

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/15/21

A Bill

HOUSE BILL 1746

By: Representatives Underwood, Ray

By: Senators Gilmore, B. Davis

For An Act To Be Entitled

AN ACT TO ESTABLISH ANNALYNN'S LAW; TO AMEND THE COSMETOLOGY ACT; TO EXEMPT CERTAIN INDIVIDUALS FROM LICENSURE BY THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE; TO EXEMPT CERTAIN ESTABLISHMENTS FROM LICENSURE BY THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE; AND FOR OTHER PURPOSES.

Subtitle

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

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as "Annalynn's Law".

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

(a) As used in this chapter:

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



lotions, ~~and~~ or creams;

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

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

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

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

(3) "Cosmetologist" means any person who:

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

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

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

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

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

any person;

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

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

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

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

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

(E) Complies with rules established by the department;

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

(9) "Registered hairstylist" means an individual who is registered with the department and who only provides washing, cleansing, drying, blow drying, combing, brushing, or styling services for the hair of any person, but does not provide other services under the art of cosmetology as described in subsection (b) of this section;

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

~~(10)~~ (11) "Student" means any person enrolled and engaged in learning or acquiring a knowledge of the occupation of cosmetology or any branch of cosmetology in a licensed school of cosmetology under a licensed instructor.

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

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

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

creams;

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

(4) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;

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

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

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

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

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

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

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

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

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

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

(6) Relatives of residents of nursing facilities as defined in §

20-10-1401 who provide cosmetological services to a related resident of a nursing facility;

(7)(A) Registered hairstylists that only provide the washing, cleansing, drying, blow drying, combing, brushing, or styling the hair of any person.

(B) A registered hairstylist in a cosmetology establishment may provide services only when supervised by a licensed cosmetologist who is available to address health and safety issues that may arise in providing services to a consumer; and

(8) An individual who only cleanses the hair of any person for compensation.

(b) This chapter does not prohibit any practice within its scope in cases of emergency, nor the administration of any practice outside of a licensed school of cosmetology or cosmetological establishment when necessary because of the illness or other physical incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

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

SECTION 4. Arkansas Code Title 17, Chapter 26, Subchapter 3, is amended to add an additional section to read as follows:

17-26-324. Registered hairstylist.

(a) The Department of Health:

(1) Shall develop a registration application process for a registered hairstylist;

(2) May charge each registrant a fee of not more than ten dollars (\$10.00) to cover the department's costs of maintaining the registration; and

(3) Shall not require registrants to provide proof of training at a school of cosmetology.

(b) This section shall not be construed to:

(1) Exempt registered hairstylist from the requirements of a general business license or any laws relating to the payment of taxes; or

(2) Prohibit private certification of any provider.

/s/Underwood