuously engaged in teaching students
 6 in theoretical or practical work. Except when instructing a student, ~~no~~ an
 7 instructor may not practice upon a client, and any instructor who does so is
 8 subject to disciplinary action by the ~~State Board of Cosmetology~~ Cosmetology
 9 Technical Advisory Committee.

10 (b) The ~~board~~ State Board of Health shall promulgate reasonable rules
 11 ~~and regulations~~ concerning the number of instructors necessary to properly
 12 conduct a school of cosmetology.

13
 14 SECTION 22. Arkansas Code § 17-26-412 is amended to read as follows:
 15 17-26-412. School term – Cosmetology curriculum.

16 (a) ~~Every~~ Each school shall maintain a school term of not less than
 17 one thousand five hundred (1,500) hours, instruction of which shall not be in
 18 excess of eight (8) hours per day and six (6) days per week during the
 19 course. The school shall maintain a course of practical training and
 20 technical instruction equal to the requirements for examination for a license
 21 as a cosmetologist.

22 (b) It shall so arrange the courses devoted to each branch or practice
 23 of cosmetology as the ~~State Board of Cosmetology~~ Department of Health may
 24 from time to time adopt as the course to be followed by the schools.

25
 26 SECTION 23. Arkansas Code § 17-26-413 is amended to read as follows:
 27 17-26-413. Electrology course.

28 (a)(1) An electrology course established by a school of cosmetology
 29 shall consist of three hundred fifty (350) hours or six hundred (600) hours
 30 of practical training and technical instruction which shall extend over a
 31 period of not less than two (2) months for a three-hundred-fifty-hour course
 32 and four (4) months for a six-hundred-hour course.

33 (2) In no event shall the training extend over a period of more
 34 than six (6) months from the date of initial enrollment.

35 (b) The course shall be in accordance with a curriculum established by
 36 the ~~State Board of Cosmetology~~ Department of Health.

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SECTION 24. Arkansas Code § 17-26-415 is amended to read as follows:
17-26-415. Student registration – Reregistration on transfer.

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

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

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

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

SECTION 25. Arkansas Code § 17-26-417 is amended to read as follows:
17-26-417. Student work.

(a) In ~~every~~ each licensed school of cosmetology:

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

(2) A student for a license as a manicurist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with manicuring taught in the school upon a client who is paying for service or materials;

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

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

1 (b) ~~No~~ A student may not engage in any work upon a client who is
 2 paying for service or materials until he or she has had the required number
 3 of hours of instruction.

4 (c) ~~No~~ A school shall not advertise student work to the public through
 5 any medium unless the work is designated as student work.

6 (d)(1) A school may allow a student to volunteer in charity or special
 7 events held outside the school if the following conditions are met:

8 (A) The student agrees to participate;

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

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

13 (D) The student receives no credit hours toward the course
 14 of study.

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

18 (3) A school shall provide a thirty-day notice to the ~~State~~
 19 ~~Board of Cosmetology~~ Department of Health, unless the special event involves
 20 a natural disaster as proclaimed by the Governor.

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

23 (e)(1) A student providing services under this section shall apply for
 24 a student permit from the ~~board~~ department.

25 (2) The ~~board~~ State Board of Health shall promulgate rules
 26 concerning the issuance of student permits.

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

28 (4) The student permit shall be:

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

31 (B) Returned to the ~~board~~ department along with a copy of
 32 the student's Certificate of Training upon the conclusion of the student's
 33 enrollment in the school.

34
 35 SECTION 26. Arkansas Code § 17-26-418 is amended to read as follows:
 36 17-26-418. Cosmetology courses in public schools.

1 (a) All public educational institutions operating cosmetological
2 schools shall comply with the standards, rules, and regulations promulgated
3 by the State Board of ~~Cosmetology~~ Health. However, the responsibility for
4 approval of cosmetological schools in public educational institutions shall
5 be the sole responsibility of the State Board of Workforce Education and
6 Career Opportunities.

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

9 (c) ~~Every~~ Each person who successfully completes the courses in
10 cosmetology given in a school under the public school system of this state is
11 eligible for a license under this chapter the same as though he or she had
12 graduated from a licensed private school of cosmetology approved by the State
13 Board of ~~Cosmetology~~ Health. For this purpose, successful completion of
14 courses in cosmetology given in public schools equal to and the equivalent of
15 the courses required to be given in licensed private schools of cosmetology
16 approved by the ~~State Board of Cosmetology~~ Department of Health shall be
17 deemed to be the fulfillment of the requirements of this chapter in regard to
18 completion of courses in licensed schools of cosmetology approved by the
19 ~~State Board of Cosmetology~~ department.

20
21 SECTION 27. Arkansas Code § 25-16-903(17), concerning stipends
22 available to state boards, is amended to read as follows:

23 (17) ~~State Board of Cosmetology~~ Cosmetology Technical Advisory
24 Committee;

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26 **APPROVED: 2/2/2009**
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