

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1953

5 By: Representative Fielding
6 By: Senator Elliott
7

For An Act To Be Entitled

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

Subtitle

12
13 TO CREATE THE STATE BOARD OF COSMETOLOGY.
14
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

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

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

28 (B) Nursing facilities as defined under § 20-10-1401;
29

30 SECTION 2. Arkansas Code § 17-26-102(a)(7), concerning the definition
31 of "postsecondary school of cosmetology, is amended to read as follows:

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

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



1 17-26-104. Unlawful practices.

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

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

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

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

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

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

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

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

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

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

32 (C) The ~~committee~~ board shall not reinstate a license that
33 has been suspended under subdivision (c)(3)(A) of this section, except upon
34 proof that the licensee has been restored to a mental condition that would
35 allow the licensee to comply with the requirements of this chapter.

36 (4)(A) Whenever the ~~committee~~ board finds that a licensee or a

1 holder of a permit issued by the ~~committee~~ board is guilty of a violation of
2 the rules of the ~~committee~~ board or the laws of this state pertaining to any
3 occupation, profession, or business licensed or regulated by the ~~committee~~
4 board, the ~~committee~~ board may impose a penalty on the licensee or permit
5 holder in lieu of suspension or revocation of the license or permit.

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

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

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

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

20 (B) The minimum penalty shall be twenty-five dollars
21 (\$25.00), and a maximum penalty of one thousand dollars (\$1,000) is
22 authorized if the penalty is imposed by the ~~committee~~ board in lieu of
23 revocation or suspension of a license or permit.

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

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

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

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

35 (f) The ~~committee~~ board may impose a civil penalty as provided in this
36 section against any unlicensed person, firm, or corporation practicing or

1 offering to practice any act that requires licensure under this chapter.

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

3 17-26-105. Grounds for disciplinary action.

4 The grounds for disciplinary action are as follows:

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

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

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

17 (4) Gross malpractice;

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

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

22 (7) Advertisement by means of knowingly false or deceptive
 23 statements;

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

27 (9) Failure to display the license;

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

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

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

36 (11) Engaging, outside of a licensed school of cosmetology or

1 cosmetological establishment and for compensation in any form whatever, in
 2 any practice for which a license is required under this chapter, except that
 3 when such a service is necessary because of the illness or other physical
 4 incapacity of the person with respect to whom it is performed, it may be
 5 performed by a licensee obtained for the purpose from a licensed
 6 cosmetological establishment;

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

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

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

15
 16 SECTION 5. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended
 17 to read as follows:

18 Subchapter 2 - ~~Cosmetology Technical Advisory Committee~~ State Board of
 19 Cosmetology

20
 21 17-26-201. Creation - Members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) The consumer representative may be appointed from the state
 21 at large.

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

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

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

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

31
 32 17-26-204. Inspectors and professional employees.

33 (a) ~~The Department of Health~~ State Board of Cosmetology, in accordance
 34 with this chapter, may employ inspectors and professional employees and fix
 35 their compensation, which compensation and all reasonable expenses incurred
 36 shall be paid from the ~~Public Health Fund from fees generated by the program~~

1 Cosmetology Operating Fund.

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

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

9
 10 17-26-205. Powers and duties.

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

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

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

20 (3) Adopt a seal;

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

24 ~~(5)~~ (5) Issue permits and licenses to the applicants who are
 25 entitled thereto;

26 ~~(6)~~ (6) Register cosmetological establishments and schools of
 27 cosmetology;

28 ~~(7) Implement the State Board of Health's~~

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

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

32 (9) Adopt reasonable rules:

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

34 (B) For conducting examinations of applicants for
 35 licensing;

36 (C) For governing the recognition and the credits to be

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

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

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

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

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

22 (2) The standard educational curriculum shall distinguish between
 23 secondary and postsecondary educational requirements for the schools of
 24 cosmetology.

25
 26 17-26-206. Meetings – Examinations.

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

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

34
 35 17-26-207. Registration record.

36 The ~~Department of Health~~ State Board of Cosmetology shall keep a

1 registration record containing the names, known places of business, and the
 2 date and number of the license of every licensed cosmetologist and of those
 3 engaged in the practice of any branch of cosmetology, together with the names
 4 and addresses of all cosmetological establishments and schools of cosmetology
 5 registered under this chapter. This record shall also contain such facts as
 6 the applicants may have stated in their applications for examination for
 7 permitting and licensing.

8
 9 17-26-208. Investigations, hearings, or inspections.

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

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

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

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

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

22
 23 17-26-209. Fees – Method of payment.

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

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

30
 31 17-26-210. Disposition of funds.

32 (a) All fees, fines, and penalties collected under this chapter and on
 33 behalf of the ~~State Board of Health~~ State Board of Cosmetology and all
 34 receipts of every kind and nature collected under this chapter shall be paid
 35 into the State Treasury and shall be credited to the ~~Public Health Fund~~
 36 Cosmetology Operating Fund.

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

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

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

10
 11 SECTION 6. Arkansas Code Title 17, Chapter 26, Subchapter 2, is
 12 amended to add additional sections to read as follows:

13 17-26-211. Officers.

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

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

18
 19 17-26-112. Director.

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

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

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

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

31
 32 SECTION 7. Arkansas Code § 17-26-302(a), concerning applications for
 33 examination and licensure as a cosmetologist, is amended to read as follows:

34 (a) Each application for admission to examination and each application
 35 for a license as a cosmetologist or any branch of cosmetology shall be in
 36 writing on blanks prepared and furnished by the ~~Department of Health~~ State

1 Board of Cosmetology.

2
3 SECTION 8. Arkansas Code § 17-26-303(c), concerning examinations, is
4 amended to read as follows:

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

10
11 SECTION 9. Arkansas Code § 17-26-304 is amended to read as follows:
12 17-26-304. Prerequisites to examination for a cosmetologist,
13 manicurist, or aesthetician.

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

- 18 (1) Is not less than sixteen (16) years of age;
- 19 (2) Has completed two (2) years of high school in the public
20 schools of this state or its equivalent; and
- 21 (3) Has completed one (1) of the following:
- 22 (A) For a cosmetologist, training of at least one thousand
23 five hundred (1,500) hours;
- 24 (B) For a manicurist, training of at least six hundred
25 (600) hours;
- 26 (C) For an aesthetician, training of at least six hundred
27 (600) hours; or
- 28 (D) The prescribed course of study in cosmetology under the
29 laws of another state whose licensing requirements are equal to or stricter
30 than those in Arkansas.

31
32 SECTION 10. Arkansas Code § 17-26-306 is amended to read as follows:
33 17-26-306. Electrologists – Prerequisites to examination.

34 The ~~Department of Health~~ State Board of Cosmetology shall admit to
35 examination for a license as an electrologist a person who has made
36 application to the ~~department~~ board in proper form, has paid the fee

1 required, and who:

- 2 (1) Is not less than eighteen (18) years of age;
- 3 (2) Has completed the twelfth grade or an accredited senior high
- 4 school in the public schools of this state or its equivalent; and
- 5 (3) Has completed one (1) of the following:

- 6 (A) A course of three hundred fifty (350) hours of
- 7 practical training as a student in conjunction with a course of fifteen
- 8 hundred (1500) hours in cosmetology or for a licensed cosmetologist;

- 9 (B) A course of six hundred (600) hours of practical
- 10 training as a student, when not in conjunction with a regular course in
- 11 cosmetology or for a licensed cosmetologist, extending over a period of not
- 12 less than four (4) months under the immediate supervision of a licensed
- 13 electrologist instructor in a school of cosmetology;

- 14 (C) The prescribed course of study in electrology under the
- 15 laws of another state whose licensing requirements are equal to or stricter
- 16 than those in Arkansas; or

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

19

20 SECTION 11. Arkansas Code § 17-26-307 is amended to read as follows:

21 17-26-307. Electrology instructors – Prerequisites to examination.

22 The ~~Department of Health~~ State Board of Cosmetology shall admit to

23 examination for license as an electrology instructor any 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 twenty-one (21) years of age;
- 27 (2) Holds a valid Arkansas license as an electrologist; and
- 28 (3) Has had three (3) years of practical experience as an
- 29 electrologist in the State of Arkansas within the past five (5) years.

30

31 SECTION 12. Arkansas Code § 17-26-309 is amended to read as follows:

32 17-26-309. Examination for cosmetologists and all branches of

33 cosmetology.

34 Examinations for license as cosmetologists and all other branches of

35 cosmetology shall include a written core and law test and a practical test

36 that embrace all phases of cosmetology as deemed necessary by the ~~Cosmetology~~

1 ~~Technical Advisory Committee~~ State Board of Cosmetology to protect the
2 health, safety, and welfare of the public.

3
4 SECTION 13. Arkansas Code § 17-26-310 is amended to read as follows:
5 17-26-310. Failure to appear for examination.

6 The ~~Cosmetology Technical Advisory Committee~~ State Board of Cosmetology
7 shall promulgate rules concerning an applicant for an examination who fails
8 to appear for the examination.

9
10 SECTION 14. Arkansas Code § 17-26-312 is amended to read as follows:
11 17-26-312. Issuance of license.

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

15 (b) This license, except for renewal fees, entitles the holder to
16 engage in the practice of the specified branch of cosmetology upon the public
17 in a licensed cosmetological establishment, except as provided in § 17-26-
18 102(3)(B).

19
20 SECTION 15. Arkansas Code § 17-26-314 is amended to read as follows:
21 17-26-314. Specificity of permit or license.

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

25
26 SECTION 16. Arkansas Code § 17-26-315 is amended to read as follows:
27 17-26-315. Reciprocity.

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

36 (1) That the applicant for a license as a cosmetologist,

1 manicurist, or aesthetician is not less than eighteen (18) years of age, and
 2 the applicant for a license as an instructor or electrologist is not less
 3 than twenty-one (21) years of age;

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

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

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

12
 13 SECTION 17. Arkansas Code § 17-26-317 is amended to read as follows:
 14 17-26-317. Notice of address change.

15 Every registered cosmetologist manager-operator, cosmetologist,
 16 electrologist, manicurist, or aesthetician, within thirty (30) days after
 17 changing the address of his or her place of business as designated on the
 18 books of the ~~Department of Health~~ State Board of Cosmetology, shall notify
 19 the ~~department~~ board of his or her new place of business. Upon receipt of the
 20 notification, the ~~department~~ board shall make the necessary changes in the
 21 register.

22
 23 SECTION 18. Arkansas Code § 17-26-319(d)-(f), concerning expiration,
 24 renewal, and reinstatement of licenses, is amended to read as follows:

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

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

33 (f) The ~~department~~ board is authorized and directed to renew, upon
 34 application and the payment of the necessary fees, the license of a
 35 cosmetologist, manicurist, aesthetician, instructor, or electrologist who is
 36 also a veteran of war who possessed the license but permitted it to lapse.

1 The renewal license shall be issued without the applicant's being required to
2 submit to any examination or to meet any additional schooling requirements.

3
4 SECTION 19. Arkansas Code § 17-26-321 is amended to read as follows:
5 17-26-321. Reissuance and reinstatement.

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

9
10 SECTION 20. Arkansas Code Title 17, Chapter 26, Subchapter 3, is
11 amended to add an additional section to read as follows:

12 17-26-324. Use of funds from penalties.

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

19
20 SECTION 21. Arkansas Code § 17-26-401(b), concerning license
21 requirements, is amended to read as follows:

22 (b) It shall be unlawful for any person to employ or to allow to be
23 employed any person not licensed by the ~~Cosmetology Technical Advisory~~
24 ~~Committee~~ State Board of Cosmetology in or about a cosmetological
25 establishment as a cosmetologist manager-operator, or as a manicurist, or as
26 an electrologist, or as an aesthetician.

27
28 SECTION 22. Arkansas Code § 17-26-402 is amended to read as follows:
29 17-26-402. Cosmetological establishments – License.

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

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

34
35 SECTION 23. Arkansas Code § 17-26-403 is amended to read as follows:
36 17-26-403. School of cosmetology – Application to operate – License.

1 (a) Schools of cosmetology shall be conducted as provided in this
2 subchapter.

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

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

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

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

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

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

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

22 (1) A school of cosmetology; or

23 (2) A postsecondary school of cosmetology.

24
25 SECTION 24. Arkansas Code § 17-26-404 is amended to read as follows:

26 17-26-404. Licensing requirements – Expiration – Renewal.

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

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

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

34 (d) A license that has expired for failure of the registrant to renew
35 within the time fixed by this section may for a period of one (1) year
36 thereafter be renewed upon the filing of an application in such form as the

1 ~~department~~ board may require and upon payment of the required renewal fee and
2 the delinquency fee.

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

7
8 SECTION 25. Arkansas Code § 17-26-406 is amended to read as follows:
9 17-26-406. Refusal or cancellation of school license – Causes.

10 (a) A school shall not be licensed until the ~~Department of Health State~~
11 Board of Cosmetology has had ample opportunity to verify sworn statements as
12 to the actual ownership. In this respect, if false statements are submitted
13 to the ~~department~~ board in connection with a license application, this in
14 itself shall constitute sufficient grounds for the refusal to grant any
15 application under this subchapter. If an application is granted and
16 thereafter the ~~department~~ board discovers that false statements were made in
17 connection therewith, this shall constitute sufficient grounds for the
18 cancellation of the school license even though the false statements are
19 detected after a license has been issued.

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

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

29
30 SECTION 26. Arkansas Code § 17-26-407(b), concerning inspection of
31 cosmetology school facilities, is amended to read as follows:

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

1 have been received in the case of any new school.

2
3 SECTION 27. Arkansas Code § 17-26-408(5), concerning duties of a
4 school of cosmetology, is amended to read as follows:

5 (5) Fix its tuition at an amount that will enable it to furnish
6 without further charge to the student all cosmetics, materials, and supplies
7 used on the public and in classes. This does not include books and
8 instruments as shall be determined from time to time by the ~~Department of~~
9 Health State Board of Cosmetology.

10
11 SECTION 28. Arkansas Code § 17-26-410(a)(2), concerning qualifications
12 for an instructor of cosmetology, is amended to read as follows:

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

15
16 SECTION 29. Arkansas Code § 17-26-411 is amended to read as follows:
17 17-26-411. Instructors - Duties - Number.

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

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

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

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

32
33 SECTION 31. Arkansas Code § 17-26-413(b), concerning an electrology
34 course, is amended to read as follows:

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

1
2 SECTION 32. Arkansas Code § 17-26-414(b), concerning special
3 cosmetology programs, is amended to read as follows:

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

12
13 SECTION 33. Arkansas Code § 17-26-415 is amended to read as follows:

14 17-26-415. Student registration – Reregistration on transfer.

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

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

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

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

27
28 SECTION 34. Arkansas Code § 17-26-417(d)(3) and (4) and (e),
29 concerning student work required by cosmetology schools, is amended to read
30 as follows:

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

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

36 (e)(1) A student providing services under this section shall apply for

1 a student permit from the ~~department~~ board.

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

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

5 (4) The student permit shall be:

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

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

11
12 SECTION 35. Arkansas Code § 17-26-418 is amended to read as follows:
13 17-26-418. Cosmetology courses in public schools.

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

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

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

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

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

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

19-6-829. Cosmetology Operating Fund.

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

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

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

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