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3 90th General Assembly
4 Regular Session, 2015

A Bill

HOUSE BILL 1953

5
6 By: Representative Fielding
7 By: Senator Elliott

8 Filed with: House Committee on Public Health, Welfare, and Labor
9 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

13
14
15 TO CREATE THE STATE BOARD OF COSMETOLOGY.
16

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 17-26-102(a)(2), concerning the definition
22 of "cosmetological establishment", is amended to read as follows:

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

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

30 (B) Nursing facilities as defined under § 20-10-1401;
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32 SECTION 2. Arkansas Code § 17-26-102(a)(7), concerning the definition
33 of "postsecondary school of cosmetology", is amended to read as follows:

34 (7) "Postsecondary school of cosmetology" means a school of
35 cosmetology that offers a postsecondary curriculum approved by the ~~Department~~
36 of Health State Board of Cosmetology;

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

(a)(1) It is unlawful for any person, firm, or corporation to violate this chapter or a rule adopted by the ~~Cosmetology Technical Advisory Committee~~ State Board of Cosmetology pursuant to this chapter.

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

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

(b)(1) Being found guilty of a criminal penalty is an unclassified misdemeanor and is punishable by a fine in any sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than ninety (90) days, or by both fine and imprisonment.

(2) After being found guilty of an unclassified misdemeanor under this section, a subsequent charge under this section is a Class C misdemeanor.

(3) All prosecuting attorneys of the state and all political subdivisions of the state shall enforce this chapter and prosecute any person or entity violating it.

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

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

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

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

(C) The ~~committee~~ board shall not reinstate a license that has been suspended under subdivision (c)(3)(A) of this section, except upon

1 proof that the licensee has been restored to a mental condition that would
2 allow the licensee to comply with the requirements of this chapter.

3 (4)(A) Whenever the ~~committee~~ board finds that a licensee or a
4 holder of a permit issued by the ~~committee~~ board is guilty of a violation of
5 the rules of the ~~committee~~ board or the laws of this state pertaining to any
6 occupation, profession, or business licensed or regulated by the ~~committee~~
7 board, the ~~committee~~ board may impose a penalty on the licensee or permit
8 holder in lieu of suspension or revocation of the license or permit.

9 (B) Upon imposition of a penalty in lieu of suspension or
10 revocation of a license or permit, the ~~committee~~ board may require that the
11 licensee or permit holder pay a penalty to the ~~committee~~ board for the
12 violation with the condition that the license or permit may be suspended
13 until the penalty is paid.

14 (C)(i) Prior to the imposition of a penalty, the ~~committee~~
15 board shall hold an investigation and hearing after notice to the licensee or
16 his or her attorney.

17 (ii) The penalty may be imposed in lieu of revocation
18 or suspension of a license or permit only if the ~~committee~~ board finds that
19 the public health, safety, welfare, and morals would not be impaired and that
20 the penalty achieves the desired disciplinary result.

21 (5)(A) The ~~committee~~ board shall establish by rule the penalty
22 system to be imposed under this section.

23 (B) The minimum penalty shall be twenty-five dollars
24 (\$25.00), and a maximum penalty of one thousand dollars (\$1,000) is
25 authorized if the penalty is imposed by the ~~committee~~ board in lieu of
26 revocation or suspension of a license or permit.

27 (C) The ~~committee~~ board shall establish by rule an option
28 that mandates a person to attend a health and safety training course in lieu
29 of or in addition to paying a penalty.

30 (6) The power of the ~~committee~~ board to impose penalties shall
31 not be affected by any other civil or criminal proceeding concerning the
32 violation.

33 (d) The ~~committee~~ board may refuse to issue a license to any person
34 upon reasonable evidence that the person would jeopardize the health and
35 safety of the public.

1 (e) Any person penalized by the ~~committee~~ board under this chapter may
2 appeal any order of the ~~committee~~ board in the manner provided by law.

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

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

7 17-26-105. Grounds for disciplinary action.

8 The grounds for disciplinary action are as follows:

9 (1) Failure of a person, firm, or corporation operating a
10 cosmetological establishment or school of cosmetology or engaged in the
11 practice of cosmetology or any of its branches to comply with the
12 requirements of this chapter and the regulations of the ~~Cosmetology Technical~~
13 ~~Advisory Committee~~ State Board of Cosmetology;

14 (2) Failure to comply with the rules governing health and safety
15 adopted by the ~~committee~~ board and approved by the ~~State Board of Health~~
16 board for the regulation of cosmetological establishments, schools of
17 cosmetology, or the practice of the occupation of cosmetician or
18 cosmetologist;

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

21 (4) Gross malpractice;

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

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

26 (7) Advertisement by means of knowingly false or deceptive
27 statements;

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

31 (9) Failure to display the license;

32 (10) Conviction under the laws of the United States or any state
33 or territory of the United States of a crime that:

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

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

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

12 (12) Failure to wear clean outer garments, as prescribed by the
13 ~~committee~~ board, to allow the safe and hygienic practice of cosmetology or
14 any branch thereof;

15 (13) Any other unfair or unjust practice, method, or dealing that
16 the ~~committee~~ board finds may justify such an action or failure to follow
17 guidelines concerning the use of chemicals or equipment as established by
18 rule of the ~~committee~~ board; or

19 (14) Fraud or deception in procuring a license.
20

21 SECTION 5. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended
22 to read as follows:

23 Subchapter 2 - ~~Cosmetology Technical Advisory Committee~~ State Board of
24 Cosmetology
25

26 17-26-201. Creation - Members.

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

29 (b)(1) The ~~committee~~ board shall consist of ~~seven (7)~~ ten (10) members
30 appointed by the ~~State Board of Health~~ Governor to ~~two-year~~ five-year terms.

31 (2) A member may be removed from the ~~committee~~ board by the ~~board~~
32 Governor for cause.

33 (3) A member shall not serve more than ten (10) years on the
34 ~~committee~~ board.

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

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

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

8 (3) ~~One (1) member~~ Two (2) members shall be ~~an owner~~ owners of a
 9 licensed ~~school~~ schools of cosmetology ~~or shall be a director of cosmetology~~
 10 ~~at a state supported school;~~

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

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

14 ~~(5) Three (3) members shall represent the cosmetology industry at~~
 15 ~~large or a related field~~

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

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

22 (2) A member of the ~~committee~~ board shall not have a contract or
 23 a pending bid for a contract with the ~~Department of Health concerning~~
 24 ~~cosmetology~~ board.

25 (e) ~~(1) Only two (2)~~ No more than three (3) members of the ~~committee~~
 26 board may be appointed from any one (1) congressional district.

27 (2) The consumer representative may be appointed from the state
 28 at large.

29 (f) Vacancies occurring during a term shall be filled for the unexpired
 30 term.

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

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

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

3
4 17-26-204. Inspectors and professional employees.

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

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

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

17
18 17-26-205. Powers and duties.

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

21 (1) Prescribe the duties of the ~~department's~~ employees of the
22 State Board of Cosmetology with day-to-day employment decisions to be made by
23 the Director of Cosmetology;

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

28 (3) Adopt a seal;

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

32 ~~(3)~~(5) Issue permits and licenses to the applicants who are
33 entitled thereto;

34 ~~(4)~~(6) Register cosmetological establishments and schools of
35 cosmetology;

36 ~~(5)~~ Implement the State Board of Health's

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 given to the study of cosmetology or any of its branches, under a
10 cosmetologist or in a school of cosmetology, licensed under the laws of
11 another state; and

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

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

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

28 (d)(1) The ~~department~~ State Board of Cosmetology shall promulgate rules
29 setting a standard educational curriculum for schools of cosmetology.

30 (2) The standard educational curriculum shall distinguish between
31 secondary and postsecondary educational requirements for the schools of
32 cosmetology.

33
34 17-26-206. Meetings – Examinations.

1 (a) The ~~Department of Health~~ inspectors for the State Board of
2 Cosmetology or a private testing entity shall administer licensing
3 examinations for eligible applicants on a monthly basis.

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

8
9 17-26-207. Registration record.

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

18
19 17-26-208. Investigations, hearings, or inspections.

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

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

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

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

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

32
33 17-26-209. Fees – Method of payment.

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

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

5
 6 17-26-210. Disposition of funds.

7 (a) All fees, fines, and penalties collected under this chapter and on
 8 behalf of the ~~State Board of Health~~ State Board of Cosmetology and all
 9 receipts of every kind and nature collected under this chapter shall be paid
 10 into the State Treasury and shall be credited to the ~~Public Health Fund~~
 11 Cosmetology Operating Fund.

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

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

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

21
 22 SECTION 6. Arkansas Code Title 17, Chapter 26, Subchapter 2, is
 23 amended to add additional sections to read as follows:

24 17-26-211. Officers.

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

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

29
 30 17-26-112. Director.

31 (a) The State Board of Cosmetology shall appoint a Director of
 32 Cosmetology with secretarial qualifications, who shall:

33 (1) Not be a member of the board; and

34 (2) Have had at least five (5) years' experience in the
 35 secretarial and administrative employment in this state immediately before
 36 appointment.

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

6
 7 SECTION 7. Arkansas Code § 17-26-302(a), concerning applications for
 8 examination and licensure as a cosmetologist, is amended to read as follows:

9 (a) Each application for admission to examination and each application
 10 for a license as a cosmetologist or any branch of cosmetology shall be in
 11 writing on blanks prepared and furnished by the ~~Department of Health~~ State
 12 Board of Cosmetology.

13
 14 SECTION 8. Arkansas Code § 17-26-303(c), concerning examinations, is
 15 amended to read as follows:

16 (c) The examination shall be consistent in both practical and technical
 17 requirements and of sufficient thoroughness to satisfy the ~~Cosmetology~~
 18 ~~Technical Advisory Committee~~ State Board of Cosmetology as to the applicant's
 19 skill in and knowledge of the practice of the occupation or occupations for
 20 which a license is sought.

21
 22 SECTION 9. 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 the
4 laws of another state whose licensing requirements are equal to or stricter
5 than those in Arkansas.

6
7 SECTION 10. 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) 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 the
26 laws of another state whose licensing requirements are equal to or stricter
27 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 11. 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 12. Arkansas Code § 17-26-309 is amended to read as follows:

7 17-26-309. Examination for cosmetologists and all branches of
8 cosmetology.

9 Examinations for license as cosmetologists and all other branches of
10 cosmetology shall include a written core and law test and a practical test
11 that embrace all phases of cosmetology as deemed necessary by the ~~Cosmetology~~
12 ~~Technical Advisory Committee~~ State Board of Cosmetology to protect the
13 health, safety, and welfare of the public.

14
15 SECTION 13. Arkansas Code § 17-26-310 is amended to read as follows:

16 17-26-310. Failure to appear for examination.

17 The ~~Cosmetology Technical Advisory Committee~~ State Board of Cosmetology
18 shall promulgate rules concerning an applicant for an examination who fails
19 to appear for the examination.

20
21 SECTION 14. Arkansas Code § 17-26-312 is amended to read as follows:

22 17-26-312. Issuance of license.

23 (a) Persons who pass any examination under this chapter shall receive a
24 license from the ~~Cosmetology Technical Advisory Committee~~ State Board of
25 Cosmetology.

26 (b) This license, except for renewal fees, entitles the holder to
27 engage in the practice of the specified branch of cosmetology upon the public
28 in a licensed cosmetological establishment, except as provided in § 17-26-
29 102(3)(B).

30
31 SECTION 15. Arkansas Code § 17-26-314 is amended to read as follows:

32 17-26-314. Specificity of permit or license.

33 Every permit or license issued by the ~~Cosmetology Technical Advisory~~
34 ~~Committee~~ State Board of Cosmetology shall specify the occupation or
35 occupations that the permit and license entitle the holder to practice.

1 SECTION 16. Arkansas Code § 17-26-315 is amended to read as follows:
2 17-26-315. Reciprocity.

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

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

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

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

21 (4) That the applicant passes an Arkansas law examination under
22 this chapter.
23

24 SECTION 17. 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 ~~Department of Health~~ State Board of Cosmetology, shall notify
30 the ~~department~~ board of his or her new place of business. Upon receipt of the
31 notification, the ~~department~~ board shall make the necessary changes in the
32 register.
33

34 SECTION 18. Arkansas Code § 17-26-319(d)-(f), concerning expiration,
35 renewal, and reinstatement of licenses, is amended to read as follows:

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

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

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

15
 16 SECTION 19. Arkansas Code § 17-26-321 is amended to read as follows:

17 17-26-321. Reissuance and reinstatement.

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

21
 22 SECTION 20. Arkansas Code Title 17, Chapter 26, Subchapter 3, is
 23 amended to add an additional section to read as follows:

24 17-26-324. Use of funds from penalties.

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

31
 32 SECTION 21. Arkansas Code § 17-26-401(b), concerning license
 33 requirements, is amended to read as follows:

34 (b) It shall be unlawful for any person to employ or to allow to be
 35 employed any person not licensed by the ~~Cosmetology Technical Advisory~~
 36 ~~Committee~~ State Board of Cosmetology in or about a cosmetological

1 establishment as a cosmetologist manager-operator, or as a manicurist, or as
2 an electrologist, or as an aesthetician.

3
4 SECTION 22. Arkansas Code § 17-26-402 is amended to read as follows:

5 17-26-402. Cosmetological establishments – License.

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

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

10
11 SECTION 23. Arkansas Code § 17-26-403 is amended to read as follows:

12 17-26-403. School of cosmetology – Application to operate – License.

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

15 (b)(1) A person, firm, or corporation desiring to conduct a school of
16 cosmetology shall apply to the ~~Department of Health~~ State Board of
17 Cosmetology for approval.

18 (2) The Department of Education shall not be required to apply to
19 the ~~Department of Health~~ board for approval.

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

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

26 (c) The license authorizes the school of cosmetology holding it to
27 transact operations in this state during the year or fraction thereof for
28 which it is issued subject to the rules of the ~~Department of Health~~ board.

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

32 (e) A license issued by the ~~Department of Health~~ board shall designate
33 on the written license whether the school of cosmetology is licensed as:

34 (1) A school of cosmetology; or

35 (2) A postsecondary school of cosmetology.

36

1 SECTION 24. Arkansas Code § 17-26-404 is amended to read as follows:
2 17-26-404. Licensing requirements – Expiration – Renewal.

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

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

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

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

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

19
20 SECTION 25. Arkansas Code § 17-26-406 is amended to read as follows:
21 17-26-406. Refusal or cancellation of school license – Causes.

22 (a) A school shall not be licensed until the ~~Department of Health~~ State
23 Board of Cosmetology has had ample opportunity to verify sworn statements as
24 to the actual ownership. In this respect, if false statements are submitted
25 to the ~~department~~ board in connection with a license application, this in
26 itself shall constitute sufficient grounds for the refusal to grant any
27 application under this subchapter. If an application is granted and
28 thereafter the ~~department~~ board discovers that false statements were made in
29 connection therewith, this shall constitute sufficient grounds for the
30 cancellation of the school license even though the false statements are
31 detected after a license has been issued.

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

35 (2) A school license shall not be issued until the real owner
36 files with the ~~department~~ board a statement definitely designating who is

1 authorized to accept service of notice from the ~~department~~ board and to
2 transact all business negotiations on behalf of the school, including answers
3 to citations for hearing and compliance with rulings issued by the
4 ~~Cosmetology Technical Advisory Committee~~ board.

5
6 SECTION 26. Arkansas Code § 17-26-407(b), concerning inspection of
7 cosmetology school facilities, is amended to read as follows:

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

14
15 SECTION 27. Arkansas Code § 17-26-408(5), concerning duties of a
16 school of cosmetology, is amended to read as follows:

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 ~~Department of~~
21 ~~Health~~ State Board of Cosmetology.

22
23 SECTION 28. Arkansas Code § 17-26-410(a)(2), concerning qualifications
24 for an instructor of cosmetology, is amended to read as follows:

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

27
28 SECTION 29. Arkansas Code § 17-26-411 is amended to read as follows:
29 17-26-411. Instructors – Duties – Number.

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

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

4
5 SECTION 30. Arkansas Code § 17-26-412(b), concerning the cosmetology
6 curriculum, is amended to read as follows:

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

10
11 SECTION 31. Arkansas Code § 17-26-413(b), concerning an electrology
12 course, is amended to read as follows:

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

15
16 SECTION 32. Arkansas Code § 17-26-414(b), concerning special
17 cosmetology programs, is amended to read as follows:

18 (b) When a student completes the required number of hours for a special
19 program and reenrolls for a cosmetology program or when a student transfers
20 from a special program to a cosmetology program prior to completion of the
21 special program, he or she shall be given credit for the number of hours
22 spent in connection with the special program, but not to exceed the maximum
23 hours required thereof, toward the satisfaction of the time required for the
24 cosmetology program as determined by rules of the ~~Cosmetology Technical~~
25 ~~Advisory Committee~~ State Board of Cosmetology.

26
27 SECTION 33. Arkansas Code § 17-26-415 is amended to read as follows:

28 17-26-415. Student registration – Reregistration on transfer.

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

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

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

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

6
7 SECTION 34. Arkansas Code § 17-26-417(d)(3) and (4) and (e),
8 concerning student work required by cosmetology schools, is amended to read
9 as follows:

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

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

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

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

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

20 (4) The student permit shall be:

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

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

26
27 SECTION 35. Arkansas Code § 17-26-418 is amended to read as follows:
28 17-26-418. Cosmetology courses in public schools.

29 (a)(1) All public educational institutions operating cosmetological
30 schools shall comply with the standards and rules promulgated by the ~~State~~
31 ~~Board of Health~~ State Board of Cosmetology.

32 (2)(A) However, the responsibility for approval of cosmetological
33 schools in public educational institutions shall be the sole responsibility
34 of the State Board of Career Education.

35 (B) In approving a cosmetological school in a public
36 educational institution, the State Board of Career Education shall use the

1 same application process and requirements as the ~~State Board of Health~~ State
2 Board of Cosmetology uses for approval of all other cosmetological schools.

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

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

16
17 SECTION 36. Arkansas Code Title 19, Chapter 6, Subchapter 8, is
18 amended to add an additional section to read as follows:

19 19-6-829. Cosmetology Operating Fund.

20 (a) There is created on the books of the Treasurer of State, the
21 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
22 fund to be known as the "Cosmetology Operating Fund"

23 (b)(1) The fund shall consist of those special revenues as specified
24 in § 19-6-301(401).

25 (2) The fund shall also consist of any other revenues authorized
26 by law.

27 (c) The fund shall be used exclusively for the maintenance, operation,
28 and improvement of the State Board of Cosmetology.

29
30
31 Referred by the Arkansas House of Representatives

32 Prepared by: VJF