

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2529

5 By: Representative Agee
6
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For An Act To Be Entitled

8 AN ACT CONCERNING ROUTINE PERSONAL HYGIENE AND
9 RELATED DAILY CARE SERVICES PROVIDED TO RESIDENTS
10 OF NURSING FACILITIES; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING ROUTINE PERSONAL
13 HYGIENE AND RELATED DAILY CARE SERVICES
14 PROVIDED TO RESIDENTS OF NURSING
15 FACILITIES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 20, Chapter 10, Subchapter 14 is
23 amended to add an additional section to read as follows:

24 20-10-1410. Cosmetology and barbering services.

25 (a)(1) Cosmetology and barbering services provided to residents of
26 nursing facilities and for which a fee is charged that is separate from and
27 additional to monthly facility charges, shall be provided only by a licensed
28 cosmetologist or registered barber, respectively.

29 (2) Routine personal hygiene and related daily care services
30 that are provided to residents of nursing facilities and for which the fee is
31 included in the monthly facility charges, may be provided by direct care
32 staff, who are trained, licensed, and certified through various state and
33 federal regulatory agencies.

34 (3) Routine personal hygiene and related daily care services
35 shall not include the use of chemical or cosmetic preparations, such as those
36 used in permanent waving, bleaching, tinting, coloring, and dyeing, but do



1 not include shampoos, conditioners, soaps, antiseptics, or similar items.

2 (4) Direct care staff shall not be required to hold a license as
3 a cosmetologist or barber in order to provide routine personal hygiene and
4 related daily care services.

5 (b) Nursing facilities shall be exempt from the licensure requirements
6 for cosmetological establishments under §§ 17-26-401 through 17-26-418.

7 (c) A relative of a resident of a nursing facility providing
8 cosmetological services to a related resident of a nursing facility shall be
9 exempt from the following:

10 (1) The licensure requirements for cosmetologists under §§ 17-
11 26-301 through 17-26-323; and

12 (2) The registration requirements for barbers under §§ 17-26-301
13 through 17-26-310.

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15 SECTION 2. Arkansas Code § 17-26-102(3), concerning the definition of
16 cosmetological establishment, is amended to read as follows:

17 (3) "Cosmetological establishment" means any premises, building,
18 or part of a building whereon or wherein is practiced any branch or any
19 combination of branches of cosmetology or the occupation of a cosmetician or
20 cosmetologist, except the branch of manicuring as practiced in barbershops
21 licensed by the State Board of Cosmetology and complying with the provisions
22 of this chapter and except nursing facilities as defined under § 20-10-1401;
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24 SECTION 3. Arkansas Code § 17-26-103(a), concerning persons exempt
25 from the Cosmetology Act, is amended to read as follows:

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

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

30 (2) Barbers, insofar as their usual and ordinary vocation and
31 profession is concerned;

32 (3) Employees employed to render cosmetological services in the
33 course of and incidental to the business of employers engaged in the
34 theatrical, radio, television, or motion picture production industry; ~~and~~

35 (4) Individuals and employees rendering cosmetological services
36 in the course of, in connection with, and incidental to the preparation of

bodies for burial, or the business of embalmers and undertakers;

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

(6) Relatives of residents of nursing facilities, as defined in § 20-10-1401, who provide cosmetological services to a related resident of a nursing facility.

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