

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 360

4
5 By: Senator B. Sample

For An Act To Be Entitled

8 AN ACT TO RE-CREATE THE STATE BOARD OF COSMETOLOGY;
9 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

12 TO RE-CREATE THE STATE BOARD OF
13 COSMETOLOGY; AND TO DECLARE AN EMERGENCY.

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY.

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

27 (b) All records, personnel, property, unexpended balances of
28 appropriations, allocations, or other funds relating to the practice,
29 licensure, and training of cosmetologists are transferred to the State Board
30 of Cosmetology.

31 (c) All powers, duties, and functions, including without limitation
32 rulemaking, regulation, and licensing, promulgation of rules, rates,
33 regulations, and standards, and the rendering of findings, orders, and
34 adjudications relating to the practice, licensure, and training of
35 cosmetologists as established by law for the State Board of Health and the
36 Department of Health are transferred to the State Board of Cosmetology,



1 except as specified in this act.

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

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7 remain in full force and affect and may be amended or repealed, in whole or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

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

12
13 SECTION 2. Arkansas Code § 17-26-201 is amended to read as follows:
14 17-26-201. Creation - Members.

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

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

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

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

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

25 ~~(1) One (1) member shall be a licensed cosmetologist actively~~
26 ~~engaged in practicing the art of cosmetology for at least five (5) years at~~
27 ~~the time of appointment;~~

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

29 ~~(3) One (1) member shall be an owner of a licensed school of~~
30 ~~cosmetology or shall be a director of cosmetology at a state-supported~~
31 ~~school;~~

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

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

35 ~~(d)(1) A member of the committee shall not be directly or indirectly~~
36 ~~connected with the wholesale business of the manufacture, rental, sale, or~~

1 ~~distribution of cosmetological appliances or supplies.~~

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

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

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

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

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

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

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

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

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

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

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

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

27 (1)(A) Four (4) members shall be licensed cosmetologists
 28 actively engaged in practicing the art of cosmetology for at least five (5)
 29 years at the time of appointment.

30 (B) Two (2) of the four (4) members appointed under
 31 subdivision (c)(1) of this section shall be graduates of a public institution
 32 that operates a licensed program of cosmetology.

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

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

36 (4) Two (2) members shall be directors or licensed cosmetology

1 instructors of public institutions that operate licensed programs of
2 cosmetology;

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

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

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

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

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

15 (f)(1)(A)(i) The Governor shall remove a member of the board for good
16 cause.

17 (ii)(a) As used in this section, "good cause" means:

18 (1) Conduct constituting a criminal
19 offense involving moral turpitude;

20 (2) Gross dereliction of duty;

21 (3) Gross abuse of authority; or

22 (4) The unexcused absence of a member of
23 the board from three (3) successive regular meetings without attending any
24 intermediary called special meetings.

25 (B) The Governor may appoint a qualified individual to
26 replace the member of the board removed to serve the remainder of his or her
27 term.

28 (2) All orders of removal by the Governor shall:

29 (A) Be in writing;

30 (B) Be delivered to the member of the board removed or
31 counsel for the member of the board; and

32 (C) Specifically set out the grounds relied upon for
33 removal.

34 (3) Removal of a member of the board shall be in accordance with
35 the following:

36 (A)(i) Within thirty (30) calendar days after each regular

1 board meeting of the board, the secretary of the board shall notify the
2 Governor in writing of any member who has been absent from three (3)
3 successive regular meetings without attending any intermediary called special
4 meetings.

5 (ii) The secretary's notice to the Governor shall
6 include a copy of all meeting notices and attendance records for the past
7 year.

8 (iii) The Governor may remove the secretary of the
9 board if he or she fails to submit the notices and documentation required by
10 this section;

11 (B) Within sixty (60) calendar days after receiving the
12 notice and supporting documentation from the secretary of the board, the
13 Governor shall notify the member of the board in writing of his or her intent
14 to remove the member for good cause;

15 (C) Within twenty (20) calendar days after the date of the
16 Governor's notice, the member of the board may request an excused absence as
17 provided by this section or may file notice with the Governor's office that
18 the member disputes the attendance records and the reasons therefor;

19 (D) The Governor shall grant an excuse for illness of the
20 member of the board when the illness is verified by a written sworn statement
21 by an attending physician or another proper excuse as determined by the
22 Governor; and

23 (E) After twenty (20) calendar days after the date of the
24 Governor's notice, if no rebuttal is received or no other adequate
25 documentation is submitted, the member of the board shall be removed.

26 (5) A member of the board referred to the Governor because of
27 excessive absences under this subsection shall not be entitled to any per
28 diem, stipend, or expense reimbursement for travel to or attendance at
29 subsequent meetings until the board receives notification from the Governor
30 that the member has been excused for the absences.

31 (6)(A) A removed member of the board may institute proceedings
32 for review by filing a petition in Pulaski County Circuit Court within thirty
33 (30) days after delivery to him or her or his or her attorney of the
34 Governor's order of removal.

35 (B) This petition shall not supersede or stay the order of
36 removal, nor shall any court enter an order to this effect or one which would

1 impair the authority of the Governor to appoint a replacement whose service
2 begins immediately upon fulfillment of the normal requirements for assuming
3 office.

4 (7)(A) When the matter is heard by the Pulaski County Circuit
5 Court, it shall be tried de novo without a jury.

6 (B) The Governor shall have the burden of proof to show by
7 clear and convincing evidence that good cause existed for removal of the
8 member of the board.

9 (C)(i) If the court determines that good cause has been
10 shown, it shall enter an order removing the member of the board in question
11 from office.

12 (ii) If the court determines that good cause
13 has not been shown by clear and convincing evidence, the court shall order
14 the removed member of the board reinstated to his or her position and upon
15 request shall award a reasonable attorney's fee and court costs to the
16 reinstated party.

17 (8)(A) Subject to the restrictions of subdivision (g)(6) of this
18 section on supersedeas or stay orders, a removed member of the board may
19 appeal the decision of the circuit court to the Arkansas Supreme Court.

20 (B) The Governor may appeal the decision of the circuit
21 court to the Arkansas Supreme Court, but the appeal shall not preclude the
22 circuit court, in its discretion, from entering an order reinstating the
23 removed member of the board.

24 (9) No board action in which the appointed replacement
25 participates shall be void, voidable, or in any way subject to invalidation
26 on grounds of participation of the appointed replacement or lack of
27 participation by the removed member of the board in the event that the
28 circuit court or the Arkansas Supreme Court orders the removed member of the
29 board reinstated.

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

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

35
36 SECTION 3. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended

1 to add additional sections to read as follows:

2 17-26-202. Officers.

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

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

7
8 17-26-203. Director.

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

14 (b) Immediately upon assuming the duties of his or her office, the
15 director shall give bond to the board in the amount of five thousand dollars
16 (\$5,000), with good and sufficient sureties, approved by the board and
17 conditioned upon the faithful performance of all duties required or which may
18 be required of him or her by law or the regulations of the board.

19
20 SECTION 4. Arkansas Code § 17-26-204 is amended to read as follows:

21 17-26-204. Inspectors and professional employees.

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

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

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

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

35
36 SECTION 5. Arkansas Code § 17-26-205 is amended to read as follows:

1 17-26-205. Powers and duties.

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

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

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

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

10 ~~(4) Register cosmetological establishments and schools of~~
11 ~~cosmetology;~~

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

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

14 ~~(B) For conducting examinations of applicants for~~
15 ~~licensing;~~

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

20 ~~(D) 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 cosmetological~~
23 ~~establishments, in schools of cosmetology, and in the practice of a~~
24 ~~cosmetologist and in any branch of cosmetology, provided the rules meet the~~
25 ~~minimum requirements of the law. A copy of all rules governing health and~~
26 ~~safety shall be made available to each licensee. The rules adopted under this~~
27 ~~subsection shall have the force and effect of law.~~

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

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

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

36 (1) Prescribe the duties of its employees with all day-to-day

1 and employment decisions to be made by the Director of Cosmetology;

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

6 (3) Adopt a seal;

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

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

12 (6) Register cosmetological establishments and schools of
13 cosmetology;

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

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

17 (9) Adopt reasonable rules:

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

19 (B) For conducting examinations of applicants for
20 licensing;

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

24 (D) For governing health and safety, as it considers
25 necessary, in regard to the precautions to be employed to prevent the
26 creating or spreading of infections or contagious diseases in cosmetological
27 establishments, in schools of cosmetology, and in the practice of a
28 cosmetologist and in any branch of cosmetology, provided the rules meet the
29 minimum requirements of the law and rules of the State Board of Health. A
30 copy of all rules governing health and safety shall be made available to each
31 licensee. The rules adopted under this subsection shall have the same force
32 and effect of law.

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

36 (c) The State Board of Cosmetology may incur reasonable expenses and

1 perform such other acts as may be necessary to carry out its duties and
2 functions and to administer this chapter.

3
4 SECTION 6. Arkansas Code § 17-26-206 is amended to read as follows:
5 17-26-206. Meetings – Examinations.

6 (a) The ~~Department of Health~~ State Board of Cosmetology or a private
7 testing entity shall administer licensing examinations for eligible
8 applicants.

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

13
14 SECTION 7. Arkansas Code § 17-26-207 is amended to read as follows:
15 17-26-207. Registration record.

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

24
25 SECTION 8. Arkansas Code § 17-26-208 is amended to read as follows:
26 17-26-208. Investigations, hearings, or inspections.

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

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

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

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

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

3
4 SECTION 9. Arkansas Code § 17-26-209 is amended to read as follows:

5 17-26-209. Fees – Method of payment.

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

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

12
13 SECTION 10. Arkansas Code § 17-26-210 is repealed.

14 ~~17-26-210. Disposition of funds.~~

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

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

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

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

27
28 SECTION 11. Arkansas Code § 17-26-302(a), concerning applications for
29 examination and license as a cosmetologist, is amended to read as follows:

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

34
35 SECTION 12. Arkansas Code § 17-26-304 is amended to read as follows:

36 17-26-304. Prerequisites to examination for a cosmetologist,

1 manicurist, or aesthetician.

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

- 6 (1) Is not less than sixteen (16) years of age;
- 7 (2) Has completed two (2) years of high school in the public
8 schools of this state or its equivalent; and
- 9 (3) Has completed one (1) of the following:
 - 10 (A) For a cosmetologist, training of at least one thousand
11 five hundred (1,500) hours;
 - 12 (B) For a manicurist, training of at least six hundred
13 (600) hours;
 - 14 (C) For an aesthetician, training of at least six hundred
15 (600) hours; or
 - 16 (D) The prescribed course of study in cosmetology under
17 the laws of another state whose licensing requirements are equal to or
18 stricter than those in Arkansas.

19
20 SECTION 13. Arkansas Code § 17-26-306 is amended to read as follows:
21 17-26-306. Electrologists – Prerequisites to examination.

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

- 26 (1) Is not less than eighteen (18) years of age;
- 27 (2) Has completed the twelfth grade or an accredited senior high
28 school in the public schools of this state or its equivalent; and
- 29 (3) Has completed one (1) of the following:
 - 30 (A) A course of three hundred fifty (350) hours of
31 practical training as a student in conjunction with a course of fifteen
32 hundred ~~(1500)~~ (1,500) hours in cosmetology or for a licensed cosmetologist;
 - 33 (B) A course of six hundred (600) hours of practical
34 training as a student, when not in conjunction with a regular course in
35 cosmetology or for a licensed cosmetologist, extending over a period of not
36 less than four (4) months under the immediate supervision of a licensed

1 electrologist instructor in a school of cosmetology;

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

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

7

8 SECTION 14. Arkansas Code § 17-26-307 is amended to read as follows:

9 17-26-307. Electrology instructors – Prerequisites to examination.

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

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

18

19 SECTION 15. Arkansas Code § 17-26-315 is amended to read as follows:

20 17-26-315. Reciprocity.

21 Upon application to the ~~Department of Health~~ State Board of Cosmetology
22 in the form provided for the particular class of license applied for,
23 accompanied by the required fee, a person licensed as a cosmetologist,
24 electrologist, manicurist, aesthetician, or instructor under the laws of
25 another state shall be granted a license to practice the occupation or
26 occupations in this state not of greater scope than the occupation or
27 occupations for which the applicant was previously licensed in the other
28 state, upon the following conditions:

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

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

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

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

5
6 SECTION 16. Arkansas Code § 17-26-316 is amended to read as follows:

7 17-26-316. ~~Display of license~~ Contents and display of license.

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

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

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

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

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

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

19
20 SECTION 17. Arkansas Code § 17-26-317 is amended to read as follows:

21 17-26-317. Notice of address change.

22 Every registered cosmetologist manager-operator, cosmetologist,
23 electrologist, manicurist, or aesthetician, within thirty (30) days after
24 changing the address of his or her place of business as designated on the
25 books of the ~~Department of Health~~ State Board of Cosmetology, shall notify
26 the ~~department~~ administrative office of the State Board of Cosmetology of
27 his or her new place of business. Upon receipt of the notification, the
28 ~~department~~ office shall make the necessary changes in the register.

29
30 SECTION 18. Arkansas Code § 17-26-319 is amended to read as follows:

31 17-26-319. Expiration, renewal, and reinstatement.

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

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

- 1 (1) Annually on December 31;
- 2 (2) Biennially on December 31; or
- 3 (3) Biennially on the owner’s birthday in conjunction with the
- 4 individual license.

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

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

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

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

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

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

27 (3) The receipt of a lifetime license shall not exempt a
 28 licensee from:

- 29 (A) Complying with any applicable law or rule; and
- 30 (B) Receiving a penalty for failing to comply with an
- 31 applicable law or rule.

32
 33 SECTION 19. Arkansas Code § 17-26-321 is amended to read as follows:
 34 17-26-321. Reissuance and reinstatement.

35 For good cause shown and under such reasonable rules as may be imposed,
 36 the ~~Department of Health~~ State Board of Cosmetology may reissue or reinstate

1 the license of any person whose license has been previously revoked.

2

3 SECTION 20. Arkansas Code § 17-26-402 is amended to read as follows:

4 17-26-402. Cosmetological establishments – License.

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

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

10

11 SECTION 21. Arkansas Code § 17-26-403 is amended to read as follows:

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

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

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

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

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

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

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

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

31 (a) Schools of cosmetology shall be conducted as provided in this
32 subchapter.

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

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

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

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

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

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

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

17
 18 SECTION 22. Arkansas Code § 17-26-404 is amended to read as follows:
 19 17-26-404. Licensing requirements – Expiration – Renewal.

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

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

25 ~~(c)(2)~~ Thereupon, the ~~department~~ board shall renew the license
 26 for the appropriate time period.

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

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

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

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

(2) If an application is granted and thereafter the ~~department~~
board discovers that false statements were made in connection therewith, this
 shall constitute sufficient grounds for the cancellation of the school
 license even though the false statements are detected after a license has
 been issued.

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

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

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

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

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

(5) Fix its tuition at an amount that will enable it to furnish
 without further charge to the student all cosmetics, materials, and supplies

1 used on the public and in classes. This does not include books and
2 instruments as shall be determined from time to time by the ~~Department of~~
3 Health State Board of Cosmetology.

4
5 SECTION 26. Arkansas Code § 17-26-410(a)(2), concerning cosmetology
6 instructor qualifications, is amended to read as follows:

7 (2) Has passed an instructor’s examination given by the
8 ~~Department of Health~~ State Board of Cosmetology and has received an
9 instructor’s license.

10
11 SECTION 27. Arkansas Code § 17-26-411 is amended to read as follows:
12 17-26-411. Instructors – Duties – Number.

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

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

21
22 SECTION 28. Arkansas Code § 17-26-412(b), concerning cosmetology
23 curriculum, is amended to read as follows:

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

27
28 SECTION 29. Arkansas Code § 17-26-413(b), concerning electrology
29 courses, is amended to read as follows:

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

32
33 SECTION 30. Arkansas Code § 17-26-415 is amended to read as follows:
34 17-26-415. Student registration – Reregistration on transfer.

35 (a)(1) All students of cosmetology, manicuring, electrology,
36 aesthetics, and instructor training shall be registered with the ~~Department~~

1 ~~of Health~~ State Board of Cosmetology before accredited hours can be obtained.

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

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

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

11
12 SECTION 31. Arkansas Code § 17-26-417(d) and (e), concerning
13 cosmetology student work, is amended to read as follows:

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

16 (A) The student agrees to participate;

17 (B) The student has completed three-quarters ($\frac{3}{4}$) of the
18 course of study;

19 (C) The student is accompanied by and acts under the
20 direct supervision of a licensed instructor; and

21 (D) The student ~~receives no~~ does not receive any credit
22 hours toward the course of study.

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

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

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

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

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

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

36 (4) The student permit shall be:

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

3 (B) Returned to the ~~department~~ board along with a copy of
4 the student's ~~Certificate of Training~~ certificate of training upon the
5 conclusion of the student's enrollment in the school.

6
7 SECTION 32. Arkansas Code § 17-26-418 is amended to read as follows:
8 17-26-418. Cosmetology courses in public schools.

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

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

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

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

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

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

36 (17) ~~Cosmetology Technical Advisory Committee~~ State Board of

1 Cosmetology;

2
3 SECTION 34. TEMPORARY LANGUAGE. DO NOT CODIFY. The Governor shall
4 call the first meeting of the State Board of Cosmetology no later than July
5 31, 2013.

6
7 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that this act transfer the
9 regulation of cosmetology from the Department of Health to a newly created
10 State Board of Cosmetology, and the ideal time to make such a transfer is at
11 the beginning of the state's fiscal year. Therefore, an emergency is
12 declared to exist, and this act being immediately necessary for the
13 preservation of the public peace, health, and safety shall become effective
14 on July 1, 2013.