



Arkansas Department of Health

Cosmetology Section

4815 West Markham Street, Slot #8 • Little Rock, Arkansas 72205-3867 • Telephone (501) 682-2168

Governor Asa Hutchinson

Nathaniel Smith, MD, MPH, Director and State Health Officer

1. **Add the following language to Rule 1.2- Purpose to clarify related occupations.**
 - Specifically manicuring, aesthetics, and electrology
2. **Remove the following language to Rule 1.3 (A)–investigations, Hearings, or Inspections.**
 - An inspector is a person with five (5) years of experience in the licensed practice of cosmetology.
 - between 2-4 times a year,
 - check accumulated hours and number of students in cosmetology schools; rate inspections;
 - yearly ,
3. **Add the following language to Rule 1.3 (A)–investigations, Hearings, or Inspections.**
 - at least annually but not limited to,
4. **Separate Relocation of Establishment from New Establishment for clarification to Rule 1.5- Fees, e. –**
 - g. Relocation of Establishment \$ 150.00 one-time fee
5. **Remove language from Rule 1.5- Fee’s, n. and o. – to reflect statue.**
 - by January 31 of the following year
6. **Remove the following language from Rule 1.5 p. – Fee’s**
 - Note: Practitioners with an inactive license that otherwise qualifies for the lifetime license will be issued a certificate at no cost to them.
7. **Remove Rule 1.5- Fee’s, r.**
8. **Add Appendix A- Violation Fee Table**
9. **Add the following language to Rule 2- Definitions- (2.4) Client and (2.5) Cosmetology Services.**
 - For compensation in any form

- 10. Remove Rule 2- Definitions: Rule 2.6; Rule 2.8; Rule 2.12; Rule 2.13**
- 11. Remove Rule 3 Requirements for Cosmetology and Related Occupations: Rule 3.3 Demonstrator**
- 12. Add the following language in Rule 4.1(A) – Eligibility for clarification.**
 - If the Department’s records agree that the person has met all eligibility requirements, and does not owe a financial obligation to the Section, then the person will be deemed eligible to schedule for examination.
- 13. Add the word partial to Rule 4.1 Eligibility (B)**
- 14. Move Reciprocity Rule as Rule 4.1(C) (a) (b) (c) for better flow.**
- 15. Remove Rule (4.2)General Policies and Procedures (B)**
- 16. Replace Health and Safety Rules with the most recent inspection sheet to Rule 5.1(C)(1) Consumer Information**
- 17. Add the following language to Rule 5.1(C) Physical Facilities(3)**
 - of implements or supplies for services performed on the public.
- 18. Remove the following language from Rule 5.1(C) Physical Facilities (6)**
 - insect proof and rodent-proof
- 19. Remove the following language from Rule 5.1(C) Physical Facilities (7)**
 - Openings to the outside shall be effectively protected against the entrance of rodents and insects.
- 20. Remove the following language from Rule 5.1(C) Physical Facilities (9)**
 - such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic Worn, torn, or broken floor coverings shall be replaced.
- 21. Remove the following language from Rule 5.1(C)Physical Facilities (10)**
 - of closely woven construction, properly installed, easily cleanable, and. Worn or torn carpet shall be replaced.
- 22. Replace obnoxious odors with harmful fumes in Rule 5.1(C)Physical Facilities (12)**
- 23. Replace language in Rule 5.1 (C) Physical Facilities (13) (a) (b) (c) (d) (e) for clarification of minimal equipment.**
- 24. Amend the following language in Rule 5.1 (C)Physical Facilities(14)**
 - Exceptions include:
 - (a), except for service. Service animals that are accompanying a client with a disability. Pets are not allowed within the premises of a salon or school.
 - (b) Fish in a decorative aquarium.

25. Remove the following language from Rule 5.1 (C) Physical Facilities (16)(a)

- uniform or

26. Add Pedicure Spas language to Rule 5.1 (C) Physical Facilities (17) Headrests, Shampoo Bowls, Treatment Tables (d)

- (d) Pedicure Spas – Pedicure spas and equipment must be sanitized and disinfected before each service.

27. Remove the following language from Rule 5.1 (C) Physical Facilities (18) (a) and Remove (b)

- closed

28. Add the following language to Rule 5.1 (C) Physical Facilities (19)

(19) containing any chemical or liquids

29. Amend language for clarification in Rule 5.1 (C) Physical Facilities (21) Instruments and Supplies (a) & remove (b)

30. Separate Electrical and Non-Electrical Instruments and Equipment in Rule 5.1 (C) Physical Facilities (22) and add language for clarification of disinfecting and sanitizing.

(22) Electrical Instruments and Equipment-

(a) A disinfecting solution containing bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be

(b) Electrical equipment shall be functioning in accordance with the manufacturer's specifications. Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.

(23) Non-Electrical Instruments and Equipment-

(a) Before use upon a client, all electrical instruments shall be sanitized and disinfected with a disinfecting solution containing bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. All disinfectable instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled receptacle.

(b) Non-Electrical equipment shall be functioning in accordance with the manufacture specifications. Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.

31. Amend language for Rule 5.1 (C) Physical Facilities (24) for more clarification and add medical waste statutes for needle disposal.

32. Amend language in Rule 5.1 (C) Physical Facilities (25) (a) & (c) for clarification of disinfecting cosmetic pencils.

- 33. Move Rule 5.2 Facility Use for Non Accredited Courses to 7.18**
- 34. Amend language for Rule 6.2 Authorization to separate application and authorization.**

- 35. Add the following language to Rule (6.3) Changes and Notification Requirements (B) & (D)**

- **(B)**The new owner shall submit a copy of his or her driver's license, and a copy of the legal change of ownership document.
- **(D) Closure** – they shall notify the department in writing.

- 36. Remove the following language from Rule (6.4) Separation of Establishment (B) (1) & all (B) (2)**

- (from the floor to the ceiling) of permanent construction and shall not have doors or openings of any kind between the businesses.

- 37. Remove Rule (6.4) (C) Equipment (1) (2) (3) (4)**

- 38. Remove Rule (7.1) Application (A) & (B)**

- 39. Move 7.1 (A) & (B) Rule (7.3) Changes and Notification Requirements (A) & (B) for better flow.**

- 40. Add the following language to Rule (7.7) Building Requirements**

- All cosmetology schools shall be equipped to do and actually perform all services designated under *§ 17-26-101*.

- 41. Remove (F) from Rule (7.7) Building Requirements**

- 42. Remove the following language from Rule (7.7) Building Requirements (H)**

- Working, excluding restrooms, student lounge, hall and stairways.

- 43. Add Rule (7.7) (K) to Rule (7.7) Building Requirements (I) for clarification of floor space.**

- 44. Remove the following language from Rule (7.7) Building Requirements (M)**

- And other reception furnishing, such as tables or planters. Dryers or other.

- 45. Remove Rule (7.7) Building Requirements (Q)**

- 46. Change Canteen to Break Room in Rule (7.7) Building Requirements (S) and remove the following language.**

- as a refreshment canteen and lounge for students. All students shall eat in this room.
- any other

- Remove the following language from Rule (7.8) Equipment (D) and Remove (7.8) (E)**

- and a glass display case for student permits.

47. Add the following language to Rule (7.9) Initial inspection of New or relocated School of cosmetology or postsecondary school of cosmetology and remove the word suitability from Rule (7.9) (A) (B) (C)

- suitability based on submitted documentation with application:

48. Separate Final Inspection from Rule (7.9) Initial inspection of New or relocated School of cosmetology or postsecondary school of cosmetology for clarification

49. Create Routine Inspection Rule for clarification of inspection process.

50. Add the following language to Rule (7.12) Purchase of an Existing New or relocated School of cosmetology or postsecondary school of cosmetology for proper documentation requirements

- (5) Copy of the legal change of ownership document.
- (6) Copy of the new owner's government issued photo identification.
- (8) Required Fee

51. Change the word given to legal in Rule (7.13) Registration Requirements (C) and remove the following language.

- which is recorded on their birth certificate

52. Add the following language to Rule (7.13) Registration Requirements (D) & Add Rule (7.13) Registration Requirements (E)(1)&(2)

- (D) A student who has completed the registration process and whose information is on file with the department shall complete a student enrollment form without submitting additional documents other than the student permit fee and a method of identification containing a photograph of the student.
- (E) In the event a student has training from another state, then the student must provide the following to the Arkansas Department of Health Cosmetology Section and the School of Cosmetology or Post-Secondary School of Cosmetology in which the student wishes to enroll:
 - (1) A certified copy of the training hours accumulated and certified with the state; or
 - (2) If the state does not certify hours, an official transcript from the School of Cosmetology or Post-Secondary School of Cosmetology where the student obtained the hours.

53. Move Rule (7.10) (A) (B) (C) (D) (E) & (F) to (7.21) (A) for better flow.

54. Add the following language to Rule (7.14) Cosmetology Curriculum (F)

- (F) A student for a license as a cosmetologist, after one hundred fifty (150) hours of instruction, may engage, in the school as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a client who is paying for services or materials.

55. Add the following language to Rule (7.14) Cosmetology Curriculum (G)

- on a client or a mannequin
- change two-hundred fifty (250) hours to one-hundred fifty (150) hours

56. Add the following language to Rule's (7.15) Manicure Curriculum (7.16) Aesthetic Curriculum (7.17) Electrology Curriculum for clarification and to mirror cosmetology curriculum Rule.

- (B) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by pro-rating the hours when necessary depending upon the school schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.
- (C) The time of the classroom instruction class shall be registered with the Department.
- (D) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (E) A student for a license as an aesthetician, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with aesthetics taught in the school upon a client who paying for service or materials.
- (F) To qualify for the cosmetology examination, students must acquire a minimum of 60 hours of theoretical instruction.
- (G) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of ten (10) services per week, for each student enrolled who has acquired sixty (60) hours. Students shall be assigned to clients on the basis of respective learning needs.

57. Change the tenth (10th) of the month to last day of the month in Rule (7.21) (B) Monthly Reports.

58. Update language as follows to Rule 12 Equipment and Chemical Use in Cosmetology and its Related Branches (A) (B) (C) & (D)

- **(A) Equipment**
- **(1) Cosmetologists and aestheticians may not use any device, tool, machine, or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis.**
- **(2) Devices used by cosmetologists and aestheticians must:**
 - **(a) Follow all FDA, OSHA, and state safety requirements;**
 - **(b) Must not penetrate or pierce the skin beyond the epidermis or mucous membrane of the body, the ocular cavity, or the urethra, or enter the ear beyond the external auditory canal, the nose beyond the nares, the mouth beyond the pharynx, the anal canal beyond the rectum, or the vagina beyond the opening of the cervix; and**
 - **(c) Must not be classified by the FDA as a Class 3, 3a, or 3b device, or a laser class 3 or 4.**

- **(B) Chemical**
- **(1) (a) but not limited to**
- **(c) no more than 20%**
- **(f) Non-Medical grade retinoid**
- **(2) (a) medical grade or prescriptions retinoid**
- **(C) Equipment- and the manufacturer's instructions.**
- **(D) Client Consultation**
 - (1) Cosmetologists and aestheticians shall take a client history and perform a skin analysis prior to providing any treatment or service to ensure there are no contraindications.
 - (2) All cosmetology establishments that collect private medical information as part of the client history shall have procedures in place to protect the confidentiality of the client's private medical information.
 - (E) Cosmetologist and manicurist shall not use Liquid Methyl Methacrylate (MMA) Monomer

59. Along with grammatical and functional changes a few words have been changed throughout Rules for clarification and better understanding.