

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/11/13  
**A Bill**

SENATE BILL 360

By: Senators B. Sample, Burnett, L. Chesterfield, Files, Hester, J. Hutchinson, D. Wyatt  
By: Representatives D. Altes, Barnett, Collins, Cozart, D. Douglas, Hickerson, Jean, Lowery, Ratliff,  
Rice, Scott, Slinkard, T. Thompson, Vines, Walker, Wardlaw, Westerman, B. Wilkins, H. Wilkins

### **For An Act To Be Entitled**

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

### **Subtitle**

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

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY.

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

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

(c) All powers, duties, and functions, including without limitation rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications relating to the practice, licensure, and training of



cosmetologists as established by law for the State Board of Health and the Department of Health are transferred to the State Board of Cosmetology, except as specified in this act.

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

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existing at the time of the transfer under this section shall remain in full force and affect and may be amended or repealed, in whole or in part, by the State Board of Cosmetology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Two (2) members shall be owners of a licensed private school of cosmetology;

(3) Two (2) members shall be directors or licensed cosmetology instructors of public institutions that operate licensed programs of cosmetology;

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

(5) One (1) member of the board shall be a consumer

representative who is not actively engaged in or retired from the cosmetology industry.

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

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

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

(f)(1) The Governor shall remove a member of the board for good cause as defined under § 25-16-804.

(2) If the Governor removes a member of the board, the procedure for removal shall be under § 25-16-804.

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

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

SECTION 3. Arkansas Code Title 17, Chapter 26, Subchapter 2 is amended to add additional sections to read as follows:

17-26-202. Officers.

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

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

17-26-203. Director.

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

(b) Immediately upon assuming the duties of his or her office, the director shall give bond to the board in the amount of five thousand dollars

(\$5,000), with good and sufficient sureties, approved by the board and conditioned upon the faithful performance of all duties required or which may be required of him or her by law or the regulations of the board.

SECTION 4. Arkansas Code § 17-26-204 is amended to read as follows:  
17-26-204. Inspectors and professional employees.

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

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

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

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

SECTION 5. Arkansas Code § 17-26-205 is amended to read as follows:  
17-26-205. Powers and duties.

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

~~(1) Prescribe the duties of the department's employees;~~  
~~(2) Hold examinations as to the qualifications of all applicants for registration whose applications have been submitted to it in proper form, unless otherwise provided;~~

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

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

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

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

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

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

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

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

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

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

(1) Prescribe the duties of its employees with all day-to-day and employment decisions to be made by the Director of Cosmetology;

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

(3) Adopt a seal;

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

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

(6) Register cosmetological establishments and schools of cosmetology;

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

(8) Report to the proper officials all known violations of this

chapter; and

(9) Adopt reasonable rules:

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

(B) For conducting examinations of applicants for

licensing;

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

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

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

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

SECTION 6. Arkansas Code § 17-26-206 is amended to read as follows:

17-26-206. Meetings – Examinations.

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

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

SECTION 7. Arkansas Code § 17-26-207 is amended to read as follows:

17-26-207. Registration record.

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

SECTION 8. Arkansas Code § 17-26-208 is amended to read as follows:

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

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

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

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

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

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

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

17-26-209. Fees – Method of payment.

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

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

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

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

~~(a) All fees, fines, and penalties collected under this chapter and on~~

~~behalf of the State Board of Health and all receipts of every kind and nature collected under this chapter shall be paid into the State Treasury and shall be credited to the Public Health Fund.~~

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

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

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

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

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

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

17-26-304. Prerequisites to examination for a cosmetologist, manicurist, or aesthetician.

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

- (1) Is not less than sixteen (16) years of age;
- (2) Has completed two (2) years of high school in the public schools of this state or its equivalent; and
- (3) Has completed one (1) of the following:
  - (A) For a cosmetologist, training of at least one thousand five hundred (1,500) hours;
  - (B) For a manicurist, training of at least six hundred (600) hours;
  - (C) For an aesthetician, training of at least six hundred (600) hours; or

(D) The prescribed course of study in cosmetology under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas.

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

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

- (1) Is not less than eighteen (18) years of age;
- (2) Has completed the twelfth grade or an accredited senior high school in the public schools of this state or its equivalent; and
- (3) Has completed one (1) of the following:
  - (A) A course of three hundred fifty (350) hours of practical training as a student in conjunction with a course of fifteen hundred ~~(1500)~~ (1,500) hours in cosmetology or for a licensed cosmetologist;
  - (B) A course of six hundred (600) hours of practical training as a student, when not in conjunction with a regular course in cosmetology or for a licensed cosmetologist, extending over a period of not less than four (4) months under the immediate supervision of a licensed electrologist instructor in a school of cosmetology;
  - (C) The prescribed course of study in electrology under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas; or
  - (D) Training and practice in electrology for a period as shall be specified by rules of the ~~State Board of Health~~ board.

SECTION 14. Arkansas Code § 17-26-307 is amended to read as follows:  
17-26-307. Electrology instructors – Prerequisites to examination.

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

- (1) Is not less than twenty-one (21) years of age;
- (2) Holds a valid Arkansas license as an electrologist; and

(3) Has had three (3) years of practical experience as an electrologist in the State of Arkansas within the past five (5) years.

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

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

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

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

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

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

SECTION 16. Arkansas Code § 17-26-316 is amended to read as follows:  
17-26-316. ~~Display of license~~ Contents and display of license.

~~(a) Every licensee shall:~~

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

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

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

(a) Every license issued by the State Board of Cosmetology shall be signed by the president of the board and attested by the Director of

Cosmetology and shall bear the impress of the board's seal.

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

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

17-26-317. Notice of address change.

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

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

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

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

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

(1) Annually on December 31;

(2) Biennially on December 31; or

(3) Biennially on the owner's birthday in conjunction with the individual license.

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

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

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

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

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

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

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

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

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

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

SECTION 20. Arkansas Code § 17-26-402 is amended to read as follows:  
17-26-402. Cosmetological establishments – License.

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

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

SECTION 21. Arkansas Code § 17-26-403 is amended to read as follows:  
17-26-403. School of cosmetology – Application to operate – License.

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

~~(b)(1) A person, firm, or corporation desiring to conduct a school of~~

~~cosmetology shall apply to the Department of Health for approval.~~

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

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

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

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

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

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

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

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

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

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

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

(d) The license authorizes the school of cosmetology holding it to transact operations in this state during the year or fraction thereof for which it 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 cosmetology without a valid, existing, and unexpired

license.

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

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

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

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

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

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

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

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

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

(b)(1) The ~~department~~ board may deny a school license to any applicant or licensee upon reasonable evidence that the school or its officials would

jeopardize the health and safety of the public.

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

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

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

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

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

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

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

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

(a) All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student, an instructor may not practice upon a client, and any instructor who does so is

subject to disciplinary action by the ~~Cosmetology Technical Advisory Committee~~ State Board of Cosmetology.

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

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

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

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

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

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

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

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

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

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

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

(d)(1) 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 has completed three-quarters ( $\frac{3}{4}$ ) of the course of study;
- (C) The student is accompanied by and acts under the direct supervision of a licensed instructor; and
- (D) The student ~~receives no~~ does not receive any credit hours toward the course of study.

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

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

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

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

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

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

(4) The student permit shall be:

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

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

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

*(a)(1) The State Board of Cosmetology shall promulgate rules establishing standards and curriculum for educational institutions operating cosmetological schools.*

*(2) All public educational institutions operating cosmetological schools shall comply with the standards and rules promulgated by the State Board of ~~Health~~ Cosmetology.*

*~~(2)(A)~~ (3)(A) However, the responsibility for approval of*

cosmetological schools in public educational institutions shall be the sole responsibility of the State Board of Career Education.

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

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

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

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

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

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

SECTION 35. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act transfer the regulation of cosmetology from the Department of Health to a newly created State Board of Cosmetology, and the ideal time to make such a transfer is at the beginning of the state's fiscal year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the

preservation of the public peace, health, and safety shall become effective on July 1, 2013.

*/s/B. Sample*