ARKANSAS SENATE

89th General Assembly - Regular Session, 2013

Amendment Form **DRAFT**

Subtitle of Senate Bill No. 1174

TO AMEND THE LAW CONCERNING LICENSING BY THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE.

Amendment No. ___ to Senate Bill No. 1174

Amend Senate Bill No. 1174 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-26-102 is amended to read as follows:

(a) As used in this chapter:

(1) "Aesthetician" 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 creams;

(2) "Cosmetological establishment" means any premises, building, or part of a building in which is practiced any branch or any 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;

(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; ~~and~~

(7) "Postsecondary school of cosmetology" means a school of cosmetology that offers a postsecondary curriculum approved by the Department of Health;

(8) "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

(9) "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 of the following practices:

(1) Arranging, 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

(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.

~~(d) Every person, firm, or corporation exacting a fee for the teaching of any branch of cosmetology is classed as a school of cosmetology under this chapter and is required to comply with all of its provisions.~~

SECTION 2. Arkansas Code § 17-26-205, concerning powers and duties of the Department of Health, is amended to add an additional subdivision as follows:

(d)(1) The department shall promulgate rules setting a standard educational curriculum for schools of cosmetology.

(2) The standard educational curriculum shall distinguish between secondary and postsecondary educational requirements for the schools

of cosmetology.

SECTION 3. Arkansas Code § 17-26-403, concerning licenses to operate schools of cosmetology, is amended to add an additional subdivision to read as follows:

(e) A license issued by the Department of Health shall designate on the written license whether the school of cosmetology is licensed as:

(1) A school of cosmetology; or

(2) A postsecondary school of cosmetology."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. Sample

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Secretary