

Stricken language would be deleted from and underlined language would be added to present law.
Act 1060 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/21/17
A Bill

SENATE BILL 730

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING BARBERS; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING BARBERS.

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

SECTION 1. Arkansas Code § 17-20-101 is amended to read as follows:

~~*Sections 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—*~~
~~*17-20-310*~~ *This chapter shall be known and may be cited as the “Arkansas Barber Law”.*

SECTION 2. Arkansas Code § 17-20-102(a), concerning definitions pertaining to barber laws, is amended to read as follows:

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

- (1) Shaving or trimming the beard;*
- (2) Cutting hair;*
- (3) Giving facial and scalp massage or application of oils, creams, lotions, or other preparations, either by hand or mechanical appliances;*
- (4) Singeing, shampooing, or applying chemicals;*
- (5) Applying cosmetic preparations, antiseptics, powders, oils,*



clays, or lotions to scalp, face, or neck; and

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

SECTION 3. Arkansas Code § 17-20-103 is amended to read as follows:

17-20-103. Exemptions – Construction.

(a) The following persons, firms, or corporations are exempt from the provisions of ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ under the Arkansas Barber Law, § 17-20-101 et seq., while in the proper discharge of their professional duties:

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

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

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

(4) Undertakers and morticians; and

(5) Jails, prisons, or penitentiaries.

(b) Nothing contained in ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq., shall be construed so as to conflict in any manner with the laws regulating the vocation of cosmetic therapy or beauty culture.

SECTION 4. Arkansas Code § 17-20-104(c), concerning penalties, is amended to read as follows:

(c) The willful making of any false statement to a material matter in any oath or affidavit which is required ~~by the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ under Arkansas

Barber Law shall be perjury and punishable as such.

SECTION 5. Arkansas Code § 17-20-201(a)(5), concerning the creation of the State Board of Barber Examiners is repealed.

~~(5) The membership of the Secretary of the State Board of Health on the State Board of Barber Examiners shall in no way be affected by the provisions of § 25-19-211 [Repealed].~~

SECTION 6. Arkansas Code § 17-20-203(d), concerning the executive secretary of the State Board of Barber Examiners, is repealed.

~~(d) Before entering upon the discharge of the duties of his or her office, the executive secretary shall give a bond to the state, to be approved by the Governor and filed with the Auditor of State, in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of his or her office.~~

SECTION 7. Arkansas Code § 17-20-204 is amended to read as follows:
17-20-204. Personnel.

The State Board of Barber Examiners is authorized to employ such other personnel as it deems necessary to carry out the provisions of ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq., within such limits as may be provided by biennial appropriation of the General Assembly. All employees shall work under the direct supervision of the ~~board~~ Executive Secretary of the State Board of Barber Examiners.

SECTION 8. Arkansas Code § 17-20-205 is amended to read as follows:
17-20-205. Meetings.

The State Board of Barber Examiners shall hold a meeting ~~in Little Rock once every month, or at such other places where,~~ at least quarterly at a place where, in the discretion of the board, there are a sufficient number of applicants to warrant holding an examination outside of Little Rock for the purpose of:

- (1) Passing upon barbers' applications;
- (2) Conducting an examination to determine an applicant's ability to receive a license and shall issue or refuse to issue a license

thereon; and

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

SECTION 9. Arkansas Code § 17-20-206 is amended to read as follows:

17-20-206. Rules and regulations – Inspections.

(a) The State Board of Barber Examiners shall have authority to make and promulgate reasonable rules ~~and regulations~~ for the administration of ~~the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310 and for the purpose of carrying out the intent of these subchapters~~ the Arkansas Barber Law, § 17-20-101 et seq.

(b) It shall prescribe sanitary requirements for barbershops and barber schools, subject to the approval of the State Board of Health.

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

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

~~(e) The board may correct any conflicts contained herein by promulgation of rules and regulations, subject to the approval of the Attorney General.~~

SECTION 10. Arkansas Code § 17-20-208 is amended to read as follows:

17-20-208. Fees.

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

~~(b) A duplicate certificate will be issued upon the filing of a statement covering the loss of the original certificate, certified by the oath of the applicant, and by submitting one (1) signed photograph, and the payment of a fee of five dollars (\$5.00) for the issuance of the duplicate certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof and will bear the same number as the original~~

~~certificate that it was issued in lieu of.~~

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

- (1) The payment of the salary of the Executive Secretary of the State Board of Barber Examiners;
- (2) Expenses and stipends in accordance with § 25-16-901 et seq.;
- (3) Salary of registered barber inspectors and stenographers;
- (4) Retainer fees for attorneys;
- (5) Publication of the Arkansas Barber Law, § 17-20-101 et seq. ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, 17-20-301—17-20-310;~~
- (6) Investigation of violations of the Arkansas Barber Law, § 17-20-101 et seq. ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, 17-20-301—17-20-310;~~ and
- (7) Such other purposes as may be directed by the board.

SECTION 11. Arkansas Code § 17-20-209 is amended to read as follows:
17-20-209. Disposition of funds.

(a)(1) All moneys received by the State Board of Barber Examiners under ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq., shall be paid to the Executive Secretary of the State Board of Barber Examiners, who shall give a proper receipt for those moneys. ~~At the end of each month, he or she shall report to the Auditor of State the total amount received by him or her under the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310 from all sources~~ under the Arkansas Barber Law, § 17-20-101 et seq.

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

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

(2) No order shall be drawn by the Auditor of State on any fund other than the State Board of Barber Examiners Fund for any stipends or expenses of the board incident to the administration of ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq.

(c) All funds so paid to the Treasurer of State shall remain and be a separate and permanent fund for the maintenance of the board and the administration of ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq.

~~(d) All funds derived from civil penalties imposed by the board shall be deposited in one (1) or more depositories qualifying for the deposit of public funds. These funds shall be used by the board for administering the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310.~~

SECTION 12. Arkansas Code § 17-20-301 is amended to read as follows:
17-20-301. Certificate required.

(a) It shall be unlawful:

(1) ~~To practice barbering in this state without a certificate of registration as a registered barber issued pursuant to the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310 by the State Board of Barber Examiners as established in § 17-20-201 et seq.~~ For any person, firm, or corporation to conduct or operate a barber establishment, school of barbering, barber shop, or any other place of business in which any occupation of a barber are taught or practiced until licensed under this chapter and in compliance with this chapter relating to sanitation;

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

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

(b) A person having charge of a barber establishment or school of barbering, whether as an owner or an employee, shall not permit any room or part of a room in which any of the branches or practices of barbering are

conducted, practiced, or taught to be used for sleeping, for residential purposes, or for any other purpose that would tend to make the room unsanitary.

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

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

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

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

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

(f) Barber establishments who have persons licensed by the Cosmetology Technical Advisory Committee shall also have their appropriate current licenses to practice.

SECTION 13. Arkansas Code § 17-20-302 is amended to read as follows:
17-20-302. Qualifications of applicants.

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

(1) Is qualified under ~~the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ the Arkansas Barber Law, § 17-20-101 et seq.;

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

(3) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering ~~and furnishes a diploma showing graduation from a grammar school or its equivalent as determined by an examination conducted by the board;~~

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

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

SECTION 14. Arkansas Code § 17-20-303 is amended to read as follows:
17-20-303. Application.

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

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

~~(1) two Two (2) identical two-inch by three-inch signed photographs and satisfactory proof that the applicant is of good moral character~~ passport size signed photographs;

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

(3) His or her Social Security number; and

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

~~(c) Any person recently coming into this state~~ A barber applying for reciprocity who has an unrevoked or unexpired license issued by the proper authorities of another state certifying that he or she has completed a minimum of one thousand five hundred (1500) hours of training, may be issued a certificate of registration as a registered barber upon making the application as required by ~~law~~ the Arkansas Barber Law, § 17-20-101 et seq., and upon the payment of a ~~one hundred fifty dollar~~ reciprocity fee, ~~subject to the conditions outlined in subsection (d) of this section. The reciprocity fee shall~~ that shall include the license fee until the beginning of the next renewal period.

~~(d)(1) Any~~ An unlicensed person applying for reciprocity who has at least one thousand five hundred (1,500) hours of barber training may be granted registration by ~~reciprocity upon completion of those hours and examination upon proof of licensure~~ training by the ~~proper authorities~~ state board in the state in which the person received the training and upon making application as required by law and upon payment of a reciprocity examination

fee to obtain registration in this state as a registered barber..

(2) ~~Any person~~ A barber applying for reciprocity who has fewer than one thousand five hundred (1,500) hours of barber training must also have been continuously engaged in the practice of barbering for at least one (1) year in addition to providing proof of licensure and training ~~in~~ by the state board where the applicant received training or holds a license, or complete the required number of one thousand five hundred (1500) hours and upon making application as required by law and upon payment of a reciprocity fee to obtain registration in this state as a registered barber..

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

(2) All documents submitted for the purpose of complying with the requirements for examination shall be original copies and translated in the English language.

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

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

SECTION 15. Arkansas Code § 17-20-304(c), concerning examinations, is amended to read as follows:

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

SECTION 16. Arkansas Code § 17-20-307 is amended to read as follows:
17-20-307. Renewal – Expiration – Restoration.

(a) Every registered barber or teacher manager instructor (TMI) who continues in active practice or service shall annually between July 1 and ~~on~~

~~or before September 1 renew his or her certificate of registration or shop certificate of registration by paying the required fee.~~

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

(c)(1) A registered barber or teacher manager instructor (TMI) whose certificate of registration has ~~been expired for sixty (60) days or less~~ may have his or her certificate or shop certificate of registration restored immediately upon payment of the required restoration fee.

(2)(A) Any registered barber or teacher manager instructor (TMI) ~~who retires from the practice of barbering and fails to keep his or her registration certificate renewed for not more than three (3) years may renew his or her certificate of registration upon payment of the required restoration fee~~ for each year of delinquency.

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

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

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

SECTION 17. Arkansas Code § 17-20-308(1), concerning grounds for disciplinary action, is amended to read as follows:

(1)(A) Conviction of a felony shown by a certified copy of the record of the court of conviction;

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

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

(D) A violation of this section is a Class D felony.

SECTION 18. Arkansas Code § 17-20-310(a), concerning civil penalties, is amended to read as follows:

(a) Whenever the State Board of Barber Examiners, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., determines that any person has violated any provision of the Arkansas Barber Law, § 17-20-101 et seq., ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ or any regulation rule promulgated by the board ~~pursuant to it~~ under the Arkansas Barber Law, § 17-20-101 et seq., the board may impose a civil penalty on the person not to exceed two hundred fifty dollars (\$250).

SECTION 19. The title of Arkansas Code Title 17, Chapter 20, Subchapter 4 is amended to read as follows:

Subchapter 4

– Barber Schools and Postsecondary Barber Schools

*SECTION 20. Arkansas Code § 17-20-401 is amended to read as follows:
17-20-401. ~~Definition~~ Definitions.*

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

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

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

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

(B) A school with enrollment made up of no more than fifty percent (50%) of students with neither a high school diploma or equivalent of a high school diploma.

*SECTION 21. Arkansas Code § 17-20-402 is amended to read as follows:
17-20-402. Enforcement – Authority of the State Board of Barber*

Examiners.

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

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

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

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

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

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

(1) A secondary school of barbering; or

(2) A postsecondary school of barbering.

SECTION 22. Arkansas Code § 17-20-404 is amended to read as follows:
17-20-404. Application for registration – Contents.

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

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

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

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

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

- (A) *Size of the building;*
 - (B) *Number of chairs available;*
 - (C) *Sanitary facilities;*
 - (D) *Name, number, and qualifications of the teachers on the staff; and*
 - (E) *Proposed number of students;*
- (5) *A statement, certified to by a public accountant licensed to practice in this state, of the assets and liabilities of the person or firm making the application;*
- (6) *Evidence that a financial responsibility bond for faithful performance of duty has been secured; and*
- (7) *Evidence that a performance bond of ten thousand dollars (\$10,000) guaranteeing the operation of the school or college ~~for one (1) year~~ has been secured.*

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

SECTION 23. Arkansas Code § 17-20-405 is amended to read as follows:
17-20-405. Licensing prerequisites – Managers and teachers.

~~(a) No~~ A school or college of barbering shall not be approved by the State Board of Barber Examiners and ~~no~~ a license shall not be issued to operate or conduct any school or college of barbering until the following provisions are complied with:

- (1) ~~The management and faculty are registered barber teachers~~ teacher manager instructors (TMIs) under this subchapter;
- ~~(2) The teacher must be a high school graduate;~~
- ~~(3) The teacher shall have completed a postgraduate course of six hundred (600) hours in barber teacher theory in an approved school, which school shall regularly offer such a course;~~
- ~~(4)~~ (2) At least one (1) approved teacher manager instructor (TMI) is teaching ~~therein~~ at the school or college of barbering at all times and in charge of each daily class in theoretical scientific study, scientific barbering practice, and general barbering practice at all times; and

~~(5)(3) One (1) teacher manager instructor is provided for every twenty (20) students; and.~~

~~(6)(A) Every teacher shall pay a teacher license fee of forty dollars (\$40.00) per year.~~

~~(B) For restoration of an expired license to practice as a teacher, the teacher shall pay a fee of forty eight dollars (\$48.00).~~

~~(b) Section 17-20-404(4) (6) shall not apply to any school or college of barbering which was engaged in the operation or conduct of any such school or college on June 16, 1961.~~

~~(c) Any person who has been continuously licensed or registered in another state to practice barbering who also meets the requirements of subdivisions (a)(2) and (3) of this section may be issued a certificate of registration as a registered barber teacher upon making application as required by law and upon payment of a one hundred fifty dollar reciprocity fee to obtain registration in this state as a registered barber, plus a one hundred fifty dollar barber teacher reciprocity fee.~~

~~(d) The board may license a secondary educational institution as a school or college of barbering.~~

~~(e) The board shall indicate in writing on the license of a school or college of barbering whether the school is licensed as a secondary or postsecondary institution.~~

SECTION 24. Arkansas Code § 17-20-406 is amended to read as follows:
17-20-406. Teacher Manager Instructor (TMI) certification.

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

(2) A teacher manager instructor (TMI) shall be:

(A) Twenty-one (21) years of age; and

(B) A currently licensed barber who has:

(i) One (1) year experience as a barber;

(ii) A high school diploma or the equivalent of a high school diploma; and

(iii) Completed a postgraduate course of six hundred (600) hours in barber teacher theory in an approved school.

(3) An applicant for a teacher manager instructor (TMI) certificate shall take a written test and a demonstrate to the board his or her competency on a subject assigned by the board from the text book on one of the following subjects:

- (A) Haircutting;
- (B) Permanent waving;
- (C) Hair coloring;
- (D) Hair styling;
- (E) Chemical processing; or
- (F) Shaving.

(b) A person who has been continuously licensed or registered in another state to practice barbering and who also meets the requirements under the Arkansas Barber Law, § 17-20-101 et seq., may be issued a certificate of registration as a registered teacher manager instructor (TMI) upon making application as required by law and upon payment of the reciprocity fee to obtain registration in this state as a registered barber, plus the teacher manager instructor (TMI) reciprocity fee.

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

SECTION 25. Arkansas Code § 17-20-407 is amended to read as follows:
17-20-407. Curriculum.

(a) ~~No~~ A school or college of barbering shall not be approved by the State Board of Barber Examiners and ~~no~~ a license shall not be issued to operate or conduct any school or college of barbering until the applicant demonstrates to the board that it is fully qualified to thoroughly educate and instruct students in all subjects necessary and required to qualify them as competent barbers.

(b) ~~No~~ A school of barbering shall not be approved by the board unless it:

~~(1) Requires as a prerequisite to admission thereto graduation from an eighth-grade school or possession of an equivalent education to be determined by an examination conducted by the board~~ Meets the admission requirements under § 17-20-401 et seq.;

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

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

- (i) Scientific fundamentals for barbering;
- (ii) Physiology;
- (iii) Hygiene;
- (iv) Elementary chemistry relating to sterilization and antiseptics;
- (v) Massaging and manipulating the muscles of the face, neck, and scalp;
- (vi) Hair cutting;
- (vii) Bobbing;
- (viii) Waving;
- (ix) Shaving;
- (x) Beard trimming; and
- (xi) Chemical services.

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

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

(A) One and one-fourth ($1\frac{1}{4}$) clock hours of theoretical study in a classroom;

(B) One and one-fourth ($1\frac{1}{4}$) clock hours of scientific barber practice in a classroom other than general clinic; and

(C) Five (5) clock hours of general barber practice. Each barber college shall average five ~~and one-half ($5\frac{1}{2}$) haircuts or shaves~~ services per day per student;

(2) Teach no fewer than one-third ($1/3$) of its total enrollment

scientific barbering practice, theory, or general barber practice at one (1) time;

(3) ~~Submit~~ Post a daily schedule of its course of study ~~to the board for its approval and post a copy of the approved schedule in its~~ general clinic where it can be easily read by all students; and

(4) Require a maximum attendance in all subjects. ~~No~~ A student shall not be permitted to spend more than eight (8) hours in the college in any one (1) day.

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

SECTION 26. Arkansas Code § 17-20-408 is amended to read as follows:
17-20-408. Facility – Equipment.

(a)(1) ~~No~~ A school or college of barbering shall not be approved by the State Board of Barber Examiners and ~~no~~ a license shall not be issued to operate or conduct any school or college of barbering until one (1) chair is available for each student.

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

(b) Each barber college shall have within the premises in which it is located adequate space to accommodate all facilities required by the board. Each barber chair in each college shall be of such construction that it may readily be cleaned, and it shall be mechanically workable and in good working order. ~~Space between barber chairs and space between barber chairs and the work stand or wall shall be adequate so that no student will be hampered in the performance of his or her work. After the adoption of these rules, compliance with the requirements of this subsection shall be subject to the determination of the board and its approval.~~

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

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

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

classes;

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

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

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

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

(6) One (1) chart of the bones of the head and face;

(7) One (1) chart of the blood supplied to the head and face;

(8) One (1) standard dictionary;

(9) One (1) medical dictionary; and

(10) One (1) microscope for the study of bacteria.

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

(1) A minimum of fifteen (15) barber chairs in modern and new condition;

(2) One (1) ~~lavatory~~ shampoo bowl for each two (2) chairs;

(3) One (1) closed cabinet for tools and linens for each chair;

(4) One (1) approved soiled towel container with hinged lid or door for each chair;

(5) One (1) ~~sterilization~~ disinfecting solution container for each chair adequate in size to accommodate all instruments to be used on each patron;

(6) One (1) ultraviolet lamp for every twenty (20) students or a fraction thereof;

(7) One (1) infrared generator for every twenty (20) students or a fraction thereof;

(8) One (1) high-frequency unit for every twenty (20) students or a fraction thereof;

(9) One (1) mechanical hand vibrator for every ten (10) students or a fraction thereof;

(10) One (1) hair dryer; and

(11) One (1) time clock to verify student hours of daily attendance to be submitted to the board by the tenth day of each month.

(f) Each barber college shall have adequate ventilating and lighting

equipment approved by the board.

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

SECTION 27. Arkansas Code § 17-20-420 is amended to read as follows:
17-20-420. Application for enrollment.

(a) ~~No~~ A school of barbering shall not enroll or admit any student thereto unless the student makes and files in duplicate a duly verified application. This application shall be of such form and contain such matters as the State Board of Barber Examiners may prescribe ~~and shall be obtained by the student or the school from the board.~~

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

SECTION 28. Arkansas Code § 17-20-421 is amended to read as follows:
17-20-421. Applicants for admission or examination – Qualification.

(a)(1) Every applicant for entrance as a student in a barber college or for admittance to examination to receive a certificate of registration as a registered barber shall have a diploma showing completion of ~~the eighth~~ grade eight (8) or a certification of equivalency ~~issued by the State Board of Barber Examiners in this or any other state or country from which the applicant is applying.~~

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

(3) The application for enrollment shall be accompanied with identification of the applicant in the form of his or her Social Security number, drivers' license, and two (2) passport size photographs of the applicant with name the of the applicant on back.

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

SECTION 29. Arkansas Code § 17-20-422 is amended to read as follows:
17-20-422. Application for examination.

Each applicant for an examination shall:

(1) Make application to the State Board of Barber Examiners at least ten business (10) days ~~prior to~~ before the examination date ~~on blank forms prepared and furnished by the board, the application to contain and~~ submit proof under the applicant's oath of the particular qualifications of the applicant, including the certification by school officials of the number of hours attended; and

~~*(2) Furnish to the board a certificate from a practicing medical doctor of this state dated not more than ten (10) days prior to the date of application attesting that he or she is free from any contagious or infectious disease;*~~

~~*(3) Furnish to the board two (2) signed photographs of the applicant, size two inches by three inches (2'' x 3''), one (1) to accompany the application and one (1) to be returned to the applicant to be presented to the board when the applicant appears for examination; and*~~

~~*(4)*~~ *(2) Pay the required fee to the board as provided by law.*

*SECTION 30. Arkansas Code § 17-20-424 is amended to read as follows:
17-20-424. Inspection of student work.*

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

(b) In each licensed school of barbering:

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

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

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

(A) The student agrees to participate;

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

(C) The school maintains the required student-to-teacher ratios.

*SECTION 31. Arkansas Code § 17-20-501 is amended to read as follows:
17-20-501. Scope of employment.*

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

*SECTION 32. Arkansas Code § 17-20-502 is amended to read as follows:
17-20-502. Certification.*

~~(a) The State Board of Barber Examiners shall issue a barber technician certification to a person who has barber shop that is current with its shop and technician licenses.~~

~~(1) Completed the twelfth grade of school;~~

~~(2) Completed at least twenty (20) full working days' study at an approved school of barbering, which study shall include subjects designated by the board;~~

~~(3) Completed not fewer than twenty (20) hours' study of sterilization of tools and of the barber laws of the State of Arkansas; and~~

~~(4) Satisfactorily passed an examination prepared by and conducted by the board to determine the applicant's fitness and ability to practice as a barber technician.~~

~~(b)(1) Alternatively, the board shall issue a barber technician certification provided the person has:~~

~~(A) Completed the twelfth grade of school;~~

~~(B) Completed a sixty-day apprenticeship program under the instruction of a licensed barber and designed by the board, which shall include a thorough study of sterilization of tools and of the barber laws of the State of Arkansas; and~~

~~(C) Satisfactorily passed an examination prepared and conducted by the board to determine the applicant's fitness and ability to practice as a barber technician.~~

~~(2) Any person participating in the aforementioned apprenticeship program shall be allowed to take the examination prepared by the board only upon certification by the instructing barber that the person~~

~~has completed the course as designed by the board.~~

SECTION 33. Arkansas Code § 17-20-503 is amended to read as follows:

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

Upon application ~~of~~ from a currently licensed barbershop and upon receipt of the application fee of thirty-five dollars (\$35.00), the State Board of Barber Examiners shall issue a certificate authorizing the licensed barbershop to continue to employ not more than two (2) persons as barber technicians. ~~Persons so employed must have completed the eighth grade of school and be registered with the board.~~

/s/Elliott

APPROVED: 04/06/2017