

STUDY PROPOSAL 2019-081

1
2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

A Bill

SENATE BILL 567

5
6 By: Senator J. Cooper

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

For An Act To Be Entitled

9
10 AN ACT TO COMBINE THE COSMETOLOGY TECHNICAL ADVISORY
11 COMMITTEE AND THE STATE BOARD OF BARBER EXAMINERS;
12 AND FOR OTHER PURPOSES.

Subtitle

13
14
15 TO COMBINE THE COSMETOLOGY TECHNICAL
16 ADVISORY COMMITTEE AND THE STATE BOARD OF
17 BARBER EXAMINERS.
18

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

22
23 SECTION 1. Arkansas Code § 6-61-301(a)(1)(A)(iv), concerning the
24 incorporation of educational coursework, is amended to read as follows:

25 (iv) School regulated by the Barbering and
26 Cosmetology Technical Advisory Committee.

27
28 SECTION 2. Arkansas Code § 6-61-301(a)(1)(B)(iii), concerning the
29 incorporation of educational coursework, is amended to read as follows:

30 (iii) School regulated by the Barbering and
31 Cosmetology Technical Advisory Committee.

32
33 SECTION 3. Arkansas Code § 6-61-301(a)(2), concerning the
34 incorporation of educational coursework, is amended to read as follows:

35 (2) State-supported vocational and technical schools,
36 institutions covered under § 6-51-601 et seq., or institutions regulated by

1 the Barbering and Cosmetology Technical Advisory Committee shall obtain
2 approval for programs in which a degree could be granted from both the
3 Arkansas Higher Education Coordinating Board and the State Board of
4 Education.

5
6 SECTION 4. Arkansas Code Title 17, Chapter 20, is repealed.

7 CHAPTER 20

8 BARBERS

9 SUBCHAPTER 1 — BARBER LAW — GENERAL PROVISIONS

10
11 ~~17-20-101. Title.~~

12 ~~This chapter shall be known and may be cited as the “Arkansas Barber~~
13 ~~Law”.~~

14 ~~17-20-102. Definitions.~~

15 ~~(a) As used in this chapter, unless the context otherwise requires,~~
16 ~~“barbering” means any one (1) or any combination of the following practices~~
17 ~~when performed for cosmetic purposes and done for the public generally for~~
18 ~~pay, either directly or indirectly in any location defined as a barber shop:~~

19 ~~(1) Shaving or trimming the beard;~~

20 ~~(2) Cutting hair;~~

21 ~~(3) Giving facial and scalp massage or application of oils,~~
22 ~~creams, lotions, or other preparations, either by hand or mechanical~~
23 ~~appliances;~~

24 ~~(4) Singeing, shampooing, or applying chemicals; and~~

25 ~~(5) Applying cosmetic preparations, antiseptics, powders, oils,~~
26 ~~clays, or lotions to the scalp, face, or neck.~~

27 ~~(b) Use of the traditional symbol known as the “barber pole”, which is~~
28 ~~composed of a vertical cylinder or pole with a ball on top, with alternating~~
29 ~~stripes of any combination including red and white, and red, white, and blue,~~
30 ~~which run diagonally along the length of the cylinder or pole, or any~~
31 ~~likeness thereof, with the intent to mislead the public in any manner that~~
32 ~~would make the public believe that barbering was being practiced in or that a~~
33 ~~licensed barber was employed in an establishment that does not employ barbers~~
34 ~~is prohibited.~~

35 ~~(c) Such practices when done for the treatment of physical or mental~~
36 ~~ailments or diseases shall not constitute barbering.~~

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~~17-20-103. Exemptions — Construction.~~

~~(a) The following persons, firms, or corporations are exempt from the provisions under this chapter while in the proper discharge of their professional duties:~~

~~(1) Persons licensed by the laws of this state to practice the healing arts;~~

~~(2) Commissioned medical or surgical officers of the United States Army, United States Navy, or United States Commissioned Corps of the Public Health Service;~~

~~(3) Persons licensed or registered by the Arkansas State Board of Nursing;~~

~~(4) Undertakers and morticians; and~~

~~(5) Jails, prisons, or penitentiaries.~~

~~(b) Nothing contained in this chapter shall be construed so as to conflict in any manner with the laws regulating the vocation of cosmetic therapy or beauty culture.~~

~~17-20-104. Penalties.~~

~~(a) Any person, firm, or corporation desiring to operate as a barber, barbershop, barber corporation, or barber school or college which fails to file an application for certificate of registration shall be deemed guilty of a misdemeanor.~~

~~(b) Any person, firm, or corporation which shall operate as a barber, barbershop, barber corporation, or barber school or college without a certificate of registration duly and legally issued by the State Board of Barber Examiners shall be deemed guilty of a misdemeanor, punishable upon conviction by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100).~~

~~(c) The willful making of any false statement to a material matter in any oath or affidavit which is required under this chapter shall be perjury and punishable as such.~~

~~(d) Each day of unlawful practice as described in this section shall constitute a separate offense.~~

1 ~~(e) It shall be the duty of all prosecuting attorneys of the state and~~
2 ~~all political subdivisions of the state to enforce the provisions of this~~
3 ~~chapter and prosecute persons violating them.~~

4
5 SUBCHAPTER 2 — BARBER LAW — STATE BOARD OF BARBER EXAMINERS

6
7 ~~17-20-201. Creation — Members.~~

8 ~~(a)(1) There is created a State Board of Barber Examiners, consisting~~
9 ~~of the Secretary for the State Board of Health, who shall be an ex officio~~
10 ~~member of the board, and five (5) members to be appointed by the Governor for~~
11 ~~a term of six (6) years.~~

12 ~~(2) Three (3) of the members so appointed shall be practicing~~
13 ~~barbers who have followed the occupation of barbering in this state for at~~
14 ~~least five (5) years immediately before their appointment.~~

15 ~~(3) One (1) member appointed by the Governor will be a public~~
16 ~~member to represent the consumer, and one (1) member appointed by the~~
17 ~~Governor to represent persons sixty-five (65) years of age and older. The two~~
18 ~~(2) members appointed under this subdivision (a)(3) shall not be actively~~
19 ~~engaged in or retired from the barbering profession. The two (2) positions~~
20 ~~may not be held by the same person. Both shall be full voting members but~~
21 ~~shall not participate in the grading of examinations.~~

22 ~~(4) The five (5) members shall be appointed in such manner that~~
23 ~~two (2) of them shall reside in the geographical area north of I-40, two (2)~~
24 ~~shall reside in the geographical area south of I-40, and one (1) shall be~~
25 ~~appointed from the state at large.~~

26 ~~(b)(1) Each member shall hold office until a successor is appointed~~
27 ~~and qualified.~~

28 ~~(2) The Governor shall have the power to remove any member for~~
29 ~~gross incompetency, gross immorality, disability, any abuse of his or her~~
30 ~~official power, or other good cause and shall fill any vacancy thus~~
31 ~~occasioned by appointment within thirty (30) days after the vacancy occurs.~~

32 ~~(3) Members appointed to fill vacancies caused by death,~~
33 ~~resignation, or removal shall serve only for the unexpired term of their~~
34 ~~predecessors.~~

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

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~~17-20-202. Officers and proceedings.~~

~~(a) The State Board of Barber Examiners shall organize by electing a chair from its own membership.~~

~~(b) A majority of the board shall constitute a quorum and may perform and exercise all the duties and powers devolving upon it.~~

~~(c) The board may be furnished suitable quarters for the conduct of its business and shall adopt and use a common seal for the authentication of its orders and records.~~

~~17-20-203. Executive secretary.~~

~~(a)(1) The State Board of Barber Examiners is authorized to employ an executive secretary, who shall not be a member of the board and who shall have the responsibility of keeping:~~

~~(A) A record of the board's proceedings;~~

~~(B) A record of persons registered as barbers and apprentices showing the name, place of business, and residence of each and the date and number of his or her certificate;~~

~~(C) A record of all certificates issued, refused, renewed, suspended, or revoked; and~~

~~(D) Such other records as may be directed by the board or required by law.~~

~~(2) The records shall be open to public inspection at all reasonable times.~~

~~(b) The Executive Secretary of the State Board of Barber Examiners shall perform such other functions and duties as may be prescribed by law or directed by the board.~~

~~(c) The executive secretary shall receive such compensation for his or her services as may be prescribed by the board within the limitations of the biennial appropriation therefor made by the General Assembly.~~

~~17-20-204. Personnel.~~

~~The State Board of Barber Examiners is authorized to employ such other personnel as it deems necessary to carry out the provisions of this chapter, within such limits as may be provided by biennial appropriation of the~~

~~1 General Assembly. All employees shall work under the direct supervision of
2 the Executive Secretary of the State Board of Barber Examiners.~~

~~3
4 17-20-205. Meetings.~~

~~5 The State Board of Barber Examiners shall hold a meeting at least
6 quarterly at a place where, in the discretion of the board, there are a
7 sufficient number of applicants to warrant holding an examination outside of
8 Little Rock for the purpose of:~~

~~9 (1) Passing upon barbers' applications;~~

~~10 (2) Conducting an examination to determine an applicant's
11 ability to receive a license and issuing or refusing to issue a license
12 thereon; and~~

~~13 (3) Transacting any other business which may properly come
14 before it.~~

~~15
16 17-20-206. Rules — Inspections.~~

~~17 (a) The State Board of Barber Examiners shall have authority to make
18 and promulgate reasonable rules for the administration of this chapter.~~

~~19 (b) The State Board of Barber Examiners shall prescribe sanitary
20 requirements for barbershops and barber schools, subject to the approval of
21 the State Board of Health.~~

~~22 (c) Any member of the State Board of Barber Examiners or its
23 inspectors shall have authority to enter upon and to inspect any barbershop
24 or barber school at any time during business hours.~~

~~25 (d) A copy of the rules and sanitary requirements adopted by the State
26 Board of Barber Examiners shall be furnished by the State Board of Barber
27 Examiners to the owner or manager of each barbershop and barber school, and a
28 copy shall be posted in a conspicuous place in the barbershop or barber
29 school.~~

~~30
31 17-20-207. Annual reports.~~

~~32 The State Board of Barber Examiners shall annually, on or before
33 January 1, make a report to the Governor of all its official acts during the
34 preceding year and of its receipts and disbursements and such recommendations
35 as it may deem expedient.~~

1 ~~17-20-208. Fees.~~

2 ~~(a) The State Board of Barber Examiners shall by rule establish~~
3 ~~reasonable registration fees, renewal fees, examination fees, and such other~~
4 ~~fees as it deems necessary and appropriate to fulfill its duties.~~

5 ~~(b) Funds thus realized shall be expended for:~~

6 ~~(1) The payment of the salary of the Executive Secretary of the~~
7 ~~State Board of Barber Examiners;~~

8 ~~(2) Expenses and stipends in accordance with § 25-16-901 et~~
9 ~~seq.;~~

10 ~~(3) Salary of registered barber inspectors and stenographers;~~

11 ~~(4) Retainer fees for attorneys;~~

12 ~~(5) Publication of this chapter;~~

13 ~~(6) Investigation of violations of this chapter; and~~

14 ~~(7) Such other purposes as may be directed by the board.~~

15
16 ~~17-20-209. Disposition of funds.~~

17 ~~(a)(1) All moneys received by the State Board of Barber Examiners~~
18 ~~under this chapter shall be paid to the Executive Secretary of the State~~
19 ~~Board of Barber Examiners, who shall give a proper receipt for those moneys~~
20 ~~to the Auditor of State the total amount received by him or her from all~~
21 ~~sources under this chapter.~~

22 ~~(2) The executive secretary shall at the same time deposit the~~
23 ~~entire amount of such receipts with the Treasurer of State, who shall place~~
24 ~~them to the credit of a special fund to be created and known as the "State~~
25 ~~Board of Barber Examiners Fund".~~

26 ~~(b)(1) By the Chair of the State Board of Barber Examiners and the~~
27 ~~executive secretary, the board shall from time to time certify to the Auditor~~
28 ~~of State the necessary expenses incurred by the board, including expense~~
29 ~~reimbursement and stipends as provided in § 25-16-901 et seq. The Auditor of~~
30 ~~State shall issue his or her warrant for the expenses, which shall be paid~~
31 ~~out of the funds so established for the maintenance of the board.~~

32 ~~(2) No order shall be drawn by the Auditor of State on any fund~~
33 ~~other than the State Board of Barber Examiners Fund for any stipends or~~
34 ~~expenses of the board incident to the administration of this chapter.~~

1 ~~(c) All funds so paid to the Treasurer of State shall remain and be a~~
2 ~~separate and permanent fund for the maintenance of the board and the~~
3 ~~administration of this chapter.~~

4

5 ~~SUBCHAPTER 3 — BARBER LAW — REGISTRATION~~

6

7 ~~17-20-301. Certificate required.~~

8 ~~(a) It shall be unlawful:~~

9 ~~(1) For any person, firm, or corporation to conduct or operate a~~
10 ~~barbering establishment, school of barbering, barbershop, or any other place~~
11 ~~of business in which any occupation of a barber is taught or practiced until~~
12 ~~licensed under this chapter and in compliance with this chapter relating to~~
13 ~~sanitation;~~

14 ~~(2) To act or attempt to act as a barber without a certificate~~
15 ~~of registration as a registered barber duly issued by the State Board of~~
16 ~~Barber Examiners; and~~

17 ~~(3) For any person, firm, or corporation to operate a barbershop~~
18 ~~unless it is operated under the personal supervision and management of a~~
19 ~~registered barber.~~

20 ~~(b) A person having charge of a barbering establishment or school of~~
21 ~~barbering, whether as an owner or an employee, shall not permit any room or~~
22 ~~part of a room in which any of the branches or practices of barbering are~~
23 ~~conducted, practiced, or taught to be used for sleeping, for residential~~
24 ~~purposes, or for any other purpose that would tend to make the room~~
25 ~~unsanitary.~~

26 ~~(c) A barbering establishment shall have a direct entrance separate~~
27 ~~and distinct from any entrance in connection with private quarters.~~

28 ~~(d)(1) It shall be unlawful for a person to employ or to allow to be~~
29 ~~employed a person not licensed by the board in or about a barber~~
30 ~~establishment as a barber manager.~~

31 ~~(2) If at any time the name, location, owner, or manager changes~~
32 ~~at any barbershop or barber school or college, the owner shall report that~~
33 ~~change by application and be subject to the fee established.~~

34 ~~(3) If a barbering establishment no longer employs a barber, or~~
35 ~~if a barbering establishment is closed, a new application shall be filed with~~
36 ~~the board.~~

1 ~~(e) It shall be the responsibility of all barbershop owners to assure~~
2 ~~that their employees or those who work in the establishment have appropriate~~
3 ~~licenses.~~

4 ~~(f) Barber establishments that have persons licensed by the~~
5 ~~Cosmetology Technical Advisory Committee shall also have their appropriate~~
6 ~~current licenses to practice.~~

7
8 ~~17-20-302. Qualifications of applicants.~~

9 ~~Any person shall be qualified to receive a certificate of registration~~
10 ~~to practice as a registered barber who:~~

11 ~~(1) Is qualified under this chapter;~~

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

13 ~~(3) Has passed a satisfactory examination conducted by the State~~
14 ~~Board of Barber Examiners to determine his or her fitness to practice~~
15 ~~barbering;~~

16 ~~(4) Is at least sixteen and one half (16 ½) years of age; and~~

17 ~~(5) Has received training approved by the appropriate licensing~~
18 ~~authorities.~~

19
20 ~~17-20-303. Application.~~

21 ~~(a) Any person, firm, or corporation desiring to operate as a barber,~~
22 ~~barber student, teacher manager instructor, teacher manager instructor~~
23 ~~student, barbershop, barber corporation, or barber school or college shall~~
24 ~~file an application for a certificate of registration on a form furnished by~~
25 ~~the State Board of Barber Examiners and pay the application fee.~~

26 ~~(b) Any person who desires to practice barbering in this state shall~~
27 ~~file with the Executive Secretary of the State Board of Barber Examiners a~~
28 ~~written application, duly notarized, with certification of at least one~~
29 ~~thousand five hundred (1,500) hours of barber training, together with:~~

30 ~~(1) Two (2) identical passport sized signed photographs;~~

31 ~~(2) A copy of his or her record of identification;~~

32 ~~(3) His or her Social Security number; and~~

33 ~~(4) Proof of education of at least the eighth grade for a barber~~
34 ~~applicant or high school graduate for a teacher manager instructor.~~

35 ~~(c) A barber applying for reciprocity who has an unrevoked or~~
36 ~~unexpired license issued by the proper authorities of another state~~

1 ~~certifying that he or she has completed a minimum of one thousand five~~
2 ~~hundred (1,500) hours of training, may be issued a certificate of~~
3 ~~registration as a registered barber upon making the application as required~~
4 ~~by this chapter and upon the payment of a reciprocity fee that shall include~~
5 ~~the license fee until the beginning of the next renewal period.~~

6 ~~(d)(1) An unlicensed person applying for reciprocity who has at least~~
7 ~~one thousand five hundred (1,500) hours of barber training may be granted~~
8 ~~registration by examination upon proof of training by the state board in the~~
9 ~~state in which the person received the training and upon making application~~
10 ~~as required by law and upon payment of a reciprocity examination fee to~~
11 ~~obtain registration in this state as a registered barber.~~

12 ~~(2) A barber applying for reciprocity who has fewer than one~~
13 ~~thousand five hundred (1,500) hours of barber training must also have been~~
14 ~~continuously engaged in the practice of barbering for at least one (1) year,~~
15 ~~in addition to providing proof of licensure and training by the state board~~
16 ~~where the applicant received training or holds a license, or complete the~~
17 ~~required number of one thousand five hundred (1,500) hours, and upon making~~
18 ~~application as required by law and upon payment of a reciprocity fee to~~
19 ~~obtain registration in this state as a registered barber.~~

20 ~~(e)(1) A person applying for reciprocity who is licensed in a foreign~~
21 ~~country as a barber is required to pass an examination administered by the~~
22 ~~State Board of Barber Examiners to qualify for a license in this state.~~

23 ~~(2) All documents submitted for the purpose of complying with~~
24 ~~the requirements for examination shall be original copies and translated into~~
25 ~~the English language.~~

26 ~~(3) The application shall be accompanied with a money order for~~
27 ~~the reciprocity and examination fee.~~

28 ~~(f) A person who has been continuously licensed or registered in~~
29 ~~another state to practice barbering as a teacher manager instructor who also~~
30 ~~meets the requirements under § 17-20-406 may be issued a certificate of~~
31 ~~registration as a registered barber and teacher manager instructor upon~~
32 ~~making application as required by law and upon payment of a reciprocity fee~~
33 ~~to obtain registration in this state as a registered barber, plus a teacher~~
34 ~~manager instructor reciprocity fee.~~

35
36 ~~17-20-304. Examinations.~~

1 ~~(a) An applicant for a certificate of registration to practice as a~~
2 ~~registered barber who fails to pass a satisfactory examination conducted by~~
3 ~~the State Board of Barber Examiners may apply for another examination at any~~
4 ~~future meeting of the board.~~

5 ~~(b) The fee for each reexamination shall be the same as the fee for~~
6 ~~original examination.~~

7 ~~(c) A person enrolled as a student in a barber school in this state~~
8 ~~shall be given credit for all time spent enrolled in the barber school,~~
9 ~~provided that his or her hours can be certified by the officials of the~~
10 ~~barber school the person attended.~~

11 ~~(d) Examinations shall include both a practical demonstration and a~~
12 ~~written and oral test and shall embrace the subjects usually taught in~~
13 ~~schools of barbering approved by the board.~~

14 ~~(e) A certificate of registered barber shall be issued by the board to~~
15 ~~any applicant who shall pass a satisfactory examination making a grade of not~~
16 ~~less than seventy-five percent (75%) in all subjects upon which he or she is~~
17 ~~examined and who shall possess the qualifications required in this chapter.~~

18
19 ~~17-20-305. Display of certificates.~~

20 ~~Every holder of a certificate of registration shall display it in a~~
21 ~~conspicuous place adjacent to or near his or her work chair.~~

22
23 ~~17-20-307. Renewal — Expiration — Restoration.~~

24 ~~(a) Every registered barber or teacher manager instructor who~~
25 ~~continues in active practice or service shall annually between July 1 and~~
26 ~~September 1 renew his or her certificate of registration or shop certificate~~
27 ~~of registration by paying the required fee.~~

28 ~~(b) Every certificate of registration which has not been renewed, as~~
29 ~~herein required, in any year shall expire on September 1 in that year.~~

30 ~~(c)(1) A registered barber or teacher manager instructor whose~~
31 ~~certificate of registration has expired may have his or her certificate or~~
32 ~~shop certificate of registration restored immediately upon payment of the~~
33 ~~required restoration fee.~~

34 ~~(2)(A) Any registered barber or teacher manager instructor who~~
35 ~~fails to keep his or her registration certificate renewed for not more than~~

1 ~~three (3) years may renew his or her certificate of registration upon payment~~
2 ~~of the required restoration fee for each year of delinquency.~~

3 ~~(B) If the time elapsed is more than three (3) years, he~~
4 ~~or she must take and pass the required examination and pay the examination~~
5 ~~fee as set forth by the State Board of Barber Examiners.~~

6 ~~(d)(1) A barber who holds a current license in this state shall be~~
7 ~~issued a personal lifetime license at eighty (80) years of age upon his or~~
8 ~~her request.~~

9 ~~(2) However, the shop license of a barber under subdivision~~
10 ~~(d)(1) of this section shall be renewed yearly.~~

11
12 ~~17-20-308. Grounds for disciplinary action.~~

13 ~~The State Board of Barber Examiners may refuse to issue or renew or may~~
14 ~~suspend or revoke any certificate of registration, take other appropriate~~
15 ~~disciplinary action, and impose a civil penalty as provided in § 17-20-310~~
16 ~~for any of the following:~~

17 ~~(1)(A) Conviction of a felony shown by a certified copy of the~~
18 ~~record of the court of conviction.~~

19 ~~(B) In accordance with § 5-14-129, the board shall refuse~~
20 ~~to issue or renew a certificate of registration or shall suspend or revoke a~~
21 ~~certificate of registration for a barber who is a registered sex offender.~~

22 ~~(C) It is unlawful for a sex offender who is required to~~
23 ~~register under the Sex Offender Registration Act of 1997, § 12-12-901 et~~
24 ~~seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly~~
25 ~~engage in an occupation or participate in a volunteer position that requires~~
26 ~~the sex offender to work or interact primarily and directly with a child~~
27 ~~under sixteen (16) years of age.~~

28 ~~(D) A violation of this section is a Class D felony;~~

29 ~~(2) Malpractice or gross incompetency;~~

30 ~~(3) Affliction of the applicant, registered barber, or~~
31 ~~registered apprentice barber with an infectious or communicable disease;~~

32 ~~(4) Advertising by means of knowingly false or deceptive~~
33 ~~statements;~~

34 ~~(5) Advertising, practicing, or attempting to practice under a~~
35 ~~trade name or name other than one's own;~~

1 ~~(6) Habitual drunkenness or habitual addiction to the use of~~
2 ~~morphine, cocaine, or other habit forming drugs;~~

3 ~~(7) Immoral or unprofessional conduct;~~

4 ~~(8) The violation of any of the sanitary regulations promulgated~~
5 ~~by either the board or the Department of Health for the regulation of~~
6 ~~barbershops and barber schools; or~~

7 ~~(9) Continuing employment in a barbershop wherein the sanitary~~
8 ~~regulations of the board or the department promulgated for the regulation of~~
9 ~~barbershops or barber schools are known by the registered barber or~~
10 ~~registered apprentice to be violated.~~

11
12 ~~17-20-309. Denial, suspension, or revocation — Procedure.~~

13 ~~(a) No action in refusing to issue or renew or in suspending or~~
14 ~~revoking a certificate of registration for any of the causes listed in § 17-~~
15 ~~20-308 shall be taken until the accused has been furnished with a statement~~
16 ~~of the specific charges against him or her and notice of the time and place~~
17 ~~of hearing thereof.~~

18 ~~(b) The statement of charges and notice must be served personally upon~~
19 ~~the person or mailed to his or her last known address at least twenty (20)~~
20 ~~days before the hearing.~~

21 ~~(c) The accused may be present at the hearing in person or by counsel,~~
22 ~~or both.~~

23 ~~(d) Upon the hearing of any such proceeding, the State Board of Barber~~
24 ~~Examiners may administer oaths and may procure, by its subpoena, the~~
25 ~~attendance of witnesses and the production of relevant books and papers.~~

26 ~~(e) Any circuit court or any judge of a circuit court, either in term~~
27 ~~time or in vacation, upon application either of the accused or of the board~~
28 ~~or member thereof, may, by order duly entered, require the attendance of~~
29 ~~witnesses and the production of relevant books and papers before the board in~~
30 ~~any hearing relating to the refusal, suspension, or revocation of~~
31 ~~certificates of registration.~~

32 ~~(f) If upon the hearing the board finds the charges are true, it may~~
33 ~~refuse to issue or renew a certificate of registration or may revoke or~~
34 ~~suspend the certificate if it has been issued.~~

1 ~~(g) Any person aggrieved by the action of the board, as provided in~~
2 ~~this section, may appeal from the action to the Pulaski County Circuit Court~~
3 ~~and to the Supreme Court as in other cases made and provided.~~

4
5 ~~17-20-310. Civil penalty.~~

6 ~~(a) Whenever the State Board of Barber Examiners, after a hearing~~
7 ~~conducted in accordance with the Arkansas Administrative Procedure Act, § 25-~~
8 ~~15-201 et seq., determines that any person has violated any provision of this~~
9 ~~chapter or any rule promulgated by the board under this chapter, the board~~
10 ~~may impose a civil penalty on the person not to exceed two hundred fifty~~
11 ~~dollars (\$250).~~

12 ~~(b)(1) If a licensed barber against whom a civil penalty has been~~
13 ~~imposed by the board fails to pay the penalty, the board may file an action~~
14 ~~in the Pulaski County Circuit Court to collect the civil penalty.~~

15 ~~(2) If the board prevails in the action, the defendant shall be~~
16 ~~directed to pay, in addition to the civil penalty, reasonable attorney's fees~~
17 ~~and costs incurred by the board in prosecuting the action.~~

18 ~~(c) Any person aggrieved by the action of the board imposing civil~~
19 ~~penalties may appeal the decision in the manner and under the procedure~~
20 ~~prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,~~
21 ~~for appeals from administrative decisions.~~

22
23 ~~SUBCHAPTER 4 — BARBER SCHOOLS AND POSTSECONDARY BARBER SCHOOLS~~

24
25 ~~17-20-401. Definitions.~~

26 ~~As used in this subchapter, unless the context otherwise requires:~~

27 ~~(1) "College" includes a school of barbering, college of~~
28 ~~barbering, barber school, barber college, and any other place or institution~~
29 ~~of instruction training persons to engage in the practice of barbering;~~

30 ~~(2) "Postsecondary school of barbering" means a school or~~
31 ~~college that admits students who have a high school diploma or the equivalent~~
32 ~~of a high school diploma who are beyond the age of compulsory school~~
33 ~~attendance in this state; and~~

34 ~~(3) "Secondary school of barbering" means:~~

1 ~~(A) A school that admits students who have completed grade~~
2 ~~eight (8) or the equivalent of grade eight (8) and are at least sixteen and a~~
3 ~~half (16 ½) years of age; or~~

4 ~~(B) A school with enrollment made up of no more than fifty~~
5 ~~percent (50%) of students with neither a high school diploma nor the~~
6 ~~equivalent of a high school diploma.~~

7
8 ~~17-20-402. Enforcement — Authority of the State Board of Barber~~
9 ~~Examiners.~~

10 ~~(a) The State Board of Barber Examiners may commence and maintain all~~
11 ~~proper and necessary proceedings in order to enforce compliance with any~~
12 ~~provisions of the laws or rules pertaining to the practice of barbering and,~~
13 ~~in addition to other remedies, may enforce compliance by injunction.~~

14 ~~(b) Schools of barbering shall be conducted as provided under this~~
15 ~~subchapter.~~

16 ~~(c) A person, firm, or corporation desiring to conduct a school of~~
17 ~~barbering shall apply to the board for approval and will be inspected and~~
18 ~~approved before opening to the public.~~

19 ~~(d) The license issued by the board authorizes a school of barbering~~
20 ~~to transact operations in this state during the year for which the license is~~
21 ~~issued, subject to the rules of the board.~~

22 ~~(e) This section shall not be construed as authorization or permission~~
23 ~~to conduct a school of barbering without a valid license or with an unexpired~~
24 ~~license.~~

25 ~~(f) A license issued by the board shall designate on the written~~
26 ~~license whether the school of barbering is licensed as:~~

27 ~~(1) A secondary school of barbering; or~~

28 ~~(2) A postsecondary school of barbering.~~

29
30 ~~17-20-403. Application for registration — Public welfare~~
31 ~~considerations.~~

32 ~~(a) Every applicant for a certificate of registration to operate a new~~
33 ~~barber college shall offer proof sufficient to the State Board of Barber~~
34 ~~Examiners that the establishment of a new barber college in a particular area~~
35 ~~will not be detrimental to the public welfare.~~

1 ~~(b) In considering whether the establishment of a new barber college~~
2 ~~in a particular area will be detrimental to the public welfare, the board~~
3 ~~shall consider the need for barber college facilities or additional barber~~
4 ~~college facilities, as the case may be, in the community where the proposed~~
5 ~~barber college is to be located, giving particular consideration to:~~

6 ~~(1) The economic character of the community;~~

7 ~~(2) The adequacy of existing barbershops and barber colleges in~~
8 ~~that community;~~

9 ~~(3) The ability of the community to support the proposed barber~~
10 ~~college;~~

11 ~~(4) The character of adjacent communities and the extent to~~
12 ~~which the establishment of the proposed barber college would draw patrons~~
13 ~~from such adjacent communities; and~~

14 ~~(5) The social and economic effect of the establishment of a~~
15 ~~barber college on the community where it is proposed to be located and on the~~
16 ~~adjacent communities.~~

17
18 ~~17-20-404. Application for registration — Contents.~~

19 ~~(a) An application for a license and approval as a registered school~~
20 ~~or college of barbering shall contain, under oath of the applicant or proper~~
21 ~~officer of a corporation or association, the following:~~

22 ~~(1) The full name of the applicant, person, association, or~~
23 ~~corporation;~~

24 ~~(2) The exact location where the school or college is located or~~
25 ~~proposed to be located;~~

26 ~~(3) Whether or not the school or college is owned or leased and,~~
27 ~~if leased, the name and residence of the owner or, if a corporation, the~~
28 ~~directors and stockholders thereof;~~

29 ~~(4) A detailed drawing of the premises where the instruction is~~
30 ~~to take place, including the:~~

31 ~~(A) Size of the building;~~

32 ~~(B) Number of chairs available;~~

33 ~~(C) Sanitary facilities;~~

34 ~~(D) Name, number, and qualifications of the teachers on~~
35 ~~the staff; and~~

36 ~~(E) Proposed number of students;~~

1 ~~(5) A statement, certified to by a public accountant licensed to~~
2 ~~practice in this state, of the assets and liabilities of the person or firm~~
3 ~~making the application;~~

4 ~~(6) Evidence that a financial responsibility bond for faithful~~
5 ~~performance of duty has been secured; and~~

6 ~~(7) Evidence that a performance bond of ten thousand dollars~~
7 ~~(\$10,000) guaranteeing the operation of the school or college has been~~
8 ~~secured.~~

9 ~~(b) A barber school or barber college shall not be approved on any~~
10 ~~premises or in any building or part of a building unless a physical barrier~~
11 ~~of solid construction separates the barber school or barber college from all~~
12 ~~other businesses, occupations, or establishments conducted on the same~~
13 ~~premises or in the same building or part thereof.~~

14
15 ~~17-20-405. Licensing prerequisites — Managers and teachers.~~

16 ~~A school or college of barbering shall not be approved by the State~~
17 ~~Board of Barber Examiners and a license shall not be issued to operate or~~
18 ~~conduct any school or college of barbering until the following provisions are~~
19 ~~complied with:~~

20 ~~(1) The faculty are registered teacher manager instructors under~~
21 ~~this subchapter;~~

22 ~~(2) At least one (1) approved teacher manager instructor is~~
23 ~~teaching at the school or college of barbering at all times and in charge of~~
24 ~~each daily class in theoretical scientific study, scientific barbering~~
25 ~~practice, and general barbering practice at all times; and~~

26 ~~(3) One (1) teacher manager instructor is provided for every~~
27 ~~twenty (20) students.~~

28
29 ~~17-20-406. Teacher manager instructor certification.~~

30 ~~(a)(1) Application for examination for a teacher manager instructor~~
31 ~~certificate shall be filed with the State Board of Barber Examiners on blank~~
32 ~~forms prepared and furnished by the board and shall be accompanied by the fee~~
33 ~~prescribed in § 17-20-409.~~

34 ~~(2) A teacher manager instructor shall be:~~

35 ~~(A) Twenty one (21) years of age; and~~

36 ~~(B) A currently licensed barber who has:~~

1 ~~(i) One (1) year of experience as a barber;~~
 2 ~~(ii) A high school diploma or the equivalent of a~~
 3 ~~high school diploma; and~~
 4 ~~(iii) Completed a postgraduate course of six hundred~~
 5 ~~(600) hours in barber teacher theory in an approved school.~~

6 ~~(3) An applicant for a teacher manager instructor certificate~~
 7 ~~shall take a written test and demonstrate to the board his or her competency~~
 8 ~~on a subject assigned by the board from the textbook on one (1) of the~~
 9 ~~following subjects:~~

- 10 ~~(A) Haircutting;~~
 11 ~~(B) Permanent waving;~~
 12 ~~(C) Hair coloring;~~
 13 ~~(D) Hair styling;~~
 14 ~~(E) Chemical processing; or~~
 15 ~~(F) Shaving.~~

16 ~~(b) A person who has been continuously licensed or registered in~~
 17 ~~another state to practice barbering and who also meets the requirements under~~
 18 ~~this chapter may be issued a certificate of registration as a registered~~
 19 ~~teacher manager instructor upon making application as required by law and~~
 20 ~~upon payment of the reciprocity fee to obtain registration in this state as a~~
 21 ~~registered barber, plus the teacher manager instructor reciprocity fee.~~

22 ~~(c) A teacher manager instructor shall have received not less than~~
 23 ~~eight (8) hours of additional training in an instructor's training seminar or~~
 24 ~~continuing education course certified by the board on a yearly basis before~~
 25 ~~renewal of his or her teacher manager instructor license.~~

26
 27 ~~17-20-407. Curriculum.~~

28 ~~(a) A school or college of barbering shall not be approved by the~~
 29 ~~State Board of Barber Examiners and a license shall not be issued to operate~~
 30 ~~or conduct any school or college of barbering until the applicant~~
 31 ~~demonstrates to the board that it is fully qualified to thoroughly educate~~
 32 ~~and instruct students in all subjects necessary and required to qualify them~~
 33 ~~as competent barbers.~~

34 ~~(b) A school of barbering shall not be approved by the board unless~~
 35 ~~it:~~

- 36 ~~(1) Meets the admission requirements under this subchapter; and~~

1 ~~(2)(A) Requires as a prerequisite to graduation a course of~~
 2 ~~instruction and practice of not fewer than five hundred fifty (550) hours for~~
 3 ~~licensed cosmetologists, and for all other students not less than one~~
 4 ~~thousand five hundred (1,500) hours of continuous study and practice of not~~
 5 ~~more than eight (8) hours in any one (1) day, five (5) days a week, within a~~
 6 ~~period of not fewer than nine (9) months from the date of enrollment.~~

7 ~~(B) The course of instruction shall include the following~~
 8 ~~subjects, with the curriculum hours as specified in the rules and procedures~~
 9 ~~of the board:~~

- 10 ~~(i) Scientific fundamentals for barbering;~~
- 11 ~~(ii) Physiology;~~
- 12 ~~(iii) Hygiene;~~
- 13 ~~(iv) Elementary chemistry relating to sterilization~~
 14 ~~and antiseptics;~~
- 15 ~~(v) Massaging and manipulating the muscles of the~~
 16 ~~face, neck, and scalp;~~
- 17 ~~(vi) Hair cutting;~~
- 18 ~~(vii) Bobbing;~~
- 19 ~~(viii) Waving;~~
- 20 ~~(ix) Shaving;~~
- 21 ~~(x) Beard trimming; and~~
- 22 ~~(xi) Chemical services.~~

23 ~~(c) Each barber college shall abide by the following guidelines:~~

24 ~~(1) Conduct a course of study and training which shall consist~~
 25 ~~of not fewer than five hundred fifty (550) hours for students who are~~
 26 ~~licensed cosmetologists, and as to all other students not fewer than one~~
 27 ~~thousand five hundred (1,500) clock hours. The average daily schedule of each~~
 28 ~~student shall consist of the following:~~

29 ~~(A) One and one fourth (1¼) clock hours of theoretical~~
 30 ~~study in a classroom;~~

31 ~~(B) One and one fourth (1¼) clock hours of scientific~~
 32 ~~barber practice in a classroom other than general clinic; and~~

33 ~~(C) Five (5) clock hours of general barber practice. Each~~
 34 ~~barber college shall average five (5) services per day per student;~~

1 ~~(2) Teach no fewer than one third (1/3) of its total enrollment~~
2 ~~scientific barbering practice, theory, or general barber practice at one (1)~~
3 ~~time;~~

4 ~~(3) Post a daily schedule of its course of study in its general~~
5 ~~clinic where it can be easily read by all students; and~~

6 ~~(4) Require a maximum attendance in all subjects. A student~~
7 ~~shall not be permitted to spend more than eight (8) hours in the college in~~
8 ~~any one (1) day.~~

9 ~~(d) The board shall promulgate rules that distinguish between a~~
10 ~~secondary and a postsecondary education curriculum.~~

11
12 ~~17-20-408. Facility — Equipment.~~

13 ~~(a)(1) A school or college of barbering shall not be approved by the~~
14 ~~State Board of Barber Examiners and a license shall not be issued to operate~~
15 ~~or conduct any school or college of barbering until one (1) chair is~~
16 ~~available for each student.~~

17 ~~(2) The chairs shall be five feet (5') from center to center~~
18 ~~with one (1) shampoo bowl with hot and cold running water for every two (2)~~
19 ~~barber chairs.~~

20 ~~(b) Each barber college shall have within the premises in which it is~~
21 ~~located adequate space to accommodate all facilities required by the board.~~
22 ~~Each barber chair in each college shall be of such construction that it may~~
23 ~~readily be cleaned, and it shall be mechanically workable and in good working~~
24 ~~order.~~

25 ~~(c) Square foot requirements for a barber school or college shall be~~
26 ~~determined by the board.~~

27 ~~(d) The classroom shall be equipped with sufficient seating capacity~~
28 ~~for all students attending the classroom and shall have the following~~
29 ~~equipment:~~

30 ~~(1) One (1) shampoo sink with hot and cold running water for~~
31 ~~every two (2) barber chairs to be approved for scientific practice classes;~~

32 ~~(2) One (1) chalkboard or the equivalent of a chalkboard not~~
33 ~~less than six feet by three and one half feet (6' x 3½') in size;~~

34 ~~(3) One (1) chart of the skin and hair;~~

35 ~~(4) One (1) chart of the muscles of the head, face, and neck;~~

36 ~~(5) One (1) chart of the nerves of the head, face, and neck;~~

- 1 ~~(6) One (1) chart of the bones of the head and face;~~
- 2 ~~(7) One (1) chart of the blood supplied to the head and face;~~
- 3 ~~(8) One (1) standard dictionary;~~
- 4 ~~(9) One (1) medical dictionary; and~~
- 5 ~~(10) One (1) microscope for the study of bacteria.~~

6 ~~(e) The floor of the practical training room shall be covered with~~
 7 ~~tile or any type of water resistant material and shall have available the~~
 8 ~~following equipment and facilities:~~

- 9 ~~(1) A minimum of fifteen (15) barber chairs in modern and new~~
 10 ~~condition;~~
- 11 ~~(2) One (1) shampoo bowl for each two (2) chairs;~~
- 12 ~~(3) One (1) closed cabinet for tools and linens for each chair;~~
- 13 ~~(4) One (1) approved soiled towel container with hinged lid or~~
 14 ~~door for each chair;~~
- 15 ~~(5) One (1) disinfecting solution container for each chair~~
 16 ~~adequate in size to accommodate all instruments to be used on each patron;~~
- 17 ~~(6) One (1) ultraviolet lamp for every twenty (20) students or a~~
 18 ~~fraction thereof;~~
- 19 ~~(7) One (1) infrared generator for every twenty (20) students or~~
 20 ~~a fraction thereof;~~
- 21 ~~(8) One (1) high frequency unit for every twenty (20) students~~
 22 ~~or a fraction thereof;~~
- 23 ~~(9) One (1) mechanical hand vibrator for every ten (10) students~~
 24 ~~or a fraction thereof;~~
- 25 ~~(10) One (1) hair dryer; and~~
- 26 ~~(11) One (1) time clock to verify student hours of daily~~
 27 ~~attendance to be submitted to the board by the tenth day of each month.~~

28 ~~(f) Each barber college shall have adequate ventilating and lighting~~
 29 ~~equipment approved by the board.~~

30 ~~(g) Each barber college having both men and women in its enrollment~~
 31 ~~shall provide one (1) restroom for men and one (1) restroom for women.~~

32
 33 ~~17-20-409. Fees.~~

34 ~~(a) No school or college of barbering shall be approved by the State~~
 35 ~~Board of Barber Examiners and no license shall be issued to operate or~~
 36 ~~conduct any school or college of barbering until the applicant pays the~~

1 ~~initial license fee of five hundred dollars (\$500). Thereafter the school or~~
2 ~~college shall pay an annual renewal fee of one hundred fifty dollars (\$150).~~

3 ~~(b) Other fees applicable to barber schools or colleges are:~~

4 ~~(1) Teacher, manager, or instructor examination \$80.00~~

5 ~~(2) Teacher, manager, or instructor license 40.00~~

6 ~~(3) Restoration of a teacher, manager, or instructor license~~
7 ~~48.00.~~

8
9 ~~17-20-410. Revocation or suspension of certificate.~~

10 ~~The State Board of Barber Examiners may revoke or suspend any~~
11 ~~certificate of school license or registration upon finding that the school or~~
12 ~~college fails to comply with the provisions of this subchapter or with the~~
13 ~~rules and regulations prescribed by the board.~~

14
15 ~~17-20-420. Application for enrollment.~~

16 ~~(a) A school of barbering shall not enroll or admit any student~~
17 ~~thereto unless the student makes and files in duplicate a duly verified~~
18 ~~application. This application shall be of such form and contain such matters~~
19 ~~as the State Board of Barber Examiners may prescribe.~~

20 ~~(b) One (1) copy of the application shall be retained by the school~~
21 ~~enrolling or admitting the student, and one (1) copy shall be filed by the~~
22 ~~school with the board, along with the fee prescribed for the administration~~
23 ~~of the student application and student license.~~

24
25 ~~17-20-421. Applicants for admission or examination — Qualification.~~

26 ~~(a)(1) Every applicant for entrance as a student in a barber college~~
27 ~~or for admittance to examination to receive a certificate of registration as~~
28 ~~a registered barber shall have a diploma showing completion of grade eight~~
29 ~~(8) or a certification of equivalency.~~

30 ~~(2) All students of barbering shall be registered with the State~~
31 ~~Board of Barber Examiners before hours can be obtained.~~

32 ~~(3) The application for enrollment shall be accompanied with~~
33 ~~identification of the applicant in the form of his or her Social Security~~
34 ~~number, driver's license, and two (2) passport sized photographs of the~~
35 ~~applicant with the name of the applicant on the back.~~

1 ~~(b) A student shall complete a reenrollment form with the appropriate~~
2 ~~administrative fee whenever a change of schools occurs or upon reenrollment.~~

3
4 ~~17-20-422. Application for examination.~~

5 ~~Each applicant for an examination shall:~~

6 ~~(1) Make application to the State Board of Barber Examiners at~~
7 ~~least ten (10) business days before the examination date and submit proof~~
8 ~~under the applicant's oath of the particular qualifications of the applicant,~~
9 ~~including the certification by school officials of the number of hours~~
10 ~~attended; and~~

11 ~~(2) Pay the required fee to the board as provided by law.~~

12
13 ~~17-20-423. Sanitary rules and regulations.~~

14 ~~Each barber college shall furnish each student upon enrollment a copy~~
15 ~~of the rules and regulations governing sanitary conditions of barber shops of~~
16 ~~this state as registered with the Secretary of State.~~

17
18 ~~17-20-424. Inspection of student work.~~

19 ~~(a) Each barber college shall require that a patron shall not be~~
20 ~~released from a chair after being served by a student until all the work~~
21 ~~performed by the student has been thoroughly inspected and approved by a~~
22 ~~teacher.~~

23 ~~(b) In each licensed school of barbering:~~

24 ~~(1) A student shall not engage in any work upon a client until~~
25 ~~he or she has had the required number of hours of instruction;~~

26 ~~(2) A school shall not advertise student work to the public~~
27 ~~through any medium unless the work is designated as student work; and~~

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

30 ~~(A) The student agrees to participate;~~

31 ~~(B) The student is accompanied by and acts under the~~
32 ~~direct supervision of a licensed instructor; and~~

33 ~~(C) The school maintains the required student to teacher~~
34 ~~ratios.~~

35
36 SUBCHAPTER 5 — BARBER TECHNICIANS

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~~17-20-501. Scope of employment.~~

~~A certified barber technician may be employed in a licensed barbershop and may assist the barber in shampooing and sanitizing so long as the shampooing and sanitizing is done and performed under the direct personal supervision of a licensed barber. The barber technician shall not be permitted to cut or style hair or otherwise engage in the practice of barbering.~~

~~17-20-502. Certification.~~

~~The State Board of Barber Examiners shall issue a barber technician certification to a barbershop that is current with its shop and technician licenses.~~

~~17-20-503. Certificate authorizing barbershop to continue to employ.~~

~~Upon application from a currently licensed barbershop and upon receipt of the application fee of thirty five dollars (\$35.00), the State Board of Barber Examiners shall issue a certificate authorizing the licensed barbershop to continue to employ not more than two (2) persons as barber technicians.~~

SECTION 5. Arkansas Code § 17-26-102 is amended to read as follows:

17-26-102. Definitions.

(a) As used in this chapter:

(1) "Aesthetician" means ~~any~~ a person who engages in the practice of beautifying the body by cleaning, waxing, externally manipulating, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, and creams;

(2) "Barber" means a person who:

(A) Engages in the practice of barbering in a licensed barbering establishment; or

(B) Renders a service to a client in premises not licensed as a barbering establishment when the services rendered involve a special event in which the barbering service is to be performed for an on-site participant of the event;

1 (3) "Barbering" means any one (1) or any combination of the
 2 following practices when performed for cosmetic purposes and done for the
 3 public for pay, either directly or indirectly in a location defined as a
 4 barbering establishment:

5 (A) Shaving or trimming the beard;

6 (B) Cutting hair;

7 (C) Giving facial and scalp massage or application of
 8 oils, creams, lotions, or other preparations, either by hand or mechanical
 9 appliances;

10 (D) Singeing, shampooing, or applying chemicals; and

11 (E) Applying cosmetic preparations, antiseptics, powders,
 12 oils, clays, or lotions to the scalp, face, or neck.

13 (4) "Barbering establishment" means a premises, building, part
 14 of a building, or mobile salon in which is practiced a branch or a
 15 combination of branches of barbering or the occupation of a barber except
 16 nursing facilities as defined under § 20-10-1401;

17 ~~(2)(5)~~ "Cosmetological establishment" means ~~any~~ a premises,
 18 building, part of a building, or mobile salon in which is practiced a branch
 19 or a combination of branches of cosmetology or the occupation of a
 20 cosmetologist except+

21 ~~(A) The branch of manicuring as practiced in barbershops~~
 22 ~~licensed by the Cosmetology Technical Advisory Committee and complying with~~
 23 ~~the provisions of this chapter; and~~

24 ~~(B) Nursing~~ nursing facilities as defined under § 20-10-
 25 1401;

26 ~~(3)(6)~~ "Cosmetologist" means ~~any~~ a person who:

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

29 (B) Services a client in premises not licensed as a an
 30 ~~cosmetological~~ establishment when the services rendered involve a special
 31 event in which the cosmetology service is to be performed for an on-site
 32 participant of the event;

33 ~~(4)(7)~~ "Electrologist" means ~~any~~ a person who permanently
 34 removes hair from or destroys hair on the human body for beautification by
 35 the use of an electric needle or by the use of any other kinds of devices or
 36 appliances designed to permanently remove hair from the human body;

1 ~~(5)~~(8) “Manager-operator” means a licensed cosmetologist or
 2 barber authorized to engage in the practice of cosmetology or barbering,
 3 independent of personal supervision in a ~~duly~~ licensed establishment;

4 ~~(6)~~(9) “Manicurist” means ~~any~~ a person who engages in the
 5 occupation of manicuring the nails of ~~any~~ a person by cutting, trimming,
 6 polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending,
 7 protecting, wrapping, covering, building, or beautifying the nails or
 8 performing any other similar work upon the nails of ~~any~~ a person by any
 9 means, including the softening of the arms, hands, feet, or ankles of ~~any~~ a
 10 person by use of the hands, mechanical or electrical apparatus or appliances,
 11 cosmetic or chemical preparations, antiseptics, lotions, or creams or by
 12 massaging, cleansing, manipulating, or stimulating the arms, hands, feet, or
 13 ankles of ~~any~~ a person;

14 ~~(7)~~(10) “Mobile salon” means a self-contained, self-supporting,
 15 enclosed unit that:

- 16 (A) Is at least twenty-four feet (24’) in length;
- 17 (B) May be transported from one location to another;
- 18 (C) Has a base location at the home, salon, or office of
 19 the owner of the mobile salon;
- 20 (D) Is licensed as a cosmetological establishment or
 21 barbering establishment for the practice of a branch or a combination of
 22 branches of cosmetology or barbering or the occupation of a cosmetologist or
 23 barber licensed by the Department of Health; and

24 (E) Complies with rules established by the department;

25 (11) “Postsecondary school of barbering” means a school of
 26 barbering that offers a postsecondary curriculum approved by the department;

27 ~~(8)~~(12) “Postsecondary school of cosmetology” means a school of
 28 cosmetology that offers a postsecondary curriculum approved by the
 29 department;

30 (13) “School of barbering” means a person, firm, or corporation
 31 licensed by the state and exacting a fee for the teaching of barbering;

32 ~~(9)~~(14) “School of cosmetology” means a person, firm, or
 33 corporation licensed by the ~~state~~ Department of Health and exacting a fee for
 34 the teaching of any branch of cosmetology; and

35 ~~(10)~~(15) “Student” means any person enrolled and engaged in
 36 learning or acquiring a knowledge of the occupation of cosmetology,

1 barbering, or any branch of cosmetology in a licensed school of cosmetology
2 or a licensed school of barbering under a licensed instructor.

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

5 (1) Arranging, dressing, curling, waving, machineless permanent
6 waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting,
7 coloring, straightening, dyeing, brushing, beautifying, or otherwise treating
8 by any means the hair of ~~any~~ a person or wigs or hairpieces;

9 (2) Externally manipulating, cleaning, waxing, or stimulating
10 the body by means of the hands, devices, apparatus, or appliances with or
11 without the use of cosmetic preparations, antiseptics, tonics, lotions, or
12 creams;

13 (3) Beautifying the body by use of cosmetic preparations,
14 antiseptics, tonics, lotions, or creams;

15 (4) Temporarily removing superfluous hair from the body of ~~any~~ a
16 person by the use of depilatories or by the use of tweezers, chemicals, or
17 preparations or by the use of devices or appliances of any kind or
18 description, except by the use of light waves, commonly known as rays;

19 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
20 or manicuring the nails of ~~any~~ a person; and

21 (6) Massaging, cleansing, or beautifying the nails of ~~any~~ a
22 person.

23 (c) The branch of electrolysis, a practice of cosmetology requiring a
24 separate course of training as prescribed by § 17-26-306, includes
25 permanently removing hair from or destroying hair on the human body by the
26 use of an electric needle or by the use of any other kind of device or
27 appliance designed to permanently remove hair from the human body.

28 (d) Each person, firm, or corporation exacting a fee for the teaching
29 of any branch of cosmetology or barbering is classed as a school of
30 cosmetology or school of barbering under this chapter and is required to
31 comply with all of its provisions.

32

33 SECTION 6. Arkansas Code § 17-26-103 is amended to read as follows:
34 17-26-103. Scope of chapter.

35 (a) The following persons are exempt from this chapter:

1 (1) All persons authorized by the laws of this state to practice
2 medicine, surgery, dentistry, pharmacy, osteopathy, chiropractic,
3 naturopathy, or podiatry;

4 (2) ~~Barbers insofar as their usual and ordinary vocation and~~
5 ~~profession is concerned;~~

6 (3) Employees employed to render cosmetological or barbering
7 services in the course of and incidental to the business of employers engaged
8 in the theatrical, radio, television, or motion picture production industry;

9 (4)(3) Individuals and employees rendering cosmetological or
10 barbering services in the course of, in connection with, and incidental to
11 the preparation of bodies for burial, or the business of embalmers and
12 undertakers;

13 (5)(4) Direct-care staff as defined in § 20-10-1401 who provide
14 routine personal hygiene and related daily care services to residents of
15 nursing facilities as defined in § 20-10-1401 and for which the fee is
16 included in the monthly facility charges; and

17 (6)(5) Relatives of residents of nursing facilities as defined
18 in § 20-10-1401 who provide cosmetological or barbering services to a related
19 resident of a nursing facility.

20 (b) This chapter does not prohibit any practice within its scope in
21 cases of emergency, nor the administration of any practice outside of a
22 licensed school of cosmetology, licensed school of barbering, or
23 cosmetological establishment or barbering establishment when necessary
24 because of the illness or other physical incapacitation of the recipient of
25 the service and when performed by a licensee obtained for the purpose from a
26 licensed cosmetological establishment or barbering establishment.

27 (c) This chapter does not prohibit the recommendation, demonstration,
28 administration, or sale of cosmetics by ~~any~~ a person not claiming to be a
29 cosmetologist or barber.

30

31 SECTION 7. Arkansas Code § 17-26-104(a)(1), concerning unlawful
32 practices, is amended to read as follows:

33 (a)(1) It is unlawful for any person, firm, or corporation to violate
34 this chapter or a rule adopted by the Barbering and Cosmetology Technical
35 Advisory Committee pursuant to this chapter.

36

1 SECTION 8. Arkansas Code § 17-26-105 is amended to read as follows:

2 17-26-105. Grounds for disciplinary action.

3 The grounds for disciplinary action are as follows:

4 (1) Failure of a person, firm, or corporation operating a
5 cosmetological establishment or school of cosmetology, or that is engaged in
6 the practice of cosmetology, or a barbering establishment, school of
7 barbering, or that is practicing as a barber, or any of ~~its~~ the branches of
8 cosmetology or barbering to comply with the requirements of this chapter and
9 the ~~regulations~~ rules of the Barbering and Cosmetology Technical Advisory
10 Committee;

11 (2) Failure to comply with the rules governing health and safety
12 adopted by the committee and approved by the State Board of Health for the
13 regulation of cosmetological establishments, schools of cosmetology, ~~or~~ the
14 practice of the occupation of ~~cosmetician or~~ cosmetologist, barbering
15 establishments, schools of barbering, or the practice of barbering, or being
16 a barber;

17 (3) Obtaining practice in barbering, cosmetology, or any branch
18 ~~thereof of cosmetology~~ or money or any other thing of value by fraudulent
19 misrepresentation;

20 (4) Gross malpractice;

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

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

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

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

30 (9) Failure to display the license;

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

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

35 (B) Involves dishonesty or is in any way related to the
36 practice or teaching of the cosmetology or barbering industry,

1 unless the applicant or licensee can demonstrate to the board's satisfaction
 2 that the applicant or licensee has been sufficiently rehabilitated to warrant
 3 the public trust;

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

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

15 (13) Any other unfair or unjust practice, method, or dealing
 16 that the committee 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; or

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

21 SECTION 9. Arkansas Code § 17-26-201 is amended to read as follows:

22 17-26-201. Creation – Members.

23 (a) There is created the Barbering and Cosmetology Technical Advisory
 24 Committee.

25 (b)(1) The committee shall consist of seven (7) members appointed by
 26 the State Board of Health to two-year terms.

27 (2) A member may be removed from the committee by the board for
 28 cause.

29 (3) A member shall not serve more than ten (10) years on the
 30 committee.

31 (c) The committee shall be composed of the following representatives
 32 from within the cosmetology and barbering industry who are of good moral
 33 character and who are at least twenty-five (25) years of age:

34 (1) One (1) member shall be a licensed cosmetologist who has
 35 been actively engaged in ~~practicing the art~~ the practice of cosmetology for
 36 at least five (5) years at the time of appointment;

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

2 (3) One (1) member shall be an owner of a licensed school of
3 cosmetology or shall be a director of cosmetology at a state-supported school
4 of cosmetology;

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

6 (5) ~~Three (3) members shall represent the cosmetology industry~~
7 ~~at large or a related field~~ One (1) member shall be a licensed barber who
8 has been actively engaged in the practice of barbering for at least five (5)
9 years at the time of appointment;

10 (6) One (1) member shall be an owner of a licensed school of
11 barbering or shall be a director of barbering at a state-supported school of
12 barbering; and

13 (7) One (1) member shall be a consumer of services performed by
14 a cosmetologist or barber.

15 (d)(1) A member of the committee shall not be directly or indirectly
16 connected with the wholesale business of the manufacture, rental, sale, or
17 distribution of cosmetological or barbering appliances or supplies.

18 (2) A member of the committee shall not have a contract or a
19 pending bid for a contract with the Department of Health concerning
20 cosmetology or barbering.

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

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

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

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

30 (i) The board shall promulgate by rule the duties and powers of the
31 committee.

32
33 SECTION 10. Arkansas Code § 17-26-205 is amended to read as follows:
34 17-26-205. Powers and duties.

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

1 (1) Prescribe the duties of the department's employees;
 2 (2) Hold examinations as to the qualifications of all applicants
 3 for registration whose applications have been submitted to ~~it~~ the department
 4 in proper form, unless otherwise provided;

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

7 (4) Register cosmetological establishments, ~~and~~ schools of
 8 cosmetology, barbering establishments, and schools of barbering;

9 (5) Implement the State Board of Health's rules:

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

11 (B) For conducting examinations of applicants for
 12 licensing;

13 (C) For governing the recognition and the credits to be
 14 given to the study of cosmetology or any of its branches, under a
 15 cosmetologist or in a school of cosmetology, licensed under the laws of
 16 another state;

17 (D) For governing the recognition and the credits to be
 18 given to the study of barbering, under a barber or in a school of barbering,
 19 licensed under the laws of another state; and

20 ~~(D)(E)(i)~~ For governing health and safety, ~~as it considers~~
 21 ~~necessary,~~ in regard to the precautions to be employed to prevent the
 22 creating or spreading of infections or contagious diseases in:

23 (a) ~~cosmetological~~ Cosmetological
 24 establishments; ~~in schools~~

25 (b) Schools of cosmetology; ~~and in the~~

26 (c) The practice of a cosmetologist; ~~and in~~
 27 ~~any~~

28 (d) Any branch of cosmetology; ~~and~~

29 (e) Barbering establishments;

30 (f) Schools of barbering; and

31 (g) The practice of barbering; and

32 (ii) ~~provided the~~ The rules governing health and
 33 safety shall meet the minimum requirements of the law.

34 (iii) A copy of ~~all~~ the rules governing health and
 35 safety shall be made available to each licensee.

1 (iv) The rules adopted under this subsection shall
2 have the force and effect of law; and

3 (6) Develop rules to establish and implement the domestic
4 violence and sexual assault awareness training required under § 17-26-419.

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

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

11 (d)(1) The department shall promulgate rules setting a standard
12 educational curriculum for schools of cosmetology and schools of barbering.

13 (2) The standard educational curriculum shall distinguish
14 between secondary and postsecondary educational requirements for the schools
15 of cosmetology and schools of barbering.

16
17 SECTION 11. Arkansas Code § 17-26-206 is amended to read as follows:
18 17-26-206. Examinations.

19 A school of cosmetology or a school of barbering shall administer the
20 practical licensing examination approved by the Department of Health for
21 eligible candidates.

22
23 SECTION 12. Arkansas Code § 17-26-207 is amended to read as follows:
24 17-26-207. Registration record.

25 (a) The Department of Health shall keep a registration record
26 containing the names, known places of business, and the date and number of
27 the license of ~~every~~ each licensed:

28 (1) ~~cosmetologist~~ Cosmetologist; ~~and of those~~

29 (2) Person engaged in the practice of any branch of
30 cosmetology;

31 (3) Barber; ~~together with the names and addresses of all~~
32 ~~cosmetological~~

33 (4) Cosmetological establishments; ~~and~~

34 (5) ~~schools~~ School of cosmetology ~~registered under this chapter~~

35 (6) Barbering establishment; and

36 (7) School of barbering.

1 (B) This record shall ~~also~~ contain ~~such~~ additional facts ~~as~~ the
2 applicants may have stated in their applications for examination for
3 permitting and licensing.

4
5 SECTION 13. Arkansas Code § 17-26-208(b)(1), concerning
6 investigations, hearings, or inspections by the Department of Health, is
7 amended to read as follows:

8 (b)(1) Hearings conducted by the Barbering and Cosmetology Technical
9 Advisory Committee may be held bimonthly for review of cases for which
10 disciplinary action may be required.

11
12 SECTION 14. Arkansas Code § 17-26-303 is amended to read as follows:
13 17-26-303. Examinations generally.

14 (a) The examination of applicants for a license in any of the branches
15 or practices of cosmetology or barbering shall include both a practical
16 demonstration and written test and shall embrace the subjects concerning the
17 particular branch or branches, practice, or practices for which a license is
18 applied.

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

21 (c) The examination shall be consistent in both practical and
22 technical requirements and of sufficient thoroughness to satisfy the
23 Barbering and Cosmetology Technical Advisory Committee as to the applicant's
24 skill in and knowledge of the practice of the occupation or occupations for
25 which a license is sought.

26
27 SECTION 15. Arkansas Code § 17-26-304 is amended to read as follows:
28 17-26-304. Prerequisites to examination for barber, cosmetologist,
29 manicurist, aesthetician, or instructor.

30 The Department of Health shall admit to examination for a license as a
31 barber, cosmetologist, manicurist, aesthetician, or instructor a person who
32 has made application to the department in the proper form, has paid the fee
33 required, and who:

- 34 (1) Is not less than sixteen (16) years of age;
35 (2) Has completed two (2) years of high school in the public
36 schools of this state or its equivalent; and

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

2 (A) For a cosmetologist or barber, training of at least
3 one thousand two hundred (1,200) hours;

4 (B) For a manicurist, training of at least four hundred
5 eighty (480) hours;

6 (C) For an aesthetician, training of at least four hundred
7 eighty (480) hours;

8 (D) For an instructor, training of at least four hundred
9 eighty (480) hours; or

10 (E) The prescribed course of study in cosmetology or
11 barbering under the laws of another state whose licensing requirements are
12 equal to or stricter than those in Arkansas.

13
14 SECTION 16. Arkansas Code § 17-26-309 is amended to read as follows:

15 17-26-309. Examination for barbers, cosmetologists and all branches of
16 cosmetology.

17 Examinations for license as barbers, cosmetologists, and all other
18 branches of cosmetology shall include a written core and law test and a
19 practical test that embrace all phases of cosmetology and barbering as deemed
20 necessary by the Barbering and Cosmetology Technical Advisory Committee to
21 protect the health, safety, and welfare of the public.

22
23 SECTION 17. Arkansas Code § 17-26-310 is amended to read as follows:

24 17-26-310. Failure to appear for examination.

25 The Barbering and Cosmetology Technical Advisory Committee shall
26 promulgate rules concerning an applicant for an examination who fails to
27 appear for the examination.

28
29 SECTION 18. Arkansas Code § 17-26-312 is amended to read as follows:

30 17-26-312. Issuance of license.

31 (a) Persons who pass ~~any~~ a examination under this chapter shall
32 receive a license from the Barbering and Cosmetology Technical Advisory
33 Committee.

34 (b) This license, except for renewal fees, entitles the holder to
35 engage in the practice of barbering or the specified branch of cosmetology

1 upon the public in a licensed cosmetological establishment or barbering
2 establishment, except as provided in § 17-26-102(3)(B).

3
4 SECTION 19 Arkansas Code § 17-26-314 is amended to read as follows:
5 17-26-314. Specificity of permit or license.

6 Every permit or license issued by the Barbering and Cosmetology
7 Technical Advisory Committee shall specify the occupation or occupations that
8 the permit and license entitle the holder to practice.

9
10 SECTION 20. Arkansas Code § 17-26-315 is amended to read as follows:
11 17-26-315. Reciprocity.

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

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

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

27 (3) That the applicant has passed an examination comparable to
28 the examination given in this state; and

29 (4) That the applicant passes an Arkansas law examination under
30 this chapter.

31
32 SECTION 21. Arkansas Code § 17-26-316(a)(2), concerning the display of
33 a license, is amended to read as follows:

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

36

1 SECTION 22. Arkansas Code § 17-26-317(a)(1), concerning a notice of an
2 address change, is amended to read as follows:

3 (a)(1) Every registered barber, cosmetologist manager-operator,
4 cosmetologist, electrologist, manicurist, or aesthetician, unless operating a
5 mobile salon as defined under § 17-26-102, within thirty (30) days after
6 changing the address of his or her place of business as designated on the
7 books of the Department of Health, shall notify the department of the address
8 of his or her new place of business.

9
10 SECTION 23. Arkansas Code § 17-26-319(a), concerning the expiration,
11 renewal, and reinstatement of licenses, is amended to read as follows:

12 (a) Licenses of barbers, cosmetologists, instructors, electrologists,
13 aestheticians, and manicurists shall expire on the licensee’s birthday on a
14 biennial basis.

15
16 SECTION 24. Arkansas Code § 17-26-319(f), concerning the expiration,
17 renewal, and reinstatement of licenses, is amended to read as follows:

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

24
25 SECTION 25. Arkansas Code § 17-26-401 is amended to read as follows:
26 17-26-401. License requirements.

27 (a) No person, firm, or corporation shall conduct or operate a
28 cosmetological establishment, school of cosmetology, beauty parlor, ~~or~~ any
29 other place of business in which any one (1) or any combination of the
30 occupations of a cosmetologist are taught or practiced, ~~except the branch of~~
31 ~~manicuring as practiced in a barbershop~~, barbering establishment, school of
32 barbering, or other place of business in which a barber practices, until
33 licensed under the provisions of this chapter and complying with the
34 provisions of this chapter relating to sanitation.

1 (b) It shall be unlawful for ~~any~~ a person to employ or to allow to be
2 employed any person not licensed by the Barbering and Cosmetology Technical
3 Advisory Committee in or about a:

4 (1) ~~cosmetological~~ Cosmetological establishment as a
5 cosmetologist manager-operator;

6 (2) ~~, or as~~ As a manicurist;~~, or~~

7 (3) ~~as~~ As an electrologist;~~, or~~

8 (4) ~~as~~ As an aesthetician;

9 (5) As a barber; or

10 (6) As a cosmetologist.

11
12 SECTION 26. Arkansas Code § 17-26-402 is amended to read as follows:

13 17-26-402. Cosmetological and barbering establishments – License.

14 (a) A person, firm, or corporation desiring to operate a
15 cosmetological establishment or barbering establishment shall make an
16 application to the Department of Health for a license.

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

19
20 SECTION 27. Arkansas Code § 17-26-403 is amended to read as follows:

21 17-26-403. School of cosmetology or barbering – Application to
22 operate – License.

23 (a) Schools of cosmetology and schools of barbering shall be conducted
24 as provided in this subchapter.

25 (b)(1) A person, firm, or corporation desiring to conduct a school of
26 cosmetology or school of barbering shall apply to the Department of Health
27 for approval.

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

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

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

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

5 (d) ~~Nothing in this section shall be construed as~~ This section does
6 not grant authorization or permission to conduct a school of cosmetology or
7 school of barbering without a valid, existing, and unexpired license.

8 (e) A license issued by the Department of Health shall designate on
9 the written license whether the school of cosmetology or school of barbering
10 is licensed as:

- 11 (1) A school of cosmetology; ~~or~~
- 12 (2) A postsecondary school of cosmetology;
- 13 (3) A school of barbering; or
- 14 (4) A postsecondary school of barbering.

15
16 SECTION 28. Arkansas Code § 17-26-404(a), concerning licensing
17 requirements, expiration, and renewal, is amended to read as follows:

18 (a) Licensing for cosmetological establishments, ~~and~~ schools of
19 cosmetology, barbering establishments, and schools of barbering expires
20 pursuant to § 17-26-319(b).

21
22 SECTION 29. Arkansas Code § 17-26-405 is amended to read as follows:
23 17-26-405. Facilities – Prohibition on use.

24 (a) ~~No~~ A person having charge of a cosmetological establishment, ~~or~~
25 school of cosmetology, barbering establishment, or school of barbering,
26 whether as an owner or an employee, shall ~~permit any room or part thereof~~ not
27 permit a room or part of a room in which any of the branches or practices of
28 cosmetology or barbering are conducted, practiced, or taught to be used for
29 sleeping, for residential purposes, or for any other purpose that would tend
30 to make the room unsanitary.

31 (b) A cosmetological establishment or barbering establishment shall
32 have a direct entrance separate and distinct from ~~any~~ a entrance in
33 connection with private quarters.

34

1 SECTION 30. Arkansas Code § 17-26-406(b)(2), concerning the causes for
2 the refusal or cancellation of a school license, is amended to read as
3 follows:

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

10
11 SECTION 31. Arkansas Code § 17-26-407(c), concerning inspections of
12 school facilities, is amended to read as follows:

13 (c) New schools of cosmetology and new schools of barbering shall be
14 required to contain not less than two thousand five hundred square feet
15 (2,500 sq. ft.) of floor space in the working area.

16
17 SECTION 32. Arkansas Code § 17-26-408 is amended to read as follows:
18 17-26-408. Duties of school.

19 Each school shall:

20 (1) Possess sufficient apparatus and equipment necessary for the
21 ready and full teaching of all the subjects or practices of cosmetology or
22 barbering;

23 (2) Maintain licensed instructors competent to impart
24 instruction in all branches or practices of cosmetology or barbering;

25 (3) Keep a daily record of the attendance of each student and
26 the time devoted by each student to the various practices or branches of
27 cosmetology, barbering, and electrology;

28 (4) Establish grades and hold examinations before issuing
29 diplomas; and

30 (5) Fix ~~its~~ the school's tuition at an amount that will enable
31 ~~it~~ the school to furnish without further charge to the student all cosmetics,
32 materials, and supplies used on the public and in classes. This does not
33 include books and instruments as shall be determined from time to time by the
34 Department of Health.

35
36 SECTION 33. Arkansas Code § 17-26-409 is amended to read as follows:

1 17-26-409. School supervisor.

2 Every school shall at all times be in charge of and under the
3 supervision of a licensed cosmetologist or barber manager-operator who has
4 had at least a total of three (3) years of practical experience in the
5 practice or teaching of all of the branches of cosmetology or barbering,
6 except the branch of electrology, in a licensed cosmetological establishment,
7 ~~or~~ a licensed school of cosmetology, a licensed barbering establishment, or a
8 licensed school of barbering, and who holds an instructor's license.

9
10 SECTION 34. Arkansas Code § 17-26-411 is amended to read as follows:

11 17-26-411. Instructors – Duties – Number.

12 (a) All instructors shall be continuously engaged in teaching students
13 in theoretical or practical work. Except when instructing a student, an
14 instructor may not practice upon a client, and any instructor who does so is
15 subject to disciplinary action by the Barber and Cosmetology Technical
16 Advisory Committee.

17 (b) The State Board of Health shall promulgate reasonable rules
18 concerning the number of instructors necessary to properly conduct a school
19 of cosmetology or a school of barbering.

20
21 SECTION 35. Arkansas Code § 17-26-412 is amended to read as follows:

22 17-26-412. School term – Cosmetology curriculum – Barbering
23 curriculum.

24 (a) Each school shall maintain a school term of not less than one
25 thousand five hundred (1,500) hours, instruction of which shall not be in
26 excess of ten (10) hours per day and six (6) days per week during the course.
27 The school shall maintain a course of practical training and technical
28 instruction equal to the requirements for examination for a license as a
29 cosmetologist or barber.

30 (b) It shall so arrange the courses devoted to each branch or practice
31 of cosmetology or barbering as the Department of Health may from time to time
32 adopt as the course to be followed by the schools.

33
34 SECTION 36. Arkansas Code § 17-26-414(b), concerning special programs,
35 is amended to read as follows:

1 (b) When a student completes the required number of hours for a
2 special program and reenrolls for a cosmetology or barbering program or when
3 a student transfers from a special program to a cosmetology or barbering
4 program before completion of the special program, he or she shall be given
5 credit for the number of hours spent in connection with the special program,
6 but not to exceed the maximum hours required ~~thereof~~ by the special program,
7 toward the satisfaction of the time required for the cosmetology or barbering
8 program as determined by rules of the Barber and Cosmetology Technical
9 Advisory Committee.

10
11 SECTION 37. Arkansas Code § 17-26-415(a)(1), concerning reregistration
12 on a transfer and student registration, is amended to read as follows:

13 (a)(1) All students of barbering, cosmetology, manicuring,
14 electrology, aesthetics, and instructor training shall be registered with the
15 Department of Health before accredited hours can be obtained.

16
17 SECTION 38. The introductory language of Arkansas Code § 17-26-417(a),
18 concerning student work, is amended to read as follows:

19 (a) In each licensed school of cosmetology or licensed school of
20 barbering:

21
22 SECTION 39. Arkansas Code § 17-26-417(a)(1), concerning student work,
23 is amended to read as follows:

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

29
30 SECTION 40. Arkansas Code § 17-26-419(a) and (b), concerning domestic
31 violence and sexual assault awareness training, are amended to read as
32 follows:

33 (a) A cosmetological school or cosmetological establishment or school
34 of barbering or barbering establishment under this subchapter shall establish
35 a domestic violence and sexual assault awareness training course.

1 (b)(1) A student enrolled in a cosmetological school or establishment
2 or school of barbering shall complete a one-hour course in domestic violence
3 and sexual assault awareness training as a part of his or her required
4 training hours under § 17-26-304 in order to be eligible for an examination.

5 (2) A student under this chapter who is trained in domestic
6 violence and sexual assault awareness shall not be civilly or criminally
7 liable for acting in good faith or failing to act on information obtained
8 during the course of employment concerning potential domestic violence or
9 sexual assault.

10
11 SECTION 41. Arkansas Code § 17-26-420(a), concerning mobile salons, is
12 amended to read as follows:

13 (a)(1) ~~Beginning September 1, 2017, the~~ The Department of Health may
14 issue a license for the operation of a mobile salon to an applicant who
15 submits an application on a form approved by the Barbering and Cosmetology
16 Technical Advisory Committee, pays required fees as determined by the
17 department with the advice of the committee, and is in compliance with this
18 chapter.

19 (2) Requirements that apply to a cosmetological establishment or
20 barbering establishment under this chapter shall apply to mobile salons,
21 except to the extent that the requirements conflict with rules adopted by the
22 department under subdivision (b)(1) of this section.

23
24 SECTION 42. Arkansas Code § 17-26-504 is amended to read as follows:
25 17-26-504. Exemption.

26 The practice of natural hair braiding, except as provided by this
27 subchapter, is exempt from regulation under this chapter and is exempt from
28 the authority of the Barbering and Cosmetology Technical Advisory Committee,
29 the State Board of Health, and the Department of Health.

30
31 SECTION 43. Arkansas Code § 17-26-505(b)(1)(B), concerning application
32 of certification requirements, is amended to read as follows:

33 (B) Pass a written examination approved by the Barbering
34 and Cosmetology Technical Advisory Committee;

35

1 SECTION 44. Arkansas Code § 25-15-104(a)(1)(C), concerning the
2 subpoena powers of boards and commissions, is amended to read as follows:

3 (C) Barbering and Cosmetology Technical Advisory
4 Committee, § 17-26-201 et seq.;

5
6 SECTION 45. Arkansas Code § 25-16-903(9), concerning the authorization
7 of a stipend for membership on a state board, is repealed.

8 ~~(9) State Board of Barber Examiners;~~

9
10 SECTION 46. Arkansas Code § 25-16-903(16), concerning the
11 authorization of a stipend for membership on a state board, is amended to
12 read as follows:

13 (16) Barbering and Cosmetology Technical Advisory Committee;

14
15 SECTION 47. DO NOT CODIFY. Boards and commissions – Terms.

16 (a) The State Board of Barber Examiners shall be abolished upon the
17 effective date of this act.

18 (b) The terms of the members of the Cosmetology Technical Advisory
19 Committee shall be cut short and abolished upon the effective date of this
20 act.

21 (c) The members of the Barbering and Cosmetology Technical Advisory
22 Committee terms shall be selected by the Department of Health and serve for
23 the terms provided by the statutes applicable to the Barbering and
24 Cosmetology Technical Advisory Committee as amended by this act.

25 (d) A current member of the State Board of Barber Examiners or the
26 Cosmetology Technical Advisory Committee is eligible to be appointed to the
27 Barbering and Cosmetology Technical Advisory Committee if all other
28 conditions of appointment are satisfied.

29 (e) The Director of the Department of Health shall call the first
30 meeting of the Barbering and Cosmetology Technical Advisory
31 Committee.

32
33 SECTION 48. DO NOT CODIFY. Merger of the State Board of Barber
34 Examiners and Cosmetology Technical Advisory Committee.

1 (a) The State Board of Barber Examiners is merged with the Cosmetology
2 Technical Advisory Committee as an advisory committee to the Department of
3 Health.

4 (b) All authority, powers, duties, functions, records, personnel,
5 property, unexpended balances of appropriations, allocations, and other
6 funds, including the functions of budgeting and purchasing of the State Board
7 of Barber Examiners, are transferred to the Department of Health.

8
9 SECTION. 49. DO NOT CODIFY. Transformation and Efficiencies Act of
10 2019 – Effect.

11 (a) The General Assembly finds that:

12 (1) House Bill 1763 of 2019, to create the Transformation and
13 Efficiencies Act of 2019, is a pending bill before the Ninety-Second General
14 Assembly at the time of the filing of this bill; and

15 (2) The provisions of this bill present a potential conflict
16 with the provisions of House Bill 1763 of 2019.

17 (b) To resolve a potential conflict in the event that this bill and
18 House Bill 1763 of 2019 each become acts, the Code Revision Commission shall
19 use its authority under § 1-2-303 to give effect to both acts to the extent
20 possible, including without limitation:

21 (1) Replacing the name "Cosmetology Technical Advisory
22 Committee" as used in House Bill 1763 of 2019 with the name "Barbering and
23 Cosmetology Technical Advisory Committee";

24 (2) Reflecting the repeal of the State Board of Barber Examiners
25 under this bill in the Department of Labor and Licensing as created by House
26 Bill 1763 of 2019; and

27 (3) Reflecting the Barbering and Cosmetology Technical Advisory
28 Committee under this bill as an entity within the cabinet-level Department of
29 Health as created by House Bill 1763 of 2019.

30 (c) This section shall only be effective if both this bill and House
31 Bill 1763 of 2019 become acts.

32
33 SECTION 50. Effective Date. The effective date of this act shall be
34 October 1, 2019.

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1 Referred requested by the Arkansas Senate

2 Prepared by: MLD/VJF

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