

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 244 of the Regular Session

As Engrossed: H2/8/07 S2/21/07 S2/26/07

A Bill

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

HOUSE BILL 1368

4
5 By: Representative Dunn
6 By: Senator Faris

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9 **For An Act To Be Entitled**

10 AN ACT TO CHANGE THE COMPOSITION AND REQUIREMENTS
11 OF THE STATE BOARD OF COSMETOLOGY; AND FOR OTHER
12 PURPOSES.

13
14 **Subtitle**

15 TO CHANGE THE COMPOSITION AND
16 REQUIREMENTS OF THE STATE BOARD OF
17 COSMETOLOGY.

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

21
22 SECTION 1. Arkansas Code § 17-26-201 is amended to read as follows:

23 17-26-201. Creation - Members.

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

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

27 ~~(B) The members of the board shall:~~

28 ~~(i) Be of good moral character;~~

29 ~~(ii) Be at least twenty five (25) years of age; and~~

30 ~~(iii) Not be directly or indirectly connected with~~
31 ~~the wholesale business of the manufacture, rental, sale, or distribution of~~
32 ~~cosmetological appliances or supplies.~~

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

34 ~~(A) Eight (8) members of the board shall:~~

35 ~~(i) Be registered as cosmeticians or cosmetologists~~



1 ~~under this chapter;~~

2 ~~(ii) Be actually engaged in conducting a~~
 3 ~~cosmetologist establishment or a school of cosmetology or actually engaged in~~
 4 ~~practicing the art of cosmetology at the time of appointment; and~~

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

8 ~~(B)(i) Two (2) members of the board appointed under this~~
 9 ~~subdivision (b)(2) shall be licensed instructors who own a school of~~
 10 ~~cosmetology.~~

11 ~~(ii) At least two (2) members of the board shall be~~
 12 ~~licensed electrologists;~~

13 ~~(C)(i) One (1) member of the board shall represent~~
 14 ~~consumers.~~

15 ~~(ii) The consumer representative shall:~~

16 ~~(a) Be of good moral character;~~

17 ~~(b) Be twenty five (25) years of age or older;~~

18 ~~and~~

19 ~~(c) Not be directly or indirectly connected~~
 20 ~~with the wholesale business of the manufacture, rental, sale, or distribution~~
 21 ~~of cosmetological appliances or supplies; and~~

22 (2) Terms shall be staggered annually on January 15 and shall be
 23 determined by lot.

24 (3) A member may serve two (2) non-consecutive terms.

25 (4) No member shall serve more than ten (10) years on the board.

26 (c) The board shall be composed of the following representatives from
 27 within the cosmetology industry who are of good moral character and who are
 28 at least twenty-five (25) years of age:

29 (1) Four (4) members shall be licensed cosmetologists actively
 30 engaged in practicing the art of cosmetology for at least five (5) years at
 31 the time of appointment;

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

33 (3) Two (2) members shall be owners of a licensed school of
 34 cosmetology;

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

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

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

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

5 ~~(B) The representative of the elderly shall:~~

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

7 ~~(ii) Not be actively engaged in or retired from the~~
8 ~~profession of cosmetology;~~

9 ~~(iii) Be appointed from the state at large, subject~~
10 ~~to confirmation by the Senate; and~~

11 ~~(iv) Be a full voting member but shall not~~
12 ~~participate in the grading of examinations.~~

13 ~~(4) The consumer representative position and the representative~~
14 ~~of the elderly position may not be filled by the same person.~~

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

18 (e)(1) No member of the board shall be directly or indirectly
19 connected with the wholesale business of the manufacture, rental, sale, or
20 distribution of cosmetological appliances or supplies.

21 (2) No member of the board shall have a contract or a pending
22 bid for a contract with the board.

23 (f) Not more than three (3) members of the board may be appointed from
24 any one (1) congressional district. The consumer representative may be
25 appointed from the state at large.

26 ~~(e)(g) Vacancies occurring during a term shall be filled for the~~
27 ~~unexpired term.~~

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

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

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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that because of issues and
 2 widespread problems that have arisen with the current composition and
 3 requirements of the State Board of Cosmetology, this act changes the
 4 composition and requirements of the board; that the public has spoken clearly
 5 on these needed changes; and that this act is necessary because deficiencies
 6 in the cosmetology industry require immediate redress. Therefore, an
 7 emergency is declared to exist and this act being necessary for the
 8 preservation of the public peace, health, and safety shall become effective
 9 on:

10 (1) The date of its approval by the Governor;

11 (2) If the bill is neither approved nor vetoed by the Governor,
 12 the expiration of the period of time during which the Governor may veto the
 13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is
 15 overridden, the date the last house overrides the veto.

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 17 SECTION 3. NOT TO BE CODIFIED. On the effective date of this act, a
 18 current member of the State Board of Cosmetology who meets the requirements
 19 of this act shall continue to serve the remainder of his or her term. If a
 20 current member does not meet the requirements of this act, the member shall
 21 be replaced by appointment of the Governor within sixty (60) days.

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 23 /s/ Dunn

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 25 APPROVED: 3/9/2007