

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

State of Arkansas
94th General Assembly
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As Engrossed: S3/1/23 H3/27/23
A Bill

SENATE BILL 322

By: Senator Irvin
By: Representatives Steimel, L. Johnson, Wardlaw

For An Act To Be Entitled

AN ACT TO AMEND THE DUTIES OF THE STATE BOARD OF
BARBER EXAMINERS; TO AID IN THE ADMINISTRATION OF THE
STATE'S BARBER LAWS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DUTIES OF THE STATE BOARD OF
BARBER EXAMINERS; AND TO AID IN THE
ADMINISTRATION OF THE STATE'S BARBER
LAWS.

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

SECTION 1. Arkansas Code § 17-20-102 is amended to read as follows:
17-20-102. Definitions.

~~(a)~~ As used in this chapter, unless the context otherwise requires:

(1) "Barber" means an individual who practices barbering;

(2) "Barber pole" means any version or likeness of the traditional symbol used to identify a barbershop, customarily composed of a vertical cylinder or pole with a ball on top, alternating stripes of any combination of colors including red and white, and red, white, and blue, which run diagonally along all or part of the length of the cylinder or pole;

(3)(A) "Barbering" ~~"barbering"~~ means any one (1) or any combination of the following practices when performed for cosmetic purposes and done for the public generally for pay or other compensation, either directly or indirectly in any location defined as a barber shop:

~~(1)~~ (i) Shaving or trimming the beard;



- ~~(2) (ii) Cutting hair;~~
- ~~(3) (iii) Giving facial and scalp massage or application of oils, creams, lotions, or other preparations, either by hand or mechanical appliances;~~
- ~~(4) (iv) Singeing, shampooing, or applying chemicals; and or~~
- ~~(5) (v) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, or neck.~~

(B) "Barbering" does not include the practices described in subdivision (a)(3)(A) of this section when done for the treatment of physical or mental ailments or diseases; and

(4) "Barbershop" means an establishment in which barbering is practiced.

~~(b) 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.~~

~~(c) Such practices when done for the treatment of physical or mental ailments or diseases shall not constitute barbering.~~

SECTION 2. Arkansas Code § 17-20-201(a)(3) and (4), concerning the composition of the State Board of Barber Examiners, are amended to read as follows:

~~(3)(A) One (1) member appointed by the Governor will~~ shall be a public member to represent the consumer, and one (1) member ~~appointed by the Governor to~~ shall represent persons sixty-five (65) years of age and older.

(B) The two (2) members appointed under this subdivision (a)(3)(A) of this section shall be full voting members but shall not:

(i) Be ~~be~~ actively engaged in or retired from the barbering profession;;

(ii) Be ~~The two (2) positions may not be held by the same person;~~ or

(iii) Participate ~~Both shall be full voting members~~

~~but shall not participate in the grading of practical examinations.~~

~~(4) The five (5) members shall be appointed in such manner that two (2) of them shall reside in the geographical area north of I-40, two (2) shall reside in the geographical area south of I-40, and one (1) shall be appointed from the state at large.~~

SECTION 3. Arkansas Code § 17-20-203(a)(1), concerning the Director of the State Board of Barber Examiners, is amended to read as follows:

(a)(1) ~~The State Board of Barber Examiners in consultation with the Secretary of the Department of Labor and Licensing,~~ in consultation with the State Board of Barber Examiners, may employ a Director of the State Board of Barber Examiners, who shall not be a member of the state board and who shall have the responsibility of keeping:

- (A) A record of the state board's proceedings;
- (B) A record of persons registered as barbers showing the name, place of business, and residence of each and the date and number of his or her certificate;
- (C) A record of all certificates issued, refused, renewed, suspended, or revoked; and
- (D) Such other records as may be directed by the state board or required by law.

SECTION 4. Arkansas Code § 17-20-206(c), concerning the inspection rights of the State Board of Barber Examiners, is amended to read as follows:

(c) Any member of the State Board of Barber Examiners, the Director of the 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.

SECTION 5. Arkansas Code § 17-20-301 is amended to read as follows:
17-20-301. Certificate required ~~– Prohibitions.~~

(a) ~~It~~ Unless certified by the State Board of Barber Examiners as required by this chapter, it shall be unlawful for an individual or entity to:

(1) ~~For any person, firm, or corporation to conduct~~ Conduct or operate a barbering establishment, school of barbering, barbershop, or any

other place of business in which any occupation of a barber is taught or practiced;

~~(2) Fail to comply with the sanitation provisions of this chapter until licensed under this chapter and in compliance with this chapter relating to sanitation;~~

~~(2)(3) To act Act or attempt to act as a barber without a certificate of registration as a registered barber duly issued by the State Board of Barber Examiners; and or~~

~~(3)(4) For any person, firm, or corporation to operate Operate a barbershop unless it is operated under the personal supervision and management of a registered barber.~~

(b) A person having charge of a barbering 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~~ any individual or entity 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 barbershop 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.

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

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

SECTION 6. Arkansas Code § 17-20-303(b)-(e), concerning the licensing

requirements of the State Board of Barber Examiners, are amended to read as follows:

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

- (1) Two (2) identical passport-sized signed photographs;
- (2) A copy of his or her record of identification; and
- (3) ~~His~~ A copy of his or her Social Security card 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.~~

(c) A barber applying for reciprocity who has an unrevoked ~~or~~ and unexpired license issued by the proper authorities of another state certifying that he or she has completed a minimum of one thousand five hundred (1,500) hours of training, may be issued a certificate of registration as a registered barber upon making the application as required by this chapter and upon the payment of a reciprocity fee that shall include the license fee until the beginning of the next renewal period.

(d)(1) An unlicensed person applying for ~~reciprocity~~ a license who has at least one thousand five hundred (1,500) hours of barber training may be granted registration by examination upon proof of training by the state board in the state in which the person received the *training* or by another appropriate authority and upon making application as required by law and upon payment of ~~a reciprocity~~ an application fee and examination fee ~~to obtain registration in this state as a registered barber.~~

(2) 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 by the state board where the applicant received training or holds a license, or complete the required number of one thousand five hundred (1,500) 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~~ a practical examination

administered by the State Board of Barber Examiners and pay the examination fee 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 into the English language.

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

SECTION 7. Arkansas Code § 17-20-405 is amended to read as follows:

17-20-405. Licensing prerequisites – Managers and teachers.

A school or college of barbering shall not be approved by the State Board of Barber Examiners and a license shall not be issued to operate or conduct any school or college of barbering ~~until the following provisions are complied with~~ unless:

(1) The faculty are registered teacher manager instructors under this subchapter;

(2)(A) At least one (1) approved teacher manager instructor is teaching 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~~.

(B) A licensed barber in good standing with the board may substitute as a teacher manager instructor for a specified period of time upon written request and written board approval; and

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

SECTION 8. Arkansas Code § 17-20-406(a)(2), concerning qualifications for a teacher manager instructor, is amended to read as follows:

(2) A teacher manager instructor shall be+

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

~~(B) A a currently licensed barber who has+~~

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

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

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

SECTION 9. Arkansas Code § 17-20-406(c), concerning qualifications for a teacher manager instructor, is amended to read as follows:

(c) A teacher manager instructor 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 license.

SECTION 10. Arkansas Code § 17-20-421(a)(3), concerning application requirements for barber college students, is amended to read as follows:

(3) The application for enrollment shall be accompanied with identification of the applicant in the form of:

(A) A copy of his or her Social Security number, card;

(B) A driver's license, or a state-issued identification card; and

(C) Two ~~two~~ (2) passport-sized photographs of the applicant with the name of the applicant on the back.

SECTION 11. Arkansas Code § 17-20-424(b), concerning inspections of a student's work in each licensed school of barbering, is amended to read as follows:

(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)~~(2) 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.

/s/ Irvin