

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

HOUSE BILL 1746

4  
5 By: Representatives Underwood, Ray  
6 By: Senator Gilmore

## For An Act To Be Entitled

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8  
9 AN ACT TO ESTABLISH ANNALYNN'S LAW; TO AMEND THE  
10 COSMETOLOGY ACT; TO EXEMPT CERTAIN INDIVIDUALS FROM  
11 LICENSURE BY THE COSMETOLOGY TECHNICAL ADVISORY  
12 COMMITTEE; TO EXEMPT CERTAIN ESTABLISHMENTS FROM  
13 LICENSURE BY THE COSMETOLOGY TECHNICAL ADVISORY  
14 COMMITTEE; AND FOR OTHER PURPOSES.

## Subtitle

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18 TO ESTABLISH ANNALYNN'S LAW; TO AMEND THE  
19 COSMETOLOGY ACT; AND TO EXEMPT CERTAIN  
20 INDIVIDUALS AND ESTABLISHMENTS FROM  
21 LICENSURE BY THE COSMETOLOGY TECHNICAL  
22 ADVISORY COMMITTEE.

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

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27 SECTION 1. DO NOT CODIFY. Title.  
28 This act shall be known and may be cited as "Annalynn's Law".

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30 SECTION 2. Arkansas Code § 17-26-102 is amended to read as follows:  
31 17-26-102. Definitions.

32 (a) As used in this chapter:

33 (1) "Aesthetician" means any person who engages in the practice  
34 of beautifying the body by cleaning, waxing, externally manipulating, or  
35 stimulating the body by means of the hands, devices, apparatus, or appliances  
36 with or without the use of cosmetic preparations, antiseptics, tonics,



1 lotions, ~~and~~ or creams;

2 (2) "Cosmetological establishment" means any premises, building,  
 3 part of a building, or mobile salon in which is practiced a branch or a  
 4 combination of branches of cosmetology or the occupation of a cosmetologist  
 5 except:

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

9 (B) Nursing facilities as defined under § 20-10-1401; or

10 (C) An establishment that only provides the washing,  
 11 cleansing, drying, blow drying, combing, brushing, or styling of the hair of  
 12 any person, but does not provide other services under the art of cosmetology  
 13 as defined in subsection (b) of this section;

14 (3) "Cosmetologist" means any person who:

15 (A) Engages in the practice of cosmetology in a  
 16 licensed cosmetological establishment, except the branch of electrolysis; or

17 (B) Services a client in premises not licensed as a  
 18 cosmetological establishment when the services rendered involve a special  
 19 event in which the cosmetology service is to be performed for an on-site  
 20 participant of the event.

21 (4) "Electrologist" means any person who permanently removes  
 22 hair from or destroys hair on the human body for beautification by the use of  
 23 an electric needle or by the use of any other kinds of devices or appliances  
 24 designed to permanently remove hair from the human body;

25 (5) "Manager-operator" means a licensed cosmetologist authorized  
 26 to engage in the practice of cosmetology, independent of personal supervision  
 27 in a duly licensed establishment;

28 (6) "Manicurist" means any person who engages in the occupation  
 29 of manicuring the nails of any person by cutting, trimming, polishing,  
 30 coloring, tinting, cleansing, filing, buffing, pushing, extending,  
 31 protecting, wrapping, covering, building, or beautifying the nails or  
 32 performing any other similar work upon the nails of any person by any means,  
 33 including the softening of the arms, hands, feet, or ankles of any person by  
 34 use of hands, mechanical or electrical apparatus or appliances, cosmetic or  
 35 chemical preparations, antiseptics, lotions, or creams or by massaging,  
 36 cleansing, manipulating, or stimulating the arms, hands, feet, or ankles of

1 any person;

2 (7) "Mobile salon" means a self-contained, self-supporting,  
3 enclosed unit that:

4 (A) Is at least twenty-four feet (24') in length;

5 (B) May be transported from one location to another;

6 (C) Has a base location at the home, salon, or office of  
7 the owner of the mobile salon;

8 (D) Is licensed as a cosmetological establishment for the  
9 practice of a branch or a combination of branches of cosmetology or the  
10 occupation of a cosmetologist licensed by the Department of Health; and

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

12 (8) "Postsecondary school of cosmetology" means a school of  
13 cosmetology that offers a postsecondary curriculum approved by the  
14 department;

15 (9) "School of cosmetology" means a person, firm, or corporation  
16 licensed by the state and exacting a fee for the teaching of any branch of  
17 cosmetology; and

18 (10) "Student" means any person enrolled and engaged in learning  
19 or acquiring a knowledge of the occupation of cosmetology or any branch of  
20 cosmetology in a licensed school of cosmetology under a licensed instructor.

21 (b) The art of cosmetology includes ~~any and all and any combination~~  
22 one (1) or more of the following practices:

23 (1) ~~Arranging~~ Chemically treating, dressing, curling, waving,  
24 machineless permanent waving, permanent waving, cleansing, cutting, singeing,  
25 bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying,  
26 or otherwise treating by any means the hair of any person or wigs or  
27 hairpieces;

28 (2) Externally manipulating, cleaning, waxing, or stimulating  
29 the body by means of the hands, devices, apparatus, or appliances with or  
30 without the use of cosmetic preparations, antiseptics, tonics, lotions, or  
31 creams;

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

34 (4) Temporarily removing superfluous hair from the body of any  
35 person by the use of depilatories or by the use of tweezers, chemicals, or  
36 preparations or by the use of devices or appliances of any kind or

1 description, except by the use of light waves, commonly known as rays;

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

4 (6) Massaging, cleansing, or beautifying the nails of any  
5 person.

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

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12 SECTION 3. Arkansas Code § 17-26-103 is amended to read as follows:  
13 17-26-103. Scope of chapter.

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

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

18 (2) Barbers insofar as their usual and ordinary vocation and  
19 profession is concerned;

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

23 (4) Individuals and employees rendering cosmetological services  
24 in the course of, in connection with, and incidental to the preparation of  
25 bodies for burial, or the business of embalmers and undertakers;

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

30 (6) Relatives of residents of nursing facilities as defined in §  
31 20-10-1401 who provide cosmetological services to a related resident of a  
32 nursing facility; and

33 (7) Individuals or establishments that only provide the washing,  
34 cleansing, drying, blow drying, combing, brushing, or styling the hair of any  
35 person.

36 (b) This chapter does not prohibit any practice within its scope in

1 cases of emergency, nor the administration of any practice outside of a  
2 licensed school of cosmetology or cosmetological establishment when necessary  
3 because of the illness or other physical incapacitation of the recipient of  
4 the service and when performed by a licensee obtained for the purpose from a  
5 licensed cosmetological establishment.

6 (c) This chapter does not prohibit the recommendation, demonstration,  
7 administration, or sale of cosmetics by any person not claiming to be a  
8 cosmetologist.

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