

1 INTERIM STUDY PROPOSAL 2013-010

2 State of Arkansas

*As Engrossed: S3/11/13*

3 89th General Assembly

# A Bill

4 Regular Session, 2013

SENATE BILL 360

5  
6 By: Senators B. Sample, *Burnett, L. Chesterfield, Files, Hester, J. Hutchinson, D. Wyatt*

7 *By: Representatives D. Altes, Barnett, Collins, Cozart, D. Douglas, Hickerson, Jean, Lowery, Ratliff,*

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9 *Filed with: Interim Senate Committee on Public Health, Welfare and Labor*

10 *pursuant to A.C.A. §10-3-217.*

## For An Act To Be Entitled

11 AN ACT TO RE-CREATE THE STATE BOARD OF COSMETOLOGY;

12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### Subtitle

13 TO RE-CREATE THE STATE BOARD OF

14 COSMETOLOGY; AND TO DECLARE AN EMERGENCY.

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

22  
23 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY.

24 (a) All authority, powers, duties, and functions relating to the  
25 practice, licensure, and training of cosmetologists as established by law for  
26 the State Board of Health and the Department of Health, including all  
27 purchasing, budgeting, fiscal, accounting, human resources, payroll, legal,  
28 information systems, maintenance, program support, administrative support,  
29 and other management functions are transferred to the State Board of  
30 Cosmetology, except as specified in this act.

31 (b) All records, personnel, property, unexpended balances of  
32 appropriations, allocations, or other funds relating to the practice,  
33 licensure, and training of cosmetologists are transferred to the State Board  
34 of Cosmetology.

35 (c) All powers, duties, and functions, including without limitation  
36 rulemaking, regulation, and licensing, promulgation of rules, rates,

1 regulations, and standards, and the rendering of findings, orders, and  
2 adjudications relating to the practice, licensure, and training of  
3 cosmetologists as established by law for the State Board of Health and the  
4 Department of Health are transferred to the State Board of Cosmetology,  
5 except as specified in this act.

6 (d)(1) Licenses issued by the Department of Health regarding  
7 cosmetology shall remain in effect until the expiration of the license as  
8 provided by law.

9 (2) Rules regarding the practice, license, or training of  
10 cosmetologists existing at the time of the transfer under this section shall  
11 remain in full force and affect and may be amended or repealed, in whole or  
12 in part, by the State Board of Cosmetology.

13 (3) Causes of action regarding the practice, license, or  
14 training of cosmetologists pending at the time of the transfer under this  
15 section shall be transferred to the State Board of Cosmetology.

16  
17 SECTION 2. Arkansas Code § 17-26-201 is amended to read as follows:  
18 17-26-201. Creation - Members.

19 ~~(a) There is created the Cosmetology Technical Advisory Committee.~~

20 ~~(b)(1) The committee shall consist of seven (7) members appointed by~~  
21 ~~the State Board of Health to two year terms.~~

22 ~~(2) A member may be removed from the committee by the board for~~  
23 ~~cause.~~

24 ~~(3) A member shall not serve more than ten (10) years on the~~  
25 ~~committee.~~

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

29 ~~(1) One (1) member shall be a licensed cosmetologist 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) One (1) member shall be an owner of a licensed school of~~  
34 ~~cosmetology or shall be a director of cosmetology at a state supported~~  
35 ~~school;~~

36 ~~(4) One (1) member shall be a licensed aesthetician; and~~

1           ~~(5) Three (3) members shall represent the cosmetology industry~~  
2 ~~at large or a related field.~~

3           ~~(d)(1) A member of the committee shall not be directly or indirectly~~  
4 ~~connected with the wholesale business of the manufacture, rental, sale, or~~  
5 ~~distribution of cosmetological appliances or supplies.~~

6           ~~(2) A member of the committee shall not have a contract or a~~  
7 ~~pending bid for a contract with the Department of Health concerning~~  
8 ~~cosmetology.~~

9           ~~(e) Only two (2) members of the committee may be appointed from any~~  
10 ~~one (1) congressional district.~~

11           ~~(f) Vacancies occurring during a term shall be filled for the~~  
12 ~~unexpired term.~~

13           ~~(g) Before entering upon the discharge of his or her duties, each~~  
14 ~~member shall make and file with the Secretary of State the oath of office~~  
15 ~~prescribed by Arkansas Constitution, Article 19, § 20.~~

16           ~~(h) Each member of the committee may receive expense reimbursement and~~  
17 ~~stipends in accordance with § 25-16-901 et seq.~~

18           ~~(i) The board shall promulgate by rule the duties and powers of the~~  
19 ~~committee.~~

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

21           (b)(1) The board shall consist of eleven (11) members appointed by the  
22 Governor to five-year terms.

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

25           (3) A member may serve two (2) terms.

26           (4) A member shall not serve more than ten (10) years on the  
27 board.

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

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

32           (2) Two (2) members shall be owners of a licensed private school  
33 of cosmetology;

34           (3) Two (2) members shall be directors or licensed cosmetology  
35 instructors of public institutions that operate licensed programs of  
36 cosmetology;

1           (4) One (1) member shall be a licensed aesthetician; and

2           (5) One (1) member of the board shall be a consumer  
3 representative who is not actively engaged in or retired from the cosmetology  
4 industry.

5           (d)(1) A member of the board shall not be directly or indirectly  
6 connected with the wholesale business of the manufacture, rental, sale, or  
7 distribution of cosmetological appliances or supplies.

8           (2) A member of the board shall not have a contract or a pending  
9 bid for a contract with the board.

10          (e) Not more than three (3) members of the board may be appointed from  
11 any one (1) congressional district. The consumer representative may be  
12 appointed from the state at large.

13          (f)(1) The Governor shall remove a member of the board for good cause  
14 as defined under § 25-16-804.

15          (2) If the Governor removes a member of the board, the procedure  
16 for removal shall be under § 25-16-804.

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

20          (h) Each member of the board shall receive expense reimbursement and  
21 stipends in accordance with § 25-16-901 et seq.

22  
23          SECTION 3. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended  
24 to add additional sections to read as follows:

25          17-26-202. Officers.

26          (a) The members of the State Board of Cosmetology shall elect annually  
27 from among their number, a president, first vice president, second vice  
28 president, secretary, and treasurer.

29          (b) The board shall prescribe the duties of these officers by rule.

30  
31          17-26-203. Director.

32          (a) The State Board of Cosmetology shall appoint a Director of  
33 Cosmetology with secretarial qualifications, who shall not be a member of the  
34 board and who shall have had at least five (5) years' experience in  
35 secretarial and administrative employment in this state immediately before  
36 appointment.

1       (b) Immediately upon assuming the duties of his or her office, the  
2 director shall give bond to the board in the amount of five thousand dollars  
3 (\$5,000), with good and sufficient sureties, approved by the board and  
4 conditioned upon the faithful performance of all duties required or which may  
5 be required of him or her by law or the regulations of the board.

6  
7       SECTION 4. Arkansas Code § 17-26-204 is amended to read as follows:  
8       17-26-204. Inspectors and professional employees.

9       ~~The Department of Health may employ inspectors and professional~~  
10 ~~employees and fix their compensation, which compensation and all reasonable~~  
11 ~~expenses incurred shall be paid from the Public Health Fund from fees~~  
12 ~~generated by the program.~~

13       (a) The State Board of Cosmetology, in accordance with this chapter,  
14 may employ inspectors and professional employees.

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

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

22  
23       SECTION 5. Arkansas Code § 17-26-205 is amended to read as follows:  
24       17-26-205. Powers and duties.

25       ~~(a) In addition to the other duties set forth in this chapter, the~~  
26 ~~Department of Health shall:~~

27               ~~(1) Prescribe the duties of the department's employees;~~

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

31               ~~(3) Issue permits and licenses to the applicants who are~~  
32 ~~entitled thereto;~~

33               ~~(4) Register cosmetological establishments and schools of~~  
34 ~~cosmetology;~~

35               ~~(5) Implement the State Board of Health's rules;~~

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

1                   ~~(B) For conducting examinations of applicants for~~  
2 ~~licensing;~~

3                   ~~(C) For governing the recognition and the credits to be~~  
4 ~~given to the study of cosmetology or any of its branches, under a~~  
5 ~~cosmetologist or in a school of cosmetology, licensed under the laws of~~  
6 ~~another state; and~~

7                   ~~(D) For governing health and safety, as it considers~~  
8 ~~necessary, in regard to the precautions to be employed to prevent the~~  
9 ~~creating or spreading of infections or contagious diseases in cosmetological~~  
10 ~~establishments, in schools of cosmetology, and in the practice of a~~  
11 ~~cosmetologist and in any branch of cosmetology, provided the rules meet the~~  
12 ~~minimum requirements of the law. A copy of all rules governing health and~~  
13 ~~safety shall be made available to each licensee. The rules adopted under this~~  
14 ~~subsection shall have the force and effect of law.~~

15                 ~~(b) In addition to the powers conveyed upon the department by this~~  
16 ~~chapter, the department may enforce the provisions of this chapter or any~~  
17 ~~reasonable rule adopted by the board through injunctive process.~~

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

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

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

25                   (2) Establish a principal office in Little Rock where all  
26 records of its proceedings and other records and files of the State Board of  
27 Cosmetology the board shall be kept and which shall, at all reasonable hours,  
28 be open to public inspection;

29                   (3) Adopt a seal;

30                   (4) Hold examinations as to the qualifications of all applicants  
31 for registration whose applications have been submitted to the board in  
32 proper form, unless otherwise provided;

33                   (5) Issue permits and licenses to the applicants as to whom may  
34 be entitled;

35                   (6) Register cosmetological establishments and schools of  
36 cosmetology;

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

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

4           (9) Adopt reasonable rules:

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

6                   (B) For conducting examinations of applicants for  
7 licensing;

8                   (C) For governing the recognition and the credits to be  
9 awarded to the study of cosmetology or any of its branches in a school of  
10 cosmetology licensed under the laws of another state; and

11                   (D) For governing health and safety, as it considers  
12 necessary, in regard to the precautions to be employed to prevent the  
13 creating or spreading of infections or contagious diseases in cosmetological  
14 establishments, in schools of cosmetology, and in the practice of a  
15 cosmetologist and in any branch of cosmetology, provided the rules meet the  
16 minimum requirements of the law and rules of the State Board of Health. A  
17 copy of all rules governing health and safety shall be made available to each  
18 licensee. The rules adopted under this subsection shall have the same force  
19 and effect of law.

20           (b) In addition to the powers conveyed upon the State Board of  
21 Cosmetology by this chapter, it may enforce the provisions of this chapter or  
22 any reasonable rule adopted by it through injunctive process.

23           (c) The State Board of Cosmetology may incur reasonable expenses and  
24 perform such other acts as may be necessary to carry out its duties and  
25 functions and to administer this chapter.

26  
27           SECTION 6. Arkansas Code § 17-26-206 is amended to read as follows:  
28           17-26-206. Meetings – Examinations.

29           (a) ~~The Department of Health~~ State Board of Cosmetology or a private  
30 testing entity shall administer licensing examinations for eligible  
31 applicants.

32           (b) A member of the ~~Cosmetology Technical Advisory Committee~~ board  
33 ~~shall not be permitted to~~ may participate in or have the powers and duties  
34 that are related to the preparation of examinations or be permitted to give  
35 or grade the examinations of applicants for licensing.

1 SECTION 7. Arkansas Code § 17-26-207 is amended to read as follows:  
2 17-26-207. Registration record.

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

11  
12 SECTION 8. Arkansas Code § 17-26-208 is amended to read as follows:  
13 17-26-208. Investigations, hearings, or inspections.

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

16 (b)(1) Hearings conducted by the ~~Cosmetology Technical Advisory~~  
17 ~~Committee~~ board may be held bimonthly for review of cases for which  
18 disciplinary action may be required.

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

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

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

26  
27 SECTION 9. Arkansas Code § 17-26-209 is amended to read as follows:  
28 17-26-209. Fees – Method of payment.

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

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

35  
36 SECTION 10. Arkansas Code § 17-26-210 is repealed.

1       ~~17-26-210. Disposition of funds.~~

2       ~~(a) All fees, fines, and penalties collected under this chapter and on~~  
3 ~~behalf of the State Board of Health and all receipts of every kind and nature~~  
4 ~~collected under this chapter shall be paid into the State Treasury and shall~~  
5 ~~be credited to the Public Health Fund.~~

6       ~~(b)(1) The fees, fines, penalties, and receipts shall be for the~~  
7 ~~general uses of the Department of Health.~~

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

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

14  
15       SECTION 11. Arkansas Code § 17-26-302(a), concerning applications for  
16 examination and license as a cosmetologist, is amended to read as follows:

17       (a) Each application for admission to examination and each application  
18 for a license as a cosmetologist or any branch of cosmetology shall be in  
19 writing on ~~blanks~~ forms and documents prepared and furnished by the  
20 ~~Department of Health~~ State Board of Cosmetology.

21  
22       SECTION 12. Arkansas Code § 17-26-304 is amended to read as follows:

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

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

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

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

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

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

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

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

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

6  
7 SECTION 13. Arkansas Code § 17-26-306 is amended to read as follows:  
8 17-26-306. Electrologists – Prerequisites to examination.

9 The ~~Department of Health~~ State Board of Cosmetology shall admit to  
10 examination for a license as an electrologist a person who has made  
11 application to the ~~department~~ board in proper form, has paid the fee  
12 required, and who:

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

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

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

17 (A) A course of three hundred fifty (350) hours of  
18 practical training as a student in conjunction with a course of fifteen  
19 hundred ~~(1500)~~ (1,500) hours in cosmetology or for a licensed cosmetologist;

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

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

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

30  
31 SECTION 14. Arkansas Code § 17-26-307 is amended to read as follows:  
32 17-26-307. Electrology instructors – Prerequisites to examination.

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

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

5  
6 SECTION 15. Arkansas Code § 17-26-315 is amended to read as follows:  
7 17-26-315. Reciprocity.

8 Upon application to the ~~Department of Health~~ State Board of Cosmetology  
9 in the form provided for the particular class of license applied for,  
10 accompanied by the required fee, a person licensed as a cosmetologist,  
11 electrologist, manicurist, aesthetician, or instructor under the laws of  
12 another state shall be granted a license to practice the occupation or  
13 occupations in this state not of greater scope than the occupation or  
14 occupations for which the applicant was previously licensed in the other  
15 state, upon the following conditions:

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

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

24 (3) That the applicant has passed a ~~national~~ theory and  
25 practical examination comparable to the examination given in this state; and

26 (4) That the applicant passes an Arkansas law examination under  
27 this chapter.

28  
29 SECTION 16. Arkansas Code § 17-26-316 is amended to read as follows:  
30 17-26-316. ~~Display of license~~ Contents and display of license.

31 ~~(a) Every licensee shall:~~

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

34 ~~(2) Wear the license on his or her person while practicing~~  
35 ~~cosmetology.~~

36 ~~(b) A license may contain a photograph of the licensee.~~

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

4        (b) Every licensee shall display the license in a conspicuous place in  
5 his or her principal office, place of business, or place of employment.

6  
7        SECTION 17. Arkansas Code § 17-26-317 is amended to read as follows:  
8        17-26-317. Notice of address change.

9        Every registered cosmetologist manager-operator, cosmetologist,  
10 electrologist, manicurist, or aesthetician, within thirty (30) days after  
11 changing the address of his or her place of business as designated on the  
12 books of the ~~Department of Health~~ State Board of Cosmetology, shall notify  
13 the ~~department~~ administrative office of the State Board of Cosmetology of  
14 his or her new place of business. Upon receipt of the notification, the  
15 ~~department~~ office shall make the necessary changes in the register.

16  
17        SECTION 18. Arkansas Code § 17-26-319 is amended to read as follows:  
18        17-26-319. Expiration, renewal, and reinstatement.

19        (a) Licenses of cosmetologists, instructors, electrologists,  
20 aestheticians, and manicurists shall expire on the licensee's birthday on a  
21 ~~biennial~~ annual basis.

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

24                (1) Annually on December 31;

25                (2) Biennially on December 31; or

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

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

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

35        (e) After five (5) years from the date of its expiration, a license  
36 may be reinstated upon the filing of an application as the department board

1 may prescribe, the payment of the examination fee, and the passing of the  
2 examination required by the ~~department~~ board.

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

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

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

14 (3) The receipt of a lifetime license shall not exempt a  
15 licensee from:

- 16 (A) Complying with any applicable law or rule; and  
17 (B) Receiving a penalty for failing to comply with an  
18 applicable law or rule.

19  
20 SECTION 19. Arkansas Code § 17-26-321 is amended to read as follows:  
21 17-26-321. Reissuance and reinstatement.

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

25  
26 SECTION 20. Arkansas Code § 17-26-402 is amended to read as follows:  
27 17-26-402. Cosmetological establishments - License.

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

31 (b) The application shall be accompanied by the required licensing  
32 fee.

33  
34 SECTION 21. Arkansas Code § 17-26-403 is amended to read as follows:  
35 17-26-403. School of cosmetology - Application to operate - License.

1       ~~(a) Schools of cosmetology shall be conducted as provided in this~~  
2 ~~subchapter.~~

3       ~~(b)(1) A person, firm, or corporation desiring to conduct a school of~~  
4 ~~cosmetology shall apply to the Department of Health for approval.~~

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

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

11             ~~(B) In such a case the Department of Health shall issue a~~  
12 ~~license for the fractional part of the year.~~

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

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

19       (a) Schools of cosmetology shall be conducted as provided in this  
20 subchapter.

21       (b)(1) A person, firm, or corporation desiring to conduct a school of  
22 cosmetology shall apply to the State Board of Cosmetology for approval.

23             (2) The Department of Education shall not be required to apply  
24 to the board for approval.

25             (3)(A) When an application is made after January 1, the portion  
26 of the registration fee that the unexpired number of months in the year bears  
27 to the entire year, including the month the application is made, shall be  
28 paid to the board.

29             (B) In such a case the board shall issue a license for the  
30 fractional part of the year.

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

1        (d) The license authorizes the school of cosmetology holding it to  
 2 transact operations in this state during the year or fraction thereof for  
 3 which it is issued subject to the rules of the board.

4        (e) This section shall not be construed as authorization or permission  
 5 to conduct a school of cosmetology without a valid, existing, and unexpired  
 6 license.

7  
 8        SECTION 22. Arkansas Code § 17-26-404 is amended to read as follows:  
 9        17-26-404. Licensing requirements – Expiration – Renewal.

10        (a) Licensing for cosmetological establishments and schools of  
 11 cosmetology expires ~~pursuant to~~ under § 17-26-319(b).

12        ~~(b)(1)~~ (b)(1) An application for renewal of a license shall be filed with the  
 13 ~~Department of Health~~ State Board of Cosmetology, accompanied by the required  
 14 renewal fee.

15        ~~(e)(2)~~ (2) Thereupon, the ~~department~~ board shall renew the license  
 16 for the appropriate time period.

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

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

26  
 27        SECTION 23. Arkansas Code § 17-26-406 is amended to read as follows:  
 28        17-26-406. Refusal or cancellation of school license – Causes.

29        ~~(a)(1)~~ (1) A school shall not be licensed until the ~~Department of Health~~  
 30 State Board of Cosmetology has had ample opportunity to verify sworn  
 31 statements as to the actual ownership. In this respect, if false statements  
 32 are submitted to the ~~department~~ board in connection with a license  
 33 application, this in itself shall constitute sufficient grounds for the  
 34 refusal to grant any application under this subchapter.

35        (2) If an application is granted and thereafter the ~~department~~  
 36 board discovers that false statements were made in connection therewith, this

1 shall constitute sufficient grounds for the cancellation of the school  
2 license even though the false statements are detected after a license has  
3 been issued.

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

7 (2) A school license shall not be issued until the real owner  
8 files with the ~~department~~ board a statement definitely designating who is  
9 authorized to accept service of notice from the ~~department~~ board and to  
10 transact all business negotiations on behalf of the school, including answers  
11 to citations for hearing and compliance with rulings issued by the  
12 ~~Cosmetology Technical Advisory Committee~~ board.

13  
14 SECTION 24. Arkansas Code § 17-26-407(b), concerning inspections of  
15 cosmetology schools, is amended to read as follows:

16 (b) An applicant shall not be granted a license to operate a school  
17 unless the ~~Department of Health~~ State Board of Cosmetology finds that  
18 sufficient equipment has been installed for the requirements of enrolling a  
19 minimum of not fewer than twenty-five (25) bona fide students and that not  
20 fewer than twenty-five (25) bona fide full-time student registration requests  
21 have been received in the case of any new school.

22  
23 SECTION 25. Arkansas Code § 17-26-408(5), concerning duties of  
24 cosmetology schools, is amended to read as follows:

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

30  
31 SECTION 26. Arkansas Code § 17-26-410(a)(2), concerning cosmetology  
32 instructor qualifications, is amended to read as follows:

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

36

1 SECTION 27. Arkansas Code § 17-26-411 is amended to read as follows:  
2 17-26-411. Instructors – Duties – Number.

3 (a) All instructors shall be continuously engaged in teaching students  
4 in theoretical or practical work. Except when instructing a student, an  
5 instructor may not practice upon a client, and any instructor who does so is  
6 subject to disciplinary action by the ~~Cosmetology Technical Advisory~~  
7 ~~Committee~~ State Board of Cosmetology.

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

11  
12 SECTION 28. Arkansas Code § 17-26-412(b), concerning cosmetology  
13 curriculum, is amended to read as follows:

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

17  
18 SECTION 29. Arkansas Code § 17-26-413(b), concerning electrology  
19 courses, is amended to read as follows:

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

22  
23 SECTION 30. Arkansas Code § 17-26-415 is amended to read as follows:  
24 17-26-415. Student registration – Reregistration on transfer.

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

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

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

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

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SECTION 31. Arkansas Code § 17-26-417(d) and (e), concerning cosmetology student work, is amended to read as follows:

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

- (A) The student agrees to participate;
- (B) The student has completed three-quarters ( $\frac{3}{4}$ ) of the course of study;
- (C) The student is accompanied by and acts under the direct supervision of a licensed instructor; and
- (D) The student ~~receives no~~ does not receive any credit hours toward the course of study.

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

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

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

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

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

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

- (4) The student permit shall be:
- (A) Maintained by the owner of the school attended by the student during the student's enrollment; and
  - (B) Returned to the ~~department~~ board along with a copy of the student's ~~Certificate of Training~~ certificate of training upon the conclusion of the student's enrollment in the school.

SECTION 32. Arkansas Code § 17-26-418 is amended to read as follows:  
17-26-418. Cosmetology courses in public schools.

*(a)(1) The State Board of Cosmetology shall promulgate rules establishing standards and curriculum for educational institutions operating*

1 cosmetological schools.

2 (2) All public educational institutions operating cosmetological  
 3 schools shall comply with the standards and rules promulgated by the State  
 4 Board of Health Cosmetology.

5 ~~(2)(A)~~ (3)(A) However, the responsibility for approval of  
 6 cosmetological schools in public educational institutions shall be the sole  
 7 responsibility of the State Board of Career Education.

8 (B) In approving a cosmetological school in a public  
 9 educational institution, the State Board of Career Education shall use the  
 10 same application process and requirements as the State Board of ~~Health~~  
 11 Cosmetology uses for approval of all other cosmetological schools.

12 (b) ~~Such schools~~ Cosmetological schools in a public educational  
 13 institution shall not be required to obtain a license as prescribed in this  
 14 chapter.

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

26

27 SECTION 33. Arkansas Code § 25-16-903(17), concerning stipends  
 28 available to state boards, is amended to read as follows:

29 (17) ~~Cosmetology Technical Advisory Committee~~ State Board of  
 30 Cosmetology;

31

32 SECTION 34. TEMPORARY LANGUAGE. DO NOT CODIFY. The Governor shall  
 33 call the first meeting of the State Board of Cosmetology no later than July  
 34 31, 2013.

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