# ARKANSAS STATE BOARD OF HEALTH

## Rules and Regulations for Cosmetology in Arkansas

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## RULE NO. 1
## COSMETOLOGY SECTION

**(1.1) Authority**

The following Rules and Regulations for Cosmetology in Arkansas were duly promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the - -Cosmetology Act -Ark. Code Ann. §17-26-101 et seq. and other applicable laws of the -State of Arkansas.

**(1.2) Purpose**

These Rules and Regulations are prepared for the purpose of establishing standards to regulate the vocation of cosmetology and its related occupations, specifically manicuring, aesthetics, and electrology, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of -cosmetology establishments, schools of cosmetology and postsecondary schools of cosmetology so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof.

**(1.3) Investigations, Hearings, or Inspections**

**(A)** The Department of Health shall conduct investigations and inspections as promulgated by the rules. Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any cosmetology establishment at any time during business hours. - - Cosmetology establishments are inspected at least annually but not limited to, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; report violations of the law or rules; investigate complaints; - and perform initial inspections of new -cosmetology establishments.

**(B)** After - the Department has taken final action in the event a licensee should wish to appeal final Department action to the Cosmetology Technical Advisory Committee, this appeal must be made in writing to the Department, and must be made within thirty (30) days of receipt of final Department action.

**(1)** Hearings conducted by the Cosmetology Technical Advisory Committee may be held bimonthly for review of cases for which disciplinary action may be required.

**(2)** Except as provided in subdivision B.2.a. of this rule, a hearing attended by two (2) or more members of the committee is a meeting.

**(a)** A final order shall not be imposed by fewer than three (3) members.

**(b)** A final order imposed by the committee may be appealed to the state Board of Health within thirty (30) days of its receipt.

**(3)** Third Offense- Each licensee, practitioner or Salon, who receive three or more violations of the same Rule, within a three(3) year period, shall take an online Health and Safety course, take and pass the Arkansas State Law test, and pay proposed penalties, within thirty (30) of receiving notice. These penalties shall not be imposed until after opportunity to be heard before the CTAC.

**(1.4) Location**

The office of the Cosmetology Section is located at 4815 West Markham, Little Rock, Arkansas 72205. All matters related to cosmetology licensing should be directed to the Section of Cosmetology office by calling 501-661--2168 or by emailing the Section at Cosmo@arkansas.gov. Information may also be obtained by accessing the Department's Website at www.healthyarkansas.com.

**(1.5) Fees**

The Department shall collect fees in accordance with the following fee schedule as authorized through A.C.A. 17-26-209(a):

a. Enrollment into a school of cosmetology or postsecondary school of cosmetology $20.00

b. Examination for licensing

1) First-time candidate

i. Practical - $65.00

ii. Written - $60.00

2) Retest candidate

i. Practical - $65.00

ii. Written - $60.00

3) Reciprocity candidate that has taken a written and practical exam

i. State Law - $60.00

4) Reciprocity candidate that has not taken a written and practical exam

i. Practical - $65.00

ii. Written - $60.00

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| c. Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license | $50.00 biennially |
| d. Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when the licensee is duly registered in another state | $150.00 one-time fee |
| e. New establishment | $150.00 one-time fee |
| f. Renewal of an establishment | $100.00 annually |
| g. Relocation of establishment | $150.00 one-time fee |
| h. New school of cosmetology or postsecondary school of cosmetology | $1500.00 |
| i. Renewal of a school of cosmetology or postsecondary school of cosmetology | $250.00 annually |
| j. Change of name and/or ownership of a school or postsecondary school | $500.00 one-time fee |
| k. Name and/or ownership change of an establishment | $75.00 each |
| l. Duplicate license | $25.00 per license |
| m. Certification of Department records | $50.00 per license |
| n. Reinstatement fee for a practitioner license will apply for licenses not renewed within thirty (30) days following the birthday of the licensee | 50% of renewal |
| o. Reinstatement fee for an establishment license will apply for licenses not renewed within thirty (30) days following the expiration date. | 50% of renewal |
| p. Reinstatement fee for a school of cosmetology or postsecondary school of cosmetology license will apply for licenses not renewed within thirty (30) days following the expiration date. | 50% of renewal |
| q. Lifetime license for a currently licensed practitioner that is 65 years or older and has been actively engaged in the practice or teaching of cosmetology for thirty (30) years or more. | $50.00 for first license; requests subsequent copy must pay duplicate license fee of $25 per license. |
| r. Hot check fee | $25.00 service charge, plus all applicable bank fees, for each returned check. |

## RULE NO. 2
## DEFINITIONS

**(2.1) Aesthetician**

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.

**(2.2) Art of Cosmetology**

The art of cosmetology includes any and all and any combination of the following practices:

**(A)** 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;

**(B)** 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;

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

**(D)** 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;

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

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

**(2.3) Board**
The Arkansas State Board of Health.

**(2.4)Clean**
Removal of visible debris through use of soap/detergent and water or a chemical cleaner.

**(2.5) Client**
Any person who receives -cosmetology services for compensation in any form from a person who is engaged in the Art of Cosmetology.

**(2.6) Cosmetology Services**
Any work performed for compensation in any form by any person who is engaged in the Art of Cosmetology.

**(2.7) Cosmetic**
Any product made for beautifying the body.

**(2. 8) Department**
The Arkansas Department of Health.

**(2.9) Disinfect**
Destruction of bacterial, viral and fungal pathogens (not spores) through the use of proper process and chemical disinfectants intended for use in the salon setting.

**(2.10)Disinfectant**
EPA registered disinfectant that is bactericidal, virucidal and fungicidal.

**(2.11) Electrologist**
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.

**(2.12) EPA**
The United States Environmental Protection Agency.

**(2.13) Manager-Operator**
A licensed cosmetologist who is authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment.

**(2.14) Manicurist**
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.

**(2.15) Porous**
Items made or constructed of material that has pores or openings and cannot be properly cleaned so that all visible residue is removed or is damaged or contaminated by cleaning and disinfecting.

**(2.16) Practitioner**
Any person who is licensed by the Department as a Cosmetologist, Electrologist, Manicurist, Instructor, or Aesthetician.

**(2.17) Postsecondary School of Cosmetology**
A school of cosmetology that offers a postsecondary curriculum approved by the Department of Health and whose enrollment is made up of only students who have a high school diploma or its equivalent.

**(2.18) Cosmetology Establishment**
Any premises, building, or part of a building in which is practiced any branch or any combination of branches of cosmetology or the occupations of a cosmetologist, except the branch of manicuring as practiced in barbershops and nursing facilities as defined under A.C.A.. § 20-10-1401.

**(2.19) Establishment Owner**
Any person, firm, or corporation conducting or operating a - cosmetology establishment as defined by A.C.A. 17-26-102(2).

**(2.20) School of Cosmetology**
Any person, firm, corporation, premises, building, or part of a building whereon or wherein is taught any branch or any combination of the branches of cosmetology for a fee and that is licensed by the Department of Health

**(2.21) School of Cosmetology or Postsecondary School of Cosmetology Owner**
Any person, firm, or corporation conducting or operating a school of cosmetology or a postsecondary school of cosmetology.

**(2.22) Section**
The Section of Cosmetology within the Arkansas Department of Health.

**(2.23) Sterilize**
Destruction of all microbial life through proper use of an autoclave.

**(2.24) Student**
Any person who is enrolled and engaged in learning or acquiring knowledge of the occupations of a cosmetologist, manicurist, aesthetician or electrologist, in a licensed school of cosmetology or a postsecondary school of cosmetology under a licensed instructor.

**(2.25) Cosmetology Technical Advisory Committee**
The Cosmetology Technical Advisory Committee is a seven member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions.

**(2.26) Working area or Clinical area**
Any area that is used to render cosmetology services to the public.

## RULE NO. 3
## REQUIREMENTS FOR COSMETOLOGY AND RELATED OCCUPATIONS

**(3.1) Establishment**
Any person, firm or corporation conducting or operating a cosmetology establishment shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.

**(3.2) School of Cosmetology or Postsecondary School of Cosmetology**
Any person, firm or corporation conducting or operating a school of cosmetology or a post-secondary school of cosmetology shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.

**(3.3) Practitioner**
No person shall practice any phase of cosmetology and its related occupations with the intent of receiving compensation when the person does not hold a current and valid license issued by the Board , nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed cosmetology establishment except when services rendered involve a special event in which the cosmetology service is to be performed for an on-site participant of the event.

## RULE NO. 4
## EXAMINATIONS

**(4.1) Eligibility**
The Department will admit to examination for a license any person who has acquired training in cosmetology, manicuring, or aesthetics, as stipulated in A.C.A.17-26- 304, any person who has acquired training in Electrology as stipulated in A.C.A.17-26-306, any person who has acquired training in Electrology Instructor as stipulated in A.C.A 17-26-307.. Any person who owes a financial obligation to the Department will be deemed ineligible to examine until the debt is paid in full.

**(A)** If the training was provided in this state, then the school of cosmetology or postsecondary school of cosmetology is responsible for submitting a Certificate of Training form to the Department confirming the completion of hours. Hours must be certified by the school of cosmetology or postsecondary school of cosmetology in order to be eligible for the examination. Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.

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.

**(B)**If the training, completed or partial, was obtained in another state, then the applicant must meet eligibility requirements. The applicant is responsible for arranging to have sent to the Department his/her certification from the other state or school in which the hours were obtained. If the Department determines eligibility requirements are met, the applicant will be required to take the Arkansas written and practical exams.

**(C)Reciprocity**
**(A)** Upon application to the Department 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 the 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 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 certified copy of the license and an affidavit from the other state or by such other evidence as the Department may require;

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

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

**(B)** All foreign documents submitted for the purpose of complying with the requirements for examination shall be original copies and translated in the English language.

**(C)** A person who is registered or licensed under the laws of another state is not permitted to practice in this State until said person is licensed by the Arkansas State Board of Health.

**(4.2) General Policies and Procedures**

**(A)** The Section and/or any designated testing provider will establish exam deadline dates, cancellation policies, interpreter policies, supply requirements and dress codes for examinations. All such information shall be made readily available to schools of cosmetology, postsecondary schools of cosmetology, students and reciprocity applicants. Updated Candidate Information Bulletins (CIBs) will be posted on the Department's website and, if appropriate, on the website of the designated testing provider responsible for administering practical examinations.

**(4.3) Grades**

A passing grade of seventy-five (75) is required in the practical part and a grade of seventy (70) is required in the written part pertaining to the mandated curriculum, as well as the state law exam. In addition, a grade of seventy (70) is required on the state law exam when taken independently.

## RULE NO. 5
## REQUIREMENTS FOR SCHOOLS OF COSMETOLOGY, POSTSECONDARY SCHOOLS OF COSMETOLOGY, AND ESTABLISHMENTS

**(5.1) Health and Safety Rules**

**(A) Enforcement**

**(1)** An establishment owner, school owner or postsecondary school owner and the person in charge of any such establishment, school of cosmetology or postsecondary school of cosmetology, shall be liable for implementing and maintaining the Health and Safety Rules in the establishment, school of cosmetology or postsecondary school of cosmetology. This shall be done individually and jointly with all persons employed by or working in or on the premises of such establishment, school or postsecondary school. All practitioners, school, postsecondary school and establishment owners, and students shall be held individually liable for implementation and maintenance of the Health and Safety Rules as applicable.

**(2)** To assure compliance with the laws and rules governing the operations of school of cosmetology, postsecondary school of cosmetology and establishment, the Department's authorized representatives shall have access to the premises of any school of cosmetology, postsecondary school of cosmetology or establishment, at any time that the school, postsecondary school, or establishment is open for business or at any time that the instruction or practice of cosmetology is being conducted.

**(3)** Refusal to permit or interference with, an inspection and/or audit constitutes a cause for disciplinary action.

**(4)** All persons performing acts of cosmetology and its related occupations except students in schools of cosmetology or postsecondary schools of cosmetology shall present satisfactory proof of identification upon request by an authorized representative of the Department. All persons working in an establishment, school of cosmetology, or postsecondary school of cosmetology shall present a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity. Failure to present valid proof of identification shall be grounds for disciplinary action.

**(5)** Conducting or operating a school of cosmetology, a postsecondary school of cosmetology or establishment without a current, valid license shall be grounds for disciplinary action.

**(6)** Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician in or about an establishment or allowing a person to engage in or about a school of

cosmetology or a postsecondary school of cosmetology, without a current valid Arkansas license shall be grounds for disciplinary action.

(7) Performing acts of cosmetology or attempting to perform acts of cosmetology for compensation in any form, without a current, valid Arkansas license shall be grounds for disciplinary action.

**(B) Consumer Information.**

(1) A copy of the most recent inspection sheet- shall be posted in a conspicuous area.

(2) All establishments and schools of cosmetology, postsecondary schools of cosmetology licenses, practitioners' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual work stations, or in the clinic area.

(3) No license which has expired or become invalid for any reason whatsoever shall be displayed by any person in connection with the practice of cosmetology or any of its branches. Any expired or invalid license so displayed shall be surrendered to the Department upon request.

**(C) Physical Facilities**

**(1) Water Supply and Sewage** – A safe and adequate supply of continuous hot and cold running water shall be provided from an approved source. All water-carried sewage shall be disposed of by means of an approved sewage disposal system constructed and operated in conformance with the standards established for such systems by the Arkansas Department of Health.

**(2) Plumbing** – Plumbing shall be installed and maintained to promote the following:

**(a)** to carry adequate quantities of water to required locations throughout the school of cosmetology, postsecondary school of cosmetology or an establishment;

**(b)** to prevent contamination of the water supply;

**(c)** to properly convey sewage and liquid wastes from school of cosmetology, postsecondary school of cosmetology or an establishment to the sewerage or sewage disposal system; and

**(d)** to not constitute a source of contamination of equipment, implements, supplies, or create an unsanitary condition or nuisance. All plumbing shall conform to the current State Plumbing Code.

**(3)Toilet Facilities, Fixtures and Plumbing** – Where toilet facilities are made available or otherwise required, said facilities, fixtures and other plumbing shall be installed in accordance with the Arkansas State Plumbing Code and meet standards set by the Arkansas Department of Health. No toilet facility shall be used for storage of implements or supplies for services performed on the public.

**(4) Hand Washing Facilities** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall provide hand washing facilities installed in accordance with the Arkansas State Plumbing Code. The facilities shall have a soap dispenser (with soap) and disposable towels or an air dryer for hands. Common towels and bar soap are prohibited.

**(5) Drinking Water** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall supply drinking water from a supply meeting the requirements set forth by the Arkansas Department of Health. No school of cosmetology, postsecondary school of cosmetology, or establishment shall provide any cup, glass, or other receptacle for common use.

**(6) Garbage and Refuse** – Garbage and refuse shall be kept in durable, easily cleanable, containers that do not leak and do not absorb liquids. No school of cosmetology, each postsecondary school of cosmetology, or establishment shall permit an accumulation of garbage or refuse. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

**(7) Insect and Rodent Control** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

**(8) Cleanliness and Repair** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall keep the floors, mats, walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures clean and in good repair. Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned.

**(9) Floor Construction** – Floors and floor coverings of each school of cosmetology, each postsecondary school of cosmetology, and each establishment in the working area or clinical area shall be constructed of smooth, non-absorbent, durable material and shall be maintained in good repair.

**(10) Carpet** – Carpet shall not be permitted in the working area or clinical area. Carpet, if used as a floor covering in other areas of a school of cosmetology, each postsecondary school of cosmetology, or establishment, shall be maintained in good repair.

**(11) Lighting** – Permanently fixed artificial light sources shall be installed to provide sufficient_light on the working area or clinical area.

**(12) Ventilation** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall have sufficient ventilation installed and operated according to State and local requirements to keep them free of excessive heat, steam, condensation, vapors, smoke and harmful fumes.

**(13) Minimum Equipment** – Each school of cosmetology, postsecondary school of cosmetology and establishment shall have and maintain the following minimum equipment:

**(a)** a liquid disinfecting receptacle to hold instruments and supplies with an EPA registered disinfecting solution that is 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. Contact time listed on the manufacturers label must be adhered to at all times to effectively destroy pathogens. The receptacle must be large enough that the instruments and supplies are completely submerged. The disinfectant solutions shall remain covered at all times and shall be changed daily or whenever visibly cloudy or dirty;

**(b)** All clean linens must be kept separate and covered;

**(c)** All soiled linens must be in a separate receptacle from clean ones;

**(d)** All cleaned instruments must be kept in a separate, enclosed area;

**(14) Animals in Schools of cosmetology, postsecondary schools of cosmetology, and Establishments**– Animals are prohibited from being inside school of cosmetology, a postsecondary school of cosmetology, or establishments. Exceptions include:

**(a)** Service animals that are accompanying a client with a disability. In the event that an authorized Department representative observes an establishment owner's or school of cosmetology owner's , postsecondary school of cosmetology owner's, or client's animal within the premises of the establishment, school of cosmetology or postsecondary school of cosmetology, then the establishment, school or cosmetology or postsecondary school of cosmetology owner shall describe the impairment for which the animal is trained to provide assistance in order to ensure that the animal is not simply a pet; and

**(b)** Fish in a decorative aquarium.

**(15) Infectious or Communicable Disease**

**(a)** No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or any of its branches, or afflicted with an infestation of animal parasites shall be permitted to work or train in a school of cosmetology, postsecondary school of cosmetology or in an establishment.

**(b)** No school of cosmetology, postsecondary school of cosmetology or establishment shall require or permit a student or a practitioner, to massage any surface of the skin or scalp where such skin is inflamed, open , irritated or where a skin infection or eruption is present and/or knowingly, to work upon a person suffering from any infectious, communicable disease or on a client with an infestation of animal parasites which may be transmitted during the performance of the act of cosmetology or any of its branches. The term "infectious or communicable disease" shall not include human immunodeficiency virus (HIV) or any other disease that similarly does not pose a significant risk to the health or safety of others during the performance of an act of cosmetology or any of its branches.

**(16) Personal Cleanliness**

**(a)** Person and Wearing Apparel – The person and the attire worn by an individual serving a client shall at all times be clean.

**(b)** Washing Hands – Every person performing cosmetology services in a school of cosmetology, postsecondary school of cosmetology, or an establishment shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.

**(17) Headrests, Shampoo Bowls, Treatment Tables, Pedicure Spas and Waxing Equipment and Supplies**

**(a) Headrests** – The headrest of chairs shall be covered with a clean towel or paper sheet for each client.

**(b) Shampoo Bowls** – Shampoo trays and bowls must be cleansed with soap and water or other detergent before each service, kept in good repair and in a sanitary condition at all times.

**(c) Treatment Tables** – Treatment tables must be cleaned and disinfected before and a clean linen or disposable paper placed between client and table before each service.

**(d) Pedicure Spas – Cleaning and Disinfecting of Circulating and Non Circulating Tubs and Spa's for All Industry Modalities.**

**The recommended cleaning and disinfecting standard for all circulating and non-circulating tubs or spas are: the use of eye goggles and nitrile protective gloves are recommended and exposure of the client's feet or other skin areas of the body to disinfectants should be avoided.**

After each client or service:

1. Drain the tub.

2. Clean the tub according to manufacturer's instructions. Take special care to remove all film, especially at the water line. Rinse the tub well.

3. Fill the tub with water.

a. Add appropriate disinfectant into the water according to the following:

i. At Minimum, use an EPA registered, bactericidal, virucidal, fungicidal, and pseudomonacidal (Formulated for Hospitals) disinfectant that is mixed and used according to the manufacturer's directions, **EXCEPT TUBS THAT HAVE COME IN CONTACT WITH BLOOD OR BODY FLUIDS.**

ii. **If a Tub has COME IN CONTACT WITH BLOOD OR BODY FLUIDS** at minimum, an EPA registered disinfectant that is effective against HIV –1 and human Hepatitis B Virus or Tuberculocidal that is mixed and used according to the manufacturer's directions shall be used.

b. Allow the disinfectant to stand for non-circulating tubs or to circulate for circulating tubs for the time specified according to the manufacturer's instructions.

4. **At the end of the day remove all removable parts (filters, screens drains, jets, etc.)** clean and disinfect the removable parts as follows:

a. Scrub with a brush and soap or detergent until free from debris.

b. Rinse.
c. Completely immerse in an EPA registered, bactericidal, virucidal, fungicidal, and pseudomonacidal (Formulated for Hospitals) disinfectant that is mixed and used according to the manufacturer's directions.
d. Rinse.
e. Air dry.

5. Replace the disinfected parts into the tubs. (drains, jets, etc.) or, store them in a disinfected, dry, covered container that is isolated from contaminants.

Salons are choosing to purchase extra drains and removable parts so the parts can immediately be changed out with pre disinfected parts saving time between clients. If so, any part which has COME IN CONTACT WITH BLOOD OR BODY FLUIDS must at minimum be disinfected with an EPA registered disinfectant that is effective against HIV –1 and human Hepatitis B Virus or Tuberculocidal that is mixed and used according to the manufacturer's directions. Storage as in number 5 above.

**(e) Waxing Equipment and Supplies**

Wax heater/pots shall be kept clean at all times; each applicator may only be submerged in waxing product one time before being disposed. No used applicator shall be left on or in heater/pot at any time. Waxing strips, applicators and any supplies used before, during or after waxing service, shall be stored in clean covered labeled container. **Roll-on wax applicators are NOT PERMITTED.**

**(18) Towels**

**(a)** After a towel has once been used, it shall be deposited in a receptacle, and shall not again be used until properly cleaned and disinfected. Towels and linens shall be washed on the hot cycle and dried until hot to the touch.

**(19) Bottles and Containers** - All bottles and containers containing any chemical or liquids in use in a school of cosmetology, postsecondary school of cosmetology or establishment shall be distinctly and correctly labeled to disclose their contents.

**(20) Neck Strips** – A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a client's neck.

**(21) Instruments and Supplies**

**(a)** All used porous supplies or instruments which cannot be disinfected shall be disposed of in a waste receptacle immediately after use.

**(22) Electrical Instruments and Equipment-**

**(a)** Before use upon a client, all electrical instruments shall be cleaned and disinfected with an EPA registered disinfecting solution(spray or wipe) 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 that contains only dirty items awaiting disinfection. Disinfected instruments and equipment shall be placed on a hook or on a clean towel and covered by a clean towel.

**(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 non-electrical instruments shall be cleaned and then disinfected with an EPA registered 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 that contains only dirty items awaiting disinfection. Disinfected items should be stored in a clean covered container.

**(b)** Non-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.

**(24) Sterilizing Instruments-**All needles and lancets must be single use and disposable. For proper disposal of needles and lancets refer to Ark. Code Ann. § 20-7-109 and Ark. Code Ann. §§ 20-32-101 – 112. Instruments that cannot be sterilized with an autoclave must be sterilized with an EPA registered 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. Dry sterilizer or UV lights are not acceptable sterilization techniques.

**(25) Liquids, Creams, Powders and Other Cosmetic Preparations**

**(a) Storage** – All liquids, creams and other cosmetic preparations shall be kept in properly labeled clean and covered containers. Powders may be kept in a clean shaker.

**(b) Removal from Container** – When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.

**(c) Pencil Cosmetics** – Pencil cosmetics shall be disinfected and sharpened before each use.

## RULE NO. 6
## COSMETOLOGY ESTABLISHMENT
## CERTIFICATE OF REGISTRATION AND LICENSURE

**(6.1) Enforcement**

Any person, firm, or corporation conducting or operating a Cosmetology establishment shall be responsible for compliance with the licensing code and rules of the Board governing cosmetological establishments. Failure to comply with the licensing code and rules shall be grounds for disciplinary action.

**(6.2) Authorization**

**(A)**Application: Any person, firm, or corporation desiring to open a cosmetology establishment shall submit an application to the Department for approval.

**(B)** Any person, firm or corporation who has applied for a license to operate a cosmetology establishment will receive a letter of authorization allowing the owner to operate the establishment, provided that the owner has certified compliance with the licensing code and the rules of the Board. The letter shall be conspicuously posted in the establishment.

**(6.3) Changes and Notification Requirements**

**(A) Name Change** – When the name of an established establishment is changed from the name which appears on the original application, the owner of record shall file an application with the Department for approval and shall submit the required fee. Failure to comply with this section within thirty (30) days of changing the name of the establishment will be grounds for disciplinary action.

**(B) Ownership Change** – When the ownership of an establishment is changed from the ownership that appears on the original application, the owner on file with the Department and the new owner shall complete the change of ownership form and submit it to the Cosmetology Section within thirty (30) days of said sale or transfer. At the same time, the new owner, lessee or other legally responsible party shall submit the required fee. The new owner shall submit a copy of his or her driver's license, and a copy of the legal change of ownership document. Failure to comply with this section shall be grounds for disciplinary action.

**(C) Relocation** – When the location of an establishment is changed, it shall be classified as a new establishment and said owner shall comply with the licensing code and rules relating to the original issuance of an establishment license.

**(D) Closure** – Within thirty (30) days after an establishment is closed they shall notify the department in writing.

**(6.4) General Licensure Requirements**

**(A) Permits/Licensure** – Selling products, in an establishment, that require the seller to hold a special permit or license by Federal or State authorities shall be classified as another type of business. Other types of businesses shall be separated from an establishment in accordance with the requirements specified below in Subdivision B.

**(B) Separation of Establishment from other businesses**

**(1) Unsanitary conditions** – An establishment and any other type of business that may create an unsanitary condition (for example, restaurant, grocery store, pet store, etc.) shall be physically separated by solid walls. Further, the owner shall submit a document issued by the Arkansas Department of Health certifying that the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.

**(2) Barber Establishment License** – Any establishment that permits a licensed barber to practice the vocation of barbering in the establishment, shall also hold a barber establishment license issued by the Arkansas State Board of Barber Examiners.

**(C) Requirements for testing laboratory products**

**(1)** When laboratory-prepared products are used in a licensed cosmetology establishment, for field testing, full disclosure shall be provided to the model or client so the model or client may make an informed decision as to whether the product should be applied.

**(2)** The establishment owner or his/her designee will be required to provide the client or model with a data sheet which states: the name and address of the manufacturer which produces the product, the name and address of the practitioner applying the product and the date and results of the test.

**(3)** The client or model will be required to sign the document which also certifies that the model or client is aware that the product is being applied for testing purposes. A copy of the document is to be kept by the establishment owner and a copy must be given to the client or model for the records.

## RULE NO. 7
## SCHOOL OF COSMETOLOGY AND POSTSECONDARY SCHOOL OF COSMETOLOGY REQUIREMENTS

**(7. 1) Application for New Private School of Cosmetology**

**(A)** Any person, firm or corporation seeking to open a new school of cosmetology shall submit an application to the Cosmetology Section office and receive pre-approval from the Department. The application shall be accompanied by the following information:

**(1)** Completed application provided by the Department and available on the Department's website at www.healthyarkansas.com.

**(2)** Detailed floor plan of the proposed school showing adequate floor space.

**(3)** One certified financial statement.

**(4)** List of proposed equipment of the school.

**(5)** Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.

**(6)** Correspondence from the Planning and Zoning Board certifying that the area which the proposed school is to be located is properly zoned for this type of business.

**(7)** A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1500) hours of continuous training for all cosmetology students enrolled.

**(8)** The owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the proposed school,

including answers to citations and/or hearings, and compliance with rulings issued by the Department and/or Cosmetology Technical Advisory Committee.

**(9).** Samples of all forms to be used in the school such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

**(10)** The required registration fee.

**(B)** When the above information is received in full, the Department will conduct the initial inspection described in Rule 7.9. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule 7.10, submission of 25 student enrollment forms, required fees and documents, and licensing.

**(7.2) Application for New Private Postsecondary School of Cosmetology**

**(A)** Any person, firm or corporation seeking to open a new postsecondary school of cosmetology shall submit an application to the Cosmetology Section office and receive pre-approval from the Department. The application shall be accompanied by the following information:

**(1)** Completed application provided by the Department and available on the Department's website at www.healthyarkansas.com.

**(2)** Detailed floor plan of the proposed school showing adequate floor space.

**(3)** One certified financial statement.

**(4)** List of proposed equipment of the school.

**(5)** Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.

**(6)** Correspondence from the Planning and Zoning Board certifying that the area which the proposed school is to be located is properly zoned for this type of business.

**(7)** A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1500) hours of continuous training for all cosmetology students enrolled.

**(8)** The owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the proposed school, including answers to citations and/or hearings, and compliance with rulings issued by the Department and/or Cosmetology Technical Advisory Committee.

**(9)** Samples of all forms to be used in the school such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

**(10)** The required registration fee.

**(11)** Proof that each student enrolled has a high school diploma or its equivalent.

**(12)** Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

**(B)** When the above information is provided in full, the Department will conduct the initial inspection described in Rule 7.9. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule 7.10, submission of 25 student enrollment forms, required fees and documents, and licensing.

**(7.3) Changes and Notification Requirements**

**(A) Name Change-** When the name of a school of cosmetology or postsecondary school of cosmetology is changed from the name that appears on the original application, the owner of record shall notify the Department in writing at least thirty (30) days prior to the change and shall submit the required fee. Failure to comply with this section will be grounds for disciplinary action.

**(B) Ownership Change-** When the ownership of a school of cosmetology or postsecondary school of cosmetology is changed from the ownership that appears on the original application, the owner of record shall notify the Department in writing at least thirty (30) days prior to the change. In addition, the new owner must provide the documentation outlined in Rule 7.12, at least thirty (30) days prior to the purchase. Failure to comply with this section will be grounds for disciplinary action.

**(7.4) Application for a New Cosmetology Program in a Public or State-Operated School**

**(A)** Any public or state-operated school seeking to offer education in cosmetology or its related branches shall submit notice to the Cosmetology Section office and receive pre-approval from the Department, as well as to the Arkansas Department of Higher Education or other governing body. The notice shall include the following information:

**(1)** A completed application provided by the Department and available on the Department's website at www.healthyarkansas.com.

**(2)** Documentation that the school's administration or board has given its approval for the cosmetology program to be offered at the school, as well as the school's commitment that there are sufficient financial resources to support the program.

**(3)** Name and contact information for the designee at the school who will be responsible to the Department for ensuring the school complies with applicable statutes and rules.

**(4)** A statement certifying the school will comply with all laws including applicable rules and regulations regarding qualified instructors and a school supervisor.

**(5)** A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410,

**(6)** A detailed floor plan reflecting adequate floor space.

**(7)** A list of equipment to be used for the program.

**(8)** Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

**(9)** Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

**(10)** The required registration fee.

**(B)** When the above information is provided in full, the Department will conduct the initial inspection described in Rule 7.9. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule 7.10, submission of 25 student enrollment forms, required fees and documents, and licensing.

**(7.5) Application for a New Postsecondary Cosmetology Program in a Public or State-Operated School**

**(A)** Any public or state-operated postsecondary school seeking to offer education in cosmetology or its related branches shall submit notice to the Cosmetology Section office and receive pre-approval from the Department, as well as to the Arkansas Department of Higher Education or other governing body. The notice shall include the following information:

**(1)** A completed application provided by the Department and available on the Department's website at www.healthyarkansas.com.

**(2)** Documentation that the postsecondary school's administration or board has given its approval for the cosmetology program to be offered at the school, as well as the school's commitment that there are sufficient financial resources to support the program.

**(3)** Name and contact information for the designee at the school who will be responsible to the Department for ensuring the school complies with applicable statutes and rules.

**(4)** A statement certifying the school will comply with all laws including applicable rules and regulations regarding qualified instructors and a school supervisor.

**(5)** A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410,

**(6)** A detailed floor plan reflecting adequate floor space.

**(7)** A list of equipment to be used for the program.

**(8)** Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

**(9)** Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

**(10)** The required registration fee.

**(11)** Proof that each student enrolled has a high school diploma or its equivalent.

**(12)** Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

**(B)** When the above information is provided in full, the Department will conduct the initial inspection described in Rule 7.9. When the postsecondary school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with postsecondary school preparations pending the final inspection described in Rule 7.9, submission of 25 student enrollment forms and required documents, and licensing.

**(C)** When the above information is provided in full, the Department will conduct the initial inspection described in Rule 7.9. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule 7.10, submission of 25 student enrollment forms and required documents, and licensing.

**(7. 6) Application for a Relocated School of Cosmetology or Postsecondary School of Cosmetology**

**(A)** When the location of a school of cosmetology or postsecondary school of cosmetology licensed to offer cosmetology or related programs changes from the location which appears on the original application, the owner of record shall file an application with the Cosmetology Section office and receive pre-approval from the Section. An application must include the following items of documentation before any relocation can occur:

**(1)** A detailed floor plan reflecting adequate floor space.

**(2)** A list of equipment to be used for the program.

**(3)** Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

**(4)** Sample of all forms to be used in the school of cosmetology or postsecondary school of cosmetology, such as attendance record, sign-in sheets, releases, progress records and progress cards.

**(5)** All relocated schools of cosmetology or postsecondary schools of cosmetology shall meet physical requirements as for new schools.

(6) The required registration Fee.

(B) When the above information is provided in full, the Department will conduct the initial inspection described in Rule 7.9. When the school of cosmetology or postsecondary school of cosmetology application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school of cosmetology or postsecondary school of cosmetology preparations pending the final inspection described in Rule 7.10 and licensing.

**(7.7) Building Requirements**

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

(A) The school of cosmetology or postsecondary school of cosmetology shall be of fireproof construction. All schools shall have a front and back entrance. No partitions will be permitted except for the specified spaces listed below.

(B) All schools of cosmetology or postsecondary schools of cosmetology must be separated from any other business with solid walls. Cosmetology establishments that are located in the same building shall be separated by a solid physical barrier and shall have separate entrances.

(C) All schools of cosmetology or postsecondary schools of cosmetology shall have sufficient light fixtures and wiring which shall be approved by a licensed Electrician or City Inspector. Said Electrician or Inspector shall certify that wiring and fixtures are adequate for the building size and purpose for which it is to be used.

(D) The school of cosmetology or postsecondary school of cosmetology building shall be completely air conditioned and centrally heated.

(E) There shall be sufficient hot water supply and pressure and be approved as sufficient by a licensed plumber.

(F) The school of cosmetology or postsecondary school of cosmetology shall be approved by the Department as to space, light, ventilation, hygienic environment and equipment.

(G) Interior floor space shall be not less than twenty-five-hundred (2500) square feet of area, for a maximum of twenty-five (25) students.

(H) Student practical training area or clinic area shall contain not less than twelve-hundred (1200) square feet, open space, with no walls to obstruct the view of the Instructor. The clinic square footage requirements is for a maximum enrollment of twenty-five (25) students. Enrollment capacity in excess of twenty-five (25) students will be established by the square footage contained in the reception area and excess footage over the required twelve-hundred (1200) square footage in the clinic. Every fifty (50) square feet of space in the aforementioned area will increase the enrollment capacity by one. A classroom is required and shall be not less than two-hundred-seventy-five (275) square feet. The classroom must be equipped with items conducive to promote a teaching and learning environment that accommodates both the instructor and students. Vending machines shall not be in the classroom.

(I) The clinical area shall contain: stations and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, and facial chairs. Other equipment not used for the instruction of the practical work will not be permitted

(J) Restrooms are required. Restrooms shall contain a commode and lavatory. Floors must be a washable surface. Pipes or any other projection that might create an unsanitary condition shall not be exposed.

(K) A reception area shall be required. The reception area shall contain a desk or counter and chairs for clients. This area shall not contain any equipment used by the students in the practical work.

(L) A supply room will be required to keep all cleaning equipment, such as mops, brooms, scrub pails, etc.

(M) A dispensary room is required to store supplies used by students. All extra supplies, not being used, must be stored.

(N) Storage space shall be provided for students to store individual personal items.

(O) Office space shall be provided for student and school of cosmetology or postsecondary school of cosmetology business records that contain equipment and furniture necessary to reasonably accommodate an administrative office.

(P) Break room or lounge room will be provided Eating will not be permitted in the clinical area of the school of cosmetology or postsecondary school of cosmetology.

**(7. 8) Equipment**

**(A)** All equipment for new, existing and re-located schools of cosmetology or postsecondary schools of cosmetology shall be in good workable condition. The equipment shall be appropriately maintained in order to promote the health and safety of school of cosmetology or postsecondary school of cosmetology employees, students and clients.

**(B)** An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled students.

**(C)** An adequate supply of working equipment for all cosmetology courses shall be maintained in the school to reasonably accommodate the clientele received in the school of cosmetology or postsecondary school of cosmetology.

**(D)** Each school of cosmetology or postsecondary school of cosmetology shall maintain a time clock to register student hours for reporting to the Department.

**(7. 9) Initial Inspection of a New or Re-located School of Cosmetology or Postsecondary School of Cosmetology**

After all required documentation and fees have been submitted and approved; the Department will conduct an initial inspection on all new or re-located schools for the purpose of determining suitability based on submitted documentation with application:

**(A)** Of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.

**(B)** Of proposed layout.

**(C)** Of proposed items of equipment and material.

**(D)** Satisfactory evidence of proper provisions for duly licensed instructors.

The findings of the initial inspection and the application with supporting documentation shall be submitted to the Department for its approval.

**(7.10) Final Inspection of New or Re-located School of Cosmetology or Postsecondary School of Cosmetology**

A final inspection shall be conducted by an inspector in order to determine that all information previously submitted to the Department on the "Instructor/Supervisor Form," the "Application" and the "Initial Inspection Report," such as the floor space, list of equipment on hand, and all other pertinent information, has been strictly adhered to by the owners or administrators of the proposed school.

No license will be issued to any new school until at least 25 student enrollment forms, supporting documents and enrollment fees have been submitted and at least 25 student permits have been issued.

**(7.11) Routine Inspection of School of Cosmetology or Postsecondary School of Cosmetology**

Schools of Cosmetology and Postsecondary Schools of Cosmetology shall be inspected at least twice a year, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department.

**(7.12) Purchase of an Existing School of Cosmetology or Post-Secondary School of Cosmetology**

**(A)** Any person, firm or corporation seeking to purchase an existing school of cosmetology or Post-secondary School of Cosmetology shall submit the following information at least thirty (30) days prior to the purchase:

**(1)** An application shall be filed to reflect the change of ownership.

**(2)** The new owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the school of cosmetology or postsecondary school of cosmetology, including answers to citations for hearings, and compliance with rulings issued by the Department.

**(3)** Instructor Form shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

**(4)** One certified financial statement.

**(5)** Copy of the legal change of ownership document.

**(6)** Copy of the new owner's government issued photo identification.

**(7)** Samples of all forms to be used in the school of cosmetology or postsecondary school of cosmetology; such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

**(8)** The Required registration Fee.

**(7.13) Registration Requirements**

**(A)** All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered with the Department before accredited hours can be obtained. Registration prerequisites are as follows:

**(1)** Registration form (forms provided by the Department). The completed registration form must be received by the Department before accredited hours can be obtained.

**(a)** One (1) copy of the student/school of cosmetology or postsecondary school of cosmetology contract (if applicable).

**(2)** A copy of the student's driver's license or other form of identification verifying the student's age.

**(3)** Proof of education:

**(a)** For Post-Secondary Schools of Cosmetology--proof of a high school diploma or its equivalent.

**(b)** For Schools of Cosmetology—

**(1)** Cosmetology, Aesthetics and Manicuring – completed a minimum of two (2) years of high school or its equivalent.

**(c)** Electrology and Instructor – completed four (4) years of high school or its equivalent.

**(d)** Results from a test that is approved by the U.S. Department of Education to measure a student's ability to benefit (an "Ability-To-Benefit (ATB) test") may be used to determine a student's equivalency to the above.

**(4)** Required registration fee.

**(B)** Failure to comply with the above mentioned prerequisites will affect the matriculation date.

**(C)** All registration forms must state the student's full legal name. .

**(1)** If the student is married include the married name after their maiden name.

**(2)** If a student is married or divorced during the course of training a copy of the marriage certificate or divorce decree shall be submitted to the Department before records will be changed.

**(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.

**(7.14) Cosmetology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(A)** A total of fifteen-hundred (1500) hours shall be required in the cosmetology program and shall consist of the following curricula:

**(1)** Hygiene and Sanitation – 80 Hours – Instructions in sanitation, sterilization, hygiene, lighting and ventilation, etc... General sanitation duties performed by students shall not exceed more than fifteen (15) minutes per day. Students are required to maintain their stations as warranted and are responsible for their actions or mishaps.

**(2)** Related Science – 120 hours – Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), Physiology and Histology Anatomy, Neurology, Myology and Osteology, etc.

**(3)** Hairdressing – 1000 hours – A course in cleaning hair, shampooing, haircutting, clipping, singeing, dying, tinting, bleaching, scalp massage, brushing and combing, curling, permanent waving, and reconditioning hair, wiggery, thermal pressing, iron curling, chemical relaxing, etc.

**(4)** Manicuring – 100 hours – A course in the construction, filing and shaping of the nails, loosening and removing the dead cuticle and the art of hand, arm, foot and ankles massage, etc.

**(5)** Aesthetics – 100 hours – A course in the skin, various kinds of facial massage, cosmetics, application of treatment products, the art of makeup, eyebrow shaping, eyebrow and eyelash dying, hair removal, etc.

**(6)** Salesmanship and Shop Management – 50 hours – Instruction in how to keep records, knowledge of business law, cosmetology law, rules and regulations, booking appointments, retailing, etc.

**(7)** Professional Ethics– 50 hours – Courtesy, neatness and professional attitude in meeting the public, etc.

**(B)** All schools for Schools of Cosmetology or Postsecondary 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 of cosmetology or postsecondary schools of cosmetology 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)** To qualify for the cosmetology examination, students must acquire a minimum of one-hundred-eighty (180) hours in theoretical instruction.

**(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.

**(G)** All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of ten (10) services on a client or a mannequin per week, for each student enrolled who has acquired one-hundred-fifty (150) hours of instruction. Students shall be assigned to clients on the basis of respective learning needs.

**(7.15) Manicure Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(A)** A total of six-hundred (600) hours in Manicure training shall consist of the following subjects and hours:

**(1)** Health, Sanitation and Infection Control (75 hours);
**(2)** Health Related Science (75 hours);
**(3)** Manicuring and Pedicuring (200 hours);
**(4)** Advance Nail Technology (200 hours);
**(5)** Career Development (50 hours).

**(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 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.

**(F)** To qualify for the manicure examination, students must acquire a minimum of 60 hours in theoretical instruction.

**(G)** All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of 10 services per week, for each student enrolled who has acquired 60 hours. Students shall be assigned to clients on the basis of respective learning needs.

**(7.16) Aesthetic Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(A)** A total of six-hundred (600) hours in the Aesthetician course shall consist of the following subjects and hours:

**(1)** Chemistry (40 hours);
**(2)** Physiology (35 hours);
**(3)** Bacteriology & Sanitation (35 hours);
**(4)** Introduction of Skin Care (45 hours);
**(5)** Skin Care (150 hours);
**(6)** Makeup and Corrective Makeup (50 hours);
**(7)** Eyebrow and Lashes (40 hours);
**(8)** Hair Removal (40 hours);
**(9)** Safety Precautions (20 hours);
**(10)** Professional & Personality Development (20 hours);
**(11)** Management (20 hours);
**(12)** Salesmanship (15 hours);
**(13)** State Laws and Rules and Regulations (10 hours);
**(14)** Testing Evaluation (15 hours);
**(15)** Instructor's Discretion (65 hours).

**(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.

**(7.17) Electrology for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(A) Requirements**

Any cosmetology school of cosmetology or post-secondary school of cosmetology in the State of Arkansas qualified and approved to teach cosmetology by the Department may teach Electrolysis in epilation, provided they:

**(1)** Show proof of a qualified electrolysis instructor who shall be licensed by the Board.

**(2)** Meet the minimum requirements in equipment necessary to teach Electrolysis in epilation.

**(B) Training Course**

A course of three-hundred-fifty (350) hours as a student in conjunction with a regular course in cosmetology and its related occupations or for licensed beauty operator, or a course of six-hundred (600) hours as a student when not in conjunction with a regular course in cosmetology and its related occupations or a licensed beauty operator, shall be required as a prerequisite to qualify for examination in electrology. The training shall include practical training and technical instruction. The school of cosmetology or post-secondary school of cosmetology shall establish grades and hold examinations before issuing diplomas in Electrology Training.

**(C) Electrology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology:**

| Subject | Cosmetologist | Unlicensed |
|---|---|---|
| AR Law pertaining to Electrology | 10 hours | 20 hours |
| Sterilization, Sanitation, Bacteriology | 25 hours | 50 hours |
| Study of Hair | 20 hours | 40 hours |
| Study of Skin | 25 hours | 50 hours |
| Disorders of Skin and Hair | 20 hours | 40 hours |
| Electricity | 25 hours | 50 hours |
| Electrology | 150 hours | 200 hours |
| Neurology and Angiology | 20 hours | 40 hours |
| Development of Practice | 15 hours | 30 hours |
| Instructor's Discretion | 40 hours | 80 hours |

**(D)** 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.

**(E)** The time of the classroom instruction class shall be registered with the Department.

**(F)** Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

**(G)** A student for a license as a 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.

**(H)** To qualify for the cosmetology examination, students must acquire a minimum of sixty (60) hours in theoretical instruction.

**(I)** 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.

**(7.18) Facility Use for Non-Accredited Courses**

Schools of cosmetology and postsecondary schools of cosmetology will be permitted to utilize the school facilities for non-accredited courses, after regular school hours, provided said school owner disseminates literature that the said course(s) is not approved by the Department. All literature (i.e., forms of media advertisements, pamphlets, etc.), must have prior approval by the Department before communication.

**(7.19) Discretionary Off-Campus Student Hours for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

Students may receive credit towards their chosen course of study through discretionary off-campus hours. These hours may be obtained by attending educational events relevant to the student's course of study. Credit can only be given for actual time in attendance. Credit shall not be granted for travel time. Students must at all times be accompanied by a licensed instructor and the instructor/student ratio must at all times meet the standards outlined below in section Instructors who accompany students during these activities must keep written record of students' attendance through a sign-in/sign-out sheet.

Schools of cosmetology and postsecondary schools of cosmetology shall maintain a record of all off-campus events that students participate in for review upon request by a representative by the Department. The record shall include the following information for each event:

**(A)** Name and location of the educational event;
**(B)** Date of the educational event;
**(C)** List of each instructor in attendance;
**(D)** Sign-in/sign-out sheet;
**(E)** List of each student in attendance;
**(F)** Number of hours earned by each student.

**(7. 20) Instructor/Enrolled Student Ratio**

**(A)** Instructors shall not be permitted to perform cosmetology services for students; however, the Instructor will be permitted to assist the student when needed in the clinical area.

**(B)** Every person employed in a school of cosmetology or postsecondary school of cosmetology to instruct students therein shall be currently licensed by the Board. Instructor/enrolled student ratio shall be as follows:

| STUDENT | INSTRUCTOR |
|---|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |

**(C)** All schools of cosmetology and postsecondary schools of cosmetology shall have an additional Instructor subject to call at all times in the event the regular Instructor is ill or absent from the school.

**(D)** Instructors shall be permitted to tutor students after school hours providing services are not performed on the public during tutoring sessions and students are not given credit for hours spent in the tutoring capacity.

**(7. 21) Responsibility of School of Cosmetology or Post-Secondary School of Cosmetology**

**(A) Training Requirements**

**(1)** Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a licensed instructor. Extended break time should be on a scheduled basis, such as lunch, coffee, etc., and shall not be counted as classroom instruction time or creditable time. The only creditable time permitted when the clinic facility is closed will be classroom instruction.

**(2)** All schools of cosmetology or post-secondary schools of cosmetology shall provide each student enrolled the opportunity to acquire the entire course of training uninterrupted by unscheduled vacations or for any reason that may cause a delay in the completion of such course. The school shall certify the training in accordance with the required curriculum for examination and license. This provision does not prohibit a school from suspending a student for disciplinary reasons. Grounds for suspension shall be determined by the owner. Only students who have been placed on probation, as a result of a previous infraction of the school rules and regulations or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.

(3) Certification of hours must be filed with the Department within thirty (30) calendar days immediately following termination of student. Hours of instruction having been acquired by the student may not be deducted or increased for any reason. Increase or decrease of creditable hours is prohibited.

(4) Certification of hour's forms should be completed by the designated school official, along with the student training permit and paid-in-full contract. Only the hours that have been accrued during the current enrollment shall be certified. In the event a student has not paid for all of the accumulated hours a notation shall be made at the bottom of the certification form stating the number of uncertified hours. Uncertified hours will not be released until a new certification form is submitted. Certification of Hours Forms may be obtained from the Department upon request and are available for downloading on the Department's website at www.healthyarkansas.com.

(5) Required textbooks: The Department must approve textbooks. Textbooks must adequately cover the prescribed curricula and prepare students for State testing. Other textbooks and reference material may be used to enhance the cosmetology course.

**(B) Monthly Reports for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

(1) All schools of cosmetology or post-secondary schools of cosmetology are required to the Cosmetology Section database, by the last day of each month, all students currently enrolled in the school during the prior month. The monthly report shall reflect the number of hours acquired in the school during the prior month and the accumulated hours during the current enrollment.

(2) The Cosmetology Section will notify the school of cosmetology or post-secondary school of cosmetology when an error has been made on the monthly report. Upon receipt of this notification the school owner or instructor is required to check their records and appraise the Cosmetology Section office of the corrections made within the week.

(3) All schools of cosmetology or post-secondary schools of cosmetology have thirty (30) calendar days from the submission date of the monthly report to report any errors in the hours submitted on the monthly report. Copies of the time cards and/or supporting documentation related to the error shall support corrections. (4) No changes to student hours will be made after the thirty (30) day timeframe without good
cause.

(4) No school of cosmetology or post-secondary school of cosmetology owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a Balance Due on Tuition form, if applicable, pursuant to Rule 7.21 A.

**(C) Daily Records and Inspection for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

(1) Every school of cosmetology or post-secondary school of cosmetology shall keep a daily record of attendance on each student enrolled. A time clock shall be used for the purpose of recording hours.

(2) Every school of cosmetology or post-secondary school of cosmetology shall keep a daily record of the student's activity. The time the student has acquired in the various phases of cosmetology or its related branches shall be recorded on this record.

(3) The school of cosmetology or post-secondary school of cosmetology shall establish a grading system and hold examinations before issuing diplomas.

(4) All necessary basic subjects, in accordance with the Department's curriculum shall be taught in the proper sequence and depth to prepare each student both for the licensing examination and for successful entry level work in the profession.

(5) A course outline and daily lesson plans shall be used by the school of Cosmetology or Postsecondary School of Cosmetology. A course outline shall be provided to students so they will be apprised of the upcoming activities.

(6) Schools of cosmetology or post-secondary schools of cosmetology shall be inspected to determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. A school of Cosmetology or Postsecondary School of Cosmetology license will be issued upon receipt of a compliance inspection by a representative of the Department. During an inspection, the inspector may review the records maintained by the school of Cosmetology or Postsecondary School of Cosmetology; review the course outline and lesson plans and generally evaluate the operation of the school of Cosmetology or Postsecondary School of Cosmetology. School owners may contact the Department to discuss the recommendations and/or to request a hearing before the Cosmetology Technical Advisory Committee. Failure to comply with the licensing requirements will be grounds for disciplinary action and license denial.

**(D) Tuition and Fees for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

(1) Every school of cosmetology or post-secondary school of cosmetology shall fix its tuition at such an amount as will enable it to furnish without further charge to the student all supplies used on the public or on mannequins. Each

student shall have access to a complete kit of tools, textbook and copies of the instructional materials used prior to the beginning of the course in which those materials are needed.

**(2)** The student shall not be permitted to remove the kit from the school of cosmetology or post-secondary school of cosmetology until such time the student has completed his/her training or withdraws from school of cosmetology or post-secondary school of cosmetology provided the student has purchased the kit from the school of cosmetology or post-secondary school of cosmetology.

**(E) School Catalog for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(1)** Every school of cosmetology or post-secondary school of cosmetology shall set forth basic information about itself in a catalog which is kept up To date and made available to prospective students and the Department.

**(2)** The catalog must include the following items as a minimum: name and address of school of cosmetology or post-secondary school of cosmetology; date of publication; when the school of cosmetology or post-secondary school of cosmetology was established; admission requirements; educational objectives of each program; length of course and course description; grading system; graduation requirements; type of document received upon graduation; refund policy; name(s) of owners and scholarship and fee waiver policies.

**(3)** Either the catalog or a dated supplement to the catalog must include: total tuition for the course; books and supplies; registration fee or enrollment fee; charges for extra instruction; all other costs assessed to students; details, conditions, and methods of payment of monies owed to the school of cosmetology or post-secondary school of cosmetology; school of cosmetology or post-secondary school of cosmetology policies, rules and regulations; disciplinary action for failure to abide by policies or rules and regulations; and name of administrative staff and faculty of the school of cosmetology or post-secondary school of cosmetology.

**(F) School of Cosmetology or Post-Secondary School of Cosmetology Rules and Regulations/Catalog**

**(1)** Prior to adoption, amendment, or repeal of any rule or regulation or catalog, the school of cosmetology or post-secondary school of cosmetology shall give notice of its intended action to the students enrolled in school of cosmetology or post-secondary school of cosmetology. The notice shall include the following:

**(a)** The effective date;

**(b)** Whether the regulation(s) is new, repeals, or changes an existing rule;

**(c)** What the regulation(s) is.

**(2)** After the students are given notice in the proper form all students enrolled in said school of cosmetology or post-secondary school of cosmetology will be required to sign a document stating that they have been apprised of the intended action.

**(3)** After the regulation(s) has been adopted by the school of cosmetology or post-secondary school of cosmetology a supplement which contains the revisions shall be attached to all catalogs that the school of cosmetology or post-secondary school of cosmetology has on hand.

**(G) School of Cosmetology or Post-Secondary School of Cosmetology Contracts**

School of cosmetology or post-secondary school of cosmetology owners who require contracts as a prerequisite for enrollment will be required to file one (1) copy of the contract with the Department and provide a copy to the student. The contract must clearly outline the obligation of both the school of cosmetology or post-secondary school of cosmetology and the student in accordance with the terms and conditions stipulated in the school catalog. All contracts must contain the following:

**(1)** The name and address of the school of cosmetology or post-secondary school of cosmetology.

**(2)** The name and address of the applicant.

**(3)** Course of Training – Total hours of instruction.

**(4)** School Term- Stipulate full or part-time. Must state the number of hours each day and days per week.

**(5)** Schedule of Payments – State tuition and whether the tuition includes the cost of the kit and book. If the kit and book are not included in the tuition said items must be itemized. The down payment, balance of the contract and the monthly payments must be stated.

**(6)** The school of cosmetology or post-secondary school of cosmetology refund policy must be stated.

**(7)** Acknowledgement that the student received a copy of the school of cosmetology or post-secondary school of cosmetology rules and regulations and catalog.

**(8)** Contracts of under aged student shall be signed by a parent or guardian. Parent or guardian signature is required for students under eighteen (18) years of age.

**(9)** All school of cosmetology or postsecondary school of cosmetology contracts must be fully executed.

**(H) Penalty**

Any school of cosmetology or post-secondary school of cosmetology that fails to abide by the terms and conditions set out in the school of cosmetology or post-secondary school of cosmetology catalog or contract or fails to comply with the procedures for adopting rules and regulations or who is capricious in enforcing school of cosmetology or post-secondary school of cosmetology regulations may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to Rule No. 1.3 and10. In the case of a Nationally Accredited School of cosmetology or post-secondary school of cosmetology the Department will notify the proper officials of the disposition of the complaint.

## RULE NO. 8
## INSTRUCTOR TRAINING FOR SCHOOLS OF COSMETOLOGY OR POSTSECONDARY SCHOOLS OF COSMETOLOGY

**(8.1) Requirements for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

**(A)** The Department will admit to examination for a license any person who has acquired six-hundred (600) hours of instructor training in this state and submits the following requirements: (a) a completed Arkansas application form, (b) certification of hours from the school of cosmetology or postsecondary school of cosmetology attended, and (c) paid in full contract.

**(B)** The instructor training curriculum is designed as a course to extend over a period of not less than four (4) months and not less than six-hundred (600) hours of training.

**(C)** A instructor-trainee shall:

**(1)** be licensed as a cosmetologist, manicurist, aesthetician or electrologist in the State of Arkansas,
**(2)** be registered as an instructor-trainee with the Department,
**(3)** be under the supervision of a licensed instructor at all times,
**(4)** not be authorized to verify student daily slips,
**(5)** be given a written examination after completion of each subject by the licensed Instructor.

**(8.2) Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

| SUBJECTS | MINIMUM HOURS |
|---|---|
| **(A)** Required preparatory training | 50 |
| Teaching of theory and practical operation. | |
| Selecting subject matter for class lecture. | |
| Preparing class lectures. | |
| Conducting a review of all subjects taught. | |
| Preparing and grading examinations. | |
| Demonstrating practical operations. | |
| Teaching practical operations. | |
| **(B)** Class attendance | 100 |
| Classes are to be conducted by a licensed instructor to prepare instructor-trainee to properly lecture and demonstrate on all subjects of cosmetology. | |
| **(C)** Conducting Theory Classes in Cosmetology, Aesthetics, Manicuring or Electrology | 50 |
| Theory classes will be conducted under the supervision of a licensed instructor. | |
| **(D)** Conducting Practical Classes in Cosmetology, Aesthetics, Manicuring or Electrology | 300 |
| **(E)** Method of Keeping Student Records | 10 |
| **(F)** Instructor's Discretion | 90 |
| Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of Cosmetology | |
| | 600 |

A licensed instructor will be present in and supervise all classes conducted by an instructor-trainee.

**(8.3) Instructor/Instructor-Trainee Ratio for Schools of Cosmetology or Postsecondary Schools of Cosmetology**
School of cosmetology or postsecondary school of cosmetology owners may enroll a maximum of three (3) instructor-trainees for each authorized instructor teaching in the school of cosmetology or postsecondary school of cosmetology on a full-time basis. Instructor/instructor-trainee ratio is as follows:

**(A) 1 Instructor/1Trainee** – who has acquired between 100 and 200 hours;

**(B) 1 Instructor/2 Trainees** – provided 1 trainee has acquired between 100 and 200 hours and 1 trainee has between 200 and 400 hours;

**(C) 1 Instructor/3 Trainees** – provided 1 trainee has acquired between 100 and 200 hours, 1 trainee has acquired between 200 and 400 hours and 1 trainee has between 400 and 600 hours.

The instructor-trainee(s) shall be under the supervision of a full-time licensed instructor at all times. Instructor-trainee(s) may attend on a part-time basis provided the curriculum is observed.

## RULE NO. 9
## LICENSE REVOCATION

A person whose license has been revoked may, after the expiration of one (1) year from the date of such revocation or the final disposition of any appeal, apply for new license in the manner provided for in the original application, and the Board may, in its discretion, exempt the applicant from examination and grant a new license upon payment of proper fee.

## RULE NO. 10
## COMPLAINT POLICY

**(A) Complaints against a person, establishment, school of cosmetology or postsecondary school of cosmetology**

**(1)** Any person may file a complaint against any of the following: a person, establishment school of cosmetology or postsecondary school of cosmetology licensed by the Board on any of the grounds for disciplinary action provided in § 17-26-105 of the Cosmetology Act.

**(2)** Official complaints must be made in writing within ninety (90) days from the date of infraction. In the event of a complaint from a student concerning the hours accrued or issues relevant to the completion of the course the student may submit a complaint against the school of cosmetology or postsecondary school of cosmetology within ninety (90) days after the Certificate of Training form is submitted to the Department by the school.

**(3)** Complaints against a Board licensee will be provided a hearing by the Cosmetology Technical Advisory Committee. The Cosmetology Technical Advisory Committee will hold hearings bimonthly. Appeals of Committee findings may be heard by the State Board of
Health.

## RULE NO. 11
## EQUIPMENT AND CHEMICAL USE
## IN COSMETOLOGY AND ITS RELATED BRANCHES

**(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 licensed cosmetologist and aesthetician may use the following chemical exfoliation substances:

(a) no more than 50% alpha hydroxyl acid (AHAs which includes, but is not limited to, glycolic, tartaric, malic or lactic acids. Such AHAs shall not be lower than a pH of 2);

(b) no more than 20% beta hydroxyl acid (BHAs which include salicylic acid);

(c) no more than 20%Trichloroacetic Acid (TCA)

(d) Jessner's solutions;

(e) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and

(f) Non-medical grade Retinoids.

(2) No person performing any type of cosmetology services is permitted to use the following:

(a) Medical grade or prescription Retinoids;

(b) Carbolic acid (phenol);

(c) Products listed above that exceed the stated maximum levels or combinations thereof;

(d) All adulterated chemical exfoliating/peeling substances.

**(C) Equipment** and chemical exfoliation substance services shall only be administered in an establishment or school of cosmetology or postsecondary school of cosmetology licensed by the Board and shall only be performed by a licensed practitioner that follows the appropriate health and safety guidelines 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.

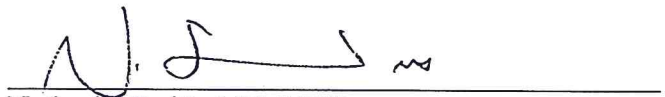
(2) All cosmetology establishments that collect private medical information as part of the client history shall have procedures in place to protect the confidentiality of the client's private medical information.

(E) Cosmetologist and manicurist shall not use Liquid Methyl Methacrylate (MMA) Monomer.

(F) Performing services prohibited under this section shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.

## CERTIFICATION

This will certify that the Rules and Regulations for Cosmetology in Arkansas were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas on the 28th day of January 2016.



Nathaniel Smith, MD, MPH
Secretary of Arkansas State Board of Health
Director, Arkansas Department of Health

# Arkansas Department of Health
# Violation Table

Violation fees will be assessed in accordance with the following chart. A party found to be in violation and assessed a fee has a right to have a hearing in front of the Cosmetology Technical Advisory Committee pursuant to Ark. Code Ann. § 17-26-208.

| **Rule 5.1 (A) Enforcement** | **Fee:** |
|---|---|
| (3)Inspection of facility allowed | 500.00 |
| (4)Photo ID presented, if requested | 50.00 |
| (5)Salon license current | 250.00 |
| (5)Salon licensed | 500.00 |
| (7) Practitioner license current | 100.00 |
| (6)Employee has current AR license | 100.00 |
| (7)Individual licensed | 500.00 |
| (6)Employee is a licensed Practitioner in AR | 250.00 |
| | |
| **Rule 5.1 (B) Consumer Information** | |
| (2)Salon license posted in reception area | 50.00 |
| (2)Practitioner license(s) posted at station(s)/reception | 50.00 |
| | |
| **Rule 5.1 (C) - Physical Facilities of Salons** | |
| (1) Supply hot and cold running water<br>Properly maintain sewage | 50.00 |
| (2) Plumbing properly maintained | 50.00 |
| (3)When Toilet facilities are available:<br>Clean/odorless and in good repair<br>Receptacle for waste | 50.00 |
| (4) Hand washing facilities:<br>Hot & cold water, Hand-cleaning soap at each lavatory, Sanitary towels/hand drying device, Receptacles for waste nearby | 50.00 |
| (5) Drinking water available<br>Cups, glasses, etc. disposable | 50.00 |
| (6) Garbage/refuse disposed of regularly | 50.00 |
| (7) Free of rodents/insects | 50.00 |
| (8) Floors, mats, clean/repaired, Walls, woodwork, decorative material, Clean/repaired Equipment, furnishings fixtures clean/repaired, Ceiling clean/repaired | 50.00 |
| (9) Working area floor covering non-absorbent, floor mats non-absorbent/easily cleanable and in good repair | 50.00 |
| (10) Carpet only in non-working areas/good repair | 50.00 |
| (11) Work area contains sufficient lighting | 50.00 |
| (12) Sufficient ventilation | 100.00 |

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| (13) Minimum Equipment - have & maintain: | |
| a) Liquid sanitizer receptacle | 50.00 |
| b)Clean linens separate and covered | 50.00 |
| c) Soiled linens separate from clean linens | 50.00 |
| d) Sanitized instruments separate and enclosed | 50.00 |
| (14) No animals in salon | 250.00 |
| (15) Persons massaging inflamed, infected or erupted skin are using proper protection | 50.00 |
| (16) a - Clothing of practitioner clean | 50.00 |
| b - Practitioner washed hands before services | 50.00 |
| (17) a - Headrest covered for each client | 50.00 |
| b - Shampoo bowl cleaned before each service kept in good repair and sanitary | 50.00 |
| c- Treatment tables sanitized before each use | 50.00 |
| d. Pedicure spas sanitized and disinfected before each service | 100.00 |
| (18) a - Towel discarded after each use, laundered and sanitized | 50.00 |
| (19) All bottles & containers containing any chemical or liquids labeled as to contents | 25.00 |
| (20) Neck strips or towels used to protect client skin | 50.00 |
| (21) a - All used supplies/instruments that cannot be disinfected are disposed of immediately after use | 100.00 |
| (22) Electrical<br>(a)Before use on client -electrical instruments are sanitized and disinfected.<br>All used or soiled disinfectable instruments shall be placed in labeled receptacle. | 50.00 |
| (b)Nonfunctioning electrical equipment shall be repaired or discarded | 50.00 |
| (23) Non-Electrical Instruments:<br>(a) Before use on client non-electrical instruments are sanitized and disinfected.<br>All used or soiled disinfectable instruments shall be placed in labeled receptacle. | 50.00 |
| (b)Nonfunctioning non-electrical equipment shall be repaired or discarded | 50.00 |
| (24)All Electrolysis instruments are single use and disposable | 250.00 |
| (25) a - Liquids, creams, etc. stored and labeled in clean, covered containers | 50.00 |
| b - Portions removed so as not to contaminate | 50.00 |
| c - Pencil cosmetics are disinfected and sharpened before each use | 50.00 |
| **Rule 6.2 - Authorization** | |
| New salon letter of authorization conspicuously posted | 25.00 |
| **Rule 6.3 - Changes/Notification Requirements** | |
| (A)Salon name changed/office notified correctly | 50.00 |
| (B)Shop owner changed/office notified correctly | 50.00 |
| (C )Salon relocated - new application on file | 100.00 |
| **Rule No. 6.4 - General Licensure Requirements** | |
| (B) 1 - Any other type of business that creates an unsanitary condition is separate | 100.00 |
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