ARKANSAS STATE BOARD

OF

COSMETOLOGY

LAW BOOK

Act 358 of 1955

As Amended By
Act 490 of 1961
Act 403 of 1965
Act 400 of 1969
Act 566 of 1973
Acts 532 & 644 of 1975
Act 465 of 1987
Act 1228 of 1991
Act 1056 of 1993
Act 771 of 1995
Act 512 of 1997
Acts 595,596 & 680 of 2003
Act 207 of 2005
Act 223 of 2007

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CHAPTER 26
COSMETOLOGY AND RELATED OCCUPATIONS
SUBCHAPTER 1 – GENERAL PROVISIONS

17-26-101. Title.
This chapter shall be known and cited as the "Cosmetology Act".

17-26-102. Definitions.
(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 State Board of Cosmetology 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) "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.

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.

(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 recipi-

ent 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.

17-26-104. Unlawful practices.

(a) (1) It is unlawful for any person, firm, or corporation to violate this chapter or a rule adopted by the State Board of Cosmetology pursuant to this chapter.

(2) Evidence of a violation may result in a criminal or civil penalty.

(3) Each day of a violation is a separate offense.

(b) (1) Being found guilty of a criminal penalty is a Class D misdemeanor and is punishable by a fine in any sum not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500) or by imprisonment in the county jail for a period of not more than ninety (90) days, or by both fine and imprisonment.

(2) After being found guilty of a Class D misdemeanor under this section, a subsequent charge under this section is a Class C misdemeanor.

(3) All prosecuting attorneys of the state and all political subdivisions of the state shall enforce this chapter and prosecute any person or entity violating it.

(c) (1) Being found in violation of a civil penalty under this section may result in suspension of license, revocation of license, fine, or any combination.

(2) For good cause shown and pursuant to rules of the board, the board may revoke, suspend, or refuse to renew at any time any license issued under this chapter on any of the grounds for disciplinary actions under § 17-26-105.

(3) (A) The board shall suspend the license of any person licensed under this chapter who has been adjudged by a court of competent jurisdiction to be insane or legally incompetent.

(B) The record of the adjudication shall be prima facie evidence that the person is insane or legally incompetent within the meaning of subdivision (c)(3)(A) of this section.

(C) The board shall not reinstate a license that has been suspended under subdivision (c)(3)(A) of this section, except upon proof that the licensee has been restored to a mental condition that would allow the licensee to comply with the requirements of this chapter.

(4) (A) Whenever the board finds that a licensee or a holder of a permit issued by the board is guilty of a violation of the rules of the board or the laws of this state pertaining to any occupation, profession, or business licensed or regulated by the board, the board may impose a penalty on the licensee or permit holder in lieu of suspension or revocation of the license or permit.

(B) Upon imposition of a penalty in lieu of suspension or revocation of a license or permit, the board may require that the licensee or permit holder pay a penalty to the board for the violation with the condition that the license or permit may be suspended until the penalty is paid.

(C) (i) Prior to the imposition of a penalty, the board shall hold an investigation and hearing after notice to the licensee or his or her attorney.

(ii) The penalty may be imposed in lieu of revocation or suspension of a license or permit only if the board finds that the public health, safety, welfare, and morals would not be impaired and that the penalty achieves the desired disciplinary result.

(5) **(A)** The board shall establish by rule the penalty system to be imposed under this section.

(B) The minimum penalty shall be twenty-five dollars ($25.00), and a maximum penalty of one thousand dollars ($1,000) is authorized if the penalty is imposed by the board in lieu of revocation or suspension of a license or permit.

(C) The board shall establish by rule an option that mandates a person to attend a health and safety training course in lieu of or in addition to paying a penalty.

(6) The power of the board to impose penalties shall not be affected by any other civil or criminal proceeding concerning the violation.

(d) The board may refuse to issue a license to any person upon reasonable evidence that the person would jeopardize the health and safety of the public.

(e) Any person penalized by the board under this chapter may appeal any order of the board in the manner provided by law.

(f) The board may impose a civil penalty as provided in this section against any unlicensed person, firm, or corporation practicing or offering to practice any act that requires licensure under this chapter.

17-26-105. Grounds for disciplinary action.
The grounds for disciplinary action are as follows:

(1) Failure of a person, firm, or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter and the regulations of the State Board of Cosmetology;

(2) Failure to comply with the rules governing health and safety adopted by the State Board of Cosmetology and approved by the State Board of Health for the regulation of cosmetological establishments, schools of cosmetology, or the practice of the occupation of cosmetician or cosmetologist;

(3) Obtaining practice in cosmetology or any branch thereof or money or any other thing of value by fraudulent misrepresentation;

(4) Gross malpractice;

(5) Continued practice by a person knowingly having an infectious or contagious disease;

(6) Habitual drunkenness or habitual addiction to the use of morphine or any habit-forming drug;

(7) Advertisement by means of knowingly false or deceptive statements;

(8) Permitting a certificate of registration or license to be used when the holder is not personally, actively, and continuously engaged in business;

(9) Failure to display the license;

(10) Conviction under the laws of the United States or any state or territory of the United States of a crime that:

(A) Is a felony or misdemeanor, as evidenced by a certified copy of a court record or by license application; and

(B) Involves dishonesty or is in any way related to the practice or teaching of the cosmetology industry, unless the applicant or licensee can demonstrate to the board's satisfaction that the applicant or licensee has been sufficiently rehabilitated to warrant the public trust;

(11) Engaging, outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such a service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment;

(12) Failure to wear clean outer garments, as prescribed by the State Board of Cosmetology, to allow the safe and hygienic practice of cosmetology or any branch thereof;

(13) Any other unfair or unjust practice, method, or dealing that the State Board of Cosmetology finds may justify such an action or failure to follow guidelines concerning the use of chemicals or equipment as established by rule of the board; or

(14) Fraud or deception in procuring a license.

SUBCHAPTER 2 – STATE BOARD OF COSMETOLOGY

17-26-201. Creation - Members.

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

(b) (1) The board shall consist of ten (10) 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) nonconsecutive terms.

(4) No member shall 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) Four (4) members shall be licensed cosmetologists 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) Two (2) members shall be owners of a licensed school of cosmetology;

(4) One (1) member shall be a director of cosmetology at a state-supported school who is also a licensed instructor; and

(5) One (1) member shall be a licensed aesthetician.

(d) One (1) member of the board shall be a consumer representative who is at least sixty (60) years of age and who is not actively engaged in or retired from the cosmetology industry.

(e) **(1)** No member of the board shall be directly or indirectly connected with the wholesale business of the manufacture, rental, sale, or distribution of cosmetological appliances or supplies.

(2) No member of the board shall have a contract or a pending bid for a contract with the board.

(f) 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.

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

(h) 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.

(i) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq. All compensation and necessary traveling expenses shall be paid by the board out of the Cosmetology Operating Fund only.

17-26-202. Officers.

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

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

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 prior to 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.

17-26-204. Inspectors and professional employees.

(a) The State Board of Cosmetology, in accordance with this chapter, may employ inspectors and professional employees and fix their compensation, which compensation and all reasonable expenses incurred shall be paid from the Cosmetology Operating Fund only.

(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.

17-26-205. Powers and duties.

(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 Pulaski County where all records of its proceedings and other records and files of 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 it in proper form, unless otherwise provided;

(5) Issue permits and licenses to such applicants as may be entitled thereto;

(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 and regulations:

(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 deems 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 and regulations meet the minimum requirements of the law and rules and regulations of the State Board of Health. A copy of all rules governing health and safety shall be furnished to each licensee. The rules and regulations adopted under this subsection shall have the force and effect of law.

(b) In addition to the powers conveyed upon the board by this chapter, it is empowered to enforce the provisions of this chapter or any reasonable rule or regulation adopted by it through injunctive process.

(c) The board 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.

17-26-206. Meetings - Examinations.

(a) The State Board of Cosmetology inspectors or a private testing entity shall administer licensing examinations for eligible applicants on a monthly basis.

(b) No member of the board shall be permitted to participate in or have the powers and duties that are related to the preparation of examinations nor shall be permitted to give or grade the examinations of applicants for licensing.

17-26-207. Registration record.

The 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.

17-26-208. Investigations, hearings, or inspections.
(a) The State Board of Cosmetology shall conduct investigations and inspections as promulgated by rule.

(b) (1) Hearings 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 board is a meeting.

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

17-26-209. Fees - Method of payment.
(a) The State Board of Cosmetology shall promulgate a fee schedule by rule and collect fees accordingly.

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

17-26-210. Disposition of funds.
(a) All fees collected on behalf of the State Board of Cosmetology and all receipts of every kind and nature shall be paid into the State Treasury and shall be credited to the Cosmetology Operating Fund.

(b) The fund shall be for the general uses of the board and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.

(c) Expenditures from the fund 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.

SUBCHAPTER 3 - LICENSING

17-26-302. Application for examination and license.
(a) Every application for admission to examination and every application for license as a cosmetologist or any branch of cosmetology shall be in writing on blanks prepared and furnished by the State Board of Cosmetology.

(b) Each application shall be accompanied by the required fee and shall contain proof of the qualifications of the applicant for examination for registration and license.

(c) The application shall be verified by the oath of the applicant.

17-26-303. Examinations generally.
(a) The examination of applicants for a license in any of the branches or practices of cosmetology shall include both a practical demonstration and written test and shall embrace the subjects concerning the particular branch or branches, practice, or practices for which a license is applied.

(b) The examination shall not be confined to any special system or method.

(c) The examination shall be consistent in both practical and technical requirements and of sufficient thoroughness to satisfy the State Board of Cosmetology as to the applicant's skill in and knowledge of the practice of the occupation or occupations for which a license is sought.

17-26-304. Prerequisites to examination for a cosmetologist, manicurist, or aesthetician.
At any meeting of the State Board of Cosmetology held for the purpose of conducting examination, the board shall admit to examination for a license as a cosmetologist, manicurist, or aesthetician any person who has made application to the 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.

17-26-306. Electrologists - Prerequisites to examination.
The State Board of Cosmetology shall admit to examination for a license as an electrologist any person who has made application to the 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 any one (1) of the following:

(A) A course of three hundred fifty (350) hours' practical training as a student in conjunction with a course of fifteen hundred (1500) hours in cosmetology or for a licensed cosmetologist;

(B) A course of six hundred (600) hours' 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 such period as shall be specified by rules of the board.

17-26-307. Electrology instructors - Prerequisites to examination.
The State Board of Cosmetology shall admit to examination for license as an electrology instructor any person who has made application to the 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.

17-26-309. Examination for cosmetologists and all branches of cosmetology.
Examinations for license as cosmetologists and all other branches of cosmetology shall include a written core and law test and a practical test that embrace all phases of cosmetology as deemed necessary by the State Board of Cosmetology to protect the health, safety, and welfare of the public.

17-26-310. Failure to appear for examination.
The State Board of Cosmetology shall promulgate rules concerning an applicant for an examination who fails to appear for the examination.

17-26-311. Eligibility for reexamination.
Anyone failing to pass an examination shall be permitted upon application to take another examination.

17-26-312. Issuance of license.
(a) Persons who pass any examination under this chapter shall receive a license from the State Board of Cosmetology.

(b) This license, except for renewal fees, entitles the holder to engage in the practice of the specified branch of cosmetology upon the public in a licensed cosmetological establishment, except as provided in § 17-26-102(3)(B).

17-26-314. Specificity of permit or license.
Every permit or license issued by the State Board of Cosmetology shall specify the occupation or occupations that the permit and license entitle the holder to practice.

17-26-315. Reciprocity.
Upon application to the 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 board may require;

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

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

17-26-316. Contents and display of license.

(a) Every license issued by the State Board of Cosmetology shall be signed by the president and attested by the Director of Cosmetology and shall bear the impress of the board's seal.

(b) 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.

(c) Every license shall contain a photograph of the licensee.

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 State Board of Cosmetology shall notify the State Board of Cosmetology administrative office of his or her new place of business. Upon receipt of the notification, the office shall make the necessary changes in the register.

17-26-318. Duplicate license.

A duplicate license shall be issued upon the filing of a statement explaining the loss of the license, verified by the oath of the applicant, and accompanied by the fee prescribed in § 17-26-209. Each duplicate license shall have the word "DUPLICATE" stamped across its face and bear the same date and show the number of the original license.

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 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 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 board may prescribe, the payment of the examination fee, and the passing of the examination required by the board.

(f) The 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 any applicable law or rule.

17-26-321. Reissuance and reinstatement.
For good cause shown and under such reasonable rules and regulations as may be imposed, the State Board of Cosmetology may reissue or reinstate the license of any person whose license has been previously revoked.

17-26-323. Use of funds from penalties.
Funds derived from penalties assessed by the State Board of Cosmetology pursuant to the authority granted in this chapter shall be maintained in a separate bank account and shall be used exclusively to defray the costs of disciplinary hearings and any other enforcement actions, including the investigation thereof, and all necessary costs for the development and staffing needs for educational training purposes under § 17-26-104(c)(5)(C).

SUBCHAPTER 4 – COSMETOLOGICAL SCHOOLS AND ESTABLISHMENTS

17-26-401. License requirements.
(a) No person, firm, or corporation shall conduct or operate a cosmetological establishment, school of cosmetology, beauty parlor, or any other place of business in which any one (1) or any combination of the occupations of a cosmetologist are taught or practiced, except the branch of manicuring as practiced in a barbershop, until licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation.

(b) It shall be unlawful for any person to employ or to allow to be employed any person not licensed by the State Board of Cosmetology in or about a cosmetological establishment as a cosmetologist manager-operator, or as a manicurist, or as an electrologist, or as an aesthetician.

17-26-402. Cosmetological establishments - License.
(a) Any person, firm, or corporation desiring to operate a cosmetological establishment shall make an application to the State Board of Cosmetology for a license.

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

17-26-403. School of cosmetology - Application to operate - License.
(a) Schools of cosmetology shall be conducted as provided in this subchapter.

(b) Any person, firm, or corporation, except the Department of Education, desiring to conduct a school of cosmetology shall make an application to the State Board of Cosmetology for approval. When an application is made after January 1, there shall be paid to the board that portion of the registration fee that the unexpired number of months in the year bears to the entire year, including the month in which the application is made. In such cases 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) Nothing in this section shall be construed as authorization or permission to conduct a school of cosmetology without a valid, existing, and unexpired license.

17-26-404. Licensing requirements - Expiration - Renewal.
(a) Licensing for cosmetological establishments and schools of cosmetology expires pursuant to § 17-26-319(b).

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

(c) Thereupon, the board shall renew the license for the appropriate time period.

(d) 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 form as the board may require and upon payment of the required renewal fee and the delinquency fee.

(e) 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.

17-26-405. Facilities - Prohibition on use.
(a) No person having charge of a cosmetological establishment or school of cosmetology, whether as an owner or an employee, shall permit any room or part thereof in which any of the branches or practices of cosmetology 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.

(b) A cosmetological establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

17-26-406. Refusal or cancellation of school license - Causes.
(a) No school shall be licensed until the 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 board in connection with a license application, this in itself shall constitute sufficient grounds for the refusal to grant any application under this subchapter. If an application is

granted and thereafter the 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) The 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. No school license shall be issued until the real owner files with the board a statement definitely designating who is authorized to accept service of notice from the 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 board.

17-26-407. Inspection of school facilities.

(a) Before any school license as provided in this subchapter shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

(b) No applicant shall be granted a license to operate a school unless the 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. New schools of cosmetology shall be required to contain not less than two thousand five hundred square feet (2,500 sq. ft.) of floor space in the working area.

17-26-408. Duties of school.

Every school shall:

(1) Possess sufficient apparatus and equipment necessary for the ready and full teaching of all the subjects or practices of cosmetology;

(2) Maintain licensed instructors competent to impart instruction in all branches or practices of cosmetology;

(3) Keep a daily record of the attendance of each student and the time devoted by each student to the various practices or branches of cosmetology and electrology;

(4) Establish grades and hold examinations before issuing diplomas; and

(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 State Board of Cosmetology.

17-26-409. School supervisor.

Every school shall at all times be in charge of and under the supervision of a licensed cosmetologist manager-operator who has had at least a total of three (3) years of practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's license.

17-26-410. Instructor qualifications.

(a) Every person employed in a school to instruct students in the school shall be a licensed cosmetologist, aesthetician, manicurist, or electrologist who:

(1) Is twenty-one (21) years of age and has had six hundred (600) hours of teacher training in a school of cosmetology over a period of not less than four (4) months; and

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

(b) A licensed instructor shall not teach outside the profession in which the license to practice allows.

(c) A cosmetology school shall offer an education in cosmetology regardless of whether the curriculum includes a specialty course.

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, no instructor may practice upon a client, and any instructor who does so is subject to disciplinary action by the State Board of Cosmetology.

(b) The board shall promulgate reasonable rules and regulations concerning the number of instructors necessary to properly conduct a school of cosmetology.

17-26-412. School term - Cosmetology curriculum.
(a) Every school shall maintain a school term of not less than one thousand five hundred (1,500) hours, instruction of which shall not be in excess of eight (8) hours per day and six (6) days per week during the course. The school shall maintain a course of practical training and technical instruction equal to the requirements for examination for a license as a cosmetologist.

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

17-26-413. Electrology course.
(a) An electrology course established by a school of cosmetology shall consist of three hundred fifty (350) hours or six hundred (600) hours of practical training and technical instruction which shall extend over a period of not less than two (2) months for a three-hundred-fifty-hour course and four (4) months for a six-hundred-hour course. In no event shall the training extend over a period of more than six (6) months from the date of initial enrollment.

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

17-26-414. Special programs.
(a) Instruction shall not exceed eight (8) hours per day and six (6) days per week during the program.

(b) When a student completes the required number of hours for a special program and reenrolls for a cosmetology program or when a student transfers from a special program to a cosmetology program prior to completion of the special program, he or she shall be given credit for the number of hours spent in connection with the special program, but not to exceed the maximum hours required thereof, toward the satisfaction of the time required for the cosmetology program as determined by rules of the State Board of Cosmetology.

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 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 the date in which the board has issued a student permit.

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

17-26-417. Student work.

(a) In every licensed school of cosmetology:

(1) 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 service or materials;

(2) A student for a license as a manicurist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with manicuring taught in the school upon a client who is paying for service or materials;

(3) 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 is paying for service or materials; and

(4) A student for a license as an electrologist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with electrology taught in the school upon a client who is paying for service or materials.

(b) No student may engage in any work upon a client who is paying for service or materials until he or she has had the required number of hours of instruction.

(c) No school shall advertise student work to the public through any medium unless the work is designated as student work.

(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 (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 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 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 board.

(2) The 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 board along with a copy of the student's Certificate of Training upon the conclusion of the student's enrollment in the school.

17-26-418. Cosmetology courses in public schools.

(a) All public educational institutions operating cosmetological schools shall comply with the standards, rules, and regulations promulgated by the State Board of Cosmetology. However, the responsibility for approval of cosmetological schools in public educational institutions shall be the sole responsibility of the State Board of Workforce Education and Career Opportunities.

(b) Such schools shall not be required to obtain a license as prescribed in this chapter.

(c) Every 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 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 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 Cosmetology.