



Arkansas Department of Health

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Governor Asa Hutchinson
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PROPOSED REVISIONS TO RULES FOR COSMETOLOGY, BODY ART, PERMANENT COSMETICS, AND SEMI-PERMANENT COSMETICS

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PURPOSE

The Arkansas Department of Health (“Department”) is seeking Governor Hutchinson’s review of proposed amendments to the Rules for Cosmetology, Body Art, Permanent Cosmetics, and Semi-Permanent Cosmetics.

BACKGROUND

Pursuant to Ark. Code Ann. §17-26-101, et seq. the Department has the authority to promulgate the Rules for Cosmetology, Body Art, Permanent Cosmetics, and Semi-Permanent Cosmetics. These rules govern standards to:

- (a). regulate the vocation of cosmetology and its related occupations, specifically manicuring, aesthetics, and electrolysis, and the application of body art, Permanent Cosmetics or Semi-Permanent Cosmetics;
- (b). provide for the licensing of persons to carry on and to teach such vocation; and,
- (c). regulate the conduct and sanitation of establishments, mobile salons, schools of cosmetology, body art training facilities, postsecondary schools of cosmetology or postsecondary institutions of permanent cosmetics or semi-permanent cosmetics so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof.

KEY POINTS

The proposed Rule:

- (a). Incorporates the body art, permanent cosmetics, and semi-permanent cosmetics industries into the Rules for Cosmetology in accordance with Act 900 of 2021;
- (b). Revises the Rules to conform with the licensure amendments pursuant to Acts 135 and 811, and the fee waiver amendment pursuant to Act 725; and,

(c). Revises the Rules to include registration of hairstylists in accordance with Act 957 of 2021, also known as “Annalynn’s Law”.

DISCUSSION

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

The following changes are proposed:

Summary of Proposed Changes
Rules for Cosmetology, Body Art, Permanent Cosmetics, and Semi-Permanent Cosmetics in
Arkansas

REVISION by Section	Supporting Information
§1 Cosmetology Section	
§(100) Combine Authority and Purpose	CAR Rule Format
§(104)(m) Add Body Art, Permanent and Semi-permanent Cosmetics fee	Add rule to meet requirements of Act 900 of 2021
§200 General Provisions	
§(201) - § (208) – Moved Enforcement, Access, Authorization, Change notifications, General licensure information, Consumer information, Investigations, Complaint policy Rules and added Body Art, Permanent and Semi-permanent Cosmetics language	Moved for clarification of Rule and to meet requirements of Act 900 of 2021
§300 Licensure	
§ (301) & § (302) Moved licensure requirement language and added language for Body Art, Permanent and Semi-permanent Cosmetics	Moved for clarification of Rule and to meet requirements of Act 900 of 2021
§ (301)(b) added language “These Rules are not applicable to any establishment under the control or direction of a duly licensed physician, nor do they apply to licensed medical hospitals and similarly licensed medical institutions.	Added for clarification of Statute §17-26-103 a) 1)
§ (302) Corrected language regarding annual fees for body art.	Corrected language to comply with Act 900 of 2021.
§ (303) - § (308) Moved reciprocity language and added language for Body Art, Permanent and Semi-permanent Cosmetics	Moved for clarification of Rule and to meet requirements of Act 900 of 2021

<p>§ (304) Added language for hours for body piercing separate from body art</p> <p>§ (305) Added language for total hours required for reciprocity for permanent cosmetics</p> <p>§ (306) Added language for total hours required for reciprocity for semi-permanent cosmetics</p> <p>§ (309) Added Apprenticeship Language</p> <p>§ (310) Added Occupational Licensing of Uniform service members, veterans, and spouses</p> <p>§ (311) & § (312) Added Language from Body Art Rule</p> <p>§ (313) Added Fee waiver language</p> <p>§ (314) & § (317) Moved examination requirement language, revocation language, temporary demonstrator license language and added language for Body Art, Permanent and Semi-permanent Cosmetics</p>	<p>Added language to address industry concerns for body piercing training.</p> <p>Added language to address industry concerns for permanent cosmetics training.</p> <p>Added language to address industry concerns for semi-permanent cosmetics training.</p> <p>Added model language created by ADH legal to meet requirements of Act 811 of 2021</p> <p>Added model language created by ADH legal to meet requirements of Act 135 of 2021</p> <p>Added model language created by ADH legal to meet requirements of Act 990 of 2019 and Act 900 of 2021.</p> <p>Added model language created by ADH legal to meet requirements of Act 725 of 2021</p> <p>Moved for clarification of Rule and to meet requirements of Act 900 of 2021</p>
<p>§ 400 Licensure for School, Institutions or Training Facility, Postsecondary School, Institution or Training Facility</p>	
<p>§(401)- §(402) Moved licensure requirement for cosmetology schools or postsecondary schools.</p> <p>§(403)- §(404) Added licensure requirement for body art training facilities.</p> <p>§(404) Added licensure requirement for permanent and semi-permanent cosmetics postsecondary institutions.</p> <p>§(405) Moved changes and notification requirement</p> <p>§(406)- §(410) Moved licensure requirement for cosmetology schools or postsecondary schools and added body art and permanent and semi-permanent cosmetics language</p> <p>§(411) Added instructor curriculum for postsecondary institutions of permanent and semi-permanent cosmetics</p> <p>§(412) Added artist trainer requirements training facilities</p> <p>§(413)- §(416) Moved instructor ratio for cosmetology schools or postsecondary schools and added permanent and semi-permanent cosmetics language</p>	<p>Moved for better flow of the Rule</p> <p>Added to meet requirements of Act 900 of 2021, and address industry concerns to confirm to new curriculum requirements.</p> <p>Added to meet requirements of Act 900 of 2021, and to address industry concerns.</p> <p>Moved for better flow of the Rule</p> <p>Moved for better flow of Rule and to meet requirements of Act 900 of 2021</p> <p>Added to meet requirements of Act 900 of 2021</p> <p>Added to meet requirements of Act 900 of 2021</p> <p>Moved for better flow of Rule and to meet requirements of Act 900 of 2021; Deleted hourly requirements under 413 based on industry concerns.</p>

<p>§(414) Added instructor renewal requirements for schools/institutions of permanent and semi-permanent cosmetics or postsecondary schools/institutions of permanent and semi-permanent cosmetics</p> <p>§(415) Added instructor renewal requirements for schools/institutions of permanent and semi-permanent cosmetics or postsecondary schools/institutions of permanent and semi-permanent cosmetics</p>	<p>Moved for better flow of the Rule</p> <p>Added to meet requirements of Act 900 of 2021</p>
<p>§ 500 Student Registration and Curriculum Requirements</p>	
<p>§(501)- Moved student registration requirements for cosmetology schools or postsecondary schools and cosmetology, manicure, aesthetics, and electrology and added permanent and semi-permanent language.</p> <p>§(502) Added artist in training registration requirements</p> <p>§(503)- §(506) Moved curriculum language for cosmetology schools or postsecondary schools and cosmetology, manicure, aesthetics, and electrology and added permanent and semi-permanent language.</p> <p>§(507) Added body art curriculum for training facilities. Revised curriculum requirements specifically for body piercing.</p> <p>§(508) Added permanent and semi-permanent cosmetics curriculum for postsecondary institutions of permanent and semi-permanent cosmetics.</p> <p>§(509)- §(512) Moved rule for cosmetology schools or postsecondary schools and added body art and permanent and semi-permanent cosmetics language. Added language for Instructor Trainees to assist in instructing students, with at least one licensed Instructor instructing the students.</p> <p>§(513) Added rule to establish artist-in-training / artist trainer ratios</p>	<p>Moved for better flow of the Rule and to meet requirements of Act 900 of 2021</p> <p>Added to meet requirements of Act 900 of 2021</p> <p>Moved for better flow of the Rule</p> <p>Added to meet requirements of Act 900 of 2021. Added to address industry concerns.</p> <p>Added to meet requirements of Act 900 of 2021, and address hourly requirements from industry concerns, and established procedure to license Semi-Permanent Cosmetic artist and Sponsor Educator.</p> <p>Moved for better flow of Rule and to meet requirements of Act 900 of 2021. Addressed industry concerns to utilize Instructor Trainees who have completed at least 50% of their training. Added provision for transfer of curriculum hours.</p> <p>Added to address industry concerns.</p>
<p>§600 Training requirements – Responsibilities for Schools, Institutions or Training Facilities</p>	
<p>§(601)- §(602) Moved classroom – in-classroom language and added online and distance education language, limited clinical work or instruction to in person education.</p> <p>§(603) Added body art – in-classroom, online and distance education training requirements</p> <p>§(604) Added permanent and semi-permanent cosmetics – in-classroom, online and distance education training requirements</p>	<p>Moved for better flow of rule and added to meet requirements of Act 724 of 2021, and to address industry concerns for online education.</p> <p>Added to meet requirements of Act 724 of 2021 and Act 900 of 2021, and address industry concerns.</p>

§(605)- §(609) Moved language and added body art and permanent and semi-permanent cosmetics language	Moved for better flow of Rule and to meet requirements of Act 900 of 2021
§700 Requirements for Establishments, Mobile Salons, Schools, Institutions, or Training Facilities	
§(701) Moved physical facilities cosmetology and added body art and permanent and semi-permanent cosmetics language	Moved for better flow of Rule and to meet requirements of Act 900 of 2021
§(702) Moved physical facilities specific to cosmetology	Moved for better flow of Rule
§(703) Added physical facilities specific to body art and permanent and semi-permanent cosmetics language	Added to meet requirements of Act 900 of 2021
§(704)- §(711) Moved building requirements language for schools/institutions or training facilities and added body art and permanent and semi-permanent cosmetics language	Moved for better flow of Rule and to meet requirements of Act 900 of 2021
§800 Equipment and Chemical Use in Cosmetology and its Related Branches	
§(801) Moved Equipment and Chemical Use in Cosmetology and its Related Branches	Moved for better flow of Rule
§(802) Added body piercing standards	Added to meet requirements of Act 900 of 2021
§(803) Added body art standards	Added to meet requirements of Act 900 of 2021
§(804) Added branding standards	Added to meet requirements of Act 900 of 2021
§(805) Added scarifications standards	Added to meet requirements of Act 900 of 2021
§(806) Added permanent and semi-permanent standards	Added to meet requirements of Act 900 of 2021
§(807) Added operations standards	Added to meet requirements of Act 900 of 2021
§(808) Added Documentation and Consent Required for Minors and Incapacitated Adults Under Legal Guardianship. The consent shall be on forms approved by the Department and shall be presented to the operator by the parent or legal guardian.	Added to meet requirements of Act 900 of 2021
§(809) Added Client Information language	Added to meet requirements of Act 900 of 2021
§(810) Added Restrictions Concerning Body Art Procedures	Added to meet requirements of Act 900 of 2021
§ 900 Severability	

§(901) Added severability language	Added to meet requirements of Act 900 of 2021 from the current body art rules
§(902) Added repeal language	Added to meet requirements of Act 900 of 2021 from the current body art rules
§(903) Moved definitions and added body art and permanent and semi-permanent cosmetics definitions.	CAR Rule format and added to meet requirements of Act 900 of 2021 from the current body art rules

RECOMMENDATION

The Arkansas Department of Health recommends that the proposed amendments to the Rules for Cosmetology, Body Art, Permanent Cosmetics, and Semi-Permanent Cosmetics be approved as proposed.