

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

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Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

ARKANSAS STATE BOARD OF HEALTH

Rules for Cosmetology and Body Art in Arkansas



ARKANSAS STATE BOARD OF HEALTH

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RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

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100. GENERAL PROVISIONS

101. Authority

The following Rules for Cosmetology and Body Art in Arkansas were duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by Act 96 of 1913, the Cosmetology Act, Ark. Code Ann. §17-26-101, et seq., and Ark. Code Ann. §17-26-601, et seq., and other applicable laws of the State of Arkansas.

102. Purpose

- (a) These Rules are prepared for the purpose of establishing standards to:
 - (1) Regulate the vocation of cosmetology and its related occupations, specifically manicuring, aesthetics, electrology;
 - (2) Provide for the licensing of persons to carry on and to teach such cosmetology and its related vocations;
 - (3) Regulate the conduct and sanitation of establishments, mobile salons, schools of cosmetology, postsecondary schools of cosmetology or body art institutions so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof; and,
 - (4) Protect the health of the citizens of Arkansas by establishing criteria for the application of body art, require licensing of artist and establishments, and require inspections of such establishments.

103. Applicability of Rules

- (a) These Rules are not applicable to any cosmetology or body art establishment under the control or direction of a duly licensed physician nor do they apply to licensed medical hospitals and similarly licensed medical institutions.

104. Prohibitions

- (a) Performing services prohibited under these Rules shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.
- (b) No person having charge of a cosmetological or body art establishment, school of cosmetology, body art institution, whether as an owner or an employee, shall permit any room or part thereof in which any of the branches or practices of cosmetology or body art are conducted, practiced, or taught to be used for sleeping, for residential purposes, or for any other purpose that would tend to make the room unsanitary.
- (c) A cosmetological or body art establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

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- (d) Carpet or decorative rugs are not allowed in service areas within an establishment where hair services are being performed.
- (e) No person except a duly licensed physician shall engage in the practice of body art or act as a body artist unless he or she holds a body art license issued by the Department.
- (f) Permanent Cosmetics shall not be performed with a coil machine. Any procedures must be completed with a digital or rotary machine.

105. Enforcement of Rules

- (a) An establishment owner, mobile salon owner, school owner or postsecondary school owner and the person in charge of any such establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, body art institution shall be liable for implementing and maintaining these Rules in the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology postsecondary school, body art institution. This shall be done individually and jointly with all persons employed by or working in or on the premises of such establishment, mobile salon, school, training facility or postsecondary school or institution. All practitioners, schools, institutions, establishments and mobile salon owners, and students shall be held individually liable for implementation and maintenance of the Rules as applicable.
- (b) All persons performing acts of cosmetology and its related branches, or body art and its related branches, except students in schools of cosmetology or postsecondary schools of cosmetology, body art institution shall present satisfactory proof of identification upon request by an authorized representative of the Department. All persons working in an establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology, body art institution 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.
- (c) Conducting or operating a school of cosmetology, a postsecondary school of cosmetology, body art institution, establishment or mobile salon without a current, valid license shall be grounds for disciplinary action.
- (d) Allowing a person to engage in or attempt to engage in the occupation of cosmetology and its related branches or body art and its related branches in or about an establishment or mobile salon or allowing a person to engage in or about a school of cosmetology or a postsecondary school of cosmetology, body art institution without a current valid Arkansas license shall be grounds for disciplinary action.
- (e) Performing acts of cosmetology or body art or attempting to perform acts of cosmetology or body art, for compensation in any form, without a current, valid Arkansas license shall be grounds for disciplinary action.

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106. Access for Enforcement of Rules

- (a) To assure compliance with the laws and rules governing the operations of school of cosmetology, postsecondary school of cosmetology, body art institution and establishment, the Department's authorized representatives shall have access to enter any and all parts of the premises of any school of cosmetology, postsecondary school of cosmetology, body art institution or establishment, at any time that the school, postsecondary school, body art institution or establishment is open for business or at any time that the instruction or practice of cosmetology and its related branches or body art and its related branches, is being conducted for the purpose of making inspections to determine compliance with these rules.
 - (1) The Department shall also be permitted access to all required records.
 - (2) To assure compliance with the laws and rules governing the operations of mobile salons, the Department's authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department's representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only.
- (b) Refusal to permit or interference with an inspection and/or audit constitutes a cause for disciplinary action.

107. Authorization by the Department

- (a) Any person, firm, or corporation desiring to open a cosmetology or body art establishment or mobile salon shall submit an application for licensure to the Department for approval.
- (b) Any person, firm or corporation who has applied for a license to operate a cosmetology or body art establishment or mobile salon will receive a license allowing the owner to operate the establishment or mobile salon upon approval by the Cosmetology Technical Advisory Committee. The license shall be conspicuously posted in the establishment or mobile salon.
- (c) Any person, firm or corporation conducting or operating a cosmetology or body art establishment or mobile salon 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.
- (d) Any person, firm or corporation conducting or operating a school of cosmetology, a postsecondary school of cosmetology, or body art institution shall be required to obtain a current license prior to operating. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.
- (e) An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.

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108. Consumer Information

- (a) A copy of the most recent inspection sheet shall be conspicuously posted in a designated place in reception area, at individual workstations or in clinic area.
- (b) All establishments, mobile salons and schools of cosmetology, postsecondary schools of cosmetology licenses, body art institution, practitioners' licenses, artists' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual workstations, or in the clinic area.
- (c) 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, any of its branches, body art, or **any of its branches**.
- (d) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology or Body Art shall be posted in a designated place in reception area, at individual workstations or in clinic area.

109. 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.
 - (1) Cosmetology and body art establishments, mobile salons, and body art institutions 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.
 - (2) The inspections shall include, but not be limited to, the following:
 - (A) examination of licenses;
 - (B) review of each artist's record book, and any client and appointments records, as applicable;
 - (C) inspection of buildings and equipment;
 - (D) report of violations of the law or rules;
 - (E) investigation of complaints; and,
 - (F) initial inspections of new establishments.
- (b) After the Department has taken action in the event a licensee should wish to appeal 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 Department action.

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- (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 19(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 issued by the Cosmetology Technical Advisory Committee 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.

(c) Temporary Closure of Body Art Establishment or Institution

- (1) If it is determined upon inspection that any body art establishment is being maintained in violation of the critical items for closure enumerated under Section 312, or such violation of these Rules poses an imminent threat to public health, safety or welfare, such establishment shall be closed until:
 - (A) the establishment or institution has corrected the violation and is in compliance with the rules; and,
 - (B) the Department has granted the establishment permission to reopen or it is determined, in a fair hearing under the Arkansas Administrative Procedures Act, that the facility should be reopened.

(d) Emergency Order of Suspension

- (1) Upon written notice, the Department may suspend any artist, practitioner, or establishment license by emergency order if the Department finds that public health, safety, or welfare imperatively requires immediate suspension, in accordance with the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-211.
 - (A) The emergency order of suspension must be reviewed by the Cosmetology Technical Advisory Committee and the licensee granted an administrative hearing to determine whether the suspension should continue or whether the license should be revoked.
- (2) The artist, practitioner, or establishment may appeal such suspension or revocation as provided for by the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

110. Complaint Policy

- (a) Complaints against a person, establishment, mobile salon, school of cosmetology, body art institution, postsecondary school of cosmetology shall be reviewed as follows:
 - (1) Any person may file a complaint against any of the following: a person, establishment, mobile salon, school of cosmetology, body art institution or postsecondary school of

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cosmetology, licensed by the Department on any of the grounds for disciplinary action provided in Ark. Code Ann. §17-26-101, et seq.

- (2) Official complaints must be made in writing within ninety (90) days from the date of infraction.
 - (A) 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, body art institution, or postsecondary school of cosmetology within ninety (90) days after the Certificate of Training form is submitted to the Department by the school.
 - (B) Any complaint solely limited to the terms of the contract between the student and the school of cosmetology, body art institution, or postsecondary school of cosmetology are not within the jurisdiction of these rules and the Cosmetology Technical Advisory Committee.
- (3) Complaints against a licensee will be provided a hearing by the Cosmetology Technical Advisory Committee.
 - (A) Any licensee for whom disciplinary action is imposed by the Cosmetology Technical Advisory Committee may appeal the administrative action to the State Board of Health, pursuant to the Arkansas Administrative Procedure Act.

111. Location

The office of the Cosmetology, Massage Therapy, and Body Art 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 501-682-2168 or by emailing the Section at Cosmo@arkansas.gov and for Body Art by calling 501-661-2171 or emailing adh.bodyart@arkansas.gov. Information may also be obtained by accessing the Department's Website at healthy.arkansas.gov.

112. Changes and Notification Requirements

- (a) Name Change – When the name of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution 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, mobile salon, school, or institution will be grounds for disciplinary action.
- (b) Ownership Change – When the ownership of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution 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 Section within thirty (30) days of said sale or transfer.

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- (1) At the same time, the new owner, lessee or other legally responsible party shall submit the required fee.
 - (2) The new owner shall submit a copy of his or her driver's license, and a copy of the legal change of ownership document.
 - (3) Failure to comply with this section shall be grounds for disciplinary action.
- (c) Relocation – When the location of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution is changed, it shall be classified as a new establishment, mobile salon, school, or institution and said owner shall comply with the licensing code and rules relating to the original issuance of an establishment license.
- (d) Instructor Change – When the school or institution supervisor or any instructor of a school of cosmetology, postsecondary school of cosmetology, or body art institution is changed from the original application the school or institution must submit to the Department, within twenty-four (24) hours, a new supervisor/instructor form with the updated information pertaining to the supervisor and/or the instructor. Failure to comply with this section will be grounds for disciplinary action.

113. Automatic Occupational Licensure for Out-of-State Applicants under Act 457 of 2023

- (a) An applicant shall be eligible for automatic occupational licensure if:
- (1) The applicant is either:
 - (A) in good standing for at least one (1) year for a cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor license with similar scope of practice issued by another state, territory, or district of the United States; or,
 - (B) has worked for at least three (3) years in the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor in another state, territory, or district of the United States that does not use cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure to regulate the cosmetology or body art occupation for which the applicant is applying;
 - (2) The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure;
 - (3) The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure was granted;

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- (4) The applicant passes an examination specific to relevant state laws that regulate the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor occupation; and,
- (b) The Department of Health may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor occupation if the Department finds that:
 - (1) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and,
 - (2) A waiver by the Department will not harm public health, safety, or welfare.
- (c) Upon the applicant being granted automatic occupational licensure, the applicant shall:
 - (1) Meet all other cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure requirements; and,
 - (2) Meet all renewal requirements of the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure, including, without limitation, a criminal background check and continuing education hours.

114. Automatic Military Licensure under Act 137 of 2023 and Act 135 of 2021

- (a) Applicability
 - (1) This Rule applies to a:
 - (A) uniformed service member stationed in the State of Arkansas;
 - (B) uniformed service veteran who resides in or establishes residency in the State of Arkansas; and,
 - (C) The spouse of (1) or (2) including a:
 - (i) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;
 - (ii) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.
- (b) Automatic Licensure
 - (1) Automatic Licensure shall be granted to persons listed in section 2 (a) if:
 - (A) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;

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(B) The person pays the licensure fee in 400.

(c) Credit toward initial licensure

- (1) Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

(d) Expiration Dates and Continuing Education

- (1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (2) A uniformed service member or spouse shall be exempt from continuing education requirements for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or grant of a subsequent license.

115. Temporary License:

- (a) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under 202.
- (b) The temporary license shall be effective for 160 days or, unless the Department determines that, the applicant does not meet the requirements in Sections 204 and 305, in which case the temporary license shall be immediately revoked.
- (c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.

116. Fee Waiver under Act 725 of 2021

- (a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
 - (2) Were approved for unemployment within the last twelve (12) months; or

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- (3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- (b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
 - (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
 - (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
 - (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.
- (c) Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

200. RULES FOR COSMETOLOGY AND RELATED BRANCHES

201. Definitions For Cosmetology And Related Branches

(a) 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.

(b) Art of Cosmetology

The Art of Cosmetology includes any and all and any combination of the following practices:

- (1) Chemically treating, dressing, curling, waving, machine-less permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hairpieces;
- (2) Externally manipulating, cleaning, waxing, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;
- (3) Beautifying the body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;
- (4) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals or preparations or by the use of devices

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or appliances of any kind or description, except by the use of light waves, commonly known as rays;

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

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

(c) Automatic Licensure (for Uniformed Service Members, Veterans, and Spouses)

Granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(d) Automatic Occupational Licensure (under Act 457 of 2023)

The granting of occupational licensure to an applicant who establishes residency in this state without the individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

(e) Certified hours

Cosmetology, Manicure, Aesthetic, Electrology, or Instructor hours which have been earned and recorded with the Department in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.

(f) Clean

Removal of visible debris through use of soap/detergent and water or a chemical cleaner.

(g) Client

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

(h) Cosmetology Establishment

A premise, building, part of a building, or mobile salon 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 Ark. Code Ann. §20-10-1401.

(i) Cosmetology Services

Any work performed for compensation in any form by any person who is engaged in the Art of Cosmetology.

(j) Cosmetology Technical Advisory Committee

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The Cosmetology Technical Advisory Committee is an eleven-member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions.

(k) Cosmetic

Any product made for beautifying the body.

(l) 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.

(m) Disinfectant

EPA registered disinfectant that is bactericidal, virucidal, and fungicidal.

(n) Domestic violence and sexual assault awareness training

- (1) A one (1) hour training course in domestic violence and sexual assault awareness
- (2) The training course materials are provided by the Department of Health and incorporated into the curriculum for cosmetology and its branches.
- (3) Certificates of training shall contain proof of domestic violence and sexual assault training.

(o) 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.

(p) EPA

The United States Environmental Protection Agency.

(q) Establishment or Mobile Salon Owner

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

(r) Manager-Operator

A licensed cosmetologist who is authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment or mobile salon.

(s) Manicurist

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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.

(t) Mobile Salon

A self-contained, self-supporting, enclosed unit that;

- (1) Is at least twenty-four-feet (24') in length;
- (2) May be transported from one location to another;
- (3) Has a base location at the home, salon or office of the owner of the mobile salon;
- (4) Is licensed as a cosmetology establishment for the practice of a branch or a combination of branches of cosmetology or the occupation of a cosmetologist licensed by the Department; and
- (5) Complies with rules established by the Department.

(u) 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.

(v) Practitioner

Any person who is licensed by the Department as a Cosmetologist, Electrologist, Manicurist, Instructor, or Aesthetician.

(w) 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.

(x) Registered hairstylist

An individual who is registered with the Department and who only provides washing, cleansing, drying, blow drying, combing, brushing, or styling services for the hair of any person for compensation, but does not provide other services under the art of cosmetology as described in Section 21(b), and may provide services for compensation only in a licensed cosmetology establishment directly supervised by a licensed cosmetologist who is available to address health

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and safety issues that may arise in providing services to a consumer, but excludes an individual who only cleanses the hair of any person for compensation.

(y) 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.

(z) 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.

(aa) Sterilize

Destruction of all microbial life through proper use of an autoclave.

(bb) 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.

(cc) Uniformed service member

An active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(dd) Uniformed service veteran

A former member of the United States uniformed services discharged under conditions other than dishonorable.

(ee) Working area or Clinical area

Any area that is used to render cosmetology services to the public.

202. Required Licensure to Practice or Teach Cosmetology or Related Branches

(a) Establishment or Mobile Salon

Any person, firm or corporation conducting or operating a cosmetology establishment or mobile salon 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 of Health.

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- (1) Application: Any person, firm, or corporation desiring to open a cosmetology establishment or mobile salon shall submit an application to the Department for approval.
- (2) Any person, firm or corporation who has applied for a license to operate a cosmetology establishment or mobile salon will receive a license allowing the owner to operate the establishment or mobile salon, The license shall be conspicuously posted in the establishment or mobile salon.

(b) School of Cosmetology or Postsecondary School of Cosmetology

- (1) 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 of Health.
- (2) An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a license for a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.

(c) 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 Department of Health, nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed cosmetology establishment or mobile salon 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.

(d) The following requirements must be completed before any individual shall receive a cosmetology and related branch license:

- (1) The applicant must complete an approved school of cosmetology or postsecondary school of cosmetology as set forth by the Department. Student shall train in a licensed school of cosmetology or postsecondary school of cosmetology under a currently licensed instructor who has been licensed and operating in compliance with the rules in the State of Arkansas; and,
- (2) At the end of the required training period, the applicant must successfully complete and pass a written examination approved by the Department and complete and pass a practical examination developed and approved by the Department, each administered by a licensed school of cosmetology or postsecondary school of cosmetology.

(e) An individual who only provides washing, cleansing, drying, blow drying, combing, brushing, or styling services for the hair of any person for compensation only in a licensed cosmetology establishment and under the supervision of a licensed cosmetologist who is available to address health and safety issues that may arise in the individual providing

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services to a person, but does not provide other services under the art of cosmetology as described in Rule 21(b), may register as a Registered Hairstylist with the Department to provide services for compensation.

- (1) An individual who only cleanses the hair of any person for compensation does not meet the definition of a hairstylist for this Section and is not required to register with the Department.
- (2) A licensed cosmetologist must supervise directly within the establishment's immediate service area.

(f) License Revocation

- (1) 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.

203. Examinations

- (a) Any person who has acquired any of the following training is required to take the written and practical examinations:
 - (1) cosmetology, manicuring, aesthetics, or instructor-training as stipulated in Ark. Code Ann. §17-26-304;
 - (2) electrology as stipulated in Ark. Code Ann. §17-26-306; or
 - (3) electrology instructor-training as stipulated in Ark. Code Ann. §17-26-307.
- (b) Any person who owes a financial obligation to the Department of Health will be deemed ineligible to examine until the debt is paid in full.
- (c) 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 each of the written and practical examinations.
- (d) Written
 - (1) If the training was provided in this state:
 - (A) Completed training: The School of cosmetology or postsecondary school of cosmetology is responsible for submitting a Certificate of Training Graduated form to the Department of Health confirming the completion of hours.
 - (B) Partial training currently enrolled – The school of cosmetology or postsecondary school of cosmetology is responsible for submitting early testing-examination form.

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- (2) 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.

(e) Practical Examination:

- (1) Schools of Cosmetology or Postsecondary Schools of Cosmetology shall administer the official Arkansas practical licensing examination that has been developed by the Department of Health and shall:
 - (A) utilize the official (grading, scoring, and rating) document;
 - (B) be scheduled Monday – Friday during regular business hours;
 - (C) be proctored in accordance with the National Interstate Council of Boards of Cosmetology guidelines, including allotted time allowed for each section of the practical examination; and,
 - (D) be observed for compliance once a year by a cosmetology inspector or a representative from the Cosmetology Section.

(2) Supply List:

- (A) A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list.

(f) General Policies and Procedures

- (1) The Section and/or any designated testing provider will establish cancellation policies, interpreter policies, and supply requirements 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) for the written examination will be posted on the Department's website and, if appropriate, on the website of the designated testing provider responsible for administering examinations.

(g) Grades

A passing grade of seventy-five (75) is required in the practical examination and a grade of seventy (70) is required in the written examination 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.

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204. Reciprocity for Cosmetology and Related Branches

- (a) Upon application to the Department in the form provided for the particular class of license applied for, accompanied by the required fee application shall expire after one year), 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) 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) 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) the applicant has passed an examination comparable to the examination given in this state; and,
 - (4) the applicant passes an Arkansas law examination under this chapter.
- (b) A person who has completed the required hours for the license for which the applicant applied under the laws of another state shall be eligible for examination upon the followings 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 completed hours received from a licensed school of cosmetology or postsecondary school of cosmetology and evidenced by certified copy of training and an affidavit received directly from the applicable licensing entity or by such other evidence as the Department may require;
 - (3) Passes a written and practical examination.
- (c) A person that has completed partial hours under the laws of another state shall be eligible for examination under upon the followings 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) Partial hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require;

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- (3) Completes the required hours required under the rules of the Department for the licensed for which the applicant applied; and,
- (4) Passes a written and practical examination.
- (5) 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.

205. Requirements For Cosmetology Schools Of Cosmetology, Postsecondary Schools Of Cosmetology, Establishments And Mobile Salons.

(a) Physical Facilities

- (1) Water Supply and Sewage – A supply of continuous hot and cold running water shall be provided to accommodate all services performed throughout the workday and shall be installed in accordance with the Arkansas State Plumbing Code. 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) 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.
- (3) Hand Washing Facilities – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon 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.
- (4) 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, establishment or mobile salon 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.
- (5) Insect and Rodent Control – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
- (6) Cleanliness and Repair – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall keep the floors, mats, and fixtures clean and in good repair.

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- (7) Flooring – Floors and floor covering 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.
- (8) Lighting – Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area or clinical area.
- (9) Ventilation – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall be free of excessive heat, steam, condensation, vapors, smoke and harmful fumes and shall meet the HVAC requirements under the Mechanical Code, as adopted by the HVACR Licensing Board.
- (10) Minimum Equipment – Each school of cosmetology, postsecondary school of cosmetology establishment and each mobile salon 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; 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; and,
 - (B) All soiled linens must be in a separate vented receptacle from clean ones.
- (11) Animals in Schools of cosmetology, postsecondary schools of cosmetology, Establishments and Mobile Salons– Animals are prohibited from being inside school of cosmetology, a postsecondary school of cosmetology, establishments or mobile salons. 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, mobile salon owner's, school of cosmetology owner's, postsecondary school of cosmetology owner's, or client's animal within the premises of the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, then the establishment, mobile salon, school of 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.
- (12) Infectious or Communicable Disease

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- (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, in an establishment or in a mobile salon.
 - (B) No school of cosmetology, postsecondary school of cosmetology, establishment or mobile salon 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.
- (13) 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, an establishment or a mobile salon shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.
- (14) Shampoo Bowls, Treatment Tables, Pedicure Spas and Waxing Equipment and Supplies
- (A) Headrests – The headrest of chairs shall be kept clean.
 - (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).

- (i) After each client or service:

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- (a) Drain the tub.
 - (b) Clean the tub according to manufacturer's instructions. Take special care to remove all film, especially at the water line. Rinse the tub well.
 - (c) Fill the tub with water.
 - (A) At Minimum, use an EPA registered, bactericidal, virucidal and fungicidal, add a disinfectant that is mixed and used according to the manufacturer's directions, EXCEPT TUBS THAT HAVE COME IN CONTACT WITH BLOOD OR BODY FLUIDS.
 - (B) If a Tub has COME IN CONTACT WITH BLOOD OR BODY FLUIDS at minimum, add an EPA registered disinfectant that is effective against HIV –1 and human Hepatitis B Virus that is mixed and used according to the manufacturer's directions shall be used.
 - (C) 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.
 - (d) 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, and rinse.
 - (B) Completely immerse in an EPA registered, bactericidal, virucidal, and fungicidal disinfectant that is mixed and used according to the manufacturer's directions, rinse, and air dry.
 - (e) Replace the disinfected parts into the tubs. (Drains, jets, etc.) or, store them in a disinfected, dry, covered container that is isolated from contaminants.
- (E) Waxing Equipment and Supplies:
- (i) Wax heater/pots shall be kept clean at all times and covered when not in use; 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.
 - (ii) Waxing strips, applicators and any supplies used before, during or after waxing service, shall be stored in clean covered labeled container.
 - (iii) Roll-on wax applicators are not permitted, except as follows:
 - (a) Single-use roll-on wax cartridges are acceptable but must be disposed of immediately after service. Roll-on wax cartridges warming in a wax heater

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must have an intact seal. The heating unit must be cleaned and disinfected after each use.

- (15) Towels -After a towel has once been used, it shall be deposited in a receptacle, and shall not again be used until properly cleaned. Towels and linens shall be washed on the hot cycle and dried until hot to the touch.
- (16) Bottles and Containers – All bottles and containers containing any chemical or liquids in use in a school of cosmetology, postsecondary school of cosmetology, establishment or mobile salon shall be distinctly and correctly labeled to disclose their contents.
- (17) 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 Exemption freshly laundered/clean cape used for each client.
- (18) Instruments and Supplies - All used porous supplies or instruments, such as but not limited to files, pumice stones, buffers, which cannot be disinfected shall be disposed of in a waste receptacle immediately after use. Disinfectable files, pumice stones and buffers are prohibited.
- (19) 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.
- (20) 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.

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- (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.

(21) Sterilizing Instruments:

- (A) 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.

(22) 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 and Sharpeners – Pencil cosmetics shall be sharpened before each use. Sharpener must be cleaned after each use.

206. Cosmetology Establishments And Mobile Salons Certificate Of Registration And Licensure

(a) General Licensure Requirements

- (1) Permits/Licensure – Selling products, in an establishment or mobile salon, 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 or mobile salon in accordance with the requirements specified below in Subdivision B.
- (2) Separation of Establishment or Mobile Salon from other businesses
- (A) Unsanitary conditions – An establishment, mobile salon 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

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the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.

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

(3) Requirements for testing laboratory products

- (A) When laboratory-prepared products are used in a licensed cosmetology establishment or mobile salon, 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.
- (B) The establishment owner, mobile salon 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.
- (C) 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 or mobile salon owner and a copy must be given to the client or model for the records.

207. School of Cosmetology and Postsecondary School of Cosmetology Requirements

(a) Application for New Private School of Cosmetology

- (1) 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:
 - (A) Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov;
 - (B) Detailed floor plan of the proposed school showing adequate floor space;
 - (C) A current financial statement prepared by a certified public accountant;
 - (i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
 - (ii) The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.

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- (D) List of proposed equipment to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics;
 - (E) Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc;
 - (F) 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;
 - (G) A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1,500) hours of continuous training for all cosmetology students enrolled;
 - (H) If applicable, a statement certifying the owner(s) shall provide not less than six hundred (600) hours of continuous training for all manicure and esthetic students enrolled;
 - (I) 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;
 - (J) Samples of all forms to be used in the school including but not limited to:
 - (i) attendance record;
 - (ii) sign-in sheets;
 - (iii) student time sheets/card;
 - (iv) contracts;
 - (v) daily activity check list; and
 - (vi) progress cards.
 - (K) The required registration fee; and
 - (L) Proof that the school adopts and discloses to the students the complaint process outlined in 109.
- (2) When the above information is received in full the Department will conduct the initial inspection described in 19(a)(1).
- (3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection.

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- (4) License will be issued upon approval of final inspection and submission of 25 student enrollment forms required fees and documents.

(b) Application for New Private Postsecondary School of Cosmetology

- (1) 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:
 - (A) Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov
 - (B) Detailed floor plan of the proposed school showing adequate floor space.
 - (C) A current financial statement prepared by a certified public accountant.
 - (i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
 - (ii) The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.
 - (D) List of proposed equipment to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
 - (E) Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.
 - (F) 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.
 - (G) A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1,500) hours of continuous training for all cosmetology students enrolled.
 - (H) If applicable, a statement certifying the owner(s) shall provide not less than six hundred (600) hours of continuous training for all manicure and esthetic students enrolled.
 - (I) 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.

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(J) Samples of all forms to be used in the school including but not limited to:

- (i) attendance record;
- (ii) sign-in sheets;
- (iii) student time sheets/cards;
- (iv) contracts;
- (v) daily activity check list; and
- (vi) progress cards.

(K) The required registration fee.

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

(M) Proof that the school adopts and discloses to the students the complaint process outlined in 109.

(2) When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1).

(3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection.

(4) License will be issued upon approval of final inspection submission of 25 student enrollment forms, required fees and documents.,

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

(1) 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:

(A) A completed application provided by the Department and available on the Department's website at healthy.arkansas.gov

(B) 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.

(C) 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.

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- (D) A statement certifying the school will comply with all laws including applicable rules regarding qualified instructors and a school supervisor.
 - (E) 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.
 - (F) A detailed floor plan reflecting adequate floor space.
 - (G) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
 - (H) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
 - (I) Sample of all forms to be used in the school, including, but not limited to:
 - (i) attendance record;
 - (ii) sign-in sheets;
 - (iii) Student time sheets/cards;
 - (iv) daily activity check list; and
 - (v) progress cards.
 - (J) The required registration fee.
 - (K) Proof that the school adopts and discloses to the students the complaint process outlined in 109.
- (2) When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1).
 - (3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection.
 - (4) License will be issued upon approval of final inspection submission of 25 student enrollment forms, required fees and documents.
- (d) Application for a New Postsecondary Cosmetology Program in a Public or State-Operated School
 - (1) 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

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Higher Education or other governing body. The notice shall include the following information:

- (A) A completed application provided by the Department and available on the Department's website at healthy.arkansas.gov
- (B) 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.
- (C) 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.
- (D) A statement certifying the school will comply with all laws including applicable rules regarding qualified instructors and a school supervisor.
- (E) 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.
- (F) A detailed floor plan reflecting adequate floor space.
- (G) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
- (H) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
- (I) Sample of all forms to be used in the school, including but not limited to:
 - (i) attendance record;
 - (ii) sign-in sheets;
 - (iii) Student times sheets/cards;
 - (iv), daily activity check list; and
 - (v) progress cards.
- (J) The required registration fee.
- (K) Proof that each student enrolled has a high school diploma or its equivalent.
- (L) Proof that the school adopts and discloses to the students the complaint process outlined in 109.

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- (2) When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1).
 - (3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection.
 - (4) License will be issued upon approval of final inspection and submission of 25 student enrollment forms and required documents.,
- (e) Application for a Relocated School of Cosmetology or Postsecondary School of Cosmetology
- (1) 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:
 - (A) A detailed floor plan reflecting adequate floor space.
 - (B) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
 - (C) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
 - (D) Sample of all forms to be used in the school of cosmetology or postsecondary school of cosmetology, including but not limited to:
 - (i) attendance record;
 - (ii) sign-in sheets;
 - (iii) Student time sheets/cards;
 - (iv) daily activity check list; and
 - (v) progress cards.
 - (E) All relocated schools of cosmetology or postsecondary schools of cosmetology shall meet physical requirements as for new schools.
 - (F) The required registration Fee.
 - (2) When the above information is provided in full, the Department will conduct the initial inspection described in 109.

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- (3) 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.
- (4) License will be issued upon approval of final inspection.

(f) 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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The school of cosmetology or postsecondary school of cosmetology building shall be completely air conditioned and centrally heated.
- (5) There shall be sufficient hot water supply and pressure to accommodate all services performed throughout the workday and shall be installed in accordance with the Arkansas State Plumbing Code.
- (6) The school of cosmetology or postsecondary school of cosmetology shall be approved by the Department as to space, light, ventilation, hygienic environment and equipment.
- (7) Interior floor space shall be not less than twenty-five-hundred (2500) square feet of area, for a maximum of twenty-five (25) students.
- (8) 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 are 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

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environment that accommodates both the instructor and students. Vending machines shall not be in the classroom.

- (9) The clinical area shall contain: stations and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, facial chairs to accommodate at a minimum of twenty-five (25) student for any combination of cosmetology, manicure and esthetics. Other equipment not used for the instruction of the practical work will not be permitted.
- (10) Restrooms are required. Restrooms shall contain a commode and lavatory. Floors must be a washable surface. 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.
- (11) An enclosed supply room will be required to keep all cleaning equipment, such as mops, brooms, scrub pails, etc.
- (12) An enclosed dispensary room is required to store supplies used by students and shall be separated by solid walls from the clinic area. All extra supplies, not being used, must be stored.
- (13) Storage space shall be provided for students to store individual personal items.
- (14) 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. Office spaces that are not within the school building must be within one (1) mile of the actual school. All student files and records must be kept in one location.
- (15) 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.

(g) Equipment

- (1) 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.
- (2) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled students.
- (3) 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.
- (4) Each school of cosmetology or postsecondary school of cosmetology shall maintain a time clock to register student hours for reporting to the Department.

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(h) 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:

- (1) Of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.
- (2) Of proposed layout.
- (3) Of proposed items of equipment and material.
- (4) 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.

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

- (1) 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.
- (2) No license will be issued to any new school until an inspection report of compliance is received, at least 25 student enrollment forms, supporting documents and enrollment fees have been submitted and at least 25 student permits have been issued.
- (3) If an application is granted and thereafter the department discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of the school license even though the false statements are detected after a license has been issued.
- (4) The department may deny a school license to any applicant or licensee upon reasonable evidence that the school or its officials would jeopardize the health and safety of the public.
- (5) A school license shall not be issued until the owner of record files with the department a sworn affidavit designating who is authorized to accept service of notice from the department and to transact all business negotiations on behalf of the school, including answers to citations for hearing and compliance with rulings issued by the Cosmetology Technical Advisory Committee.

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- (j) Routine Inspection of School of Cosmetology or Postsecondary School of Cosmetology
Schools of Cosmetology and Postsecondary Schools of Cosmetology shall be inspected:
- (1) 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.
 - (2) To determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. During an inspection, the Department or its representative 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. Failure to comply with the licensing requirements will be grounds for disciplinary action and license revocation.
 - (3) To determine compliance of all student files and records for Schools of Cosmetology or Postsecondary Schools of Cosmetology, the Department or its representative may review all student files for accuracy.
 - (4) 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 or who is capricious in enforcing school of cosmetology or post-secondary school of cosmetology rules may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to 109. 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.
- (k) Purchase of an Existing School of Cosmetology or Post-Secondary School of Cosmetology
- (1) 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:
 - (A) An application shall be filed to reflect the change of ownership.
 - (B) 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.
 - (C) Instructor Form shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
 - (D) A current financial statement prepared by a certified public accountant. If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application. The applicant must demonstrate that it has the financial resources to ensure continuity of operation

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of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.

(E) Copy of the legal change of ownership document.

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

(G) Samples of all forms to be used in the school of cosmetology or postsecondary school of cosmetology; including but not limited to:

(i) attendance record;

(ii) sign-in sheets;

(iii) student time sheets/cards;

(iv) contracts;

(v) daily activity check list; and,

(vi) progress cards.

(H) The required registration fee.

(I) Registration Requirements

(1) All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered, processed and a student permit issued from the Department before accredited hours can be obtained. Registration prerequisites are as follows:

(A) Registration form (forms provided by the Department). The completed registration form must be received, processed and a student permit issued by the Department before accredited hours can be obtained.

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

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

(D) Proof of education:

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

(ii) For Schools of Cosmetology—Cosmetology, Aesthetics and Manicuring – completed a minimum of two (2) years of high school or its equivalent.

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- (iii) Electrology and Instructor – completed four (4) years of high school or its equivalent.
 - (iv) 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.
- (E) Required registration fee.
- (2) Failure to comply with the above-mentioned prerequisites will affect the matriculation date.
- (3) All registration forms must state the student's full legal name.
 - (A) If the student is married include the married name after their maiden name.
 - (B) 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.
- (4) 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.
- (5) 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:
 - (A) A certified copy of the training hours accumulated and certified with the state; or
 - (B) 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.
- (m) Cosmetology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology
 - (1) A total of fifteen hundred (1,500) hours shall be required in the cosmetology program and shall consist of the following curricula:
 - (A) 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.

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- (B) Related Science – 120 hours – Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), Physiology and Histology Anatomy, Neurology, Myology and Osteology, etc.
 - (C) 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.
 - (D) 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.
 - (E) 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.
 - (F) Salesmanship and Shop Management – 50 hours – Instruction in how to keep records, knowledge of business law, cosmetology law, rules, booking appointments, retailing.
 - (G) Professional Ethics 49 hours– Courtesy, neatness and professional attitude in meeting the public, etc.
 - (H) One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.
- (2) 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.
 - (3) The time of the classroom instruction class shall be registered with the Department.
 - (4) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
 - (5) To qualify for the cosmetology examination, students must acquire a minimum of one-hundred-fifty (150) hours in theoretical instruction.
 - (6) 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.
 - (7) 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

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enrolled who has acquired one-hundred-fifty (150) hours of instruction. Students shall be assigned to clients on the basis of respective learning needs.

- (8) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(n) Manicure Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

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

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|--|--------------|
| (A) Health, Sanitation and Infection Control | (75 hours); |
| (B) Health Related Science | (75 hours); |
| (C) Manicuring and Pedicuring | (200 hours); |
| (D) Advance Nail Technology | (200 hours); |
| (E) Career Development | (49 hours). |

- (F) One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.

- (2) 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.
- (3) The time of the classroom instruction class shall be registered with the Department.
- (4) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (5) 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.
- (6) To qualify for the manicure examination, students must acquire a minimum of 60 hours in theoretical instruction.

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- (7) 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.
- (8) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- (o) Aesthetic Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (1) A total of six-hundred (600) hours in the Aesthetician course shall consist of the following subjects and hours:
- | | |
|---|--------------|
| (A) Chemistry | (40 hours); |
| (B) Physiology | (35 hours); |
| (C) Bacteriology & Sanitation | (35 hours); |
| (D) Introduction of Skin Care | (45 hours); |
| (E) Skin Care | (150 hours); |
| (F) Makeup and Corrective Makeup | (50 hours); |
| (G) Eyebrow and Lashes | (40 hours); |
| (H) Hair Removal | (40 hours); |
| (I) Safety Precautions | (20 hours); |
| (J) Professional & Personality Development | (20 hours); |
| (K) Management | (20 hours); |
| (L) Salesmanship | (15 hours); |
| (M) State Laws and Rules | (10 hours); |
| (N) Testing Evaluation | (15 hours); |
| (O) Instructor's Discretion | (64hours). |
| (P) One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc. | |

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- (2) 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.
 - (3) The time of the classroom instruction class shall be registered with the Department.
 - (4) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
 - (5) 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.
 - (6) To qualify for the cosmetology examination, students must acquire a minimum of 60 hours of theoretical instruction.
 - (7) 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.
 - (8) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- (p) Electrology for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (1) 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:
 - (A) Show proof of a qualified electrolysis instructor who shall be licensed by the Board.
 - (B) Meet the minimum requirements in equipment necessary to teach Electrolysis in epilation.
 - (2) 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.

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(3) Electrology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology:

(A) Subject	Cosmetologist	Unlicensed
(B) AR Law pertaining to Electrology	10 hours	20 hours
(C) Sterilization, Sanitation, Bacteriology	25 hours	50 hours
(D) Study of Hair	20 hours	40 hours
(E) Study of Skin	25 hours	50 hours
(F) Disorders of Skin and Hair	20 hours	40 hours
(G) Electricity	25 hours	50 hours
(H) Electrology	150 hours	200 hours
(I) Neurology and Angiology	20 hours	40 hours
(J) Development of Practice	15 hours	30 hours
(K) Instructor's Discretion-	39hours	79hours
(L) Domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.	1 hour	1 hour

- (4) 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.
- (5) The time of the classroom instruction class shall be registered with the Department.
- (6) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (7) A student for a license as an electrologist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with electrology taught in the school upon a client who is paying for service or materials.
- (8) To qualify for the cosmetology examination, students must acquire a minimum of sixty (60) hours in theoretical instruction.
- (9) 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.

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- (10) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(q) 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.

(r) Discretionary Acceptance of Certified Courses from Related Educational Training

- (1) Each school, postsecondary school, training facility, or postsecondary institution may accept curriculum hours, in accordance with the conversion table in Appendix A. Each school, postsecondary school, training facility, or postsecondary institution will submit the appropriate documentation supporting the accepted curriculum hours received under related educational training. This Section shall not apply to schools or postsecondary schools for Electrology.

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

- (1) 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.
- (2) 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;

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(E) List of each student in attendance; and,

(F) Number of hours earned by each student.

(t) Instructor/Enrolled Student Ratio

- (1) 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.
- (2) Every person employed in a school of cosmetology or postsecondary school of cosmetology to instruct students therein shall be currently licensed by the Board or be an enrolled Instructor-Trainee who has completed at least fifty (50%) of the required training. There must be at least one licensed Instructor instructing the students. Instructor/enrolled student ratio shall be as follows:

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

- (3) 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.
- (4) 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.

(u) Responsibility of School of Cosmetology or Post-Secondary School of Cosmetology

(1) Training Requirements

- (A) Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a licensed instructor. The only creditable time permitted when the clinic facility is closed will be classroom instruction.
- (B) 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. Any unforeseen or unexpected circumstances arising in closure of the school during normal business hours the Department must be notified via email to cosmo@arkansas.gov.

(C) Certification of Training Form

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- (i) 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 or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.
 - (ii) Certification of hours must be filed with the Department within forty-five (45) calendar days immediately following termination of student (last day of attendance). 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. If a Certificate of training is not received within the forty-five (45) days, the student will be dropped by the Department and all hours will be certified.
 - (iii) 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 student signed Balance Due on Tuition form, if applicable, pursuant to Rule 8.21 A.
 - (D) 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 healthy.arkansas.gov
 - (E) Required textbooks: The Department must approve textbooks. Textbooks must adequately cover the prescribed curricula and prepare students for State testing. Textbook material must be completed before fifteen-hundred (1500) hours are completed. Other textbooks and reference material may be used to enhance the cosmetology course.
- (2) Monthly Reports for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (A) All schools of cosmetology or post-secondary schools of cosmetology are required to report monthly hours to the Cosmetology Section database, by the last day of each month for 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.
 - (B) 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

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records and appraise the Cosmetology Section office of the corrections made within the week.

(C) 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.

(D) No changes to student hours will be made after the thirty (30) day timeframe without good cause.

(3) Student Records for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) 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.

(B) 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.

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

(D) 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.

(E) 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.

(F) Every school of cosmetology or post-secondary school of cosmetology shall maintain a student folder containing:

(i) the student's daily record of attendance;

(ii) the student's daily record of activity;

(iii) the student's examination scores;

(iv) the student enrollment documents;

(v) signed student contract;

(vi) signed financial agreements between the school and the student; and,

(vii) any disciplinary actions

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- (4) Tuition and Fees for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (A) 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. A kit, as described in the school catalog, purchased by the student for a fee not included as part of the tuition must be provided to the student on the first day of attendance.
 - (B) 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.
- (5) School Catalog for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (A) 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 submitted to the Department with the original application.
 - (B) The catalog must include the following items as a minimum: name and address of school of cosmetology or post-secondary school of cosmetology; hours of operation to include scheduled closures such as holidays and vacations; 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.
 - (C) 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; disciplinary action for failure to abide by policies or rules; and name of administrative staff and faculty of the school of cosmetology or post-secondary school of cosmetology.
 - (D) Prior to adoption, amendment, or repeal of any rule 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:
 - (i) The effective date;
 - (ii) Whether the rule(s) is new, repeals, or changes an existing rule; and,

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(iii)What the rule(s) is.

(iv)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.

(E) Notice to the Department of Health

(i) After the rule(s) have 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.

(ii) Any amendments to the catalog must be submitted via email to the Department as well as distributed to currently enrolled the students.

(6) 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:

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

(B) The name and address of the applicant.

(C) Course of Training – Total hours of instruction.

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

(E) 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.

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

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

(H)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.

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- (I) All school of cosmetology or postsecondary school of cosmetology contracts must be fully executed.
- (v) Instructor Training for Schools of Cosmetology or Postsecondary Schools of Cosmetology and Renewal Requirements
 - (1) Requirements for Schools of Cosmetology or Postsecondary Schools of Cosmetology
 - (A) 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.
 - (B) An instructor-trainee shall:
 - (i) Be licensed as a cosmetologist, manicurist, aesthetician or electrologist in the State of Arkansas,
 - (ii) Be registered as an instructor-trainee with the Department,
 - (iii) Be under the supervision of a licensed instructor at all times,
 - (iv) Not be authorized to verify student daily slips,
 - (v) Be given a written examination after completion of each subject by the licensed Instructor.
- (w) Instructor Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

SUBJECTS MINIMUM HOURS

- | | |
|---|-----|
| (1) Required preparatory training | 50 |
| (A) Teaching of theory and practical operation. | |
| (B) Selecting subject matter for class lecture. | |
| (C) Preparing class lectures. | |
| (D) Conducting a review of all subjects taught. | |
| (E) Preparing and grading examinations. | |
| (F) Demonstrating practical operations. | |
| (G) Teaching practical operations. | |
| (2) Class Instruction | 100 |

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- (A) Classes are to be conducted by the instructor-trainee under the supervision of a licensed instructor to prepare instructor-trainee to properly lecture and demonstrate on all subjects of cosmetology.
- (3) Conducting Theory Classes in Cosmetology, Aesthetics, Manicuring or Electrology
50
- (A) Theory classes will be conducted under the supervision of a licensed instructor.
- (4) Conducting Practical Classes in Cosmetology, Aesthetics, Manicuring or Electrology
300
- (5) Method of Keeping Student Records
10
- (6) Instructor's Discretion
89
- (7) Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of Cosmetology
- (8) Domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.
1

Total 600

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

(x) 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:

- (1) 1 Instructor/1 Trainee – who has acquired between 100 and 200 hours;
- (2) 1 Instructor/2 Trainees – provided 1 trainee has acquired between 100 and 200 hours and 1 trainee has between 200 and 400 hours;
- (3) 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.
- (4) 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.

(y) Renewal Requirements

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- (1) For biannual renewal Instructors shall not be required to renew the specialty license in which they were originally licensed however shall only be allowed to instruct in the specialty area of original licensure. Should an instructor wish to retain their specialty license they may renew it also.
- (2) Continuing Education Requirements
 - (A) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education Course. Compliance with the requirement of continuing education is a prerequisite for license renewal.
 - (B) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:
 - (i) Payment of all past due renewal fees;
 - (ii) Payment of the late renewal fee; and
 - (iii) Compliance with continuing education requirements for each license renewal period.
 - (C) Out-of-State Program: Hours earned at an out-of-state continuing education program will be accepted provided said program is certified by the Cosmetology Board in that State or by a nationally recognized provider and is designated as an "Instructor Training Seminar". To receive credit for hours earned out of state, the Instructor must submit a signed certificate of completion from the out-of-state provider.
 - (D) Those persons newly licensed shall not be required to complete continuing education as a prerequisite for license renewal the first renewal period following the date of licensure.
 - (E) Program Sponsor:
 - (i) Any program, seminar, or workshop must be sponsored by a bona fide association/organization that is committed to the advancement of the Cosmetology Profession. "Bona fide" as used herein means state and/or national association/organization chartered with bylaws.
 - (ii) Community College or University.
 - (F) Program requirements:
 - (i) All advanced-teaching education must be generic in nature.
 - (a) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques. Examples include:

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curriculum development, lesson plan preparation, human resource management, etc.

(b) Credit accrues at one (1) contact hour for each hour of actual contact.

(ii) Courses offered at the Community College or University Level, which contribute directly to the professional competency of the licensee. Examples include semester hours in Psychology, Sociology, Methods of Teaching, Business Law, etc.

(3) Program Educators: Approved programs must be conducted by individuals who have special education, training and experience or by other persons who by reason of special education, training and experience said individuals would be considered experts concerning the subject matter of the program.

(4) Violations: Any licensee found falsifying continuing education attendance will be subject to disciplinary action by the Committee.

(z) Equipment And Chemical Use In Cosmetology And Its Related Branches

(1) Equipment

(A) With the exception of piercing as set forth in sub part three (3) below, Cosmetologists and aestheticians may not use any device, tool, machine, or combination of the same, which results in the removal or destruction, of a client's skin beyond the epidermis.

(B) Devices used by cosmetologists and aestheticians must:

(i) Follow all FDA, OSHA, and state safety requirements and manufactures instructions;

(ii) Must not be classified by the FDA as a Class 3, 3a, or 3b device, or a laser class 3 or 4.

(C) Piercing activity of cosmetologists and aestheticians shall be limited to piercing the lobe of the ear using an ear piercing gun.

(2) Chemical

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

(i) 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);

(ii) No more than 20% beta hydroxyl acid (BHAs which include salicylic acid);

(iii) No more than 20% Trichloroacetic Acid (TCA)

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- (iv) Jessner's solutions;
 - (v) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and
 - (vi) Non-medical grade Retinoid.
- (B) No person performing any type of cosmetology services is permitted to use the following:
- (i) Medical grade or prescription Retinoid;
 - (ii) Carbolic acid (phenol);
 - (iii) Products listed above that exceed the stated maximum levels or combinations thereof; or,
 - (iv) All adulterated chemical exfoliating/peeling substances.
- (3) Equipment and chemical exfoliation substance services shall only be administered in an establishment, mobile salon 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.
- (4) Client Consultation:
- (A) 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.
 - (B) All cosmetology establishments or mobile salons 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.
- (5) Cosmetologist and manicurist shall not use Liquid Methyl Methacrylate (MMA) Monomer.
- (6) Performing services prohibited under this section shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.

300. RULES FOR BODY ART AND RELATED BRANCHES

301. Definitions For Body Art And Related Branches

(a) APP

The Alliance of Professional Piercers.

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(b) APT

The Alliance of Professional Tattooists.

(c) Artist

Any person, other than a licensed physician, who performs body art on a human and is licensed in this state.

(d) Artist Instructor

An artist who

- (1) Has been licensed by the Department of Health as an artist for at least five (5) years in the specified field of body art in which he or she will offer training;
- (2) Has worked in a body art establishment licensed by the Department for at least five (5) years and has been in compliance with Department rules governing body artists;
- (3) Has completed the course required under § 20-27-1506;
- (4) Is a registered instructor for the specified field of body art with the Department of Health;
- (5) Has completed a course in safety and sanitation guidelines and requirements by the department;
- (6) Shall not exceed a ratio of one (1) instructor to eight (8) students per instruction hour;
- (7) Is at least twenty-one (21) years of age; and
- (8) Has completed two hundred and fifty (250) instructional hours from a state approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.

(e) Aseptic Technique

The practice which prevents or hinders the transmission of disease- producing microorganisms from one person or place to another person or place.

(f) ASTM

The American Society for Testing and Materials.

(g) Automatic Licensure (for Uniformed Service Members, Veterans, and Spouses)

Granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(h) Automatic Occupational Licensure (under Act 457 of 2023)

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The granting of occupational licensure to an applicant who establishes residency in this state without the individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

(i) Body Art

Procedures that include:

- (1) Body Piercing;
- (2) Branding;
- (3) Permanent Cosmetics;
- (4) Tattooing; and
- (5) Scarification.

(j) Body Piercing and Body Piercing Procedure

- (1) The puncturing of a part of a live human being to create a hole for ornamentation or decoration or a single-point perforation of a body part to insert an anchor with a single stud protruding or flush with the skin.
- (2) Body piercing or body piercing procedure shall not include piercing an earlobe with a pre-sterilized disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.

(k) Branding

A permanent mark made on human tissue by burning with a hot iron or other instrument.

(l) Critical Item

An aspect of operation or condition of a facility or equipment that constitutes the greatest hazard to health and safety, including imminent health hazards.

(m) Decontamination Area

An area designated for the decontamination and processing of dirty instruments.

(n) Disinfectant

A product that is registered by the Federal Environmental Protection Agency and/or the Department of Pesticide Regulation, as indicated on the label, to reduce or eliminate the presence of disease-causing microorganisms, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use in decontaminating work surfaces.

(o) Enzymatic Cleaner or Enzymatic Detergent

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Low-foaming detergents which add enzymes capable of digesting organic material such as blood and mucous, and which are labeled as such by the manufacturer.

(p) Establishment

Any place or facility where body art is performed and that has a body artist licensed in Arkansas on staff.

(q) Germicidal Solution

A substance for use in the destruction of pathogenic microorganisms as indicated on the label.

(r) Guest Artist

An artist from a state other than Arkansas or a country other than the United States who:

- (1) Holds a license from the body art regulatory board or agency, if in existence, in that state or country; or
- (2) If an artist license is not available in the guest artist's state or country, can submit to the Department of evidence of professional experience, employment and education including:
- (3) Proof of blood-borne pathogen certification; and
- (4) Proof of employment in a licensed body art facility for at least two (2) years.

(s) Host

an individual or business entity, including an event coordinator or manager, responsible for the organization of a convention, tradeshow, or other temporary event that includes a body art demonstration booth.

(t) Institution

an establishment that is licensed by the Department to offer postsecondary education to student artists in training through artist instructors in the field of body art.

(u) Instrument

Equipment used during body art procedures, including without limitation:

- (1) Forceps;
- (2) Hemostats;
- (3) Needles;
- (4) Permanent cosmetic needles and tips;

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(5) Receiving tubes; and

(6) Tattoo barrels and tubes.

(v) ISO

The International Organization for Standardization.

(w) Temporary or Mobile establishment

An establishment where body art is performed in a temporary place of business, such as carnivals, mass gatherings, or similar public gatherings of a temporary nature. Temporary or Mobile shall meet all the requirements of these Rules with the following additional requirements:

- (1) Store liquid waste in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department shall be provided a letter of approval for all discharges upon request; and,
- (2) Provide a potable water system under pressure. Enough potable water shall be available in the unit for cleaning and for hand washing. A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.

(x) Operator

Any person who owns, controls, operates, conducts or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not.

(y) Permanent cosmetics

The application of pigment placed in the skin by a needle or other instrument to beautify the body, including without limitation for the purposes of:

- (1) Scar camouflaging;
- (2) Scalp micropigmentation;
- (3) Pigment lightening;
- (4) Applying permanent eyebrows, including without limitation:
 - (A) Microblading;
 - (B) Manual methods;

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- (5) Applying permanent eyeliner;
- (6) Applying permanent lip liner or lip color; and
- (7) Applying three-dimensional nipples and areola.
- (8) Permanent cosmetics does not include tattooing or a tattooing procedure.

(z) Scarification

Injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration.

(aa) Scarification Implement

Any instrument which intentionally alters human skin for the purpose of scarification.

(bb) Sharps

Includes, but is not limited to, any contaminated object that can penetrate the skin; any waste produced in the course of physically altering a human being including tattooing, ear piercing; or any other process where a foreign object is used to cut or pierce the skin. All waste generated in this manner meeting the definition of sharps must be handled accordingly.

(cc) Single Service

Articles intended for one-time, one-person use and then discarded.

(dd) Student Artist:

(1) An individual who:

- (A) Is in training under the supervision of an artist instructor; and
- (B) Shall not perform body art without the supervision of an artist instructor.

(ee) Subdermal Implanting

The insertion of an object under the skin of a live human being for ornamentation or decoration.

(ff) Tattooing and Tattoo Procedure

- (1) Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments.
- (2) Tattooing and Tattoo Procedures do not include permanent cosmetics.

(gg) Tempered Water

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. Water having a temperature range between 85°F (29°C) and 110°F (43°C).

(hh) Uniformed service member

an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(ii) Uniformed service veteran

a former member of the United States uniformed services discharged under conditions other than dishonorable.

(jj) Vendor

A person who supplies body art materials, including body art instruments, at a temporary demonstration where body art is performed.

302. Pre-Licensure Determination for Disqualifying Offenses

- (a) Pursuant to Act 688 of 2023, an individual applying for a body art or body art instructor license, after July 1, 2024, may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- (b) The individual must obtain the pre-licensure criminal background check petition form from the Department.
- (c) The Department will respond with a decision in writing to a completed petition within a reasonable time.
- (d) The Department's response will state the reason(s) for the decision.
- (e) All decisions of the Department in response to the petition will be determined by the information provided by the individual.
- (f) Any decision made by the Department in response to a pre-licensure criminal background check petition is not subject to appeal.
- (g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.

303. Determination of Prohibiting Criminal Offenses for Licensure

- (a) An individual is not eligible to receive or hold a body art license or body art instructor license if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102, et. seq. by any court in the State of

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Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.

- (b) The Department may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.
- (c) Upon notification to the Department that an individual licensed under these Rules has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, the Department shall initiate an investigation into the individual's convictions and the licensed individual may be subject to suspension, revocation, or denial of a license pursuant to these Rules.
- (d) The Department is not authorized to conduct criminal background checks but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to the Board regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.
- (e) This Section 303 shall not apply to body artists who hold a valid license on or before July 1, 2024.

304. Required Licensure to Practice or Teach Body Art and Related Branches

(a) Establishment

Any person, firm or corporation conducting or operating a body art establishment or mobile 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 State Board of Health.

- (1) Application: Any person, firm, or corporation desiring to open a body art establishment or mobile establishment shall submit an application to the Department for approval.
- (2) Any person, firm or corporation who has applied for a license to operate a body art establishment or mobile establishment will receive a license allowing the owner to operate the establishment or mobile establishment, The license shall be conspicuously posted in the establishment or mobile establishment. Establishment license's shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 17-26-601, et seq.
- (3) The Department shall levy and collect an annual fee of one hundred fifty dollars (\$150) per facility for issuance of a license to an establishment that performs body art or its related branches.

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- (4) If the annual fee for a licensed establishment has not been paid by March 1 of the calendar year, the establishment shall be closed until a new license has been issued by the Department and the annual fee has been paid.
- (5) Any studio or business owner operating without a current license commits a Class D felony.
- (6) No person shall operate a body art establishment unless the establishment has received a Certificate of Sanitation from the Department. No certificate shall be issued or renewed unless the establishment has been inspected and found to be in compliance with the provisions of these Rules at the time of the most current inspection.
- (7) The certificate shall expire on December 31 of each year. Renewal inspections shall be conducted by the Department.
- (8) No holder of any certificate of sanitation shall allow a body art artist to perform in his/her establishment unless the artist is the holder of a valid body art license issued under Section 4 of these Rules or holds a current guest artist temporary demonstration license.
- (9) It shall be the duty of the operator or owner of the establishment to post the current license in a conspicuous place where it may be readily observed by the public.

(b) Body Art Institution

- (1) Any person, firm or corporation conducting or operating a Body Art Institution 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 State Board of Health.
- (2) The applicant must complete a body art institution application as set forth by the Department. Student artists shall train in a licensed body art institution under a currently licensed instructor who has been licensed and operating in compliance with the rules in the State of Arkansas; and,

(c) Body Art and Its Related branches

- (1) No person except a duly licensed physician shall engage in the practice of body art, permanent cosmetics, and semi-permanent cosmetics or act as a body artist, a permanent cosmetics artist, or semi-permanent cosmetics artist unless licensed by the Department as body artist, permanent cosmetics artist, and semi-permanent cosmetics artist.
- (2) The following requirements must be completed before any individual shall receive a body art license:
 - (A) Prior to applying for a body art license, the applicant must complete blood-borne pathogens training which meets the requirements of the Occupational Safety and Health Administration (OSHA) and is approved by the Department.

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- (B) Student Artists pursuing licensure for scarification shall also complete basic first aid and CPR training, which is approved by the Department.
- (C) Student Artists pursuing licensure for scarification shall possess a current license in another field of body art. They shall also submit training and experience documentation related to scarification for review by the Department to determine eligibility for licensure.
- (D) An application for a body art license shall be filed with the Department upon completion of a body art training program from a licensed institution.
- (E) The applicant must successfully complete a written examination given by the Department. This examination shall be based on these Rules. It shall insure the applicant has knowledge of pertinent microbiology and proper technique, to assure that infection and contagious disease shall not be spread.
- (F) The applicant shall meet all the current applicable requirements of the Rules Pertaining to Reportable Diseases.
- (G) The applicant must complete an approved training program as set forth by the Department. Student Artist shall train in a licensed body art institution under a currently licensed artist instructor who has been licensed and operating in compliance with the rules in the State of Arkansas for a period of not less than five (5) years.

(3) Examinations

- (A) At the end of the required training period, the applicant must successfully complete and pass a written examination approved and administered by the Department, and complete and pass a practical examination developed and approved by the Department and administered by a licensed body art institution.
- (B) At the end of the required training period, the applicant must successfully complete a practical exam in the field(s) of study. Practical exams conducted by the Department will observe a procedure for aseptic technique, sterilization procedures, recordkeeping and aftercare instruction to the client.
- (C) A passing grade of seventy-five (75) is required in the practical examination and a grade of seventy (70) is required in the written examination pertaining to the mandated curriculum, as well as the state law exam.
- (D) The Department shall levy and collect a nonrefundable fee of fifty dollars (\$50.00) from each artist in training who applies to take the written and practical examinations. This fee is waived for an artist in the qualification review process.

(d) Artist License Fee and Renewal Requirements

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- (1) Artist's licenses shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 20-27-1501 et seq. including, but not limited to:
 - (A) Submission of a renewal application for a license for body art or its related branches.
 - (B) Proof of completion of the annual blood-borne pathogen certification.
 - (C) For Scarification Artists, proof of current CPR and first aid certification.
- (2) The Department shall levy and collect an annual fee of one hundred dollars (\$100) per artist for issuance of a license to an artist who performs body art or related branches.
 - (A) If the annual fee for a licensed artist has not been paid by March 1 of the calendar year, the artist license shall be suspended for ninety (90) days.
 - (B) Before a license may be reissued within ninety (90) days after suspension the artist shall:
 - (i) Pay a reinstatement fee of one hundred dollars (\$100) and all overdue licensing fees;
 - (ii) Complete a written exam with the Department and a practical exam at the studio in which the artist is licensed, a currently licensed body art establishment in Arkansas or other Department approved facility; and
 - (iii) Meet all current requirements established by the Department for artists.
 - (C) If an artist whose license is suspended has not met the requirements under 34(c) within ninety (90) days after the suspension, the artist may apply for qualification review.

305. Reciprocity And Qualifying Review for Body Art And Related Branches.

- (a) Application for Artist License with an Expired License or by Reciprocity from Out of State
 - (1) An artist with an expired Arkansas license or an artist from another state, who holds a license from the body art regulatory board or agency in that state or country, may submit to the Department an application for qualifications review and a \$200.00 nonrefundable application fee, to determine eligibility for a body art license issued by this Department.
 - (2) The Department will review qualifications based on the following criteria:
 - (A) Proof of annual blood-borne pathogen certification.
 - (B) Proof of licensure as a body art artist by the appropriate regulatory agency within the last two (2) calendar years.

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- (C) Documentation that the artist completed, at a minimum, a six (6) month student artist program. In lieu of training documentation, the artist may submit a letter of reference from the regulatory agency, which provides compliance history, evaluation of knowledge of health and safety standards and any record of training completed.
- (D) Proof of passage of the Department's body art written exam.
- (E) Completion of a practical exam at a currently licensed body art establishment in Arkansas or other Department approved institution
- (3) An artist from another state where artist licensure is not required by a regulatory body shall complete the artist in training program, unless the artist qualifies for licensure under 114.
- (4) Upon receipt and approval of all qualification requirements, the artist shall be invoiced and submit the annual artist license fee.

306. Requirements For Body Art Establishments, Institutions, and Mobile Establishments

(a) Physical Facilities

- (1) Lighting - Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area.
- (2) Water Supply and Sewage- The water supply shall be adequate, of a safe, sanitary quality and meet the current requirements of the Department's Rules Pertaining to Public Water Systems. All water carried sewage shall be disposed of by means of: A public sewerage system; or An approved onsite wastewater system, which is constructed and operated in conformance with the standards established by the Arkansas State Board of Health.
- (3) Garbage and Refuse – Garbage and refuse shall be kept in durable, easily cleanable, containers that do not leak and do not absorb liquids. No establishment, mobile establishment, or institution 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
- (4) Cleanliness and Repair – Each establishment, mobile establishment, and institution shall keep the floors, mats, and fixtures clean and in good repair
- (5) Toilet Facilities, Fixtures and Plumbing - A toilet and lavatory shall be located in the establishment and be accessible to clients. All plumbing shall meet the requirements of the Arkansas Plumbing Code. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.
- (6) Hand Washing Facilities – Each establishment, mobile establishment, and institution shall provide hand washing facilities installed in accordance with the Arkansas State

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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.

- (7) Floors and Surfaces - Floors shall be swept and wet-mopped daily. All surfaces, including, but not limited to floors, walls, counters, chairs and tables, shall be maintained in good repair and shall be of such materials to be easily cleanable, non-absorbent and non-porous. Floors, walls, or ceilings in the workroom shall not be swept or cleaned while body art procedures are being performed.
- (8) Bottles and Containers – All bottles and containers containing any chemical or liquids in use in an establishment, mobile establishment or institution shall be distinctly and correctly labeled to disclose their contents.
- (9) All surfaces, worktables and client chairs must be disinfected with EPA approved surface disinfectant as defined in Section 3 of these Rules before each new client is seated.
- (10) Storage - Cabinets for the storage of instruments and other paraphernalia used in the establishment shall be provided. All needles and instruments shall be handled in such a manner as to prevent recontamination.
- (11) Packaged, sterilized supplies which have been processed in-house shall be stored and used for no more than one (1) year from the date of processing. Supplies purchased packaged and pre-sterilized from manufacturers shall be stored and used until the expiration date provided by the manufacturer. The integrity of each package shall be inspected prior to use.
- (12) Living or sleeping quarters located on the premises of a body art facility shall be separated from rooms and areas used for body art facility operations by complete partitioning and solid, self-closing doors.
- (13) Workroom - Each establishment shall have a workroom where only Body art procedures are performed and shall:
 - (A) provide easy access to a sink separate from a restroom that is designated for artist hand washing only. The workroom sink shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with hands free or wrist controls and supplied with tempered running water, liquid soap and single-use paper towels that are dispensed from a wall-mounted dispenser.
 - (B) be equipped with a light source that provides adequate light for the procedure area.
 - (C) have lined, hands free, covered waste containers.
 - (D) be equipped with an approved sharps container.
 - (E) be free of and physically separated from any ultrasonic cleaner and/or autoclaves.

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- (F) have adequate cabinets for the storage of instruments and other materials used in the body art procedures.
 - (G) have an adequate number of worktables for each working artist. The surface of all worktables shall be constructed of material that is easily cleanable, smooth, non-absorbent, corrosive-resistant and easily sanitized.
 - (H) Have disposable surface barriers to prevent contamination on all work surfaces and shall be replaced after each procedure.
- (14) Decontamination Area - Each establishment shall have a decontamination area for the processing and sterilizing of dirty instruments, in which the placement of the sterilizer is at least thirty-six (36) inches from any sink or processing equipment and shall.
- (A) Be physically separated from the waiting area, restroom and the workroom;
 - (B) Be equipped with a sink that has tempered running water, liquid soap, and single-use paper towels dispensed from a wall-mounted dispenser that is readily accessible to the artist
 - (C) Be equipped with a lined, hands free, covered waste container;
 - (D) Be labeled in a conspicuous manner as Employees Only and set up to avoid clients or the public from entering;
 - (E) Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.
 - (F) Body art establishments which use all prepackaged, pre-sterilized, single use instruments are not required to provide a decontamination area.
- (b) Electrical Instruments and Equipment
- (1) Before use upon a client, all electrical instruments shall be cleaned and disinfected with an EPA registered disinfecting solution (spray or wipe)
 - (2) A set of individual wrapped sterilized needles shall be used by the artist for each new client. An adequate number of sterilized needles and tubes or tips per tattoo or permanent cosmetic artist must be on hand for the entire day or night operation.
 - (3) All instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid shall be sterilized prior to reuse. All parts of instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid that cannot be sterilized prior to reuse shall be replace before reuse. Body piercing establishments are required to sterilize initial piercing jewelry.
 - (4) Tattoo and permanent cosmetic machines shall be cleaned and sanitized with an approved germicidal before each use.

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- (5) All needles shall be single use and disposable.
- (6) New medical disposable gloves shall be worn during any sterilization procedure.
- (c) Approved modes of sterilization include:
 - (1) Single-use prepackaged sterilized instruments obtained from suppliers or manufacturers.
 - (2) Use of a steam, pulse pressure, or vacuum autoclave sterilizer, which is used, cleaned and maintained according to the manufacturer's directions and shall be conducted as follows:
 - (A) Prior to sterilizing, instruments shall be submerged and brushed or swabbed to remove foreign material and rinsed. Instruments shall then be immersed in enzymatic cleanser and water using an ultrasonic unit that operates at 40 to 60 kilohertz, followed by a thorough rinsing and drying;
 - (B) Non-disposable tubes for tattooing shall be disassembled prior to beginning the cleaning process and remain this way throughout the sterilization process.
 - (C) Enzymatic cleanser used in the ultrasonic unit shall be designed for such use and used in accordance with the manufacturer's instructions.
 - (D) The exception to this cleaning process may be the use of an instrument washer, which is specifically designed to replace the manual cleaning and ultrasonic processing of contaminated instruments.
 - (E) A chemical indicator shall be used to assure sufficient temperature and steam penetration and proper functioning of equipment each time the sterilizer is run.
 - (F) A monthly sterilization cycle shall be completed with use of a biological monitoring system (commercial preparation of spores) to assure all microorganisms have been destroyed and sterilization achieved.
 - (3) Body art establishments that utilize all prepackaged sterilized needles and tubes and other equipment that contacts a client during any body art procedure shall not be required to provide an autoclave at the establishment.
- (d) Additional requirements for Institutions
 - (1) All equipment for new, existing, and relocated institutions shall be in good workable condition. The equipment shall be appropriately maintained in order to promote the health and safety of institution employees, student artist and clients.
 - (2) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled student artist.
 - (3) (c) An adequate supply of working equipment for all courses shall be maintained in the institution to reasonably accommodate the clientele received in the institution.

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(e) Artist:

(1) 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 hand** - clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with tempered running water, an approved soap and his/her individual hand brush. He/she shall not allow his/her hands to dry without the use of a single service use paper towel or approved mechanical means.

(2) Client Protection

- (A) Wear a new pair of medical disposable gloves for each client and shall be disposed of immediately upon removal.**
- (B) Prepare the area of the client's skin to which body art is to be applied by washing with distilled water and approved germicidal soap. When it is necessary to shave the area, single service disposable razors shall be used. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol or other approved germicidal solution, using a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.**
- (C) Wash and scrub his/her hands as required in Section 36(e)(1)(B) and put on a new pair of medical disposable gloves following the cleaning and the shaving of the client's skin.**
- (D) During any phase of the procedure, should the artist be interrupted for other duties, i.e., answering the phone, etc., the artist shall wash his/her hands as required in Section 36(e)(1)(B). before resuming the procedure. A new pair of medical disposable gloves shall be used.**
- (E) When acetate stencils are used for transferring the design to the skin, stencils shall be thoroughly cleaned and rinsed in an approved germicidal solution according to manufacturer's instructions and then they shall be dried with a sterile gauze pad or air-dried before each use.**
- (F) When the design is transferred during hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused on another client.**
- (G) In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single service or individual portions of pigments in clean sterilized containers or single service containers shall be used for each client. Upon completion, the remaining unused pigments shall be discarded. Any pigment in which the needles were dipped shall not be reused during new or follow-up procedures. Where pigment mixing is necessary to achieve the correct color and follow-up touch-ups may be required (permanent cosmetics), the original container of mixed pigment may be kept.**

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- (H) Excess pigment removed from the skin with a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.
- (I) After a completed body art procedure, with the exception of piercings, the area of skin worked on, shall be cleaned with a piece of single use sterile material saturated with an approved germicidal solution. It shall be allowed to dry. After drying, ointment may be applied to body art from a collapsible metal or plastic tube or single use packet or portion and where feasible the entire area covered with a piece of an approved, nonstick bandage. The ointment may be spread by the use of sterile gauze, sterile tongue depressors, or gloved fingers.
- (J) The area of permanent cosmetic application shall be washed and where feasible, ointment or petroleum jelly shall be applied.

(f) Record Keeping

- (1) The operator shall maintain proper records on each client. These records shall be entered in ink and kept solely for examination by the Department upon request. A digital record keeping system may be used if it provides all required information and has an adequate method of backing up the data. The records shall be preserved for at least one year from the date of the last entry. The records shall contain the following information:
 - (2) The date the procedure was performed.
 - (3) The name, address, and date of birth of the client.
 - (4) The design and location of body art procedure applied.
 - (5) The name and license number of the artist.
 - (6) The signature and printed legal name of the client.
 - (7) A Photocopy of a valid government-issued photo identification for each client. For minors or incapacitated adults under legal guardianship, a photocopy of a valid photo identification of legal guardian and proof of guardianship, as required in Section 10.3.
 - (8) Each form of body art provided by the establishment shall have its own separate record for all other forms of body art.
 - (9) In the event of a change of ownership or closing of the establishment, all records shall be made available to the Department upon request.
 - (10) Due diligence shall be demonstrated in the effort to keep all records private from the public and other clients.
- (g) 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. These records shall be labeled "Minor"

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and be kept separate from all other client files and made available to the Department upon request.

- (1) An artist shall not perform body art on a person under eighteen (18) years of age, unless:
 - (A) Given a consent form with the signature and printed legal name of the parent or legal guardian.
 - (B) The parent or legal guardian is present during the procedure.
 - (C) The person to undergo body art and the parent or legal guardian each provide a valid government-issued form of photo identification that includes a name, date of birth, and photo; and
 - (D) The parent or legal guardian presents proof of guardianship that matches the identification given, including without limitation a birth certificate or a court or state record for adoption, legal guardianship, emancipation, or a marriage license.
- (2) An artist shall not perform body art on a person under sixteen (16) years of age, regardless of parental consent, except:
 - (A) When authorized or prescribed by a physician's statement exclusively for repigmentation; or
 - (B) When piercing the earlobe.
- (3) Except when authorized or prescribed by a physician's statement exclusively for repigmentation, an artist shall not perform on a person under eighteen (18) years of age regardless of parental consent:
 - (A) Body art on the areola or genital.
 - (B) Branding.
- (4) A person under eighteen (18) years of age may undergo a permanent cosmetics procedure due to a medical necessity if he or she is given medical consent from a physician in addition to parental consent.
- (5) Any person who performs body art on a person under eighteen (18) years of age, except as provided in Sections 10.3.1-10.3.3., shall be guilty of a Class A misdemeanor.
- (6) Any person who falsely claims to be the minor's parent or legal guardian for the purpose of obtaining body art for a person under eighteen (18) years of age shall be guilty of a Class D felony.
- (h) Client Information. Before performing a body art procedure, an artist must:
 - (1) Have a discussion of the risks involved and possible complications with the client. The client must be advised that certain procedures should be considered permanent and can be

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removed only by a surgical procedure and any effective removal may leave permanent scarring.

- (2) A written cautionary notice to that effect shall be furnished to and signed by the client and retained on file at the establishment.
- (i) After the procedure is complete, oral and written (printed or photocopied) instructions, approved by the Department, on the care of the skin where body art was applied in order to prevent infection, shall be given to each client. A copy of these instructions shall also be posted in a conspicuous place in the establishment.
- (j) Patch Test for Sensitivity. A patch test shall be administered upon request of the client or prior to any permanent cosmetic procedure.
- (k) Suspected Infections to be Reported. All infections suspected from performing a body art procedure, which become known to the artist/operator, shall be reported to the Department within one (1) business day and the infected client shall be referred to a physician.

307. Temporary Or Mobile Establishments

- (a) No person shall be licensed to perform body art in any temporary place of business, such as carnivals, mass gatherings, or similar public gatherings of a temporary nature without an approved mobile facility or without meeting the requirements for a temporary demonstration license.
- (b) Mobile units shall meet all the requirements of these Rules with the following additional requirements:
 - (1) Liquid waste shall be stored in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department shall be provided a letter of approval for all discharges upon request.
 - (2) A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for hand washing. A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.
- (c) The Department may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.

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308. Host And Temporary Demonstration License

- (a) The host of a body art event for educational purposes, trade shows and/or demonstrations of body art procedures where body art is performed shall:
 - (1) obtain all necessary permits to conduct business in the jurisdiction where the event will be held, including, but not limited to, valid permits issued by the Department.
 - (2) pay a non-refundable host fee of fifty dollars (\$50) per artist that shall perform body art at the event, not to exceed two thousand dollars (\$2000) per event.
 - (3) Submit an application for a temporary demonstration license to the Department not less than forty-five (45) days prior to the event for educational purposes, trade show, or demonstration of body art products and procedures where body art is performed.
 - (4) The establishment where the guest artist is appearing shall have a licensed body artist on its staff.
 - (5) In addition to the penalties available pursuant to Ark. Code Ann. § 17-26-612, a host who violates this subdivision shall be subject to closure of the temporary body art event and a penalty not to exceed three times the cost of the permit.
- (b) An artist, establishment, or a supplier of materials for body art for applying for a temporary demonstration license for educational purposes, trade shows and/or demonstrations of body art procedures where body art is performed shall
 - (1) submit an application for a temporary demonstration license to the Department not less than seven (7) days prior to the appearance of a guest artist.
 - (2) submit a non-refundable fee of fifty dollars (\$50) from a guest artist for a temporary demonstration license.
 - (3) provide evidence of completion of a blood borne pathogens training which meets the requirements of the Occupational Safety and Health Administration with the application.
 - (4) provide documentation of licensure as an artist in another state or country or employment history with proof of employment in a body art facility licensed by the regulatory board or agency in that state or country
- (c) A host or temporary demonstration license shall be valid for no more than fourteen (14) consecutive calendar days.
- (d) A guest artist may be issued a temporary demonstration license to appear as a guest artist in the state of Arkansas no more than one (1) time every three (3) months.

309. Body Art Institution Requirements

- (a) Application for New Private Postsecondary Body Art Institution

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- (1) Any person, firm or corporation seeking to open a new body art institution shall submit an application to the Body Art Section office and receive approval from the Department. The application shall be accompanied by the following information:
 - (A) Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov.
 - (B) Detailed floor plans of the proposed institution showing adequate floor space.
 - (C) A current financial statement prepared by a certified public accountant.
 - (i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
 - (ii) The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the institution, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition, work history and resume of the owner.
 - (D) List of proposed equipment to accommodate all student applicants for any combination of body art.
 - (E) Instructor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.
 - (F) Correspondence from the Planning and Zoning Board certifying that the area which the proposed institution is to be located is properly zoned for this type of business.
 - (G) If applicable a statement certifying that the owner(s) of the proposed institution shall provide not less than:
 - (i) four hundred (400) hours of supervised body art work (including at least one hundred fifty (150) hours of hands-on techniques training) in a period not less than six (6) months or more than twenty-four (24) months for all students enrolled;
 - (ii) three hundred seventy-five (375) hours of supervised branding work (including at least one hundred fifty (150) hours of hands-on techniques training) in a period not less than six (6) months or more than twenty-four (24) months for all students enrolled; or
 - (iii) Additional fields of body art may be added by completing two hundred fifty (250) hours of supervised work (including at least one hundred (100) hours of hands-on techniques training) in other fields in a period not less than four (4) months after completion and licensure for the initial field of study
 - (H) 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

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business negotiations on behalf of the proposed institution including answers to citations and/or hearings, and compliance with rulings issued by the Department and/or Cosmetology Technical Advisory Committee.

(I) Samples of all forms to be used in the institution including but not limited to:

- (i) attendance record;
- (ii) sign-in sheets;
- (iii) student time sheets/card;
- (iv) contracts;
- (v) daily activity check list; and
- (vi) progress cards.

(J) The required registration fee.

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

(L) Proof that the institution adopts and discloses to the students the complaint process outlined in 110.

(2) When the above information is received in full the Department will conduct the initial inspection described in 109

(3) When the institution application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for student permit applications, pending the final inspection.

(4) *License will be* issued upon approval of final inspection submission of student enrollment forms, required fees, and documents

(b) Inspections

(1) Initial Inspection of a New or Re-located Body Art Institution

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

- (i) Of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.
- (ii) Of proposed layout.

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(iii) Of proposed items of equipment and material.

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

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

(2) Final Inspection of New or Re-located Body Art Institution

(A) 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 institution.

(B) No license will be issued to any new institution until an inspection report of compliance is received, supporting documents and enrollment fees have been submitted and student permits have been issued.

(C) If an application is granted and thereafter the department discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of the institution license even though the false statements are detected after a license has been issued.

(D) The department may deny a institution license to any applicant or licensee upon reasonable evidence that the institution or its officials would jeopardize the health and safety of the public.

(E) An Institution license shall not be issued until the owner of record files with the department a sworn affidavit designating who is authorized to accept service of notice from the department and to transact all business negotiations on behalf of the school, including answers to citations for hearing and compliance with rulings issued by the Cosmetology Technical Advisory Committee.

(3) Routine Inspection of Body Art Institution shall be inspected:

(A) At least once a year, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department.

(B) To determine compliance with applicable licensing code and rules governing body art institutions. During an inspection, the Department or its representative may review the records maintained by the Body Art Institution; review the course outline and lesson plans and generally evaluate the operation of the Body Art Institution. Failure to comply with the licensing requirements will be grounds for disciplinary action and license revocation.

(C) To determine compliance of all student files and records for Body Art Institutions, the Department or its representative may review all student files for accuracy.

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(D) Any Body Art Institution that fails to abide by the terms and conditions set out in the Body Art Institution catalog or contract or fails to comply with the procedures for adopting rules or who is capricious in enforcing Body Art Institution rules may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to 109. In the case of a Nationally Accredited Body Art Institution the Department will notify the proper officials of the disposition of the complaint.

(c) Student Artist Registration Requirements

(1) All students of Body Art training shall be registered, and a student artist permit issued from the Department before accredited hours can be obtained. Registration prerequisites are as follows:

(A) Registration form (forms provided by the Department). The completed registration form must be received, processed, and a student permit issued by the Department before accredited hours can be obtained.

(B) One (1) copy of the student/institution contract.

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

(D) Proof of education:

(i) high school diploma or its equivalent

(ii) 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,

(E) Proof of completed Blood Borne Pathogens Course

(F) Failure to comply with the above-mentioned prerequisites will affect the matriculation date.

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

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

(I) 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.

(J) 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.

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(K) 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:

- (i) A certified copy of the training hours accumulated and certified with the state; or
- (ii) 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.

310. Curriculum for Body Art Institutions.

(a) Minimum Curriculum for Tattooing Field of Study

(1) A total of four hundred (400) hours in the field of tattoo course shall consist of the following subjects and hours:

- | | |
|---|-------------|
| (A) Introduction of Tattooing | (10 hours) |
| (B) State Law and Rules | (10 hours) |
| (C) Requirements and Safe Practices | (25 hours) |
| (D) Medical Conditions | (10 hours) |
| (E) Anatomy and Physiology | (40 hours) |
| (F) Fundamental Protocol for Procedures | (30 hours) |
| (G) Color Theory | (20 hours) |
| (H) Fundamentals of Tattooing | (60 hours) |
| (I) Fundamentals of Healing and Touch Ups | (20 hours) |
| (J) Sanitation and Disinfection | (25 hours) |
| (K) Hand- On Techniques | (150 hours) |

(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(b) Minimum Curriculum for Permanent Cosmetics Field of Study

(1) A total of four hundred (400) hours in the Permanent Cosmetics course shall consist of the following subjects and hours:

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- (A) Introduction of Permanent Cosmetics (10 hours)
 - (B) State Law and Rules (10 hours)
 - (C) Requirements for Facilities (10 hours)
 - (D) Safe Practices (10 hours)
 - (E) Medical Conditions (10 hours)
 - (F) Anatomy and Physiology (40 hours)
 - (G) Fundamental Protocol for Procedures (30 hours)
 - (H) Color Theory, Pigment Formulation and Selections (20 hours)
 - (I) Anesthetics (10 hours)
 - (J) Fundamentals of Eyebrows (20 hours)
 - (K) Fundamentals of Eyeliner (20 hours)
 - (L) Fundamentals of Lips (20 hours)
 - (M) Fundamentals of Healing and Touch Ups (20 hours)
 - (N) Sanitation and Disinfection (20 hours)
 - (O) Hand- On Techniques (150 hours)
- (2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- (c) Minimum Curriculum for Body Piercing Field of Study
- (1) A total of four hundred (400) hours in the Piercing course shall consist of the following subjects and hours:
 - (A) Introduction of Piercing (10 hours)
 - (B) State Law and Rules (10 hours)
 - (C) Requirements and Safe Practices (25 hours)
 - (D) Medical Conditions (10 hours)
 - (E) Anatomy and Physiology (40 hours)

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- (F) Fundamental Protocol for Procedures (30 hours)
 - (G) Anesthetics (10 hours)
 - (H) Fundamentals of Piercing (60 hours)
 - (I) Fundamentals of Healing and After Care (30 hours)
 - (J) Sanitation and Disinfection (25 hours)
 - (K) Hand- On Techniques (150 hours)
 - (2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- (d) Minimum Curriculum for Branding Field of Study
- (1) A total of three hundred seventy-five (375) hours in the Branding course shall consist of the following subjects and hours:
 - (A) Introduction of Branding (10 hours)
 - (B) State Law and Rules (10 hours)
 - (C)(3) Requirements and Safe Practices (20 hours)
 - (D)(4) Medical Conditions (10 hours)
 - (E)(5) Anatomy and Physiology (40 hours)
 - (F)(6) Fundamental Protocol for Procedures (20 hours)
 - (G)(7) Anesthetics (10 hours)
 - (H)(8) Fundamentals of Branding (60 hours)
 - (I) (9) Fundamentals of Healing and After Care (20 hours)
 - (J) (10) Sanitation and Disinfection (25 hours)
 - (K) Hand- On Techniques (150 hours)
 - (2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

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(e) Minimum Curriculum for Scarification Field of Study

- (1) A total of four hundred (400) hours in the Scarification course shall consist of the following subjects and hours:
 - (A) Introduction of Scarification (10 hours)
 - (B) State Law and Rules (10 hours)
 - (C) Requirements and Safe Practices (25 hours)
 - (D) Medical Conditions (10 hours)
 - (E) Anatomy and Physiology (40 hours)
 - (F) Fundamental Protocol for Procedures (30 hours)
 - (G) Anesthetics (10 hours)
 - (H) Fundamentals of Scarification (60 hours)
 - (I) Fundamentals of Healing and After Care (30 hours)
 - (J) Sanitation and Disinfection (25 hours)
 - (K) Hand- On Techniques (150 hours)
- (2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(f) Minimum Curriculum for Permanent Cosmetic Instructor Field of Study

- (1) In addition to requirements under Rule 310(b)
- (2) A total of two hundred fifty hours (250) in the Permanent Cosmetic instructor course shall consist of the following subjects and hours
 - (A) Teaching Observation 50 Hours
 - (B) Theory Classes 50 hours
 - (C) Procedure Observation 50 hours
 - (D) Practice Teaching 100 Hours
- (3) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent

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(20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

311. Responsibility of Body Art Institution

(a) Education of student artist

- (1) An artist instructor shall be a licensed instructor in an institution licensed by the Department of Health under § 17-26-601, et seq.
- (2) The Department shall develop standards to determine:
 - (A) The maximum number of student artists in an institution at one time shall be at a ratio of no more than eight (8) students to one (1) artist instructor per instruction hour; and
 - (B) The length of the program in hours and across a range of months.
 - (C) During the artist training in the fields of body art:
 - (i) each student artist shall complete not less than four hundred (400) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty-four (24) months in an establishment licensed under § 17-26-603 and § 6-51-601 et seq.; and,
 - (ii) The hours required under subdivision 310(a)(1) shall include no more than twenty percent (20%) to be unsupervised online instruction hours and eighty percent (80%) in person practical instruction hours.
 - (D) During the artist training in the field of branding:
 - (i) each student artist shall complete not less than three hundred seventy-five (375) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty-four (24) months in an establishment licensed under § 20-27-1503 and § 6-51-601 et seq.; and,
 - (ii) The hours required under subdivision 310(d)(1) shall include no more than twenty percent (20%) to be unsupervised online instruction hours and eighty percent (80%) in person practical instruction hours.
- (3) A licensed artist wanting to study additional fields of body art training may be added by completing not less than two hundred fifty (250) clock hours of technical and procedural training in each of the other fields of body art in which a student artist is to be licensed in no less than an additional four (4) months after completion and licensure for the initial field of study.
- (4) The artist instructor shall maintain a training log of the clock hours completed by the student artist on forms approved by the Department.

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- (A) The training log shall include without limitation a record of:
- (i) Hours of both theory and practical education;
 - (ii) The procedures observed and completed; and
 - (iii) A list of resources used for training.
- (B) The completed training log shall be submitted to the Department of Health at the time of application for the practical examination.
- (5) The student artist shall keep available for inspection a record book or folder containing records that is separate from the record book of another artist or student artist.
- (6) An instructor may offer training only in the area in which the instructor holds a current license from the department.
- (7) Certification of Training Form
- (A) The institution shall certify the training in accordance with the required curriculum for examination and license. This provision does not prohibit a institution 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 institution rules or policies, may be suspended from institution. Duration of a suspension shall be set forth in the institution catalog.
- (B) Certification of hours must be filed with the Department within forty-five (45) calendar days immediately following termination of student (last day of attendance). 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. If a Certificate of training is not received within the forty-five (45) days, the student will be dropped by the Department and all hours will be certified.
- (C) No body art institution owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a student signed Balance Due on Tuition form, if applicable, pursuant to Rule 8.21 A.
- (D) 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 healthy.arkansas.gov

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- (b) The Department of Health shall adopt a minimum curriculum for each area of body art training that shall be followed by all artist instructors, student artists , and body art training facilities Monthly Reports for Body Art Institutions
- (1) All body art institutions are required to report monthly hours to the Body Art Section database, by the last day of each month for all students currently enrolled in the school during the prior month. The monthly report shall reflect the number of hours acquired in the institution during the prior month and the accumulated hours during the current enrollment.
 - (2) The Body Art Section will notify the body art institution when an error has been made on the monthly report. Upon receipt of this notification the institution owner or instructor is required to check their records and appraise the Body Art Section office of the corrections made within the week.
 - (3) All body art institutions 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 timecards 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.
- (c) Student Records for Body Art Institutions
- (1) Every body art institution shall keep a daily record of attendance on each student enrolled.
 - (2) Every body art institution shall keep a daily record of the student's activity. The time the student has acquired in the various phases of body art or its related branches shall be recorded on this record.
 - (3) The body art institution 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 body art institution. A course outline shall be provided to students so they will be apprised of the upcoming activities.
 - (6) Every body art institution shall maintain a student folder containing:
 - (A) the student's daily record of attendance;
 - (B) the student's daily record of activity;

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- (C) the student enrollment documents;
 - (D) signed student contract;
 - (E) signed financial agreements between the school and the student; and,
 - (F) any disciplinary actions
- (d) School Catalog for Body Art Institution
- (1) Every body art institution shall set forth basic information about itself in a catalog which is kept up to date and made available to prospective students and submitted to the Department with the original application.
 - (2) The catalog must include the following items as a minimum: name and address of body art institution; hours of operation to include scheduled closures such as holidays and vacations; date of publication; when the body art institution 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 body art institution; body art institution policies, rules; disciplinary action for failure to abide by policies or rules; and name of administrative staff and faculty of the body art institution.
 - (4) Prior to adoption, amendment, or repeal of any rule or catalog, the body art institution shall give notice of its intended action to the students enrolled in postsecondary body art institution. The notice shall include the following:
 - (A) The effective date.
 - (B) Whether the rule(s) is new, repeals, or changes an existing rule; and,
 - (C) What the rule(s) is.
 - (D) After the students are given notice in the proper form all students enrolled in said body art institution will be required to sign a document stating that they have been apprised of the intended action.
 - (5) Notice to the Department of Health
 - (A) After the rule(s) have been adopted by the body art institution, a supplement which contains the revisions shall be attached to all catalogs that the body art institution has on hand.

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- (B) Any amendments to the catalog must be submitted via email to the Department as well as distributed to currently enrolled the students.

(6) Body Art Institutions Contracts

- (A) Body Art Institutions contracts must clearly outline the obligation of both the institution and the student in accordance with the terms and conditions stipulated in the school catalog.

(B) All contracts must contain the following:

- (i) The name and address of the body art institution
- (ii) The name and address of the applicant.
- (iii) Course of Training – Total hours of instruction.
- (iv) Institution Term- Stipulate full or part-time. Must state the number of hours each day and days per week.
- (v) 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.
- (vi) The body art institution refund policy must be stated.
- (vii) Acknowledgement that the student received a copy of the body art institution rules and catalog.
- (viii) 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.
- (ix) All body art institution contracts must be fully executed.

(e) Instructor Training Body Art Institutions and Renewal Requirements

(1) An artist that

- (A) Has been licensed by the Department of Health for at least five (5) years in the specified field of body art in which he or she will offer training.
- (B) Has worked in a body art establishment licensed by the Department for at least five (5) years and has been in compliance with Department rules governing body artists.
- (C) Has completed the course required under § 20-27-1506;

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- (D) Is a registered instructor for the specified field of body art with the Department of Health;
- (E) Has completed a course in safety and sanitation guidelines and requirements by the department;
- (F) Shall not exceed a ratio of one (1) instructor to eight (8) students per instruction hour;
- (G) Is at least twenty-one (21) years of age; and
- (H) Has completed two hundred and fifty (250) instructional hours from a state approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.

312. Critical Items For Closure

- (a) Any body art establishment which is found to be in violation of any critical item(s) shall be subject to immediate closure by the Department, pending a hearing before the State Board of Health in accordance with Ark. Code Ann. § 25-15-211.
- (b) The establishment shall remain closed until all issued fines and/or penalties have been paid and it is found no longer in violation of any critical item(s) upon inspection by the Department.
- (c) Critical items shall include:
 - (1) Performing a body art procedure on a person who is obviously inebriated or appears to be incapacitated by the use of alcohol or drugs;
 - (2) Performing a body art procedure on a person who shows signs of recent intravenous drug use;
 - (3) Performing a body art procedure on an area of a person's body with sunburn, open lesions, rashes, or wounds;
 - (4) Performing a body art procedure with the use of a product or ink that is banned or restricted by the United States Food and Drug Administration;
 - (5) Performing a body art procedure in an area that is not physically and permanently separated from beauty facilities, such as hair and nail services;
 - (6) Performing a body art procedure on an animal in a facility licensed for the application of body art on human beings;
 - (7) Using a piercing gun to pierce any parts of a person's body other than an earlobe;
 - (8) Performing a piercing with a manually loaded spring-operated piercing device;

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- (9) Piercing an earlobe with a piercing gun that does not use a pre-sterilized encapsulated stud and clasp system;
- (10) Using jewelry for an initial piercing that is not certified by ASTM International or the International Organization for Standardization, or both, as an implant-grade material, except for specified types of glass, gold and niobium as approved by the Department;
- (11) Failure to maintain on file for inspection a Mill Test Certificate confirming certification by ASTM International or the International Organization for Standardization, or both, for steel and titanium jewelry for initial piercing;
- (12) Selling a body piercing needle, tattoo needle, or body art instrument, or a combination of these, including without limitation tattoo ink, barrel, grip and a tattoo machine to a person within this state who is not licensed as an artist by the Department; and
- (13) Any action that constitutes a danger to the public's health, safety or welfare may result in emergency suspension of the artist or establishment license, upon factual finding by the Department in accordance with Ark. Code Ann. § 25-15-211.

313. Restrictions Concerning Body Art Procedures

- (a) Body art procedures shall be prohibited under the following circumstances:
 - (1) No body art procedure shall be done on the person of anyone having a history of jaundice or similar disease and each client shall be questioned.
 - (2) No body art procedure shall be done on the person of any individual who is obviously under the influence of drugs or intoxicating liquor.
 - (3) No body art procedure shall be done on a person suffering from any visible rash, skin lesion or any skin disease or possible communicable disease. The skin surface shall be free from rash, pimples, infection or recent scar tissue before body art is applied.
 - (4) No person inflicted with an infectious or communicable disease, which may be transmitted during the performance of any body art procedure, or afflicted with an infestation of animal parasites shall be permitted to work or train in a body art establishment. The Department may require a certificate signed by a duly licensed physician stating the person is free from communicable diseases before permission to resume operation is granted.
 - (5) No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician. This section does not intend to prohibit the cover up of existing tattoos with additional body art design pattern or application of permanent cosmetics.
 - (6) No smoking in an establishment at any time in accordance with the Arkansas Clean Indoor Air Act

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- (7) No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing. Ingredients contained in the pigments and Material Safety Data Sheets must be provided by the manufacturer to the Department upon request.
- (8) The use of a straight razor is prohibited. Only single service disposable razors shall be used for shaving purposes.
- (9) No person shall allow or perform the tattooing of animals in an establishment licensed and used for performing body art procedures on human beings.
- (10) An artist licensed by the Department shall not perform or attempt to perform the insertion of a subdermal implant.
- (11) An artist may use only nonprescription strength topical anesthetics, ointments, or other medications prior to, during, or after any phase of body art procedures.
- (12) An artist shall not use chemical or other means to intensify the results of a scarification procedure.

314. Standards For Serving Clients

(a) Body Piercing Standards

- (1) Initial jewelry for body piercing shall meet ASTM or ISO standards.
- (2) The jewelry must be able to withstand the heat and pressure of autoclave sterilization.
- (3) All surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals must have a consistent mirror finish.
- (4) An artist shall maintain on file for inspection a "Mill Test Certificate" confirming certification by ASTM International or the International Organization for Standardization, both for steel and titanium jewelry for initial piercing. The documentation shall accompany each initial piercing jewelry order.
- (5) Use of personal client jewelry or any apparatus or device presented by the client to be worn within an initial piercing is prohibited.
- (6) Any jewelry used for the procedure must be properly sterilized prior to use and handled in a manner to maintain sterility until use.
- (7) No product shall be used in or on a fresh body piercing that warns against such use. Nor shall these products be used against manufacturer warnings in the aftercare or healing of the piercing.
- (8) Any marking instrument shall be single use and disposable.

(b) Tattoo and Permanent Cosmetic Standards

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- (1) All inks, dyes and pigments must be produced by a commercial manufacturer and accepted for use by the Department by providing Material Safety Data Sheets and/or ingredient information.
- (2) Any needle shall be single use only and sterilized prior to use.
- (3) All products used for the procedure such as skin cleansers, etc. shall be used in accordance with the manufacturer's instructions.
- (4) Any non-tattooing marking instrument shall be single use only and disposed of after use.
- (5) After the procedure is complete, the tattoo or permanent cosmetic shall be cleaned and, where feasible, an ointment and a nonstick bandage applied.
- (6) All tubes, barrels, tips, or hand tools used for permanent cosmetics shall be single use and disposable or stainless-steel tubes, which may be sterilized onsite in accordance with these Rules.

(c) Branding Standards

- (1) Any metal or other instrument used in a branding procedure which comes in direct contact with the client's skin shall be single use or capable of being properly sterilized.
- (2) All products used for the procedure such as skin cleansers, preps, or ointments shall be used in accordance with the manufacturer's instructions.
- (3) Any marking instrument or stencil shall be single use only and disposed of after use.
- (4) The artist, the client and any assistants or other individuals in the procedure room shall wear adequate personal protection equipment throughout the procedure.
- (5) The procedure area for branding shall be an enclosed room with adequate ventilation.
- (6) Metal used in strike branding procedures shall be made of non-galvanized steel.

(d) Scarification Standards

- (1) Scarification procedures shall be performed in a dedicated enclosed workroom that is used for no other purpose at that time.
- (2) Adequate surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.
- (3) Both oral and written aftercare shall be given to the client prior to beginning any scarification procedure.
- (4) All marking instruments and stencils shall be single use and disposable.

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- (5) A scarification artist shall wear disposable eye and respiratory protection as well as an adequate hair restraint at all times while performing the scarification procedure.
- (6) All scarification instruments shall be individually prepackaged and pre-sterilized by the manufacturer and handled in a manner to avoid compromising sterility.
- (7) A scarification artist shall wear sterile individually prepackaged gloves during the scarification procedure. A new pair of sterile gloves shall be worn for each scarification procedure. If the scarification artists must stop the procedure to conduct other tasks, the artist must wash his or her hands according to 36(e)(1)(B) and put on a new pair of sterile gloves.
- (8) A client's skin must be thoroughly cleaned with soap and water, rinsed and swabbed with an antiseptic solution prior to a scarification procedure.
- (9) If the area in which the procedure is to be performed requires shaving, it shall be done with a single use, disposable razor.
- (10) After the procedure is complete, the area shall be washed and a nonstick bandage applied.
- (11) All scarification implements used to break or cut the skin shall be regarded as sharps and must be single use and disposed of in compliance with the Rules Pertaining to The Management of Medical Waste from Generators and Health Care Related Facilities.
- (12) Surface barriers used during scarification procedures shall be considered medical waste and disposed of accordingly after each procedure.

315. Treatment And Disposal Of Infectious Waste

- (a) Treatment and disposal of infectious waste including sharps shall conform to Act 96 of 1913 as amended and Act 41 of 1992 and the Rules Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

316. Related Rules

- (a) All body art establishments shall comply with all appropriate state laws, rules, including but not limited to the following:
- (b) Arkansas Department of Health Rules Pertaining to General Sanitation.
- (c) Act 402 of 1977, as amended, and the Rules Pertaining to Onsite Wastewater Systems.
- (d) Arkansas Department of Health Rules Pertaining to Public Water Systems.
- (e) Arkansas Plumbing Code.
- (f) The Rules Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

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- (g) The Rules Pertaining to the Control of Communicable Diseases.
- (h) The Arkansas Gas Codes.
- (i) The Arkansas Mechanical Code.

317. Penalty

- (a) Every firm, person, or corporation violating any of the provisions of these Rules shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § 20-27-1512.).
- (b) Additional civil penalties and fines shall be enforced in accordance with Ark. Code Ann. § 20-58-12, Ark. Code Ann. § 20-7-101 and Ark. Code Ann. § 20-27-1501 et. seq.
- (c) Any penalty will be in addition to other remedies available to the Department, including suspension or revocation of license and civil penalties.

400. FEES

401. Fees For Cosmetology

The following fees shall apply as authorized under A.C.A. 17-26-209(a). All fees are non-refundable upon submission:

- (a) Enrollment into a school of cosmetology or postsecondary school of cosmetology \$20.00
- (b) Examination for licensing
 - (1) First-time candidate
 - (A) Practical (Payable to School) not to exceed \$65.00
 - (2) Retest candidate
 - (A) Practical (Payable to School) not to exceed \$65.00
 - (B) Reciprocity candidate that has not taken a written. and practical exam
 - (C) Transfer fee \$50.00 one-time fee
 - (D) Practical (Payable to School) not to exceed \$65.00
- (c) Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license \$50.00 biennially

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- (d) Reciprocity for a cosmetology, manicure, aesthetics, electrolysis or instructor license when the licensee is duly registered in another state \$50.00 one-time fee
- (e) New establishment or mobile salon \$ 100.00 one-time fee
- (f) Renewal of an establishment or mobile salon\$50.00 annually
- (g) Relocation of establishment \$50.00 one-time fee
- (h) New school of cosmetology or postsecondary school of cosmetology .. \$1000.00 one-time fee
- (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 \$100.00 one-time fee
- (k) Name and/or ownership change of an establishment or mobile salon..... \$25.00 each
- (l) Duplicate license \$10.00 per license
- (m) Certification of Department records \$10.00 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 or mobile salon 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 55 years or older and has been actively engaged in the practice or teaching of cosmetology for twenty (20) years or more. \$50.00 for first license; requests for second subsequent copy must pay duplicate license fee of \$10.00 per licenser.
- (r) Hot check fee, plus, all applicable bank fees, for each returned check\$25 service charge

402. Fees For Body Art

- (a) Initial/Renewal of a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license Annually\$100.00
- (b) Examination for tattoo, body piercing, permanent cosmetic, branding, scarification or instructor artist
 - (1) First-time candidate and retest candidates

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- (c) Practical and Written Examinations\$50.00
- (d) Reinstatement fee for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license will apply for licenses that are renewed within ninety (90) days of expiration One-time fee\$100.00
- (e) Reinstatement fee for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license will apply for licenses that are expired (not renewed within ninety (90) days of expiration) One-time fee\$100.00
- (f) Reciprocity for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license when the licensee is duly licensed in another state One-time fee\$500.00
- (g) New body art establishment One-time fee\$150.00
- (h) Renewal of a body art establishment Annually\$150.00
- (i) Reinstatement for a body art establishment license will apply for licenses that are expired (not renewed after ninety (90) days of expiration) are considered a new establishment and must apply for a new license One-time fee\$150.00
- (j) New Body Art institution One-time fee\$850.00
- (k) Renewal of Body Art institution Annually\$150.00
- (l) Host for an event for education purposes (not to exceed \$2000.00) Per Artist\$50.00
- (m) Guest Artist for event for education purposes Per license\$50.00
- (n) Hot check fee, plus, all applicable bank fees, for each returned check\$25 service charge

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

CERTIFICATION

This will certify that the Rules for Cosmetology and Body Art 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 ____ day of -_____, 2024.

Dr. Jennifer Dillaha
Secretary of Board of Health
Director of the Department of Health

ARKANSAS STATE BOARD OF HEALTH

Rules for Cosmetology and Body Art in Arkansas



~~Adopted 1965~~

~~Amended 1974, 1975, 1976, 1978, 1980, 1981, 1985, 1987, 1991, 2006, 2007, 2008, 2016, 2019~~

~~Issued by~~

ARKANSAS STATE BOARD OF HEALTH

Renee Mallory RN, BSN,
Secretary of Health

Jennifer Dillaha, MD
Director and State Health Officer

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

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100. GENERAL PROVISIONS

~~101.~~ ~~RULE NO. 1~~

~~102.~~ ~~COSMETOLOGY SECTION~~

~~103.~~ 101. ~~(1.1)~~ **Authority**

The following Rules for Cosmetology and Body Art in Arkansas were duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by ~~the Act 96 of 1913, the~~ Cosmetology Act, ~~Ark. Code Ann. §17-26-101, et seq., and Ark. Code Ann. §17-26-601, et seq.,~~ and other applicable laws of the ~~State of Arkansas.~~

~~104.~~ 102. ~~(1.2)~~ **Purpose**

(a) These Rules are prepared for the purpose of establishing standards to:

(1) ~~(1)~~ Regulate the vocation of cosmetology and its related occupations, specifically manicuring, aesthetics, and electrology;

(2) ~~(2)~~ to provide for the licensing of persons to carry on and to teach such cosmetology and its related vocations; and

(3) ~~(3)~~ to regulate the conduct and sanitation of cosmetology establishments, mobile salons, schools of cosmetology, and postsecondary schools of cosmetology or body art institutions so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof; and,

(4) Protect the health of the citizens of Arkansas by establishing criteria for the application of body art, require licensing of artist and establishments, and require inspections of such establishments.

103. Applicability of Rules

(a) These Rules are not applicable to any cosmetology or body art establishment under the control or direction of a duly licensed physician nor do they apply to licensed medical hospitals and similarly licensed medical institutions.

104. Prohibitions

(a) Performing services prohibited under these Rules shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.

(b) No person having charge of a cosmetological or body art establishment, school of cosmetology, body art institution, whether as an owner or an employee, shall permit any room or part thereof in which any of the branches or practices of cosmetology or body art are conducted, practiced, or taught to be used for sleeping, for residential purposes, or for any other purpose that would tend to make the room unsanitary.

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- (c) A cosmetological or body art establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.
- (d) Carpet or decorative rugs are not allowed in service areas within an establishment where hair services are being performed.
- (e) No person except a duly licensed physician shall engage in the practice of body art or act as a body artist unless he or she holds a body art license issued by the Department.
- (f) Permanent Cosmetics shall not be performed with a coil machine. Any procedures must be completed with a digital or rotary machine.

105. Enforcement of Rules

- (a) An establishment owner, mobile salon owner, school owner or postsecondary school owner and the person in charge of any such establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, body art institution shall be liable for implementing and maintaining these Rules in the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology postsecondary school, body art institution. This shall be done individually and jointly with all persons employed by or working in or on the premises of such establishment, mobile salon, school, training facility or postsecondary school or institution. All practitioners, schools, institutions, establishments and mobile salon owners, and students shall be held individually liable for implementation and maintenance of the Rules as applicable.
- (b) All persons performing acts of cosmetology and its related branches, or body art and its related branches, except students in schools of cosmetology or postsecondary schools of cosmetology, body art institution shall present satisfactory proof of identification upon request by an authorized representative of the Department. All persons working in an establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology, body art institution 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.
- (c) Conducting or operating a school of cosmetology, a postsecondary school of cosmetology, body art institution, establishment or mobile salon without a current, valid license shall be grounds for disciplinary action.
- (d) Allowing a person to engage in or attempt to engage in the occupation of cosmetology and its related branches or body art and its related branches in or about an establishment or mobile salon or allowing a person to engage in or about a school of cosmetology or a postsecondary school of cosmetology, body art institution without a current valid Arkansas license shall be grounds for disciplinary action.
- (e) Performing acts of cosmetology or body art or attempting to perform acts of cosmetology or body art, for compensation in any form, without a current, valid Arkansas license shall be grounds for disciplinary action.

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106. Access for Enforcement of Rules

- (a) To assure compliance with the laws and rules governing the operations of school of cosmetology, postsecondary school of cosmetology, body art institution and establishment, the Department's authorized representatives shall have access to enter any and all parts of the premises of any school of cosmetology, postsecondary school of cosmetology, body art institution or establishment, at any time that the school, postsecondary school, body art institution or establishment is open for business or at any time that the instruction or practice of cosmetology and its related branches or body art and its related branches, is being conducted for the purpose of making inspections to determine compliance with these rules.
 - (1) The Department shall also be permitted access to all required records.
 - (2) To assure compliance with the laws and rules governing the operations of mobile salons, the Department's authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department's representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only.
- (b) Refusal to permit or interference with an inspection and/or audit constitutes a cause for disciplinary action.

107. Authorization by the Department

- (a) Any person, firm, or corporation desiring to open a cosmetology or body art establishment or mobile salon shall submit an application for licensure to the Department for approval.
- (b) Any person, firm or corporation who has applied for a license to operate a cosmetology or body art establishment or mobile salon will receive a license allowing the owner to operate the establishment or mobile salon upon approval by the Cosmetology Technical Advisory Committee. The license shall be conspicuously posted in the establishment or mobile salon.
- (c) Any person, firm or corporation conducting or operating a cosmetology or body art establishment or mobile salon 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.
- (d) Any person, firm or corporation conducting or operating a school of cosmetology, a postsecondary school of cosmetology, -or body art institution shall be required to obtain a current license prior to operating. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.
- (e) An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a Postsecondary School of Cosmetology., The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.

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108. Consumer Information

- (a) A copy of the most recent inspection sheet shall be conspicuously posted in a designated place in reception area, at individual workstations or in clinic area.
- (b) All establishments, mobile salons and schools of cosmetology, postsecondary schools of cosmetology licenses, body art institution, practitioners' licenses, artists' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual workstations, or in the clinic area.
- (c) 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, any of its branches, body art, or any of its branches.
- (d) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology or Body Art shall be posted in a designated place in reception area, at individual workstations or in clinic area.

109. ~~(1.3)~~ Investigations, Hearings, or Inspections

- (a) ~~(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 or mobile salon at any time during business hours.~~
 - (1) Cosmetology and body art establishments, ~~and~~ mobile salons, and body art institutions 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.
 - (2) The ~~inspectors~~ inspections shall include, but not be limited to, the following:
 - (A) ~~examine~~ examination of licenses;
 - (B) review of each artist's record book, and any client and appointments records, as applicable;
 - (C) ~~inspect~~ inspection of buildings and equipment;
 - (D) report of violations of the law or rules;
 - (E) ~~investigate~~ investigation of complaints; ~~and,~~
 - (A)(F) ~~perform~~ initial inspections of new ~~cosmetology~~ establishments.
- (b) ~~(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

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be made in writing to the Department and must be made within thirty (30) days of receipt of ~~final~~ Department action.

(1) ~~(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) ~~(2)~~ Except as provided in 19(b)(2)(A) ~~subdivision B.2.a.~~ of this rule, a hearing attended by two (2) or more members of the committee is a meeting.

(A) ~~(a)~~ A final order issued by the Cosmetology Technical Advisory Committee shall not be imposed by fewer than three (3) members.

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

(c) Temporary Closure of Body Art Establishment or Institution

(1) If it is determined upon inspection that any body art establishment is being maintained in violation of the critical items for closure enumerated under Section 312, or such violation of these Rules poses an imminent threat to public health, safety or welfare, such establishment shall be closed until:

(A) the establishment or institution has corrected the violation and is in compliance with the rules; and,

(B) the Department has granted the establishment permission to reopen or it is determined, in a fair hearing under the Arkansas Administrative Procedures Act, that the facility should be reopened.

(d) Emergency Order of Suspension

(1) Upon written notice, the Department may suspend any artist, practitioner, or establishment license by emergency order if the Department finds that public health, safety, or welfare imperatively requires immediate suspension, in accordance with the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-211.

(A) The emergency order of suspension must be reviewed by the Cosmetology Technical Advisory Committee and the licensee granted an administrative hearing to determine whether the suspension should continue or whether the license should be revoked.

(2) The artist, practitioner, or establishment may appeal such suspension or revocation as provided for by the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

110. Complaint Policy

(a) Complaints against a person, establishment, mobile salon, school of cosmetology, body art institution, postsecondary school of cosmetology shall be reviewed as follows:

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- (1) Any person may file a complaint against any of the following: a person, establishment, mobile salon, school of cosmetology, body art institution or postsecondary school of cosmetology, licensed by the Department on any of the grounds for disciplinary action provided in Ark. Code Ann. §17-26-101, et seq.
- (2) Official complaints must be made in writing within ninety (90) days from the date of infraction.
 - (A) 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, body art institution, or postsecondary school of cosmetology within ninety (90) days after the Certificate of Training form is submitted to the Department by the school.
 - (B) Any complaint solely limited to the terms of the contract between the student and the school of cosmetology, body art institution, or postsecondary school of cosmetology are not within the jurisdiction of these rules and the Cosmetology Technical Advisory Committee.
- (3) Complaints against a licensee will be provided a hearing by the Cosmetology Technical Advisory Committee.
 - (A) Any licensee for whom disciplinary action is imposed by the Cosmetology Technical Advisory Committee may appeal the administrative action to the State Board of Health, pursuant to the Arkansas Administrative Procedure Act.

~~— Any disciplinary action taken under §17-26-105 (10) the Cosmetology Act may be waived as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.~~

106.111. Location

The office of the Cosmetology, Massage Therapy, and Body Art 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 501-682-2168 or by emailing the Section at Cosmo@arkansas.gov and for Body Art by calling 501-661-2171 or emailing adh.bodyart@arkansas.gov. Information may also be obtained by accessing the Department's Website at healthy.arkansas.gov.

112. Changes and Notification Requirements

- (a) Name Change – When the name of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution 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, mobile salon, school, or institution will be grounds for disciplinary action.

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- (b) Ownership Change – When the ownership of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution 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 Section within thirty (30) days of said sale or transfer.
- (1) At the same time, the new owner, lessee or other legally responsible party shall submit the required fee.
- (2) The new owner shall submit a copy of his or her driver's license, and a copy of the legal change of ownership document.
- (3) Failure to comply with this section shall be grounds for disciplinary action.
- (c) Relocation – When the location of a licensed cosmetology or body art establishment, mobile salon, cosmetology (secondary or post-secondary) school, or body art institution is changed, it shall be classified as a new establishment, mobile salon, school, or institution and said owner shall comply with the licensing code and rules relating to the original issuance of an establishment license.
- (d) Instructor Change – When the school or institution supervisor or any instructor of a school of cosmetology, postsecondary school of cosmetology, or body art institution is changed from the original application the school or institution must submit to the Department, within twenty-four (24) hours, a new supervisor/instructor form with the updated information pertaining to the supervisor and/or the instructor. Failure to comply with this section will be grounds for disciplinary action.

113. Automatic Occupational Licensure for Out-of-State Applicants under Act 457 of 2023

- (a) An applicant shall be eligible for automatic occupational licensure if:
- (1) The applicant is either:
- (A) in good standing for at least one (1) year for a cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor license with similar scope of practice issued by another state, territory, or district of the United States; or,
- (B) has worked for at least three (3) years in the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor in another state, territory, or district of the United States that does not use cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure to regulate the cosmetology or body art occupation for which the applicant is applying;
- (2) The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure;

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- (3) The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure was granted;
- (4) The applicant passes an examination specific to relevant state laws that regulate the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor occupation; and,
- (b) The Department of Health may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor occupation if the Department finds that:
 - (1) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and,
 - (2) A waiver by the Department will not harm public health, safety, or welfare.
- (c) Upon the applicant being granted automatic occupational licensure, the applicant shall:
 - (1) Meet all other cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure requirements; and,
 - (2) Meet all renewal requirements of the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure, including, without limitation, a criminal background check and continuing education hours.

114. Automatic Military Licensure under Act 137 of 2023 and Act 135 of 2021

(a) Applicability

(1) This Rule applies to a:

(A) uniformed service member stationed in the State of Arkansas;

(B) uniformed service veteran who resides in or establishes residency in the State of Arkansas; and,

(C) The spouse of (1) or (2) including a:

(i) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;

(ii) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(b) Automatic Licensure

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(1) Automatic Licensure shall be granted to persons listed in section 2 (a) if:

(A) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;

(B) The person pays the licensure fee in 400.

(c) Credit toward initial licensure

(1) Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

(d) Expiration Dates and Continuing Education

(1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) A uniformed service member or spouse shall be exempt from continuing education requirements for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or grant of a subsequent license.

115. Temporary License:

(a) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under 202.

(b) The temporary license shall be effective for 160 days or, unless the Department determines that, the applicant does not meet the requirements in Sections 204 and 305, in which case the temporary license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.

116. Fee Waiver under Act 725 of 2021

(a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:

(1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the

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Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

(2) Were approved for unemployment within the last twelve (12) months; or

(3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

(1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

(2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

(3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

(c) Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

~~107. (1.5) Fees~~

~~The following fees shall apply as authorized under A.C.A. 17-26-209(a). All fees are non-refundable upon submission:~~

~~(a) a. Enrollment into a school of cosmetology or postsecondary school of cosmetology \$20.00~~

~~(b) b. Examination for licensing~~

~~(1) 1) First time candidate~~

~~(A) i. Practical (Payable to School) not to exceed \$65.00~~

~~(2) ii. Written \$60.00 2) Retest candidate~~

~~(A) i. Practical (Payable to School) not to exceed \$65.00~~

~~(B) ii. Written \$60.00~~

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

~~(A) i. State Law \$60.00~~

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

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- ~~(A) i. Transfer fee—\$6550.00 one-time fee~~
- ~~(B) ii. Practical (Payable to School)—not to exceed \$65.00~~
- ~~(C) iii Written—\$60.00~~
- ~~(c) c. Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license \$50.00 biennially~~
- ~~(d) d. Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when the licensee is duly registered in another state \$50.00 one-time fee~~
- ~~(e) e. New establishment or mobile salon \$100.00 one-time fee~~
- ~~(f) f. Renewal of an establishment or mobile salon \$50.00 annually~~
- ~~(g) g. Relocation of establishment \$50.00 one-time fee~~
- ~~(h) h. New school of cosmetology or postsecondary school of cosmetology \$1000.00 one-time fee~~
- ~~(i) i. Renewal of a school of cosmetology or postsecondary school of cosmetology \$250.00 annually~~
- ~~(j) j. Change of name and/or ownership of a school or postsecondary school \$100.00 one-time fee~~
- ~~(k) k. Name and/or ownership change of an establishment or mobile salon \$25.00 each~~
- ~~(l) l. Duplicate license \$10.00 per license~~
- ~~(m) m. Certification of Department records \$10.00 per license~~
- ~~(n) 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) o. Reinstatement fee for an establishment or mobile salon license will apply for licenses not renewed within thirty (30) days following the expiration date 50% of renewal~~
- ~~(p) 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) 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 for second subsequent copy must pay duplicate license fee of \$10.00 per licenser.~~

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200. ~~r. Hot check fee — \$25 service charge, plus, all applicable bank fees, for each returned check~~ RULES FOR COSMETOLOGY AND RELATED BRANCHES

~~201. — RULE NO. 2~~

~~202.~~ 201. Definitions For Cosmetology And Related Branches

(a) ~~(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.

(b) ~~(2.2)~~ Art of Cosmetology

The Art of Cosmetology includes any and all and any combination of the following practices:

- (1) ~~Arranging~~ Chemically treating, dressing, curling, waving, machine-less permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hairpieces;
- (2) ~~(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;
- (3) Beautifying the body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;
- (4) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;
- (5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person; and
- (6) Massaging, cleansing, or beautifying the nails of any person.

~~(c) (2.3) Board~~

~~(d) The Arkansas State Board of Health.~~

(c) Automatic Licensure (for Uniformed Service Members, Veterans, and Spouses)

~~g~~ Granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(d) Automatic Occupational Licensure (under Act 457 of 2023)

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†The granting of occupational licensure to an applicant who establishes residency in this state without the individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

(e) ~~(2.4)~~ Certified hours-

Cosmetology, Manicure, Aesthetic, Electrology, or Instructor hours which have been earned and recorded with the Department in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.

(f) ~~(2.5)~~ Clean

Removal of visible debris through use of soap/detergent and water or a chemical cleaner.

(g) ~~(2.6)~~ Client

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

(h) ~~(2.7)~~ Cosmetology Establishment

A premise, building, part of a building, or mobile salon 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.~~ Ark. Code Ann. §-20-10-1401.

(i) ~~(2.8)~~ Cosmetology Services

Any work performed for compensation in any form by any person who is engaged in the Art of Cosmetology.

(j) ~~(2.9)~~ Cosmetology Technical Advisory Committee

The Cosmetology Technical Advisory Committee is an eleven-~~seven~~-member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions.

(k) ~~(2.10)~~ Cosmetic

Any product made for beautifying the -body.

~~(l) (2.11) Department~~

~~The Arkansas Department of Health.~~

~~(m)(1) (2.12)~~ 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.

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~~(n)~~(m) ~~(2.13)~~ Disinfectant

EPA registered disinfectant that is bactericidal, virucidal, and fungicidal.

~~(e)~~(n) ~~(2.14)~~ Domestic violence and sexual assault awareness training

- (1) ~~(a)~~ A one (1) hour training course in domestic violence and sexual assault awareness
- (2) ~~(b)~~ The training course materials are provided by the Department of Health and incorporated into the curriculum for cosmetology and its branches.
- (3) ~~(c)~~ Certificates of training shall contain proof of domestic violence and sexual assault ~~(c)~~ training.

~~(p)~~(o) ~~(2.15)~~ 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.

~~(q)~~(p) ~~(2.16)~~ EPA

The United States Environmental Protection Agency.

~~(r)~~(q) ~~(2.17)~~ Establishment or Mobile Salon Owner

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

~~(s)~~(r) ~~(2.18)~~ Manager-Operator

A licensed cosmetologist who is authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment or mobile salon.

~~(t)~~(s) ~~(2.19)~~ 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.

~~(u)~~(t) ~~(2.20)~~ Mobile Salon

A self-contained, self-supporting, enclosed unit that;

- (1) ~~(a)~~ Is at least twenty-four-feet (24') in length;

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- (2) ~~——(b)——~~ May be transported from one location to another;
- (3) ~~——(e)——~~ Has a base location at the home, salon or office of the owner of the mobile salon;
- (4) ~~(d)~~ Is licensed as a cosmetology establishment for the practice of a branch or a combination of branches of cosmetology or the occupation of a cosmetologist licensed by the Department; and
- (5) ~~——(e)——~~ Complies with rules established by the Department.

~~(v)~~(u) ~~——(2.21)——~~ 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.

~~(w)~~(v) ~~(2.22)~~ Practitioner

Any person who is licensed by the Department as a Cosmetologist, Electrologist, Manicurist, Instructor, or Aesthetician.

~~(x)~~(w) ~~(2.23)~~ 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.

(x) Registered hairstylist

An individual who is registered with the Department and who only provides washing, cleansing, drying, blow drying, combing, brushing, or styling services for the hair of any person for compensation, but does not provide other services under the art of cosmetology as described in Section 21(b), and may provide services for compensation only in a licensed cosmetology establishment directly supervised by a licensed cosmetologist who is available to address health and safety issues that may arise in providing services to a consumer, but excludes an individual who only cleanses the hair of any person for compensation.

(y) ~~(2.25)~~ 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.

(z) ~~(2.26)~~ 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.

~~(aa)——(2.27) Section~~

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~~The Section of Cosmetology within the Arkansas Department of Health.~~

~~(bb)(aa)~~ (2.28) Sterilize

Destruction of all microbial life through proper use of an autoclave.

~~(ee)(bb)~~ (2.29) 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.

(cc) Uniformed service member

aAn active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(dd) Uniformed service veteran

~~a~~A former member of the United States uniformed services discharged under conditions other than dishonorable.

~~(dd)(ee)~~ (2.30) Working area or Clinical area

Any area that is used to render cosmetology services to the public.

203.202. Required Licensure to Practice or Teach Cosmetology or Related Branches

~~(a) RULE NO. 3~~

~~(b) REQUIREMENTS FOR COSMETOLOGY AND RELATED OCCUPATIONS~~

~~(e)(a)~~ (3.1) Establishment or Mobile Salon

Any person, firm or corporation conducting or operating a —cosmetology establishment or mobile salon 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~~Board of Health.

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

(2) Any person, firm or corporation who has applied for a license to operate a cosmetology establishment or mobile salon will receive a license allowing the owner to operate the establishment or mobile salon, The license shall be conspicuously posted in the establishment or mobile salon.

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~~(d)(b)~~ ~~(B)~~ ~~(3.2)~~ School of Cosmetology or Postsecondary School of Cosmetology

- (1) ~~(A)~~ 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~~ Board of Health.
- (2) ~~(B)~~ An institution wishing to teach both secondary and post-secondary students shall obtain both a license for a School of Cosmetology and a license for a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.

~~(e)(c)~~ ~~(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~~ Department of Health, nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed cosmetology establishment or mobile salon 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.

(d) The following requirements must be completed before any individual shall receive a cosmetology and related branch license:

- (1) The applicant must complete an approved school of cosmetology or postsecondary school of cosmetology as set forth by the Department. Student shall train in a licensed school of cosmetology or postsecondary school of cosmetology under a currently licensed instructor who has been licensed and operating in compliance with the rules in the State of Arkansas; and,
- (2) At the end of the required training period, the applicant must successfully complete and pass a written examination approved by the Department and complete and pass a practical examination developed and approved by the Department, each administered by a licensed school of cosmetology or postsecondary school of cosmetology.

(e) An individual who only provides washing, cleansing, drying, blow drying, combing, brushing, or styling services for the hair of any person for compensation only in a licensed cosmetology establishment and under the supervision of a licensed cosmetologist who is available to address health and safety issues that may arise in the individual providing services to a person, but does not provide other services under the art of cosmetology as described in Rule 21(b), may register as a Registered Hairstylist with the Department to provide services for compensation.

- (1) An individual who only cleanses the hair of any person for compensation does not meet the definition of a hairstylist for this Section and is not required to register with the Department.

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(2) A licensed cosmetologist must supervise directly within the establishment's immediate service area.

(f) License Revocation

(1) 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.

~~204.~~ RULE NO. 4

~~205,203.~~ Examinations

(a) Any person who has acquired any of the following training is required to take the written and practical examinations:

(1) cosmetology, manicuring, aesthetics, or instructor-training as stipulated in Ark. Code Ann. §17-26-304;

(2) electrology as stipulated in Ark. Code Ann. §17-26-306; or

(3) electrology instructor-training as stipulated in Ark. Code Ann. §17-26-307.

(b) Any person who owes a financial obligation to the Department of Health will be deemed ineligible to examine until the debt is paid in full.

(c) 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 each of the written and practical examinations.

~~(a)(d) (4.1)~~ Written

~~(1) Any person who has acquired training in cosmetology, manicuring, aesthetics, or instructor 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, or any person who has acquired training in Electrology Instructor as stipulated in A.C.A. 17-26-307 is required to take the examination. Any person who owes a financial obligation to the Department will be deemed ineligible to examine until the debt is paid in full.~~

~~(2)(1)~~ ~~(A)~~ If the training was provided in this state:

~~(A)~~ ~~(1)~~ Completed training: The School of cosmetology or postsecondary school of cosmetology is responsible for submitting a Certificate of Training Graduated form to the Department of Health confirming the completion of hours.

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(B) ~~(2)~~ Partial training currently enrolled – The school of cosmetology or postsecondary school of cosmetology is ~~responsible~~ for submitting early testing-examination form.

(2) 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.

~~(3) — 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 the written examination.~~

~~(b) (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.~~

~~(e) (C) Reciprocity~~

~~(d) (e) (4.2) Practical Examination~~:-

(1) Schools of Cosmetology or Postsecondary Schools of Cosmetology shall administer the official Arkansas practical licensing examination that has been developed by the Department of Health and shall:

(A) which shall include use of utilize the official (grading, scoring, and rating) document;

(B) be scheduled Monday – Friday during regular business hours;

(C) be proctored in accordance with the National Interstate Council of Boards of Cosmetology guidelines, including allotted time allowed for each section of the practical examination; and,

~~(A) (D) be observed for compliance once a year by a cosmetology inspector or a representative from the Cosmetology Section.~~

(2) Supply List and Allotted Time:

— A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list.

~~(A) Schools will determine allotted time for the examination.~~

~~(e) (f) (4.3) General Policies and Procedures~~

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- (1) ~~(A)~~ The Section and/or any designated testing provider will establish cancellation policies, interpreter policies, and supply requirements 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) for the written examination will be posted on the Department's website and, if appropriate, on the website of the designated testing provider responsible for administering examinations.

~~(f) (B) Supply List and Allotted Time:~~

~~(g) A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list.~~

~~(h) Schools will determine allotted time for the examination.~~

~~(i)(g) (4.4) Grades~~

A passing grade of seventy-five (75) is required in the practical examination and a grade of seventy (70) is required in the written examination 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.

~~206. License Revocation (a) 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. 5~~

~~207.~~204. Reciprocity And Military Licensure for Cosmetology and Related Branches

- (a) ~~(A)~~ Upon application to the Department in the form provided for the particular class of license applied for, accompanied by the required fee application shall expire after one year), 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;

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

~~(3)(4) That~~ the applicant passes an Arkansas law examination under this chapter.

(b) ~~(B)~~ A person who has completed ~~1500~~ the required hours for the license for which the applicant applied under the laws of another state shall be eligible for examination upon the followings 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 ~~Completed~~ hours ~~evidenced~~ received from a licensed school of cosmetology or postsecondary school of cosmetology and evidenced by certified copy of training and an affidavit received directly from ~~the other state~~ the applicable licensing entity or by such other evidence as the Department may require;

(3) Passes a written and practical examination.

(c) ~~(C)~~ A person that has completed partial hours under the laws of another state shall be eligible for examination under upon the followings 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) Partial hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require;

(3) Completes the required ~~1500~~ hours required under the rules of the Department for the licensed for which the applicant applied; and,

(4) Passes a written and practical examination.

~~(4)(5)~~ 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.

208. ~~(D) Temporary License:~~

209. ~~The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under (A) (1), (2), and (3).~~

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210. ~~(2) The temporary license shall be effective for 160 days or, unless the Department determines that, the applicant does not meet the requirements in Reciprocity sections (A) (1), through (4), in which case the temporary license shall be immediately revoked.~~
211. ~~(3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.~~
212. ~~(E) Military Automatic Licensure:~~
213. ~~As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~
214. ~~As used in the subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.~~
215. ~~Upon application active duty military personal stationed in the State of Arkansas, a returning military veteran applying within one (1) year of his or her discharge from active duty or a spouse of an active duty military personal or veteran shall be granted automatic licensure to practice cosmetology and its branches under the following requirements:~~
216. ~~Payment of the initial licensure fee~~
217. ~~Evidence that the individual holds a substantially equivalent license in another state: and~~
218. ~~(3) Evidence that the applicant is a qualified applicant, by submitting a certified copy of the license and an affidavit from the other state stating the license is in good standing.~~
219. ~~(F) License for person from a state that does not license profession under Act 1011 of 2019.~~
220. ~~(1) Required Qualifications. An applicant from a state that does not license cosmetologists, electrologists, manicurists, aestheticians or instructors shall meet the following requirements:~~
221. ~~a. The applicant shall be sufficiently competent in the applicable occupation and~~
222. ~~b. Meet the same application and licensure requirements as any other applicant under these rules.~~
223. ~~RULE NO. 6~~

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224.205. Requirements For Cosmetology Schools Of Cosmetology, Postsecondary Schools Of Cosmetology, Establishments And Mobile Salons.

~~(a) (6.1) Health and Safety Rules~~

~~(1) ——— (A) Enforcement~~

~~(A)(1) An establishment owner, mobile salon owner, school owner or postsecondary school owner and the person in charge of any such establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, shall be liable for implementing and maintaining the Health and Safety Rules in the establishment, mobile salon, 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, mobile salon, school or postsecondary school. All practitioners, school, postsecondary school, establishment and mobile salon owners, and students shall be held individually liable for implementation and maintenance of the Health and Safety Rules as applicable.~~

~~——— (2) Compliance~~

~~(B) (A) 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.~~

~~(C)~~

~~——— (B) To assure compliance with the laws and rules governing the operations of mobile salons, the Department's authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department's representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only.~~

~~(2) (3) Refusal to permit or interference with, an inspection and/or audit constitutes a cause for disciplinary action.~~

~~(3) (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, mobile salon, 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.~~

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~~(4) (5) Conducting or operating a school of cosmetology, a postsecondary school of cosmetology establishment or mobile salon without a current, valid license shall be grounds for disciplinary action.~~

~~(5) (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 mobile salon 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.~~

~~(6) (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) (B) Consumer Information.~~

~~(1) (1) A copy of the most recent inspection sheet shall be conspicuously posted in a designated place in reception area, at individual work stationsworkstations or in clinic area.~~

~~(2) (2) All establishments, mobile salons 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 stationsworkstations, or in the clinic area.~~

~~(3) (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.~~

~~(4) (4) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in reception area, at individual work stationsworkstations or in clinic area.~~

~~(c) (C) Physical Facilities~~

(1) Water Supply and Sewage – A ~~safe and adequate~~ supply of continuous hot and cold running water shall be provided to accommodate all services performed throughout the workday and shall be installed in accordance with the Arkansas State Plumbing Code 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) 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.

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- (3) Hand Washing Facilities – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon 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.
- (4) 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, establishment or mobile salon 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.
- (5) Insect and Rodent Control – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
- (6) Cleanliness and Repair – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall keep the floors, mats, and fixtures clean and in good repair.
- ~~(6)~~(7) Flooring – Floors and floor covering 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.
- ~~(7)~~(8) Lighting – Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area or clinical area.
- ~~(8)~~(9) Ventilation – Each school of cosmetology, each postsecondary school of cosmetology, each establishment and each mobile salon shall be free of excessive heat, steam, condensation, vapors, smoke and harmful fumes and shall meet the HVAC requirements under the Mechanical Code, as adopted by the HVACR Licensing Board, through the Arkansas Department of Health.
- ~~(9)~~(10) Minimum Equipment – Each school of cosmetology, postsecondary school of cosmetology establishment and each mobile salon shall have and maintain the following minimum equipment:
- (A) ~~(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; 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; and.

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(B) ~~(b)~~ All soiled linens must be in a separate vented receptacle from clean ones.

~~(10)~~(11) ~~(10)~~ Animals in Schools of cosmetology, postsecondary schools of cosmetology, Establishments and Mobile Salons– Animals are prohibited from being inside school of cosmetology, a postsecondary school of cosmetology, establishments or mobile salons. Exceptions include:

(A) ~~(a)~~ Service animals that are accompanying a client with a disability. In the event that an authorized Department representative observes an establishment owner's, mobile salon owner's, school of cosmetology owner's, postsecondary school of cosmetology owner's, or client's animal within the premises of the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, then the establishment, mobile salon, school of 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) ~~(b)~~ Fish in a decorative aquarium.

~~(11)~~(12) ~~(11)~~ Infectious or Communicable Disease

(A) ~~(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, in an establishment or in a mobile salon.

(B) ~~(b)~~ No school of cosmetology, postsecondary school of cosmetology, establishment or mobile salon 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.

~~(12)~~(13) Personal Cleanliness

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

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

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~~(13)~~(14) Shampoo Bowls, Treatment Tables, Pedicure Spas and Waxing Equipment and Supplies

- (A) ~~(a)~~ Headrests – The headrest of chairs shall be kept clean.
- (B) ~~(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) ~~(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) ~~(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).

(i) After each client or service:

- (a) ~~(1)~~ Drain the tub.
- (b) ~~(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.
- (c) ~~(3)~~ Fill the tub with water.

~~(A)(a)~~ Add appropriate disinfectant into the water according to the following:

~~(B)(A)~~ ~~(i)~~ At Minimum, use an EPA registered, bactericidal, virucidal and fungicidal, add a disinfectant that is mixed and used according to the manufacturer's directions, EXCEPT TUBS THAT HAVE COME IN CONTACT WITH BLOOD OR BODY FLUIDS.

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

~~(D)(C)~~ ~~(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.

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

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(A) ~~(a)~~ Scrub with a brush and soap or detergent until free from debris, and
rinse.

~~(B)(b) Rinse.~~

~~(C)(B) (c)~~ Completely immerse in an EPA registered, bactericidal,
virucidal, and fungicidal disinfectant that is mixed and used according
to the manufacturer's directions, rinse, and air dry.

~~(e) (d) Rinse.~~

~~(f) (e) Air dry.~~

~~(g)(c) (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.

~~(E) 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 that is mixed and used according to the
manufacturer's directions, stored as in number 5 above.~~

(E) (e) Waxing Equipment and Supplies:-

(i) Wax heater/pots shall be kept clean at all times and covered when not in use; 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.

(ii) Waxing strips, applicators and any supplies used before, during or after waxing
service, shall be stored in clean covered labeled container.

(iii) Roll-on wax applicators are not permitted, except as follows: ~~NOT PERMITTED.~~

(a) Single-use roll-on wax cartridges are acceptable but must be disposed of
immediately after service. Roll-on wax cartridges warming in a wax heater
must have an intact seal. The heating unit must be cleaned and disinfected
after each use.

~~(14)(15) (14)~~ Towels -After a towel has once been used, it shall be deposited in a
receptacle, and shall not again be used until properly cleaned. Towels and linens shall be
washed on the hot cycle and dried until hot to the touch.

~~(15)(16) (15)~~ Bottles and Containers – All bottles and containers containing any chemical
or liquids in use in a school of cosmetology, postsecondary school of cosmetology,
establishment or mobile salon shall be distinctly and correctly labeled to disclose their
contents.

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~~(16)~~(17) ~~(16)~~ 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. Exemption: freshly laundered/clean cape used for each client.

~~(17)~~(18) ~~(17)~~ Instruments and Supplies - All used porous supplies or instruments, such as but not limited to files, pumice stones, buffers, which cannot be disinfected, shall be disposed of in a waste receptacle immediately after use. Disinfectable files, pumice stones and buffers are prohibited.

~~(18)~~(19) ~~(18)~~ Electrical Instruments and Equipment:-

(A) ~~(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) ~~(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.

~~(19)~~(20) ~~(19)~~ Non-Electrical Instruments and Equipment-

(A) ~~(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) ~~(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.

(21) ~~(20)~~ Sterilizing Instruments:

(A) -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,

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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.

~~(20)~~(22) ~~(21)~~ Liquids, Creams, Powders and Other Cosmetic Preparations:

- (A) ~~(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) ~~(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) ~~(c)~~ Pencil Cosmetics and Sharpeners – Pencil cosmetics shall be sharpened before each use. Sharpener must be cleaned after each use.

~~225.~~ ~~RULE NO. 7~~

~~226.~~206. **Cosmetology Establishments And Mobile Salons Certificate Of Registration And Licensure**

~~(a) (7.1) Enforcement~~

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

~~(b) (7.2) Authorization~~

- ~~(1) (A) Application: Any person, firm, or corporation desiring to open a cosmetology establishment or mobile salon shall submit an application to the Department for approval.~~
- ~~(2) (B) Any person, firm or corporation who has applied for a license to operate a cosmetology establishment or mobile salon will receive a license allowing the owner to operate the establishment or mobile salon, The license shall be conspicuously posted in the establishment or mobile salon.~~

~~(c) (7.3) Changes and Notification Requirements~~

- ~~(1) (A) Name Change—When the name of an established establishment or mobile salon 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 or mobile salon will be grounds for disciplinary action.~~

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~~(2) (B) Ownership Change—When the ownership of an establishment or mobile salon 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.~~

~~(3) (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)~~(a) ~~(7.4)~~ General Licensure Requirements

(1) ~~(A)~~ Permits/Licensure – Selling products, in an establishment or mobile salon, 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 or mobile salon in accordance with the requirements specified below in Subdivision B.

(2) ~~(B)~~ Separation of Establishment or Mobile Salon from other businesses

(A) ~~(1)~~ Unsanitary conditions – An establishment, mobile salon 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.

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

(3) ~~(C)~~ Requirements for testing laboratory products

(A) ~~(1)~~ When laboratory-prepared products are used in a licensed cosmetology establishment or mobile salon, 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.

(B) ~~(2)~~ The establishment owner, mobile salon 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.

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- (C) ~~(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 or mobile salon owner and a copy must be given to the client or model for the records.

~~227.~~ **RULE NO. 8**

~~228.~~**207.** School of Cosmetology and Postsecondary School of Cosmetology Requirements

(a) ~~8.1~~ Application for New Private School of Cosmetology

- (1) ~~(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:

(A) ~~(1)~~ Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov;

(B) ~~(2)~~ Detailed floor plan of the proposed school showing adequate floor space;

~~(C) (3) One certified financial statement.~~ a current financial statement prepared by a certified public accountant;

(i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.

~~(+)(ii)~~ The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.

~~(C)(D) (4)~~ List of proposed equipment ~~of the school~~ to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics;

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

~~(E)(F) (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;

~~(G) (7)~~ A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1,500) hours of continuous training for all cosmetology students enrolled;

~~(F)(H)~~ If applicable, a statement certifying the owner(s) shall provide not less than six hundred (600) hours of continuous training for all manicure and esthetic students enrolled;

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~~(G)(I)~~ ~~(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.;

~~(J)~~ ~~(9)~~ Samples of all forms to be used in the school ~~such as~~ including but not limited to:

~~(i)~~ ~~(a)~~ attendance record.;

~~(ii)~~ ~~(b)~~ sign-in sheets.;

~~(iii)~~ ~~(c)~~ ~~state inspector~~ student time sheets/card.;

~~(iv)~~ ~~(d)~~ contracts, ~~releases~~.;

~~(v)~~ ~~(e)~~ ~~progress records~~ daily activity check list; ~~or~~ and

~~(vi)~~ _____, ~~(f)~~ progress cards.

~~(H)~~ ~~(K)~~ ~~(10)~~ The required registration fee. and

~~(I)~~ ~~(L)~~ ~~(11)~~ Proof that the school adopts and discloses to the students the complaint process outlined in 109 Rule 11.

~~(2)~~ ~~(B)~~ When the above information is received in full, the Department will conduct the initial inspection described in 19(a)(1) Rule 8.9.

~~(3)~~ ~~(C)~~ When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection ~~described in Rule 8.10~~.;

~~(4)~~ ~~(D)~~ License will be issued upon approval of final inspection and submission of 25 student enrollment forms, required fees and documents. ~~and licensing~~.

(b) ~~(8.2)~~ Application for New Private Postsecondary School of Cosmetology

(1) ~~(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:

(A) ~~(1)~~ Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov

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

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- ~~(C)~~ ~~(3)~~ ~~One certified financial statement.~~ A current financial statement prepared by a certified public accountant.
- (i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
- (ii) The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.
- ~~(C)~~ ~~(D)~~ ~~(4)~~ List of proposed equipment ~~of the school~~ to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
- ~~(D)~~ ~~(E)~~ ~~(5)~~ Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.
- ~~(E)~~ ~~(F)~~ ~~(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.
- ~~(G)~~ ~~(7)~~ A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1,500) hours of continuous training for all cosmetology students enrolled.
- ~~(F)~~ ~~(H)~~ If applicable, a statement certifying the owner(s) shall provide not less than six hundred (600) hours of continuous training for all manicure and esthetic students enrolled.
- ~~(G)~~ ~~(I)~~ ~~(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.
- ~~(J)~~ ~~(9)~~ Samples of all forms to be used in the school ~~such as~~ including but not limited to:
- (i) attendance record;
- (ii) sign-in sheets;
- (iii) ~~state inspector~~ student time sheets/cards;
- (iv) contracts; ~~releases;~~
- (v) ~~progress records;~~ daily activity check list; and
- ~~(H)~~ ~~(K)~~ ~~(10)~~ progress cards.
- ~~(H)~~ ~~(K)~~ ~~(10)~~ The required registration fee.

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

~~(J)(M) (12)~~ Proof that the school adopts and discloses to the students the complaint process outlined in 109 Rule 11.

(2) (B) When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1) Rule 8.9.

(3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection ~~described in Rule 8.10~~.

~~(2)(4)~~ License will be issued upon approval of final inspection submission of 25 student enrollment forms, required fees and documents, ~~and licensing~~.

~~(c) (8.3) Changes and Notification Requirements~~

~~(1) (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 8.12, at least thirty (30) days prior to the purchase. Failure to comply with this section will be grounds for disciplinary action.~~

~~(d)(c) (8.4) Application for a New Cosmetology Program in a Public or State-Operated School~~

(1) ~~(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:

(A) ~~(1)~~ A completed application provided by the Department and available on the Department's website at healthy.arkansas.gov

(B) ~~(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.

(C) ~~(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.

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- (D) ~~(4)~~ A statement certifying the school will comply with all laws including applicable rules regarding qualified instructors and a school supervisor.
- (E) ~~(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.
- (F) ~~(6)~~ A detailed floor plan reflecting adequate floor space.
- (G) ~~(7)~~ A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
- ~~(G)~~(H) ~~(8)~~ Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
- (I) ~~(9)~~ Sample of all forms to be used in the school, such as including, but not limited to:
- (i) attendance record;
 - (ii) sign-in sheets; ~~releases;~~
 - (iii) Student time sheets/cards;
 - (iv) ~~progress records~~ daily activity check list; and
 - ~~(i)~~(v) progress cards.
- ~~(H)~~(J) ~~(10)~~ The required registration fee.
- ~~(I)~~(K) ~~(11)~~ Proof that the school adopts and discloses to the students the complaint process outlined in 109 **Rule 11.**
- (2) ~~(B)~~ When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1) **Rule 8.9.**
- (3) When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection ~~described in~~ **Rule 8.10.**
- ~~(2)~~(4) License will be issued upon approval of final inspection submission of 25 student enrollment forms, required fees and documents. ~~and licensing.~~
- ~~(e)~~(d) ~~(8.5)~~ Application for a New Postsecondary Cosmetology Program in a Public or State-Operated School
- (1) ~~(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

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Higher Education or other governing body. The notice shall include the following information:

- (A) ~~(1)~~ A completed application provided by the Department and available on the Department's website at healthy.arkansas.gov
- (B) ~~(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.
- (C) ~~(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.
- (D) ~~(4)~~ A statement certifying the school will comply with all laws including applicable rules regarding qualified instructors and a school supervisor.
- (E) ~~(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.
- (F) ~~(6)~~ A detailed floor plan reflecting adequate floor space.
- (G) ~~(7)~~ A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.
- ~~(G)~~(H) ~~(8)~~ Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
- (I) ~~(9)~~ Sample of all forms to be used in the school, ~~such as~~ including but not limited to:
 - (i) attendance record~~;~~;
 - (ii) sign-in sheets~~;~~ ~~releases~~
 - (iii) Student times sheets/cards;
 - (iv), ~~progress records~~ daily activity check list; and
 - ~~(i)~~(v) progress cards.
- ~~(H)~~(J) ~~(10)~~ The required registration fee.
- ~~(I)~~(K) ~~(11)~~ Proof that each student enrolled has a high school diploma or its equivalent.
- ~~(J)~~(L) ~~(12)~~ Proof that the school adopts and discloses to the students the complaint process outlined in 109 **Rule 11**.

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~~(2) (B)~~ When the above information is provided in full, the Department will conduct the initial inspection described in 19(a)(1) Rule 8.9.

~~(3)~~ When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for the twenty-five (25) bona-fide student permit applications, pending the final inspection ~~described in Rule 8.10~~.

~~(2)(4)~~ License will be issued upon approval of final inspection and submission of 25 student enrollment forms and required documents, ~~and licensing~~.

~~(F)(e) (8.6)~~ Application for a Relocated School of Cosmetology or Postsecondary School of Cosmetology

(1) ~~(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:

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

~~(B) (2)~~ A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of cosmetology, manicure and esthetics.

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

~~(D) (4)~~ Sample of all forms to be used in the school of cosmetology or postsecondary school of cosmetology, ~~such as~~ including but not limited to:

(i) attendance record;

(ii) sign-in sheets; ~~releases;~~

(iii) Student time sheets/cards;

(iv) progress records ~~daily activity check list;~~ and

~~(v)~~ progress cards.

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

~~(D)(F) (6)~~ The required registration Fee.

~~(2) (B)~~ When the above information is provided in full, the Department will conduct the initial inspection described in 109 Rule 8.9.

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- (3) 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 8.10. and licensing.~~

~~(2)~~(4) License will be issued upon approval of final inspection.

~~(g)~~(f) ~~(8.7)~~ 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.

- (1) ~~(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.
- (2) ~~(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.
- (3) ~~(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.
- (4) ~~(D)~~ The school of cosmetology or postsecondary school of cosmetology building shall be completely air conditioned and centrally heated.
- (5) ~~(E)~~ There shall be sufficient hot water supply and pressure ~~and be approved as sufficient by a licensed plumber.~~ to accommodate all services performed throughout the workday and shall be installed in accordance with the Arkansas State Plumbing Code.
- (6) ~~(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.
- (7) Interior floor space shall be not less than twenty-five-hundred (2500) square feet of area, for a maximum of twenty-five (25) students.
- (8) 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 are 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

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environment that accommodates both the instructor and students. Vending machines shall not be in the classroom.

- (9) The clinical area shall contain: stations and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, facial chairs to accommodate at a minimum of twenty-five (25) student for any combination of cosmetology, manicure and esthetics. Other equipment not used for the instruction of the practical work will not be permitted.

~~(10)~~ ~~(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.~~

~~(11)~~ ~~(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.

~~(12)~~ ~~(L)~~ A enclosed supply room will be required to keep all cleaning equipment, such as mops, brooms, scrub pails, etc.

~~(13)~~ ~~(M)~~ An enclosed dispensary enclosed dispensary room is required to store supplies used by students and shall be separated by solid walls from the clinic area. All extra supplies, not being used, must be stored.

~~(14)~~ ~~(N)~~ Storage space shall be provided for students to store individual personal items.

~~(15)~~ ~~(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. Office spaces that are not within the school building must be within one (1) mile of the actual school. All student files and records must be kept in one location.

~~(16)~~ ~~(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.

~~(h)~~ (g) ~~(8.8)~~ Equipment

- (1) ~~(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.
- (2) ~~(B)~~ An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled students.

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- (3) ~~(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.
- (4) ~~(D)~~ Each school of cosmetology or postsecondary school of cosmetology shall maintain a time clock to register student hours for reporting to the Department.

~~(j)(h)~~ (8.9) 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:

- (1) ~~(A)~~ Of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.
- (2) ~~(B)~~ Of proposed layout.
- (3) ~~(C)~~ Of proposed items of equipment and material.
- (4) ~~(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.

~~(j)(i)~~ (8.10) Final Inspection of New or Re-located School of Cosmetology or Postsecondary School of Cosmetology

- (1) ~~(A)~~ 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.
- (2) No license will be issued to any new school until an inspection report of compliance is received, at least 25 student enrollment forms, supporting documents and enrollment fees have been submitted and at least 25 student permits have been issued.
- (3) ~~(B)~~ If an application is granted and thereafter the department discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of the school license even though the false statements are detected after a license has been issued.
- (4) ~~(I)~~ The department may deny a school license to any applicant or licensee upon reasonable evidence that the school or its officials would jeopardize the health and safety of the public.

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~~(1)(5)~~ ~~(2)~~ A school license shall not be issued until the owner of record files with the department a sworn affidavit designating who is authorized to accept service of notice from the department and to transact all business negotiations on behalf of the school, including answers to citations for hearing and compliance with rulings issued by the Cosmetology Technical Advisory Committee.

~~(1)(j)~~ ~~(8.11)~~ Routine Inspection of School of Cosmetology or Postsecondary School of Cosmetology Schools of Cosmetology and Postsecondary Schools of Cosmetology shall be inspected:

(1) ~~(a)~~ 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.

~~(2)~~ ~~(b)~~ To determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. During an inspection, the ~~inspector~~ Department or its representative 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. Failure to comply with the licensing requirements will be grounds for disciplinary action and license revocation.

~~(2)~~ ~~(3)~~ To determine compliance of all student files and records for Schools of Cosmetology or Postsecondary Schools of Cosmetology, the Department or its representative may review all student files for accuracy.

~~(4)~~ ~~(e)~~ 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 or who is capricious in enforcing school of cosmetology or post-secondary school of cosmetology rules may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to 109. 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.

~~(1)(k)~~ ~~(8.12)~~ Purchase of an Existing School of Cosmetology or Post-Secondary School of Cosmetology

(1) ~~(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:

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

(B) ~~(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

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postsecondary school of cosmetology, including answers to citations for hearings, and compliance with rulings issued by the Department.

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

~~(D)~~ ~~(4) One certified financial statement. A current financial statement prepared by a certified public accountant. If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application. The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the school, provide a quality educational program, and fulfill its obligations to students for at least 12 months, without relying on student tuition.~~

~~(D)~~ ~~(E)~~ ~~(5)~~ Copy of the legal change of ownership document.

~~(E)~~ ~~(F)~~ ~~(6)~~ Copy of the new owner's government issued photo identification.

~~(G)~~ ~~(7)~~ Samples of all forms to be used in the school of cosmetology or postsecondary school of cosmetology; ~~such as~~ including but not limited to:

(i) attendance record;

(ii) sign-in sheets;

~~(iii) state inspector~~ student time sheets/cards;

(iv) contracts; ~~releases~~

(v) , progress records ~~daily activity check list; and,~~

~~(+)~~ (vi) _____ , progress cards.

~~(F)~~ ~~(H)~~ ~~(8)~~ The required registration fee.

~~(m)~~ (l) ~~(8.13)~~ Registration Requirements

(1) ~~(A)~~ All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered, processed and a student permit issued from ~~with~~ the Department before accredited hours can be obtained. Registration prerequisites are as follows:

(A) Registration form (forms provided by the Department). The completed registration form must be received, processed and a student permit issued by the Department before accredited hours can be obtained.

(B) ~~(2)~~ One (1) copy of the student/school of cosmetology or postsecondary school of cosmetology contract (if applicable).

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- (C) ~~(3)~~ A copy of the student's driver's license or other form of identification verifying the student's age.
- (D) ~~(4)~~ Proof of education:
 - (i) ~~(a)~~ For Post-Secondary Schools of Cosmetology--proof of a high school diploma or its equivalent.
 - (ii) ~~(b)~~ For Schools of Cosmetology—Cosmetology, Aesthetics and Manicuring – completed a minimum of two (2) years of high school or its equivalent.
 - (iii) ~~(c)~~ Electrology and Instructor – completed four (4) years of high school or its equivalent.
 - (iv) ~~(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.
- (E) ~~(5)~~ Required registration fee.
- (2) ~~(B)~~ Failure to comply with the above-mentioned prerequisites will affect the matriculation date.
- (3) ~~(C)~~ All registration forms must state the student's full legal name.
 - (A) ~~(1)~~ If the student is married include the married name after their maiden name.
 - (B) ~~(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.
- (4) ~~(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.
- (5) ~~(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:
 - (A) ~~(1)~~ A certified copy of the training hours accumulated and certified with the state; or
 - (B) ~~(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.

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~~(n)~~(m) ~~(8-14)~~ Cosmetology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

- (1) ~~(A)~~ A total of fifteen hundred (1,500) hours shall be required in the cosmetology program and shall consist of the following curricula:
 - (A) ~~(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.
 - (B) ~~(2)~~ Related Science – 120 hours – Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), Physiology and Histology Anatomy, Neurology, Myology and Osteology, etc.
 - (C) ~~(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.
 - (D) ~~(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.
 - (E) ~~(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.
 - (F) ~~(6)~~ Salesmanship and Shop Management – 50 hours – Instruction in how to keep records, knowledge of business law, cosmetology law, rules, booking appointments, retailing.
 - (G) ~~(7)~~ Professional Ethics 49 hours– Courtesy, neatness and professional attitude in meeting the public, etc.
 - (H) ~~(8)~~ One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.
- (2) ~~(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.
- (3) ~~(C)~~ The time of the classroom instruction class shall be registered with the Department.

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- (4) ~~(D)~~ Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (5) ~~(E)~~ To qualify for the cosmetology examination, students must acquire a minimum of one-hundred-fifty (150) hours in theoretical instruction.
- (6) ~~(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.
- (7) ~~(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.
- (8) ~~(H)~~ Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- ~~(9)~~ (n) ~~(8.15)~~ Manicure Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (1) ~~(A)~~ A total of six-hundred (600) hours in Manicure training shall consist of the following subjects and hours:
- (A) ~~(1)~~ Health, Sanitation and Infection Control _____ (75 hours);
 - (B) ~~(2)~~ Health Related Science _____ (75 hours);
 - (C) ~~(3)~~ Manicuring and Pedicuring _____ (200 hours);
 - (D) ~~(4)~~ Advance Nail Technology _____ (200 hours);
 - (E) ~~(5)~~ Career Development (49 hours).
 - (F) ~~(6)~~ One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.
- (2) ~~(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.

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- (3) ~~(C)~~ The time of the classroom instruction class shall be registered with the Department.
- (4) ~~(D)~~ Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (5) ~~(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.
- (6) ~~(F)~~ To qualify for the manicure examination, students must acquire a minimum of 60 hours in theoretical instruction.
- (7) ~~(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.

(8) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.~~(8-16)~~

~~(H)~~(o) Aesthetic Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

- (1) ~~(A)~~ A total of six-hundred (600) hours in the Aesthetician course shall consist of the following subjects and hours:
 - (A) ~~(1)~~ Chemistry _____ (40 hours);
 - (B) ~~(2)~~ Physiology _____ (35 hours);
 - (C) ~~(3)~~ Bacteriology & Sanitation _____ (35 hours);
 - (D) ~~(4)~~ Introduction of Skin Care _____ (45 hours);
 - (E) ~~(5)~~ Skin Care _____ (150 hours);
 - (F) ~~(6)~~ Makeup and Corrective Makeup _____ (50 hours);
 - (G) ~~(7)~~ Eyebrow and Lashes _____ (40 hours);
 - (H) ~~(8)~~ Hair Removal _____ (40 hours);
 - (I) ~~(9)~~ Safety Precautions _____ (20 hours);
 - (J) ~~(10)~~ Professional & Personality Development _____ (20 hours);

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- (K) ~~(11)~~ Management _____ (20 hours);
- (L) ~~(12)~~ Salesmanship _____ (15 hours);
- (M) ~~(13)~~ State Laws and Rules _____ (10 hours);
- (N) ~~(14)~~ Testing Evaluation _____ (15 hours);
- (O) ~~(15)~~ Instructor's Discretion _____ (64 hours).
- (P) ~~(16)~~ One (1) hour domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a), etc.
- (2) ~~(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.
- (3) ~~(C)~~ The time of the classroom instruction class shall be registered with the Department.
- (4) ~~(D)~~ Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (5) ~~(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.
- (6) ~~(F)~~ To qualify for the cosmetology examination, students must acquire a minimum of 60 hours of theoretical instruction.
- (7) ~~(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.
- (8) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.
- ~~(q)(p)~~ ~~(8-17)~~ Electrology for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (1) ~~(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:

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- (A) ~~(1)~~ Show proof of a qualified electrolysis instructor who shall be licensed by the Board.
- (B) ~~(2)~~ Meet the minimum requirements in equipment necessary to teach Electrolysis in epilation.
- (2) ~~(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 electrolysis. 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 Electrolysis Training.
- (3) ~~(C)~~ Electrolysis Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology:
- | | | | |
|-----|--|---------------|--------------------|
| (A) | Subject | Cosmetologist | Unlicensed |
| (B) | AR Law pertaining to Electrolysis | 10 hours | 20 hours |
| (C) | Sterilization, Sanitation, Bacteriology | 25 hours | 50 hours |
| (D) | Study of Hair | 20 hours | 40 hours |
| (E) | Study of Skin | 25 hours | 50 hours |
| (F) | Disorders of Skin and Hair | 20 hours | 40 hours |
| (G) | Electricity | 25 hours | 50 hours |
| (H) | Electrolysis | 150 hours | 200 hours |
| (I) | Neurology and Angiology | 20 hours | 40 hours |
| (J) | Development of Practice | 15 hours | 30 hours |
| (K) | Instructor's Discretion- | 39hours | 79hours |
| (L) | Domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a)-, etc. | <u>1 hour</u> | 1 hour- |
- (4) ~~(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.

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- (5) ~~(E)~~ The time of the classroom instruction class shall be registered with the Department.
- (6) ~~(F)~~ Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.
- (7) ~~(G)~~ A student for a license as an electrologist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with electrology taught in the school upon a client who is paying for — service or materials.
- (8) To qualify for the cosmetology examination, students must acquire a minimum of sixty (60) hours in theoretical instruction.
- (9) ~~(H)~~ 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.
- (10) Pursuant to Act 724 of 2021, the curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to fifty percent (50%) of the student's training program as authorized by the United States Department of Education as existed on January 1, 2021. All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

~~(+)(q)~~ ~~(8-18)~~ 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.

(r) Discretionary Acceptance of Certified Courses from Related Educational Training

- (1) ~~(+)~~ Each school, postsecondary school, training facility, or postsecondary institution may accept curriculum hours, in accordance with the conversion table in Appendix A. Each school, postsecondary school, training facility, or postsecondary institution will submit the appropriate documentation supporting the accepted curriculum hours received under related educational training. This Section shall not apply to schools or postsecondary schools for Electrology.
- (s) ~~(8-19)~~ Discretionary Off-Campus Student Hours for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (1) 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

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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.

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

- (t) ~~(8.20)~~ Instructor/Enrolled Student Ratio

- (1) ~~(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.

- (2) ~~(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 or be an enrolled Instructor-Trainee who has completed at least fifty (50%) of the required training. There must be at least one licensed Instructor instructing the students.

Instructor/enrolled student ratio shall be as follows:

STUDENT _____ INSTRUCTOR

1-25 1

26-50 2

51-75 3

- ~~(2)~~(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.

- ~~(3)~~(4) ~~(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.

- (u) ~~(8.21)~~ Responsibility of School of Cosmetology or Post-Secondary School of Cosmetology

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(1) ~~(A)~~ Training Requirements

- (A) ~~(1)~~ Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a licensed instructor. The only creditable time permitted when the clinic facility is closed will be classroom instruction.
- (B) ~~(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 or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.~~ Any unforeseen or unexpected circumstances arising in closure of the school during normal business hours the Department must be notified via email to cosmo@arkansas.gov.

(C) Certification of Training Form ~~(3)~~ ~~(a)~~

- (i) 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 or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.
- ~~(i)~~ (ii) ~~(b)~~ Certification of hours must be filed with the Department within forty-five (45) calendar days immediately following termination of student (last day of attendance). 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. If a Certificate of training is not received within the forty-five (45) days, the student will be dropped by the Department and all hours will be certified.
- ~~(ii)~~ (iii) ~~(be)~~ 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 student signed Balance Due on Tuition form, if applicable, pursuant to Rule 8.21 A.
- ~~(C)~~ (D) ~~(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.

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Certification of Hours Forms may be obtained from the Department upon request and are available for downloading on the Department's website at healthy.arkansas.gov

~~(D)~~~~(E)~~ ~~(5)~~ Required textbooks: The Department must approve textbooks. Textbooks must adequately cover the prescribed curricula and prepare students for State testing. Textbook material must be completed before fifteen-hundred (1500) hours are completed. Other textbooks and reference material may be used to enhance the cosmetology course.

(2) ~~(B)~~ Monthly Reports for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) ~~(1)~~ All schools of cosmetology or post-secondary schools of cosmetology are required to report monthly hours to the Cosmetology Section database, by the last day of each month for 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.

(B) ~~(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.

(C) ~~(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.

(D) ~~(4)~~ No changes to student hours will be made after the thirty (30) day timeframe without good cause.

(3) ~~(C)~~ ~~Daily~~ Student Records for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) ~~(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.

(B) ~~(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.

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

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- (D) ~~(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.
- (E) ~~(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.
- (F) Every school of cosmetology or post-secondary school of cosmetology shall maintain a student folder containing:
- (i) the student's daily record of attendance;
 - (ii) the student's daily record of activity;
 - (iii) the student's examination scores;
 - (iv) the student enrollment documents;
 - (v) signed student contract;
 - (vi) signed financial agreements between the school and the student; and,
 - ~~(vii)~~ any disciplinary actions
- (4) ~~(D)~~ Tuition and Fees for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (A) ~~(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. A kit, as described in the school catalog, purchased by the student for a fee not included as part of the tuition must be provided to the student on the first day of attendance.
- (B) ~~(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.
- (5) ~~(E)~~ School Catalog for Schools of Cosmetology or Postsecondary Schools of Cosmetology
- (A) ~~(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

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available to prospective students and submitted to the Department with the original application.

(B) ~~(2)~~ The catalog must include the following items as a minimum: name and address of school of cosmetology or post-secondary school of cosmetology; hours of operation to include scheduled closures such as holidays and vacations; 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.

(C) ~~(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; disciplinary action for failure to abide by policies or rules; and name of administrative staff and faculty of the school of cosmetology or post-secondary school of cosmetology.

(D) ~~(4)~~ Prior to adoption, amendment, or repeal of any rule 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:

(i) ~~(a)~~ The effective date;

(ii) ~~(b)~~ Whether the rule(s) is new, repeals, or changes an existing rule; and,

(iii) ~~(c)~~ What the rule(s) is.

(iv) ~~(d)~~ 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.

(E) Notice to the Department of Health ~~(5)~~

(i) ~~(a)~~ After the rule(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.

(ii) ~~(b)~~ Any amendments to the catalog must be submitted via email to the Department as well as distributed to currently enrolled the students.

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~~(D)(64) Practical Examination fee for licensure shall be set by the School and shall not exceed \$65.00.~~

~~(6) (F) School of Cosmetology or Post-Secondary School of Cosmetology Rules~~

~~(7) /Catalog~~

~~(8) (1) Prior to adoption, amendment, or repeal of any rule 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:~~

~~(9) (a) The effective date;~~

~~(10) ——— (b) Whether the rule(s) is new, repeals, or changes an existing rule;~~

~~(11) ——— (c) What the rule(s) is.~~

~~(12) ——— (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.~~

~~(13) ——— (3) After the rule(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.~~

~~(14)~~(6) ~~(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:

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

(B) ~~(2)~~ The name and address of the applicant.

(C) ~~(3)~~ Course of Training – Total hours of instruction.

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

(E) ~~(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

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be itemized. The down payment, balance of the contract and the monthly payments must be stated.

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

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

(H) ~~(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.

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

~~(v)~~ ~~RULE NO. 9~~

~~(w)~~~~(v)~~ Instructor Training ~~f~~For Schools ~~o~~Of Cosmetology ~~o~~Or Postsecondary Schools ~~o~~Of Cosmetology ~~a~~And Renewal Requirements

(1) ~~(9.1)~~ Requirements for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) ~~(A)~~ 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.

(B) ~~(B)~~ An instructor-trainee shall:

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

~~(x)~~~~(w)~~ ~~(9.2)~~ Instructor Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

SUBJECTS MINIMUM HOURS

~~(1)~~ ~~(A)~~ Required preparatory training 50

(A) Teaching of theory and practical operation.

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- (B) Selecting subject matter for class lecture.
- (C) Preparing class lectures.
- (D) Conducting a review of all subjects taught.
- (E) Preparing and grading examinations.
- (F) Demonstrating practical operations.
- (G) Teaching practical operations.

(2) ~~(B)~~ Class Instruction 100

- (A) —Classes are to be conducted by the instructor-trainee under the supervision of a licensed instructor to prepare instructor-trainee to properly lecture and demonstrate on all subjects of cosmetology.

(3) ~~(C)~~ Conducting Theory Classes in Cosmetology, Aesthetics, Manicuring or Electrology -50

- (A) Theory classes will be conducted under the supervision of a licensed instructor.

(4) ~~(D)~~ Conducting Practical Classes in Cosmetology, Aesthetics, Manicuring or Electrology 300

(5) ~~(E)~~ Method of Keeping Student Records 10

(6) ~~(F)~~ Instructor's Discretion 89

(7) Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of Cosmetology

(8) ~~(G)~~ Domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc. 1

Total 600

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

~~(9)~~(x) ~~(9.3)~~ 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:

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- (1) ~~(A)~~ 1 Instructor/1 Trainee – who has acquired between 100 and 200 hours;
- (2) ~~(B)~~ 1 Instructor/2 Trainees – provided 1 trainee has acquired between 100 and 200 hours and 1 trainee has between 200 and 400 hours;
- (3) ~~(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.
- (4) ——— 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.

~~(z)~~(y) ~~(9.4)~~ Renewal Requirements

- (1) For biannual renewal Instructors shall not be required to renew the specialty license in which they were originally licensed however shall only be allowed to instruct in the specialty area of original licensure. Should an instructor wish to retain their specialty license they may renew it also.
- (2) –Continuing Education Requirements
 - (A) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education Course. Compliance with the requirement of continuing education is a prerequisite for license renewal.
 - (B) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:
 - (i) ~~a.~~ Payment of all past due renewal fees;
 - (ii) ~~b.~~ Payment of the late renewal fee; and
 - (iii) ~~c.~~ Compliance with continuing education requirements for each license renewal period.
 - (C) –Out-of-State Program: Hours earned at an out-of-state continuing education program will be accepted provided said program is certified by the Cosmetology Board in that State or by a nationally recognized provider and is designated as an “Instructor Training Seminar”. To receive credit for hours earned out of state, the Instructor must submit a signed certificate of completion from the out-of-state provider.
 - (D) Those persons newly licensed shall not be required to complete continuing education as a prerequisite for license renewal the first renewal period following the date of licensure.
 - (E) Program Sponsor:

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- (i) ~~(a)~~ Any program, seminar, or workshop must be sponsored by a bona fide association/organization that is committed to the advancement of the Cosmetology Profession. "Bona fide" as used herein means state and/or national association/organization chartered with bylaws.

- (ii) ~~(b)~~ Community College or University.

(F) Program requirements: ~~All advanced-teaching education must be generic in nature.~~

(i) All advanced-teaching education must be generic in nature.

- (a) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques. Examples include: curriculum development, lesson plan preparation, human resource management, etc.

- (b) ~~2)~~ Credit accrues at one (1) contact hour for each hour of actual contact.

- (ii) ~~(B)~~ Courses offered at the Community College or University Level, which contribute directly to the professional competency of the licensee. Examples include semester hours in Psychology, Sociology, Methods of Teaching, Business Law, etc.

(3) Program Educators: Approved programs must be conducted by individuals who have special education, training and experience or by other persons who by reason of special education, training and experience said individuals would be considered experts concerning the subject matter of the program.

(4) Violations: Any licensee found falsifying continuing education attendance will be subject to disciplinary action by the Committee.

~~(aa) — RULE NO. 10~~

~~(bb) — 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.~~

~~(cc) — RULE NO. 11~~

~~(dd) — COMPLAINT POLICY~~

~~(1) Complaints against a person, establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology.~~

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- ~~(A)(1) Any person may file a complaint against any of the following: a person, establishment, mobile salon, 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.~~
- ~~(B) (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.~~
- ~~(C)(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.~~
- ~~(D)(4) Any disciplinary action taken under § 17-26-105 (10) of the Cosmetology Act may be waived as authorized by Ark. Code Ann. § 17-2-102 in certain circumstances.~~

~~—Pre-Licensure Determination for Disqualifying Offenses(5)~~

- ~~(i) (a) — Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.~~
- ~~(ii) (b) The individual must obtain the pre-licensure criminal background check petition form from the Department.~~
- ~~(iii) (c) The Department will respond with a decision in writing to a completed petition within a reasonable time.~~
- ~~(iv) (d) The Department's response will state the reason(s) for the decision.~~
- ~~(v) (e) All decisions of the Department in response to the petition will be determined by the information provided by the individual.~~
- ~~(vi) (f) Any decision made by the Department in response to a pre-licensure criminal background check petition is not subject to appeal.~~
- ~~(vii) — (g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.~~

~~(ee) — RULE NO. 12~~

~~(ff)~~ (z) Equipment And Chemical Use In Cosmetology And Its Related Branches

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(1) ~~(A)~~ Equipment

- (A) ~~(1)~~ With the exception of piercing as set forth in sub part three (3) below, Cosmetologists and aestheticians may not use any device, tool, machine, or combination of the same, which results in the removal or destruction, of a client's skin beyond the epidermis.
- (B) ~~(2)~~ Devices used by cosmetologists and aestheticians must:
- (i) ~~(a)~~ Follow all FDA, OSHA, and state safety requirements and manufactures instructions;
 - (ii) ~~(b)~~ Must not be classified by the FDA as a Class 3, 3a, or 3b device, or a laser class 3 or 4.
- (C) ~~(3)~~ Piercing activity of cosmetologists and aestheticians shall be limited to piercing the lobe of the ear using an ear piercing gun.

(2) ~~(B)~~ Chemical

- (A) ~~(1)~~ A licensed cosmetologist and aesthetician may use the following chemical exfoliation substances:
- (i) ~~(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);
 - (ii) ~~(b)~~ No more than 20% beta hydroxyl acid (BHAs which include salicylic acid);
 - (iii) ~~(c)~~ No more than 20% Trichloroacetic Acid (TCA)
 - (iv) ~~(d)~~ Jessner's solutions;
 - (v) ~~(e)~~ Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and
 - (vi) ~~(f)~~ Non-medical grade Retinoid.
- (B) ~~(2)~~ No person performing any type of cosmetology services is permitted to use the following:
- (i) ~~(a)~~ Medical grade or prescription Retinoid;
 - (ii) ~~(b)~~ Carbollic acid (phenol);
 - (iii) ~~(c)~~ Products listed above that exceed the stated maximum levels or combinations thereof; or,
 - (iv) ~~(d)~~ All adulterated chemical exfoliating/peeling substances.

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- (3) ~~(C)~~ Equipment and chemical exfoliation substance services shall only be administered in an establishment, mobile salon 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.
- (4) ~~(D)~~ Client Consultation:
- (A) ~~(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.
- (B) ~~(2)~~ All cosmetology establishments or mobile salons 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.
- (5) ~~(E)~~ Cosmetologist and manicurist shall not use Liquid Methyl Methacrylate (MMA) Monomer.
- (6) Performing services prohibited under this section shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.

300. RULES FOR BODY ART AND RELATED BRANCHES

301. Definitions For Body Art And Related Branches

(a) APP

The Alliance of Professional Piercers.

(b) APT

The Alliance of Professional Tattooists.

(c) Artist

Any person, other than a licensed physician, who performs body art on a human and is licensed in this state.

(d) Artist Instructor

An artist who

- (1) Has been licensed by the Department of Health as an artist for at least five (5) years in the specified field of body art in which he or she will offer training;
- (2) Has worked in a body art establishment licensed by the Department for at least five (5) years and has been in compliance with Department rules governing body artists;

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- (3) Has completed the course required under § 20-27-1506;
- (4) Is a registered instructor for the specified field of body art with the Department of Health;
- (5) Has completed a course in safety and sanitation guidelines and requirements by the department;
- (6) Shall not exceed a ratio of one (1) instructor to eight (8) students per instruction hour;
- (7) Is at least twenty-one (21) years of age; and
- (8) Has completed two hundred and fifty (250) instructional hours from a state approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.

(e) Aseptic Technique

The practice which prevents or hinders the transmission of disease- producing microorganisms from one person or place to another person or place.

(f) ASTM

The American Society for Testing and Materials.

(g) Automatic Licensure (for Uniformed Service Members, Veterans, and Spouses)

Granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(h) Automatic Occupational Licensure (under Act 457 of 2023)

The granting of occupational licensure to an applicant who establishes residency in this state without the individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

(i) Body Art

Procedures that include:

- (1) Body Piercing;
- (2) Branding;
- (3) Permanent Cosmetics;
- (4) Tattooing; and
- (5) Scarification.

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(j) Body Piercing and Body Piercing Procedure

(1) - The puncturing of a part of a live human being to create a hole for ornamentation or decoration or a single-point perforation of a body part to insert an anchor with a single stud protruding or flush with the skin.

(2) Body piercing or body piercing procedure shall not include piercing an earlobe with a pre-sterilized disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.

(k) Branding

A permanent mark made on human tissue by burning with a hot iron or other instrument.

(l) Critical Item

An aspect of operation or condition of a facility or equipment that constitutes the greatest hazard to health and safety, including imminent health hazards.

(m) Decontamination Area

An area designated for the decontamination and processing of dirty instruments.

(n) Disinfectant-

A product that is registered by the Federal Environmental Protection Agency and/or the Department of Pesticide Regulation, as indicated on the label, to reduce or eliminate the presence of disease-causing microorganisms, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use in decontaminating work surfaces.

(o) Enzymatic Cleaner or Enzymatic Detergent-

Low-foaming detergents which add enzymes capable of digesting organic material such as blood and mucous, and which are labeled as such by the manufacturer.

(p) Establishment-

Any place or facility where body art is performed and that has a body artist licensed in Arkansas on staff.

(q) Germicidal Solution-

A substance for use in the destruction of pathogenic microorganisms as indicated on the label.

(r) Guest Artist-

An artist from a state other than Arkansas or a country other than the United States who:

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- (1) Holds a license from the body art regulatory board or agency, if in existence, in that state or country; or
- (2) If an artist license is not available in the guest artist's state or country, can submit to the Department of evidence of professional experience, employment and education including:
- (3) Proof of blood-borne pathogen certification; and
- (4) Proof of employment in a licensed body art facility for at least two (2) years.

(s) Host

an individual or business entity, including an event coordinator or manager, responsible for the organization of a convention, tradeshow, or other temporary event that includes a body art demonstration booth.

(t) Institution

an establishment that is licensed by the Department to offer postsecondary education to student artists in training through artist instructors in the field of body art.

(u) Instrument:-

Equipment used during body art procedures, including without limitation:

- (1) Forceps;
- (2) Hemostats;
- (3) Needles;
- (4) Permanent cosmetic needles and tips;
- (5) Receiving tubes; and
- (6) Tattoo barrels and tubes.

(v) ISO:-

The International Organization for Standardization.

(w) Temporary or Mobile establishment

An establishment where body art is performed in a temporary place of business, such as carnivals, mass gatherings, or similar public gatherings of a temporary nature. Temporary or Mobile shall meet all the requirements of these Rules with the following additional requirements:

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- (1) Store liquid waste in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department shall be provided a letter of approval for all discharges upon request; and,-
- (2) Provide a potable water system under pressure. Enough potable water shall be available in the unit for cleaning and for hand washing. A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.

(x) Operator:-

Any person who owns, controls, operates, conducts or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not.

(y) Permanent cosmetics

The application of pigment placed in the skin by a needle or other instrument to beautify the body, including without limitation for the purposes of:

- (1) Scar camouflaging;
- (2) Scalp micropigmentation;
- (3) Pigment lightening;
- (4) Applying permanent eyebrows, including without limitation:
 - (A) Microblading;
 - (B) Manual methods;
- (5) Applying permanent eyeliner;
- (6) Applying permanent lip liner or lip color; and
- (7) Applying three-dimensional nipples and areola.
- (8) “Permanent cosmetics” does not include tattooing or a tattooing procedure.

(z) Scarification:-

Injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration.

(aa) Scarification Implement:-

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Any instrument which intentionally alters human skin for the purpose of scarification.

(bb) Sharps

- Includes, but is not limited to, any contaminated object that can penetrate the skin; any waste produced in the course of physically altering a human being including tattooing, ear piercing; or any other process where a foreign object is used to cut or pierce the skin. All waste generated in this manner meeting the definition of sharps must be handled accordingly.

(cc) Single Service-

Articles intended for one-time, one-person use and then discarded.

(dd) Student Artist:

(1) An individual who:

(A) Is in training under the supervision of an artist instructor; and

(B) Shall not perform body art without the supervision of an artist instructor.

(ee) Subdermal Implanting-

The insertion of an object under the skin of a live human being for ornamentation or decoration.

(ff) Tattooing and Tattoo Procedure-

(1) Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments.

(2) Tattooing and Tattoo Procedures do not include permanent cosmetics.

(gg) Tempered Water

. Water having a temperature range between 85°F (29°C) and 110°F (43°C).

(hh) Uniformed service member

an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(ii) Uniformed service veteran

a former member of the United States uniformed services discharged under conditions other than dishonorable.

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(jj) Vendor:

A person who supplies body art materials, including body art instruments, at a temporary demonstration where body art is performed.

302. Pre-Licensure Determination for Disqualifying Offenses

- (a) Pursuant to Act 688 of 2023, an individual applying for a body art or body art instructor license, after July 1, 2024, may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- (b) The individual must obtain the pre-licensure criminal background check petition form from the Department.
- (c) The Department will respond with a decision in writing to a completed petition within a reasonable time.
- (d) The Department's response will state the reason(s) for the decision.
- (e) All decisions of the Department in response to the petition will be determined by the information provided by the individual.
- (f) Any decision made by the Department in response to a pre-licensure criminal background check petition is not subject to appeal.
- (g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.

303. Determination of Prohibiting Criminal Offenses for Licensure

- (a) An individual is not eligible to receive or hold a body art license or body art instructor license if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102, et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.
- (b) The Department may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.
- (c) Upon notification to the Department that an individual licensed under these Rules has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, the Department shall initiate an investigation into the individual's convictions and the licensed

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individual may be subject to suspension, revocation, or denial of a license pursuant to these Rules.

- (d) The Department is not authorized to conduct criminal background checks but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to the Board regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.
- (e) This Section 303 shall not apply to body artists who hold a valid license on or before July 1, 2024.

304. Required Licensure to Practice or Teach Body Art and Related Branches

~~(gg)~~(a) Establishment

Any person, firm or corporation conducting or operating a body art establishment or mobile 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 State Board of Health.

- (1) Application: Any person, firm, or corporation desiring to open a body art establishment or mobile establishment shall submit an application to the Department for approval.
- (2) Any person, firm or corporation who has applied for a license to operate a body art establishment or mobile establishment will receive a license allowing the owner to operate the establishment or mobile establishment. The license shall be conspicuously posted in the establishment or mobile establishment. Establishment license's shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 17-26-601, et seq.
- (3) The Department shall levy and collect an annual fee of one hundred fifty dollars (\$150) per facility for issuance of a license to an establishment that performs body art or its related branches.
- (4) If the annual fee for a licensed establishment has not been paid by March 1 of the calendar year, the establishment shall be closed until a new license has been issued by the Department and the annual fee has been paid.
- (5) Any studio or business owner operating without a current license commits a Class D felony.
- (6) No person shall operate a body art establishment unless the establishment has received a Certificate of Sanitation from the Department. No certificate shall be issued or renewed unless the establishment has been inspected and found to be in compliance with the provisions of these Rules at the time of the most current inspection.
- (7) The certificate shall expire on December 31 of each year. Renewal inspections shall be conducted by the Department.

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(8) No holder of any certificate of sanitation shall allow a body art artist to perform in his/her establishment unless the artist is the holder of a valid body art license issued under Section 4 of these Rules or holds a current guest artist temporary demonstration license.

(9) It shall be the duty of the operator or owner of the establishment to post the current license in a conspicuous place where it may be readily observed by the public.

(b) Body Art Institution

(1) Any person, firm or corporation conducting or operating a Body Art Institution 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 State Board of Health.

(2) The applicant must complete a body art institution application as set forth by the Department. Student artists shall train in a licensed body art institution under a currently licensed instructor who has been licensed and operating in compliance with the rules in the State of Arkansas; and,

(c) Body Art and Its Related branches

(1) No person except a duly licensed physician shall engage in the practice of body art, permanent cosmetics, and semi-permanent cosmetics or act as a body artist, a permanent cosmetics artist, or semi-permanent cosmetics artist unless licensed by the Department as body artist, permanent cosmetics artist, and semi-permanent cosmetics artist.

(2) The following requirements must be completed before any individual shall receive a body art license:

(A) Prior to applying for a body art license, the applicant must complete blood-borne pathogens training which meets the requirements of the Occupational Safety and Health Administration (OSHA) and is approved by the Department.

(B) Student Artists pursuing licensure for scarification shall also complete basic first aid and CPR training, which is approved by the Department.

(C) Student Artists pursuing licensure for scarification shall possess a current license in another field of body art. They shall also submit training and experience documentation related to scarification for review by the Department to determine eligibility for licensure.

(D) An application for a body art license shall be filed with the Department upon completion of a body art training program from a licensed institution.

(E) The applicant must successfully complete a written examination given by the Department. This examination shall be based on these Rules. It shall insure the applicant has knowledge of pertinent microbiology and proper technique, to assure that infection and contagious disease shall not be spread.

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(F) The applicant shall meet all the current applicable requirements of the Rules Pertaining to Reportable Diseases.

(G) The applicant must complete an approved training program as set forth by the Department. Student Artist shall train in a licensed body art institution under a currently licensed artist instructor who has been licensed and operating in compliance with the rules in the State of Arkansas for a period of not less than five (5) years.

(3) Examinations

(A) At the end of the required training period, the applicant must successfully complete and pass a written examination approved and administered by the Department, and complete and pass a practical examination developed and approved by the Department and administered by a licensed body art institution.

(B) At the end of the required training period, the applicant must successfully complete a practical exam in the field(s) of study. Practical exams conducted by the Department will observe a procedure for aseptic technique, sterilization procedures, recordkeeping and aftercare instruction to the client.

(C) A passing grade of seventy-five (75) is required in the practical examination and a grade of seventy (70) is required in the written examination pertaining to the mandated curriculum, as well as the state law exam.

(D) The Department shall levy and collect a nonrefundable fee of fifty dollars (\$50.00) from each artist in training who applies to take the written and practical examinations. This fee is waived for an artist in the qualification review process.

(d) Artist License Fee and Renewal Requirements

(1) Artist's licenses shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 20-27-1501 et seq. including, but not limited to:

(A) Submission of a renewal application for a license for body art or its related branches.

(B) Proof of completion of the annual blood-borne pathogen certification.

(C) For Scarification Artists, proof of current CPR and first aid certification.

(2) The Department shall levy and collect an annual fee of one hundred dollars (\$100) per artist for issuance of a license to an artist who performs body art or related branches.

(A) If the annual fee for a licensed artist has not been paid by March 1 of the calendar year, the artist license shall be suspended for ninety (90) days.

(B) Before a license may be reissued within ninety (90) days after suspension the artist shall:

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- (i) Pay a reinstatement fee of one hundred dollars (\$100) and all overdue licensing fees;
 - (ii) Complete a written exam with the Department and a practical exam at the studio in which the artist is licensed, a currently licensed body art establishment in Arkansas or other Department approved facility; and
 - (iii) Meet all current requirements established by the Department for artists.
- (C) If an artist whose license is suspended has not met the requirements under 34(c) within ninety (90) days after the suspension, the artist may apply for qualification review.

305. Reciprocity And Qualifying Review for Body Art And Related Branches.

- (a) Application for Artist License with an Expired License or by Reciprocity from Out of State
- (1) An artist with an expired Arkansas license or an artist from another state, who holds a license from the body art regulatory board or agency in that state or country, may submit to the Department an application for qualifications review and a \$200.00 nonrefundable application fee, to determine eligibility for a body art license issued by this Department.
 - (2) The Department will review qualifications based on the following criteria:
 - (A) Proof of annual blood-borne pathogen certification.
 - (B) Proof of licensure as a body art artist by the appropriate regulatory agency within the last two (2) calendar years.
 - (C) Documentation that the artist completed, at a minimum, a six (6) month student artist program. In lieu of training documentation, the artist may submit a letter of reference from the regulatory agency, which provides compliance history, evaluation of knowledge of health and safety standards and any record of training completed.
 - (D) Proof of passage of the Department's body art written exam.
 - (E) Completion of a practical exam at a currently licensed body art establishment in Arkansas or other Department approved institution
 - (3) An artist from another state where artist licensure is not required by a regulatory body shall complete the artist in training program, unless the artist qualifies for licensure under 114.
 - (4) Upon receipt and approval of all qualification requirements, the artist shall be invoiced and submit the annual artist license fee.

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306. Requirements For Body Art Establishments, Institutions, and Mobile Establishments

(a) Physical Facilities

- (1) Lighting - Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area.
- (2) Water Supply and Sewage- The water supply shall be adequate, of a safe, sanitary quality and meet the current requirements of the Department's Rules Pertaining to Public Water Systems. All water carried sewage shall be disposed of by means of: A public sewerage system; or An approved onsite wastewater system, which is constructed and operated in conformance with the standards established by the Arkansas State Board of Health.
- (3) Garbage and Refuse – Garbage and refuse shall be kept in durable, easily cleanable, containers that do not leak and do not absorb liquids. No establishment, mobile establishment, or institution 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
- (4) Cleanliness and Repair – Each establishment, mobile establishment, and institution shall keep the floors, mats, and fixtures clean and in good repair
- (5) Toilet Facilities, Fixtures and Plumbing - A toilet and lavatory shall be located in the establishment and be accessible to clients. All plumbing shall meet the requirements of the Arkansas Plumbing Code. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.
- (6) Hand Washing Facilities – Each establishment, mobile establishment, and institution 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.
- (7) Floors and Surfaces - Floors shall be swept and wet-mopped daily. All surfaces, including, but not limited to floors, walls, counters, chairs and tables, shall be maintained in good repair and shall be of such materials to be easily cleanable, non-absorbent and non-porous. Floors, walls, or ceilings in the workroom shall not be swept or cleaned while body art procedures are being performed.
- (8) Bottles and Containers – All bottles and containers containing any chemical or liquids in use in an establishment, mobile establishment or institution shall be distinctly and correctly labeled to disclose their contents.
- (9) All surfaces, worktables and client chairs must be disinfected with EPA approved surface disinfectant as defined in Section 3 of these Rules before each new client is seated.

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- (10) Storage - Cabinets for the storage of instruments and other paraphernalia used in the establishment shall be provided. All needles and instruments shall be handled in such a manner as to prevent recontamination.
- (11) Packaged, sterilized supplies which have been processed in-house shall be stored and used for no more than one (1) year from the date of processing. Supplies purchased packaged and pre-sterilized from manufacturers shall be stored and used until the expiration date provided by the manufacturer. The integrity of each package shall be inspected prior to use.
- (12) Living or sleeping quarters located on the premises of a body art facility shall be separated from rooms and areas used for body art facility operations by complete partitioning and solid, self-closing doors.
- (13) Workroom - Each establishment shall have a workroom where only Body art procedures are performed and shall:
- (A) provide easy access to a sink separate from a restroom that is designated for artist hand washing only. The workroom sink shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with hands free or wrist controls and supplied with tempered running water, liquid soap and single-use paper towels that are dispensed from a wall-mounted dispenser.
 - (B) be equipped with a light source that provides adequate light for the procedure area.
 - (C) have lined, hands free, covered waste containers.
 - (D) be equipped with an approved sharps container.
 - (E) be free of and physically separated from any ultrasonic cleaner and/or autoclaves.
 - (F) have adequate cabinets for the storage of instruments and other materials used in the body art procedures.
 - (G) have an adequate number of worktables for each working artist. The surface of all worktables shall be constructed of material that is easily cleanable, smooth, non-absorbent, corrosive-resistant and easily sanitized.
 - (H) Have disposable surface barriers to prevent contamination on all work surfaces and shall be replaced after each procedure.
- (14) Decontamination Area - Each establishment shall have a decontamination area for the processing and sterilizing of dirty instruments, in which the placement of the sterilizer is at least thirty-six (36) inches from any sink or processing equipment and shall.
- (A) Be physically separated from the waiting area, restroom and the workroom;

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- (B) Be equipped with a sink that has tempered running water, liquid soap, and single-use paper towels dispensed from a wall-mounted dispenser that is readily accessible to the artist
- (C) Be equipped with a lined, hands free, covered waste container;
- (D) Be labeled in a conspicuous manner as Employees Only and set up to avoid clients or the public from entering;
- (E) Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.
- (F) Body art establishments which use all prepackaged, pre-sterilized, single use instruments are not required to provide a decontamination area.

(b) Electrical Instruments and Equipment

- (1) Before use upon a client, all electrical instruments shall be cleaned and disinfected with an EPA registered disinfecting solution (spray or wipe)
- (2) A set of individual wrapped sterilized needles shall be used by the artist for each new client. An adequate number of sterilized needles and tubes or tips per tattoo or permanent cosmetic artist must be on hand for the entire day or night operation.
- (3) All instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid shall be sterilized prior to reuse. All parts of instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid that cannot be sterilized prior to reuse shall be replace before reuse. Body piercing establishments are required to sterilize initial piercing jewelry.
- (4) Tattoo and permanent cosmetic machines shall be cleaned and sanitized with an approved germicidal before each use.
- (5) All needles shall be single use and disposable.
- (6) New medical disposable gloves shall be worn during any sterilization procedure.

(c) Approved modes of sterilization include:

- (1) Single-use prepackaged sterilized instruments obtained from suppliers or manufacturers.
- (2) Use of a steam, pulse pressure, or vacuum autoclave sterilizer, which is used, cleaned and maintained according to the manufacturer's directions and shall be conducted as follows:
 - (A) Prior to sterilizing, instruments shall be submerged and brushed or swabbed to remove foreign material and rinsed. Instruments shall then be immersed in enzymatic cleanser and water using an ultrasonic unit that operates at 40 to 60 kilohertz, followed by a thorough rinsing and drying;

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(B) Non-disposable tubes for tattooing shall be disassembled prior to beginning the cleaning process and remain this way throughout the sterilization process.

(C) Enzymatic cleanser used in the ultrasonic unit shall be designed for such use and used in accordance with the manufacturer's instructions.

(D) The exception to this cleaning process may be the use of an instrument washer, which is specifically designed to replace the manual cleaning and ultrasonic processing of contaminated instruments.

(E) A chemical indicator shall be used to assure sufficient temperature and steam penetration and proper functioning of equipment each time the sterilizer is run.

(F) A monthly sterilization cycle shall be completed with use of a biological monitoring system (commercial preparation of spores) to assure all microorganisms have been destroyed and sterilization achieved.

(3) Body art establishments that utilize all prepackaged sterilized needles and tubes and other equipment that contacts a client during any body art procedure shall not be required to provide an autoclave at the establishment.

(d) Additional requirements for Institutions

(1) All equipment for new, existing, and relocated institutions shall be in good workable condition. The equipment shall be appropriately maintained in order to promote the health and safety of institution employees, student artist and clients.

(2) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled student artist.

(3) (c) An adequate supply of working equipment for all courses shall be maintained in the institution to reasonably accommodate the clientele received in the institution.

(e) Artist:

(1) 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 hand - clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with tempered running water, an approved soap and his/her individual hand brush. He/she shall not allow his/her hands to dry without the use of a single service use paper towel or approved mechanical means.

(2) Client Protection

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- (A) Wear a new pair of medical disposable gloves for each client and shall be disposed of immediately upon removal.
- (B) Prepare the area of the client's skin to which body art is to be applied by washing with distilled water and approved germicidal soap. When it is necessary to shave the area, single service disposable razors shall be used. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol or other approved germicidal solution, using a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.
- (C) Wash and scrub his/her hands as required in Section 36(e)(1)(B) and put on a new pair of medical disposable gloves following the cleaning and the shaving of the client's skin.
- (D) During any phase of the procedure, should the artist be interrupted for other duties, i.e., answering the phone, etc., the artist shall wash his/her hands as required in Section 36(e)(1)(B). before resuming the procedure. A new pair of medical disposable gloves shall be used.
- (E) When acetate stencils are used for transferring the design to the skin, stencils shall be thoroughly cleaned and rinsed in an approved germicidal solution according to manufacturer's instructions and then they shall be dried with a sterile gauze pad or air-dried before each use.
- (F) When the design is transferred during hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused on another client.
- (G) In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single service or individual portions of pigments in clean sterilized containers or single service containers shall be used for each client. Upon completion, the remaining unused pigments shall be discarded. Any pigment in which the needles were dipped shall not be reused during new or follow-up procedures. Where pigment mixing is necessary to achieve the correct color and follow-up touch-ups may be required (permanent cosmetics), the original container of mixed pigment may be kept.
- (H) Excess pigment removed from the skin with a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.
- (I) After a completed body art procedure, with the exception of piercings, the area of skin worked on, shall be cleaned with a piece of single use sterile material saturated with an approved germicidal solution. It shall be allowed to dry. After drying, ointment may be applied to body art from a collapsible metal or plastic tube or single use packet or portion and where feasible the entire area covered with a piece of an approved, nonstick bandage. The ointment may be spread by the use of sterile gauze, sterile tongue depressors, or gloved fingers.
- (J) The area of permanent cosmetic application shall be washed and where feasible, ointment or petroleum jelly shall be applied.

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(f) Record Keeping

- (1) The operator shall maintain proper records on each client. These records shall be entered in ink and kept solely for examination by the Department upon request. A digital record keeping system may be used if it provides all required information and has an adequate method of backing up the data. The records shall be preserved for at least one year from the date of the last entry. The records shall contain the following information:
- (2) The date the procedure was performed.
- (3) The name, address, and date of birth of the client.
- (4) The design and location of body art procedure applied.
- (5) The name and license number of the artist.
- (6) The signature and printed legal name of the client.
- (7) A Photocopy of a valid government-issued photo identification for each client. For minors or incapacitated adults under legal guardianship, a photocopy of a valid photo identification of legal guardian and proof of guardianship, as required in Section 10.3.
- (8) Each form of body art provided by the establishment shall have its own separate record for all other forms of body art.
- (9) In the event of a change of ownership or closing of the establishment, all records shall be made available to the Department upon request.
- (10) Due diligence shall be demonstrated in the effort to keep all records private from the public and other clients.

(g) 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. These records shall be labeled "Minor" and be kept separate from all other client files and made available to the Department upon request.

- (1) An artist shall not perform body art on a person under eighteen (18) years of age, unless:
 - (A) Given a consent form with the signature and printed legal name of the parent or legal guardian.
 - (B) The parent or legal guardian is present during the procedure.
 - (C) The person to undergo body art and the parent or legal guardian each provide a valid government-issued form of photo identification that includes a name, date of birth, and photo; and

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- (D) The parent or legal guardian presents proof of guardianship that matches the identification given, including without limitation a birth certificate or a court or state record for adoption, legal guardianship, emancipation, or a marriage license.
- (2) An artist shall not perform body art on a person under sixteen (16) years of age, regardless of parental consent, except:
 - (A) When authorized or prescribed by a physician's statement exclusively for repigmentation; or
 - (B) When piercing the earlobe.
- (3) Except when authorized or prescribed by a physician's statement exclusively for repigmentation, an artist shall not perform on a person under eighteen (18) years of age regardless of parental consent:
 - (A) Body art on the areola or genital.
 - (B) Branding.
- (4) A person under eighteen (18) years of age may undergo a permanent cosmetics procedure due to a medical necessity if he or she is given medical consent from a physician in addition to parental consent.
- (5) Any person who performs body art on a person under eighteen (18) years of age, except as provided in Sections 10.3.1-10.3.3., shall be guilty of a Class A misdemeanor.
- (6) Any person who falsely claims to be the minor's parent or legal guardian for the purpose of obtaining body art for a person under eighteen (18) years of age shall be guilty of a Class D felony.
- (h) Client Information. Before performing a body art procedure, an artist must:
 - (1) Have a discussion of the risks involved and possible complications with the client. The client must be advised that certain procedures should be considered permanent and can be removed only by a surgical procedure and any effective removal may leave permanent scarring.
 - (2) A written cautionary notice to that effect shall be furnished to and signed by the client and retained on file at the establishment.
- (i) After the procedure is complete, oral and written (printed or photocopied) instructions, approved by the Department, on the care of the skin where body art was applied in order to prevent infection, shall be given to each client. A copy of these instructions shall also be posted in a conspicuous place in the establishment.
- (j) Patch Test for Sensitivity. A patch test shall be administered upon request of the client or prior to any permanent cosmetic procedure.

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- (k) Suspected Infections to be Reported. All infections suspected from performing a body art procedure, which become known to the artist/operator, shall be reported to the Department within one (1) business day and the infected client shall be referred to a physician.

307. Temporary Or Mobile Establishments

- (a) No person shall be licensed to perform body art in any temporary place of business, such as carnivals, mass gatherings, or similar public gatherings of a temporary nature without an approved mobile facility or without meeting the requirements for a temporary demonstration license.
- (b) Mobile units shall meet all the requirements of these Rules with the following additional requirements:
- (1) Liquid waste shall be stored in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department shall be provided a letter of approval for all discharges upon request.
- (2) A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for hand washing. A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.
- (c) The Department may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.

308. Host And Temporary Demonstration License

- (a) The host of a body art event for educational purposes, trade shows and/or demonstrations of body art procedures where body art is performed shall:
- (1) obtain all necessary permits to conduct business in the jurisdiction where the event will be held, including, but not limited to, valid permits issued by the Department.
- (2) pay a non-refundable host fee of fifty dollars (\$50) per artist that shall perform body art at the event, not to exceed two thousand dollars (\$2000) per event.
- (3) Submit an application for a temporary demonstration license to the Department not less than forty-five (45) days prior to the event for educational purposes, trade show, or demonstration of body art products and procedures where body art is performed.
- (4) The establishment where the guest artist is appearing shall have a licensed body artist on its staff.

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- (5) In addition to the penalties available pursuant to Ark. Code Ann. § 17-26-612, a host who violates this subdivision shall be subject to closure of the temporary body art event and a penalty not to exceed three times the cost of the permit.
- (b) An artist, establishment, or a supplier of materials for body art for applying for a temporary demonstration license for educational purposes, trade shows and/or demonstrations of body art procedures where body art is performed shall
 - (1) submit an application for a temporary demonstration license to the Department not less than seven (7) days prior to the appearance of a guest artist.
 - (2) submit a non-refundable fee of fifty dollars (\$50) from a guest artist for a temporary demonstration license.
 - (3) provide evidence of completion of a blood borne pathogens training which meets the requirements of the Occupational Safety and Health Administration with the application.
 - (4) provide documentation of licensure as an artist in another state or country or employment history with proof of employment in a body art facility licensed by the regulatory board or agency in that state or country
- (c) A host or temporary demonstration license shall be valid for no more than fourteen (14) consecutive calendar days.
- (d) A guest artist may be issued a temporary demonstration license to appear as a guest artist in the state of Arkansas no more than one (1) time every three (3) months.

309. Body Art Institution Requirements

- (a) Application for New Private Postsecondary Body Art Institution
 - (1) Any person, firm or corporation seeking to open a new body art institution shall submit an application to the Body Art Section office and receive approval from the Department. The application shall be accompanied by the following information:
 - (A) Completed application provided by the Department and available on the Department's website at healthy.arkansas.gov.
 - (B) Detailed floor plans of the proposed institution showing adequate floor space.
 - (C) A current financial statement prepared by a certified public accountant.
 - (i) If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
 - (ii) The applicant must demonstrate that it has the financial resources to ensure continuity of operation of the institution, provide a quality educational program,

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and fulfill its obligations to students for at least 12 months, without relying on student tuition, work history and resume of the owner.

(D) List of proposed equipment to accommodate all student applicants for any combination of body art.

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

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

(G) If applicable a statement certifying that the owner(s) of the proposed institution shall provide not less than:

(i) four hundred (400) hours of supervised body art work (including at least one hundred fifty (150) hours of hands-on techniques training) in a period not less than six (6) months or more than twenty-four (24) months for all students enrolled;

(ii) three hundred seventy-five (375) hours of supervised branding work (including at least one hundred fifty (150) hours of hands-on techniques training) in a period not less than six (6) months or more than twenty-four (24) months for all students enrolled; or

(iii) Additional fields of body art may be added by completing two hundred fifty (250) hours of supervised work (including at least one hundred (100) hours of hands-on techniques training) in other fields in a period not less than four (4) months after completion and licensure for the initial field of study

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

(I) Samples of all forms to be used in the institution including but not limited to:

(i) attendance record;

(ii) sign-in sheets;

(iii) student time sheets/card;

(iv) contracts;

(v) daily activity check list; and

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(vi) progress cards.

(J) The required registration fee.

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

(L) Proof that the institution adopts and discloses to the students the complaint process outlined in 110.

(2) When the above information is received in full the Department will conduct the initial inspection described in 109

(3) When the institution application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations and advertisement for student permit applications, pending the final inspection.

(4) License will be issued upon approval of final inspection submission of student enrollment forms, required fees, and documents

(b) Inspections

(1) Initial Inspection of a New or Re-located Body Art Institution

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

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

(ii) Of proposed layout.

(iii) Of proposed items of equipment and material.

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

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

(2) Final Inspection of New or Re-located Body Art Institution

(A) 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 institution.

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(B) No license will be issued to any new institution until an inspection report of compliance is received, supporting documents and enrollment fees have been submitted and student permits have been issued.

(C) If an application is granted and thereafter the department discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of the institution license even though the false statements are detected after a license has been issued.

(D) The department may deny a institution license to any applicant or licensee upon reasonable evidence that the institution or its officials would jeopardize the health and safety of the public.

(E) An Institution license shall not be issued until the owner of record files with the department a sworn affidavit designating who is authorized to accept service of notice from the department and to transact all business negotiations on behalf of the school, including answers to citations for hearing and compliance with rulings issued by the Cosmetology Technical Advisory Committee.

(3) Routine Inspection of Body Art Institution shall be inspected:

(A) At least once a year, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department.

(B) To determine compliance with applicable licensing code and rules governing body art institutions. During an inspection, the Department or its representative may review the records maintained by the Body Art Institution; review the course outline and lesson plans and generally evaluate the operation of the Body Art Institution. Failure to comply with the licensing requirements will be grounds for disciplinary action and license revocation.

(C) To determine compliance of all student files and records for Body Art Institutions, the Department or its representative may review all student files for accuracy.

(D) Any Body Art Institution that fails to abide by the terms and conditions set out in the Body Art Institution catalog or contract or fails to comply with the procedures for adopting rules or who is capricious in enforcing Body Art Institution rules may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to 109. In the case of a Nationally Accredited Body Art Institution the Department will notify the proper officials of the disposition of the complaint.

(c) Student Artist Registration Requirements

(1) All students of Body Art training shall be registered, and a student artist permit issued from the Department before accredited hours can be obtained. Registration prerequisites are as follows:

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- (A) Registration form (forms provided by the Department). The completed registration form must be received, processed, and a student permit issued by the Department before accredited hours can be obtained.
- (B) One (1) copy of the student/institution contract.
- (C) A copy of the student's driver's license or other form of identification verifying the student's age.
- (D) Proof of education:
 - (i) high school diploma or its equivalent
 - (ii) 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.
- (E) Proof of completed Blood Borne Pathogens Course
- (F) Failure to comply with the above-mentioned prerequisites will affect the matriculation date.
- (G) All registration forms must state the student's full legal name.
- (H) If the student is married include the married name after their maiden name.
- (I) 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.
- (J) 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.
- (K) 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:
 - (i) A certified copy of the training hours accumulated and certified with the state; or
 - (ii) 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.

310. Curriculum for Body Art Institutions.

- (a) Minimum Curriculum for Tattooing Field of Study

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(1) A total of four hundred (400) hours in the field of tattoo course shall consist of the following subjects and hours:

- (A) Introduction of Tattooing (10 hours)
- (B) State Law and Rules (10 hours)
- (C) Requirements and Safe Practices (25 hours)
- (D) Medical Conditions (10 hours)
- (E) Anatomy and Physiology (40 hours)
- (F) Fundamental Protocol for Procedures (30 hours)
- (G) Color Theory (20 hours)
- (H) Fundamentals of Tattooing (60 hours)
- (I) Fundamentals of Healing and Touch Ups (20 hours)
- (J) Sanitation and Disinfection (25 hours)
- (K) Hand- On Techniques (150 hours)

(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(b) Minimum Curriculum for Permanent Cosmetics Field of Study

(1) A total of four hundred (400) hours in the Permanent Cosmetics course shall consist of the following subjects and hours:

- (A) Introduction of Permanent Cosmetics (10 hours)
- (B) State Law and Rules (10 hours)
- (C) Requirements for Facilities (10 hours)
- (D) Safe Practices (10 hours)
- (E) Medical Conditions (10 hours)
- (F) Anatomy and Physiology (40 hours)
- (G) Fundamental Protocol for Procedures (30 hours)

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(H) Color Theory, Pigment Formulation and Selections (20 hours)

(I) Anesthetics (10 hours)

(J) Fundamentals of Eyebrows (20 hours)

(K) Fundamentals of Eyeliner (20 hours)

(L) Fundamentals of Lips (20 hours)

(M) Fundamentals of Healing and Touch Ups (20 hours)

(N) Sanitation and Disinfection (20 hours)

(O) Hand- On Techniques (150 hours)

(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(c) Minimum Curriculum for Body Piercing Field of Study

(1) A total of four hundred (400) hours in the Piercing course shall consist of the following subjects and hours:

(A) Introduction of Piercing (10 hours)

(B) State Law and Rules (10 hours)

(C) Requirements and Safe Practices (25 hours)

(D) Medical Conditions (10 hours)

(E) Anatomy and Physiology (40 hours)

(F) Fundamental Protocol for Procedures (30 hours)

(G) Anesthetics (10 hours)

(H) Fundamentals of Piercing (60 hours)

(I) Fundamentals of Healing and After Care (30 hours)

(J) Sanitation and Disinfection (25 hours)

(K) Hand- On Techniques (150 hours)

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(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(d) Minimum Curriculum for Branding Field of Study

(1) A total of three hundred seventy-five (375) hours in the Branding course shall consist of the following subjects and hours:

(A) Introduction of Branding (10 hours)

(B) State Law and Rules (10 hours)

(C)(3) Requirements and Safe Practices (20 hours)

(D)(4) Medical Conditions (10 hours)

(E)(5) Anatomy and Physiology (40 hours)

(F)(6) Fundamental Protocol for Procedures (20 hours)

(G)(7) Anesthetics (10 hours)

(H)(8) Fundamentals of Branding (60 hours)

(I)(9) Fundamentals of Healing and After Care (20 hours)

(J)(10) Sanitation and Disinfection (25 hours)

(K) Hand- On Techniques (150 hours)

(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(e) Minimum Curriculum for Scarification Field of Study

(1) A total of four hundred (400) hours in the Scarification course shall consist of the following subjects and hours:

(A) Introduction of Scarification (10 hours)

(B) State Law and Rules (10 hours)

(C) Requirements and Safe Practices (25 hours)

(D) Medical Conditions (10 hours)

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(E) Anatomy and Physiology (40 hours)

(F) Fundamental Protocol for Procedures (30 hours)

(G) Anesthetics (10 hours)

(H) Fundamentals of Scarification (60 hours)

(I) Fundamentals of Healing and After Care (30 hours)

(J) Sanitation and Disinfection (25 hours)

(K) Hand- On Techniques (150 hours)

(2) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(f) Minimum Curriculum for Permanent Cosmetic Instructor Field of Study

(1) In addition to requirements under Rule 310(b)

(2) A total of two hundred fifty hours (250) in the Permanent Cosmetic instructor course shall consist of the following subjects and hours

(A) Teaching Observation 50 Hours

(B) Theory Classes 50 hours

(C) Procedure Observation 50 hours

(D) Practice Teaching 100 Hours

(3) The curriculum described in this section may be completed through supervisory learning in a classroom, online, or on a distance education platform for up to twenty percent (20%) of the student's training. All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

311. Responsibility of Body Art Institution

(a) Education of student artist

(1) An artist instructor shall be a licensed instructor in an institution licensed by the Department of Health under § 17-26-601, et seq.

(2) The Department shall develop standards to determine:

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(A) The maximum number of student artists in an institution at one time shall be at a ratio of no more than eight (8) students to one (1) artist instructor per instruction hour; and

(B) The length of the program in hours and across a range of months.

(C) During the artist training in the fields of body art:

(i) each student artist shall complete not less than four hundred (400) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty-four (24) months in an establishment licensed under § 17-26-603 and § 6-51-601 et seq.; and,

(ii) The hours required under subdivision 310(a)(1) shall include no more than twenty percent (20%) to be unsupervised online instruction hours and eighty percent (80%) in person practical instruction hours.

(D) During the artist training in the field of branding:

(i) each student artist shall complete not less than three hundred seventy-five (375) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty-four (24) months in an establishment licensed under § 20-27-1503 and § 6-51-601 et seq.; and,

(ii) The hours required under subdivision 310(d)(1) shall include no more than twenty percent (20%) to be unsupervised online instruction hours and eighty percent (80%) in person practical instruction hours.

(3) A licensed artist wanting to study additional fields of body art training may be added by completing not less than two hundred fifty (250) clock hours of technical and procedural training in each of the other fields of body art in which a student artist is to be licensed in no less than an additional four (4) months after completion and licensure for the initial field of study.

(4) The artist instructor shall maintain a training log of the clock hours completed by the student artist on forms approved by the Department.

(A) The training log shall include without limitation a record of:

(i) Hours of both theory and practical education;

(ii) The procedures observed and completed; and

(iii) A list of resources used for training.

(B) The completed training log shall be submitted to the Department of Health at the time of application for the practical examination.

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(5) The student artist shall keep available for inspection a record book or folder containing records that is separate from the record book of another artist or student artist.

(6) An instructor may offer training only in the area in which the instructor holds a current license from the department.

(7) Certification of Training Form

(A) The institution shall certify the training in accordance with the required curriculum for examination and license. This provision does not prohibit a institution 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 institution rules or policies, may be suspended from institution. Duration of a suspension shall be set forth in the institution catalog.

(B) Certification of hours must be filed with the Department within forty-five (45) calendar days immediately following termination of student (last day of attendance). 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. If a Certificate of training is not received within the forty-five (45) days, the student will be dropped by the Department and all hours will be certified.

(C) No body art institution owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a student signed Balance Due on Tuition form, if applicable, pursuant to Rule 8.21 A.

(D) 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 healthy.arkansas.gov

(b) The Department of Health shall adopt a minimum curriculum for each area of body art training that shall be followed by all artist instructors, student artists , and body art training facilities Monthly Reports for Body Art Institutions

(1) All body art institutions are required to report monthly hours to the Body Art Section database, by the last day of each month for all students currently enrolled in the school during the prior month. The monthly report shall reflect the number of hours acquired in the institution during the prior month and the accumulated hours during the current enrollment.

(2) The Body Art Section will notify the body art institution when an error has been made on the monthly report. Upon receipt of this notification the institution owner or instructor

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is required to check their records and appraise the Body Art Section office of the corrections made within the week.

(3) All body art institutions 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 timecards 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.

(c) Student Records for Body Art Institutions

(1) Every body art institution shall keep a daily record of attendance on each student enrolled.

(2) Every body art institution shall keep a daily record of the student's activity. The time the student has acquired in the various phases of body art or its related branches shall be recorded on this record.

(3) The body art institution 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 body art institution. A course outline shall be provided to students so they will be apprised of the upcoming activities.

(6) Every body art institution shall maintain a student folder containing:

(A) the student's daily record of attendance;

(B) the student's daily record of activity;

(C) the student enrollment documents;

(D) signed student contract;

(E) signed financial agreements between the school and the student; and,

(F) any disciplinary actions

(d) School Catalog for Body Art Institution

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- (1) Every body art institution shall set forth basic information about itself in a catalog which is kept up to date and made available to prospective students and submitted to the Department with the original application.
- (2) The catalog must include the following items as a minimum: name and address of body art institution; hours of operation to include scheduled closures such as holidays and vacations; date of publication; when the body art institution 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 body art institution; body art institution policies, rules; disciplinary action for failure to abide by policies or rules; and name of administrative staff and faculty of the body art institution.
- (4) Prior to adoption, amendment, or repeal of any rule or catalog, the body art institution shall give notice of its intended action to the students enrolled in postsecondary body art institution. The notice shall include the following:
 - (A) The effective date.
 - (B) Whether the rule(s) is new, repeals, or changes an existing rule; and,
 - (C) What the rule(s) is.
 - (D) After the students are given notice in the proper form all students enrolled in said body art institution will be required to sign a document stating that they have been apprised of the intended action.
- (5) Notice to the Department of Health
 - (A) After the rule(s) have been adopted by the body art institution, a supplement which contains the revisions shall be attached to all catalogs that the body art institution has on hand.
 - (B) Any amendments to the catalog must be submitted via email to the Department as well as distributed to currently enrolled the students.
- (6) Body Art Institutions Contracts
 - (A) Body Art Institutions contracts must clearly outline the obligation of both the institution and the student in accordance with the terms and conditions stipulated in the school catalog.
 - (B) All contracts must contain the following:

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(i) The name and address of the body art institution

(ii) The name and address of the applicant.

(iii) Course of Training – Total hours of instruction.

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

(v) 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.

(vi) The body art institution refund policy must be stated.

(vii) Acknowledgement that the student received a copy of the body art institution rules and catalog.

(viii) 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.

(ix) All body art institution contracts must be fully executed.

(e) Instructor Training Body Art Institutions and Renewal Requirements

(1) An artist that

(A) Has been licensed by the Department of Health for at least five (5) years in the specified field of body art in which he or she will offer training.

(B) Has worked in a body art establishment licensed by the Department for at least five (5) years and has been in compliance with Department rules governing body artists.

(C) Has completed the course required under § 20-27-1506;

(D) Is a registered instructor for the specified field of body art with the Department of Health;

(E) Has completed a course in safety and sanitation guidelines and requirements by the department;

(F) Shall not exceed a ratio of one (1) instructor to eight (8) students per instruction hour;

(G) Is at least twenty-one (21) years of age; and

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(H) Has completed two hundred and fifty (250) instructional hours from a state approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.

312. Critical Items For Closure

- (a) Any body art establishment which is found to be in violation of any critical item(s) shall be subject to immediate closure by the Department, pending a hearing before the State Board of Health in accordance with Ark. Code Ann. § 25-15-211.
- (b) The establishment shall remain closed until all issued fines and/or penalties have been paid and it is found no longer in violation of any critical item(s) upon inspection by the Department.
- (c) Critical items shall include:
 - (1) Performing a body art procedure on a person who is obviously inebriated or appears to be incapacitated by the use of alcohol or drugs;
 - (2) Performing a body art procedure on a person who shows signs of recent intravenous drug use;
 - (3) Performing a body art procedure on an area of a person's body with sunburn, open lesions, rashes, or wounds;
 - (4) Performing a body art procedure with the use of a product or ink that is banned or restricted by the United States Food and Drug Administration;
 - (5) Performing a body art procedure in an area that is not physically and permanently separated from beauty facilities, such as hair and nail services;
 - (6) Performing a body art procedure on an animal in a facility licensed for the application of body art on human beings;
 - (7) Using a piercing gun to pierce any parts of a person's body other than an earlobe;
 - (8) Performing a piercing with a manually loaded spring-operated piercing device;
 - (9) Piercing an earlobe with a piercing gun that does not use a pre-sterilized encapsulated stud and clasp system;
 - (10) Using jewelry for an initial piercing that is not certified by ASTM International or the International Organization for Standardization, or both, as an implant-grade material, except for specified types of glass, gold and niobium as approved by the Department;
 - (11) Failure to maintain on file for inspection a Mill Test Certificate confirming certification by ASTM International or the International Organization for Standardization, or both, for steel and titanium jewelry for initial piercing;

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- (12) Selling a body piercing needle, tattoo needle, or body art instrument, or a combination of these, including without limitation tattoo ink, barrel, grip and a tattoo machine to a person within this state who is not licensed as an artist by the Department; and
- (13) Any action that constitutes a danger to the public's health, safety or welfare may result in emergency suspension of the artist or establishment license, upon factual finding by the Department in accordance with Ark. Code Ann. § 25-15-211.

313. Restrictions Concerning Body Art Procedures

(a) Body art procedures shall be prohibited under the following circumstances:

- (1) No body art procedure shall be done on the person of anyone having a history of jaundice or similar disease and each client shall be questioned.
- (2) No body art procedure shall be done on the person of any individual who is obviously under the influence of drugs or intoxicating liquor.
- (3) No body art procedure shall be done on a person suffering from any visible rash, skin lesion or any skin disease or possible communicable disease. The skin surface shall be free from rash, pimples, infection or recent scar tissue before body art is applied.
- (4) No person inflicted with an infectious or communicable disease, which may be transmitted during the performance of any body art procedure, or afflicted with an infestation of animal parasites shall be permitted to work or train in a body art establishment. The Department may require a certificate signed by a duly licensed physician stating the person is free from communicable diseases before permission to resume operation is granted.
- (5) No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician. This section does not intend to prohibit the cover up of existing tattoos with additional body art design pattern or application of permanent cosmetics.
- (6) No smoking in an establishment at any time in accordance with the Arkansas Clean Indoor Air Act
- (7) No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing. Ingredients contained in the pigments and Material Safety Data Sheets must be provided by the manufacturer to the Department upon request.
- (8) The use of a straight razor is prohibited. Only single service disposable razors shall be used for shaving purposes.
- (9) No person shall allow or perform the tattooing of animals in an establishment licensed and used for performing body art procedures on human beings.

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- (10) An artist licensed by the Department shall not perform or attempt to perform the insertion of a subdermal implant.
- (11) An artist may use only nonprescription strength topical anesthetics, ointments, or other medications prior to, during, or after any phase of body art procedures.
- (12) An artist shall not use chemical or other means to intensify the results of a scarification procedure.

314. Standards For Serving Clients

(a) Body Piercing Standards

- (1) Initial jewelry for body piercing shall meet ASTM or ISO standards.
- (2) The jewelry must be able to withstand the heat and pressure of autoclave sterilization.
- (3) All surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals must have a consistent mirror finish.
- (4) An artist shall maintain on file for inspection a "Mill Test Certificate" confirming certification by ASTM International or the International Organization for Standardization, both for steel and titanium jewelry for initial piercing. The documentation shall accompany each initial piercing jewelry order.
- (5) Use of personal client jewelry or any apparatus or device presented by the client to be worn within an initial piercing is prohibited.
- (6) Any jewelry used for the procedure must be properly sterilized prior to use and handled in a manner to maintain sterility until use.
- (7) No product shall be used in or on a fresh body piercing that warns against such use. Nor shall these products be used against manufacturer warnings in the aftercare or healing of the piercing.
- (8) Any marking instrument shall be single use and disposable.

(b) Tattoo and Permanent Cosmetic Standards

- (1) All inks, dyes and pigments must be produced by a commercial manufacturer and accepted for use by the Department by providing Material Safety Data Sheets and/or ingredient information.
- (2) Any needle shall be single use only and sterilized prior to use.
- (3) All products used for the procedure such as skin cleansers, etc. shall be used in accordance with the manufacturer's instructions.
- (4) Any non-tattooing marking instrument shall be single use only and disposed of after use.

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

- (5) After the procedure is complete, the tattoo or permanent cosmetic shall be cleaned and, where feasible, an ointment and a nonstick bandage applied.
- (6) All tubes, barrels, tips, or hand tools used for permanent cosmetics shall be single use and disposable or stainless-steel tubes, which may be sterilized onsite in accordance with these Rules.

(c) Branding Standards

- (1) Any metal or other instrument used in a branding procedure which comes in direct contact with the client's skin shall be single use or capable of being properly sterilized.
- (2) All products used for the procedure such as skin cleansers, preps, or ointments shall be used in accordance with the manufacturer's instructions.
- (3) Any marking instrument or stencil shall be single use only and disposed of after use.
- (4) The artist, the client and any assistants or other individuals in the procedure room shall wear adequate personal protection equipment throughout the procedure.
- (5) The procedure area for branding shall be an enclosed room with adequate ventilation.
- (6) Metal used in strike branding procedures shall be made of non-galvanized steel.

(d) Scarification Standards

- (1) Scarification procedures shall be performed in a dedicated enclosed workroom that is used for no other purpose at that time.
- (2) Adequate surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.
- (3) Both oral and written aftercare shall be given to the client prior to beginning any scarification procedure.
- (4) All marking instruments and stencils shall be single use and disposable.
- (5) A scarification artist shall wear disposable eye and respiratory protection as well as an adequate hair restraint at all times while performing the scarification procedure.
- (6) All scarification instruments shall be individually prepackaged and pre-sterilized by the manufacturer and handled in a manner to avoid compromising sterility.
- (7) A scarification artist shall wear sterile individually prepackaged gloves during the scarification procedure. A new pair of sterile gloves shall be worn for each scarification procedure. If the scarification artists must stop the procedure to conduct other tasks, the artist must wash his or her hands according to 36(e)(1)(B) and put on a new pair of sterile gloves.

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- (8) A client's skin must be thoroughly cleaned with soap and water, rinsed and swabbed with an antiseptic solution prior to a scarification procedure.
- (9) If the area in which the procedure is to be performed requires shaving, it shall be done with a single use, disposable razor.
- (10) After the procedure is complete, the area shall be washed and a nonstick bandage applied.
- (11) All scarification implements used to break or cut the skin shall be regarded as sharps and must be single use and disposed of in compliance with the Rules Pertaining to The Management of Medical Waste from Generators and Health Care Related Facilities.
- (12) Surface barriers used during scarification procedures shall be considered medical waste and disposed of accordingly after each procedure.

315. Treatment And Disposal Of Infectious Waste

- (a) Treatment and disposal of infectious waste including sharps shall conform to Act 96 of 1913 as amended and Act 41 of 1992 and the Rules Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

316. Related Rules

- (a) All body art establishments shall comply with all appropriate state laws, rules, including but not limited to the following:
- (b) Arkansas Department of Health Rules Pertaining to General Sanitation.
- (c) Act 402 of 1977, as amended, and the Rules Pertaining to Onsite Wastewater Systems.
- (d) Arkansas Department of Health Rules Pertaining to Public Water Systems.
- (e) Arkansas Plumbing Code.
- (f) The Rules Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.
- (g) The Rules Pertaining to the Control of Communicable Diseases.
- (h) The Arkansas Gas Codes.
- (i) The Arkansas Mechanical Code.

317. Penalty

- (a) Every firm, person, or corporation violating any of the provisions of these Rules shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § 20-27-1512.).

(b) Additional civil penalties and fines shall be enforced in accordance with Ark. Code Ann. § 20-58-12, Ark. Code Ann. § 20-7-101 and Ark. Code Ann. § 20-27-1501 et. seq.

(c) Any penalty will be in addition to other remedies available to the Department, including suspension or revocation of license and civil penalties.

400. FEES

401. Fees For Cosmetology

The following fees shall apply as authorized under A.C.A. 17-26-209(a). All fees are non-refundable upon submission:

(a) Enrollment into a school of cosmetology or postsecondary school of cosmetology \$20.00

(b) Examination for licensing

(1) First-time candidate

(A) Practical (Payable to School) not to exceed \$65.00

(2) Retest candidate

(A) Practical (Payable to School) not to exceed \$65.00

(B) Reciprocity candidate that has not taken a written. and practical exam

(C) Transfer fee \$50.00 one-time fee

(D) Practical (Payable to School) not to exceed \$65.00

(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 \$50.00 one-time fee

(e) New establishment or mobile salon \$ 100.00 one-time fee

(f) Renewal of an establishment or mobile salon\$50.00 annually

(g) Relocation of establishment \$50.00 one-time fee

(h) New school of cosmetology or postsecondary school of cosmetology .. \$1000.00 one-time fee

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- (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 \$100.00 one-time fee
- (k) Name and/or ownership change of an establishment or mobile salon..... \$25.00 each
- (l) Duplicate license \$10.00 per license
- (m) Certification of Department records \$10.00 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 or mobile salon 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 55 years or older and has been actively engaged in the practice or teaching of cosmetology for twenty (20) years or more. \$50.00 for first license; requests for second subsequent copy must pay duplicate license fee of \$10.00 per licenser.
- (r) Hot check fee, plus, all applicable bank fees, for each returned check\$25 service charge

402. Fees For Body Art

- (a) Initial/Renewal of a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license Annually\$100.00
- (b) Examination for tattoo, body piercing, permanent cosmetic, branding, scarification or instructor artist
 - (1) First-time candidate and retest candidates
- (c) Practical and Written Examinations\$50.00
- (d) Reinstatement fee for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license will apply for licenses that are renewed within ninety (90) days of expiration One-time fee\$100.00
- (e) Reinstatement fee for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license will apply for licenses that are expired (not renewed within ninety (90) days of expiration) One-time fee\$100.00

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- (f) Reciprocity for a tattoo, body piercing, permanent cosmetic, branding, scarification or instructor license when the licensee is duly licensed in another state One-time fee\$500.00
- (g) New body art establishment One-time fee\$150.00
- (h) Renewal of a body art establishment Annually\$150.00
- (i) Reinstatement for a body art establishment license will apply for licenses that are expired (not renewed after ninety (90) days of expiration) are considered a new establishment and must apply for a new license One-time fee\$150.00
- (j) New Body Art institution One-time fee\$850.00
- (k) Renewal of Body Art institution Annually\$150.00
- (l) Host for an event for education purposes (not to exceed \$2000.00) Per Artist\$50.00
- (m) Guest Artist for event for education purposes Per license\$50.00
- (n) Hot check fee, plus, all applicable bank fees, for each returned check\$25 service charge

RULES FOR COSMETOLOGY AND BODY ART IN ARKANSAS

CERTIFICATION

This will certify that the Rules for Cosmetology [and Body Art](#) 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 ____ day of - _____, [2024](#).

Dr. Jennifer Dillaha
Secretary of Board of Health
Director of the Department of Health

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the Rules for Cosmetology and Body Art in Arkansas from June 8, 2024 to July 10, 2024. The comment period is provided to allow interested parties and the public to provide any comments. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-682-2168.

The Arkansas Department of Health, Cosmetology, Massage Therapy and Body Art Section will hold a public hearing on July 10, 2024, at 9:00 AM in the auditorium of the Health Department Building located at 4815 W. Markham, Little Rock, AR, 72205, to allow interested persons to comment on proposed Rules.

Comments on the proposed changes can also be mailed to Arkansas Department of Health, Comments/Slot 8, 4815 West Markham, Little Rock Arkansas, 72205, or emailed to cosmo@arkansas.gov

Summary of Proposed Changes
Rules for Cosmetology in Arkansas

REVISION by Section	Supporting Information
§100 General Provisions	
§(101) - § (116) – Moved Authority, Purpose, Applicability of rules, prohibitions, Enforcement, Access, Authorization, Consumer information, Investigations, Complaint policy Rules, location, change and notification requirements, automatic occupational licensure for out-of-state, automatic military licensure, temporary license and fee waiver and added Body Art language.	Moved for clarification of Rule and to meet requirements of Act 688 of 2023 Added language to meet requirements of Act 457 of 2023, Act 137 of 2023, Act 135 of 2021 and Act 725 of 2021.
§200 Rules for Cosmetology and related Branches	
§ (201) & § (207) Moved definitions for cosmetology and related branches, required licensure to practice and teach cosmetology and related branches, examinations, reciprocity for cosmetology and related branches, requirements for cosmetology schools of cosmetology, postsecondary schools of cosmetology, establishments, and mobile salons, cosmetology establishments and mobile salon certificate of registration and licensure, and school of cosmetology and postsecondary school of cosmetology requirements.	Moved for clarification of Rule and better flow.
§300 Rules for Body Art and related Branches	
§ (301) & § (317) Added language for definitions for Body Art and related branches, pre-licensure determination for disqualifying offenses, determination of prohibiting criminal offenses for licensure, required licensure to practice and teach Body Art and related branches, reciprocity and qualifying review for Body Art and related branches, requirements for Body Art establishments, institutions, and mobile establishments, temporary or mobile establishments, host and temporary demonstration license, body art institution requirements, curriculum for body art institution, responsibility of body art institution, standards for serving clients, treatment and disposal of infectious waste, related rules and penalty.	Added language to meet requirements of Act 688 of 2023 and moved language from current rules pertaining to body art establishments and added language for better clarification of the rules.
§400 Fees	
§ (401) & § (402) Moved language for cosmetology fees and added language for body art fees	Moved for better flow and clarification of the rules.

~~ARKANSAS STATE BOARD OF HEALTH~~

~~RULES PERTAINING TO BODYART- ESTABLISHMENTS~~



~~Promulgated Under Authority of 20-27-1501 et seq.~~

Effective on
~~June 15, 2020~~

~~Environmental Health Protection
Arkansas Department of Health
Nathaniel Smith, MD, MPH,
Secretary of Health~~

**RULES PERTAINING TO BODY ART
ESTABLISHMENTS**

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SECTION 1. AUTHORITY

~~The following Rules Pertaining to Body Art Establishments are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 as amended, the same being Ark. Code Ann. § 20-7-109.~~

SECTION 2. PURPOSE

~~To protect the health of the citizens of Arkansas by establishing criteria for the application of body art, to require licensing of artists and establishments, and require inspections of such establishments.~~

SECTION 3. DEFINITIONS

~~For the purposes of these Rules, the following words and phrases when used herein shall be construed as follows:~~

~~3.1. — **APP.** The Alliance of Professional Piercers.~~

~~3.2. — **APT.** The Alliance of Professional Tattooists.~~

~~3.3. — **Artist.** Any person, other than a licensed physician, who performs body art on a human.~~

~~3.4. — **Artist in Training.** A person who:~~

~~3.4.1. — Is in training under the supervision of an artist trainer or a physician; and~~

~~3.4.2. — Shall not perform body art independently.~~

~~3.5. — **Artist Trainer.** An artist who:~~

~~3.5.1. — Has been licensed by the Department of Health as an artist for at least five (5) years in the specified field of body art in which he or she will offer training;~~

~~3.5.2. — Has worked in a body art establishment licensed by the Department for at least five (5) years and been in compliance with Department rules governing body artists;~~

~~3.5.3. — Has completed the course required under § 20-27-1506; and~~

~~3.5.4. — Is a registered instructor for the specified field of body art with the State Board of Private Career Education.~~

~~3.6. — **Aseptic Technique.** The practice which prevents or hinders the transmission of disease-producing microorganisms from one person or place to another person or place.~~

~~3.7. — **ASTM.** The American Society for Testing and Materials.~~

~~3.8. — **Body Art.** Procedures that include:~~

~~3.8.1. — Body Piercing;~~

~~3.8.2. — Branding;~~

~~3.8.3. — Permanent Cosmetics;~~

~~3.8.4. — Tattooing; and~~

~~3.8.5. — Scarification.~~

- 3.9. ~~**Body Piercing and Body Piercing Procedure.** The puncturing of a part of a live human being to create a hole for ornamentation or decoration or a single point perforation of a body part to insert an anchor with a single stud protruding or flush with the skin.~~
- 3.9.1. ~~Body piercing or body piercing procedure shall not include piercing an earlobe with a pre-sterilized disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.~~
- 3.10. ~~**Branding.** A permanent mark made on human tissue by burning with a hot iron or other instrument.~~
- 3.11. ~~**Critical Item.** An aspect of operation or condition of a facility or equipment that constitutes the greatest hazard to health and safety, including imminent health hazards.~~
- 3.12. ~~**Decontamination Area.** An area designated for the decontamination and processing of dirty instruments.~~
- 3.13. ~~**Department.** The Arkansas Department of Health or its authorized agent.~~
- 3.14. ~~**Disinfectant.** A product that is registered by the Federal Environmental Protection Agency and/or the Department of Pesticide Regulation, as indicated on the label, to reduce or eliminate the presence of disease-causing microorganisms, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use in decontaminating work surfaces.~~
- 3.15. ~~**Enzymatic Cleaner or Enzymatic Detergent.** Low foaming detergents which add enzymes capable of digesting organic material such as blood and mucous, and which are labeled as such by the manufacturer.~~
- 3.16. ~~**Establishment.** Any place or facility where body art is performed and that has a body artist licensed in Arkansas on staff.~~
- 3.17. ~~**Germicidal Solution.** A substance for use in the destruction of pathogenic microorganisms as indicated on the label.~~
- 3.18. ~~**Guest Artist.** An artist from a state other than Arkansas or a country other than the United States who:~~
- 3.18.1. ~~Holds a license from the body art regulatory board or agency, if in existence, in that state or country; or~~
- 3.18.2. ~~If an artist license is not available in the guest artist's state or country, can submit to the Department of evidence of professional experience, employment and education including:~~
- 3.18.2.1. ~~Proof of blood-borne pathogen certification; and~~
- 3.18.2.2. ~~Proof of employment in a licensed body art facility for at least two (2) years.~~
- 3.19. ~~**Instrument.** Equipment used during body art procedures, including without limitation:~~
- 3.19.1. ~~Forceps;~~
- 3.19.2. ~~Hemostats;~~
- 3.19.3. ~~Needles;~~
- 3.19.4. ~~Permanent cosmetic needles and tips;~~

- ~~3.19.5. Receiving tubes; and~~
- ~~3.19.6. Tattoo barrels and tubes.~~
- ~~3.20. **ISO.** The International Organization for Standardization.~~
- ~~3.21. **Operator.** Any person who owns, controls, operates, conducts or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not.~~
- ~~3.22. **Permanent Cosmetics and Permanent Cosmetic Procedure.** The application of permanent or semi-permanent pigmentation by the penetration of the skin with a needle or other instrument to:~~
 - ~~3.22.1. The face for cosmetic purposes; or~~
 - ~~3.22.2. Any part of the body for scar coverage or other corrective purposes.~~
- ~~3.23. **Procedure(s).** The act of applying body art.~~
- ~~3.24. **Repigmentation.** Recoloration of the skin, including through the use of dermabrasion or chemical peels, sought due to:~~
 - ~~3.24.1. Birthmarks, vitiligo, or other skin conditions, which result in the loss of melanin to the skin;~~
 - ~~3.24.2. Scarring caused by surgical procedures, including without limitation face lifts, mole or wart removal, cauterization, and other similar procedures;~~
 - ~~3.24.3. Mastectomy, including recreation of an areola or nipple; or~~
 - ~~3.24.4. Blotchy pigmentation.~~
- ~~3.25. **Scarification.** Injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration.~~
- ~~3.26. **Scarification Implement.** Any instrument which intentionally alters human skin for the purpose of scarification.~~
- ~~3.27. **Sharps.** Includes, but is not limited to, any contaminated object that can penetrate the skin; any waste produced in the course of physically altering a human being including tattooing, ear piercing; or any other process where a foreign object is used to cut or pierce the skin. All waste generated in this manner meeting the definition of sharps must be handled accordingly.~~
- ~~3.28. **Single Service.** Articles intended for one time, one person use and then discarded.~~
- ~~3.29. **Sponsor.** An individual or business entity, including an event coordinator or manager, responsible for the organization of a convention, trade show, or other temporary event that includes a body art demonstration booth.~~
- ~~3.30. **Subdermal Implanting.** The insertion of an object under the skin of a live human being for ornamentation or decoration.~~
- ~~3.31. **Tattooing and Tattoo Procedure.** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments.~~
 - ~~3.31.1. Tattooing and Tattoo Procedure do not include permanent cosmetics.~~

~~3.32. **Tempered Water.** Water having a temperature range between 85°F (29°C) and 110°F (43°C).~~

~~3.33. **Vendor.** A person who supplies body art materials, including body art instruments, at a temporary demonstration where body art is performed.~~

~~SECTION 4. ARTIST LICENSURE~~

~~4.1. No person except a duly licensed physician shall engage in the practice of body art or act as a body artist unless he or she holds a body art license issued by the Department.~~

~~4.2. 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.~~

~~4.3. The following requirements must be completed before any individual shall receive a body art license:~~

~~4.3.1. Prior to applying for a body art license, the applicant must complete blood borne pathogens training which meets the requirements of the Occupational Safety and Health Administration (OSHA) and is approved by the Department.~~

~~4.3.2. Artists in training pursuing licensure for scarification shall also complete basic first aid and CPR training, which is approved by the Department.~~

~~4.3.3. Artists in training pursuing licensure for scarification shall possess a current license in another field of body art. They shall also submit training and experience documentation related to scarification for review by the Department to determine eligibility for licensure.~~

~~4.3.4. An application for a body art license shall be filed with the Department at the time of the written exam.~~

~~4.3.5. The applicant must successfully complete a written examination given by the Department. This examination shall be based on these Rules. It shall insure the applicant has knowledge of pertinent microbiology and proper technique, to assure that infection and contagious disease shall not be spread.~~

~~4.3.6. The applicant shall meet all the current applicable requirements of the Rules Pertaining to the Control of Communicable Diseases.~~

~~The applicant must complete an approved training program as set forth by the Department. Artist in training shall train in a licensed body art training facility under a currently licensed artist trainer who has been licensed and operating in compliance with the Rules in the State of Arkansas for a period of not less than five (5) years.~~

~~4.3.7. At the end of the required training period, the applicant must successfully complete a practical exam in the field(s) of study. Practical exams conducted by the Department will observe a procedure for aseptic technique, sterilization procedures, recordkeeping and aftercare instruction to the client.~~

~~4.3.8. A practical body art training facility shall be licensed by the Department as a body art establishment and an approved body art training facility.~~

~~4.3.9. The Department shall levy and collect a nonrefundable fee of fifty dollars (\$50.00)~~

~~from each artist in training who applies to take the written and practical examinations. This fee is waived for an Artist in the qualification review process.~~

- ~~4.4. An artist with an expired Arkansas license, or an artist from another state or a country outside of the United States, who holds a license from the body art regulatory board or agency in that state or country, may submit to the Department an application for qualifications review and a \$500.00 nonrefundable application fee, to determine eligibility for a body art license issued by this Department.~~

~~The Department will review qualifications based on the following criteria:~~

- ~~4.4.1. Proof of annual blood borne pathogen certification.~~
 - ~~4.4.2. Proof of licensure as a body art artist by the appropriate regulatory agency within the last two (2) calendar years.~~
 - ~~4.4.3. Copy of the body art laws and/or regulations from the regulatory agency which licenses the artist.~~
 - ~~4.4.4. Documentation from the regulatory agency concerning the establishment where the artist is currently employed or has most recently been employed, including, but not limited to:
 - ~~4.4.4.1. Name of establishment.~~
 - ~~4.4.4.2. Length of time employed.~~
 - ~~4.4.4.3. A copy of licensure and inspection reports of establishment.~~~~
 - ~~4.4.5. Documentation that the artist completed, at a minimum, a six (6) month artist in training program. In lieu of training documentation, the artist may submit a letter of reference from the regulatory agency, which provides compliance history, evaluation of knowledge of health and safety standards and any record of training completed.~~
 - ~~4.4.6. Proof of passage of the Department's body art written exam.~~
 - ~~4.4.7. Completion of a practical exam at a currently licensed body art establishment in Arkansas or other Department approved facility.~~
- ~~4.5. Upon receipt and approval of all qualification requirements, the artist shall be invoiced and submit the annual artist license fee.~~
- ~~4.6. An artist from another state or a country outside of the United States where artist licensure is not required by a regulatory body shall complete the artist in training program as required by Section 4.3 of these Rules.~~
- ~~4.7. 20-27-1507. Education of artist in training.~~
- ~~4.7.1. An artist trainer shall be a registered instructor in a school licensed by the State Department of Health under § 6-51-601 et seq. The Department shall develop standards to determine:
 - ~~4.7.1.1. The maximum number of artists in training in a training facility at one time; and~~
 - ~~4.7.1.2. The length of the program in hours and across a range of months.~~~~

- ~~4.7.1.3. During the artist training in the fields of tattoo, body piercing, or permanent cosmetics, each artist in training shall complete not less than three hundred seventy five (375) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty four (24) months in an establishment licensed under § 20-27-1503 and § 6-51-601 et seq.~~
- ~~4.7.1.4. During the artist training in the field of branding, each artist in training shall complete not less than three hundred seventy five (375) clock hours of supervised body art work and classroom instruction in a period not less than six (6) months or more than twenty four (24) months in an establishment licensed under § 20-27-1503 and § 6-51-601 et seq. Additional fields of body art training may be added by completing not less than two hundred fifty (250) clock hours of technical and procedural training in each of the other fields of body art in which an artist in training is to be licensed. An artist in training studying multiple fields of body art at the same time shall complete the total clock hours of all fields in not less than twelve (12) months or more than twenty four (24) months.~~
- ~~4.7.1.5. The artist trainer shall maintain a training log of the clock hours completed by the artist in training on forms approved by the Department~~
- ~~4.7.1.6. The training log shall include without limitation a record of:
 - ~~4.7.1.6.1. Hours of both theory and practical education;~~
 - ~~4.7.1.6.2. The procedures observed and completed; and~~
 - ~~4.7.1.6.3. A list of resources used for training.~~~~
- ~~4.7.1.7. The artist in training shall keep available for inspection a bound record book that is separate from the record book of another artist or artist in training.~~
- ~~4.7.1.8. The completed training log shall be submitted to the Department of Health at the time of the practical examination under an artist trainer may offer training only in the area in which the artist trainer holds a current license from the Department of Health.~~
- ~~4.7.1.9. The Department of Health shall adopt a minimum curriculum for each area of body art training that shall be followed by all artist trainers, artists in training, and body art training facilities.~~

SECTION 5. ARTIST LICENSE FEE AND RENEWAL REQUIREMENTS

- ~~5.1. Any artist in training who has completed the written exam by the Department and is currently enrolled in an approved training facility, at the time of the effective date of this rule, will be exempt from any additional requirements for the current course of study.
 - ~~5.1.1. This exemption shall not apply to any course of study begun after the effective date of this rule.~~~~
- ~~5.2. Artist's licenses shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 20-27-1501 et seq. including, but not limited to:
 - ~~5.2.1. Submission of a renewal application for a body art license.~~~~

- ~~5.2.2. Proof of completion of the annual blood-borne pathogen certification.~~
- ~~5.2.3. For Scarification Artists, proof of current CPR and first aid certification.~~
- ~~5.3. The Department shall levy and collect an annual fee of one hundred dollars (\$100) per artist for issuance of a license to an artist who performs body art.~~
 - ~~5.3.1. If the annual fee for a licensed artist has not been paid by March 1 of the calendar year, the artist license shall be suspended for ninety (90) days.~~
 - ~~5.3.2. Before a license may be reissued within ninety (90) days after suspension the artist shall:~~
 - ~~5.3.2.1. Pay a reinstatement fee of one hundred dollars (\$100) and all overdue licensing fees;~~
 - ~~5.3.2.2. Complete a written exam with the Department and a practical exam at the studio in which the artist is licensed, a currently licensed body art establishment in Arkansas or other Department approved facility; and~~
 - ~~5.3.2.3. Meet all current requirements established by the Department for artists.~~
 - ~~5.3.3. If an artist whose license is suspended has not met the requirements under 5.3.2. within ninety (90) days after the suspension, the artist may apply for qualification review.~~
 - ~~5.3.4. Veterans Licensure Under Act 820 of 2019.~~
 - ~~5.3.4.1. As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~
 - ~~5.3.4.2. The Department shall grant such automatic licensure to:~~
 - ~~5.3.4.2.1 An active duty military service member stationed in the State of Arkansas;~~
 - ~~5.3.4.2.2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or~~
 - ~~5.3.4.2.3 The spouse of a person under 5.3.4.2.1 or 5.3.4.2.2~~
 - ~~5.3.4.3 The Department shall grant such automatic licensure upon receipt of:~~
 - ~~5.3.4.3.1 Payment of the initial licensure fee;~~
 - ~~5.3.4.3.2 Evidence that the individual holds a substantially equivalent license in another state; and~~
 - ~~5.3.4.3.3 Evidence that the applicant is a qualified applicant under 5.3.4.2.~~
 - ~~5.3.5 Temporary and Provisional License under Act 1011 of 2019~~
 - ~~5.3.5.1 The Department shall issue a temporary and provisional license to persons immediately upon receipt of the application, the required fee, and evidence that the individual holds a substantially equivalent license in another state.~~
 - ~~5.3.5.2 The temporary and provisional license shall be effective for least 90 days or until the Department makes a decision on the application, unless the Department determines that the applicant does not meet the requirements in Section 4.4 in which~~

~~case the provisional and temporary license shall be immediately revoked.~~

~~5.3.5.3—An applicant may provide the rest of the documentation required in 4.4 above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.~~

~~5.3.6—License for person from state that does not license profession.~~

~~5.3.6.1 Required Qualifications. An applicant from a state that does not license Body Artists, Body Artist Trainers, and Body Artists in training shall meet the following requirements~~

~~5.3.6.1.1. The applicant shall be sufficiently competent in the body art professions.~~

~~5.3.6.1.2. The applicant for a Body Artists license shall meet the qualifications in 4.3.~~

~~5.3.6.2 Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.~~

~~5.3.6.2.1. As evidence that the applicant is sufficiently competent in the body art professions:~~

~~5.3.6.2.2. Pass the required tests for Body Artists, or Body Artist in Training.~~

~~5.3.6.2.3. Meet the requirements of 4.3.~~

~~5.3.7—Reciprocity and state specific education.~~

~~5.3.7.1 The Department shall require an applicant to take the Body Artist Test or the Body Artist in training test if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out of state applicants in A.C.A. § 17-1-108.~~

~~5.3.7.2 Reciprocity in another state will be considered similar to reciprocity under A.C.A. § 17-1-108 if the reciprocity provisions in the other state:~~

~~5.3.7.2.1 Provide the least restrictive path to licensure for Arkansas applicants;~~

~~5.3.7.2.2. Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure.~~

~~5.3.7.2.3. Do not require Arkansas applicants to take a state specific education unless required to do so under the same conditions described in A.C.A. § 17-1-108.~~

SECTION 6. ESTABLISHMENT LICENSE FEE AND SANITATION CERTIFICATION

~~6.1.—Establishment license's shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these Rules and Ark. Code Ann. § 20-27-1501 et seq.~~

~~6.2.—The Department shall levy and collect an annual fee of one hundred fifty dollars (\$150) per facility for issuance of a license to an establishment that performs body art.~~

~~6.2.1.—If the annual fee for a licensed establishment has not been paid by March 1 of the calendar year, the establishment shall be closed until a new license has been issued by the Department and the annual fee has been paid.~~

- ~~6.2.2. Any studio or business owner operating without a current license commits a Class D felony.~~
- ~~6.3. No person shall operate a body art establishment unless the establishment has received a Certificate of Sanitation from the Department. No certificate shall be issued or renewed unless the establishment has been inspected and found to be in compliance with the provisions of these Rules at the time of the most current inspection.~~
- ~~6.4. The certificate shall expire on December 31 of each year. Renewal inspections shall be conducted by the Department.~~
- ~~6.5. No holder of any certificate of sanitation shall allow a body art artist to perform in his/her establishment unless the artist is the holder of a valid body art license issued under Section 4 of these Rules or holds a current guest artist temporary demonstration license.~~
- ~~6.6. It shall be the duty of the operator or owner of the establishment to post the current certification in a conspicuous place where it may be readily observed by the public.~~

SECTION 7. GENERAL PHYSICAL ENVIRONMENT

- ~~7.1. Each establishment shall have a workroom, which is separate and apart from a waiting room or area. This room shall not be used as a corridor for access to other rooms, including the public restroom facilities for clients. Body art procedures shall only be performed in the workroom.~~
- ~~7.2. Floors shall be swept and wet-mopped daily. All surfaces, including, but not limited to floors, walls, counters, chairs and tables, shall be maintained in good repair and shall be of such materials to be easily cleanable, non-absorbent and non-porous. Floors, walls, or ceilings in the workroom shall not be swept or cleaned while body art procedures are being performed.~~
- ~~7.3. The workroom shall be equipped with a light source that provides adequate light for the procedure area.~~
- ~~7.4. Light fixtures, decorative materials and other equipment attached to the walls or ceilings shall be kept clean.~~
- ~~7.5. The workroom shall provide easy access to a sink separate from a restroom that is visible to the client and that is designated for artist hand washing only. The workroom sink shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with hands free or wrist controls and supplied with tempered running water, liquid soap and single-use paper towels that are dispensed from a wall-mounted dispenser.~~
- ~~7.6. The workroom shall have lined, hands free, covered waste containers.~~
- ~~7.7. The workroom shall be equipped with an approved sharps container.~~
- ~~7.8. The workroom shall be free of and physically separated from any ultrasonic cleaner.~~
- ~~7.9. The workroom shall have adequate cabinets for the storage of instruments, dyes, pigments, and other materials used in the body art procedures.~~
- ~~7.10. The workroom shall have an adequate number of worktables for each working artist. The surface of all worktables shall be constructed of material that is easily cleanable, smooth, non-absorbent, corrosive-resistant and easily sanitized.~~

- ~~7.11. Adequate disposable surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.~~
- ~~7.12. A body art establishment shall comply with the following:~~
- ~~7.12.1. The establishment shall have adequate lighting and ventilation.~~
 - ~~7.12.2. The building and all equipment shall be maintained in good repair at all times. All parts of the establishment and its premises shall be kept clean, neat and free of litter and rubbish.~~
 - ~~7.12.3. A toilet and lavatory (and service sink if occupancy is greater than 15) shall be located in the establishment and be accessible to clients. All plumbing shall meet the requirements of the Arkansas Plumbing Code. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.~~
 - ~~7.12.4. Adequate hand washing soap and single service paper towels or mechanical means for hand drying shall be provided in the lavatory.~~
 - ~~7.12.5. Living or sleeping quarters located on the premises of a body art facility shall be separated from rooms and areas used for body art facility operations by complete partitioning and solid, self closing doors.~~
 - ~~7.12.6. The establishment shall have a decontamination area for the processing and sterilizing of dirty instruments, in which the placement of the sterilizer is at least thirty six (36) inches from any sink or processing equipment.~~
 - ~~7.12.6.1. Body art establishments which use all prepackaged, pre-sterilized, single use instruments are not required to provide a decontamination area.~~
- ~~7.13. Decontamination areas within a body art facility shall:~~
- ~~7.13.1. Be physically separated from the waiting area, restroom and the workroom;~~
 - ~~7.13.2. Be equipped with a sink that has tempered running water, liquid soap, and single use paper towels dispensed from a wall mounted dispenser that is readily accessible to the practitioner;~~
 - ~~7.13.3. Be equipped with a lined, hands free, covered waste container;~~
 - ~~7.13.4. Be labeled in a conspicuous manner as Employees Only and set up to avoid clients or the public from entering;~~
 - ~~7.13.5. Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.~~
- ~~7.14. The establishment shall have a period of twenty four (24) months from the adoption of these Rules by the Department to comply with all rules, which requires construction and/or remodeling of the establishment.~~

SECTION 8. CRITICAL ITEMS FOR CLOSURE

- ~~8.1. Any body art establishment which is found to be in violation of any critical item(s) shall be~~

~~subject to immediate closure by the Department, pending a hearing before the State Board of Health in accordance with Ark. Code Ann. § 25-15-211.~~

~~8.2. The establishment shall remain closed until all issued fines and/or penalties have been paid and it is found no longer in violation of any critical item(s) upon inspection by the Department.~~

~~8.3. Critical items shall include:~~

~~8.3.1. Performing a body art procedure on a person who is obviously inebriated or appears to be incapacitated by the use of alcohol or drugs;~~

~~8.3.2. Performing a body art procedure on a person who shows signs of recent intravenous drug use;~~

~~8.3.3. Performing a body art procedure on an area of a person's body with sunburn, open lesions, rashes, or wounds;~~

~~8.3.4. Performing a body art procedure with the use of a product or ink that is banned or restricted by the United States Food and Drug Administration;~~

~~8.3.5. Performing a body art procedure in an area that is not physically and permanently separated from beauty facilities, such as hair and nail services;~~

~~8.3.6. Performing a body art procedure on an animal in a facility licensed for the application of body art on human beings;~~

~~8.3.7. Using a piercing gun to pierce any parts of a person's body other than an earlobe;~~

~~8.3.8. Performing a piercing with a manually loaded spring-operated piercing device;~~

~~8.3.9. Piercing an earlobe with a piercing gun that does not use a pre-sterilized encapsulated stud and clasp system;~~

~~8.3.10. Using jewelry for an initial piercing that is not certified by ASTM International or the International Organization for Standardization, or both, as an implant grade material, except for specified types of glass, gold and niobium as approved by the Department;~~

~~8.3.11. Failure to maintain on file for inspection a Mill Test Certificate confirming certification by ASTM International or the International Organization for Standardization, or both, for steel and titanium jewelry for initial piercing;~~

~~8.3.12. Selling a body piercing needle, tattoo needle, or body art instrument, or a combination of these, including without limitation tattoo ink, barrel, grip and a tattoo machine to a person within this state who is not licensed as an artist by the Department; and~~

~~8.4. Any action that constitutes a danger to the public's health, safety or welfare may result in emergency suspension of the artist or establishment license, upon factual finding by the Department in accordance with Ark. Code Ann. §25-15-211.~~

SECTION 9. SANITARY FACILITIES

~~9.1. Water supply. The water supply shall be adequate, of a safe, sanitary quality and meet the current requirements of the Department's Rules Pertaining to Public Water Systems.~~

~~9.2. Sewage. All water carried sewage shall be disposed of by means of:~~

~~9.2.1. A public sewerage system; or~~

~~9.2.2. An approved onsite wastewater system, which is constructed and operated in conformance with the standards established by the Arkansas State Board of Health.~~

SECTION 10, OPERATION STANDARDS

~~10.1. Record Keeping. The operator shall maintain proper records on each client. These records shall be entered in ink in a bound book kept solely for this purpose. This book shall be available for examination by the Department upon request. A digital record keeping system may be used if it provides all required information and has an adequate method of backing up the data. The records shall be preserved for at least two (2) years from the date of the last entry. The records shall contain the following information:~~

~~10.1.1. The date the procedure was performed.~~

~~10.1.2. The name, address, and date of birth of the client.~~

~~10.1.3. The branch of service, rate, or rank of the client if in the armed services.~~

~~10.1.4. The design and location of body art procedure applied.~~

~~10.1.5. The name and license number of the artist.~~

~~10.1.6. The signature and printed legal name of the client.~~

~~10.1.7. A Photocopy of a valid government issued photo identification for each client. For minors or incapacitated adults under legal guardianship, a photocopy of a valid photo identification of legal guardian and proof of guardianship, as required in Section 10.3.~~

~~10.1.8. Each form of body art provided by the establishment shall have its own bound book, separate from records for all other forms of body art.~~

~~10.1.9. In the event of a change of ownership or closing of the establishment, all records shall be made available to the Department upon request.~~

~~10.1.10. Due diligence shall be demonstrated in the effort to keep all records private from the public and other clients.~~

~~10.2. The operator shall maintain on site a record of Materials Safety Data Sheets (MSDS) for all disinfectants, surface cleaners, skin cleansers, skin preparations, and/or chemicals used within the establishment for cleaning, disinfecting, or serving clients.~~

~~10.3. 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.~~

~~10.3.1. An artist shall not perform body art on a person under eighteen (18) years of age, unless:~~

~~10.3.1.1. Given a consent form with the signature and printed legal name of the parent or legal guardian;~~

~~10.3.1.2. The parent or legal guardian is present during the procedure;~~

~~10.3.1.3. The person to undergo body art and the parent or legal guardian each~~

~~provide a valid government issued form of photo identification that includes a name, date of birth, and photo; and~~

~~10.3.1.4. The parent or legal guardian presents proof of guardianship that matches the identification given, including without limitation a birth certificate or a court or state record for adoption, legal guardianship, emancipation, or a marriage license.~~

~~10.3.2. An artist shall not perform body art on a person under sixteen (16) years of age, regardless of parental consent, except:~~

~~10.3.2.1. When authorized or prescribed by a physician's statement exclusively for repigmentation; or~~

~~10.3.2.2. When piercing the earlobe.~~

~~10.3.3. Except when authorized or prescribed by a physician's statement exclusively for repigmentation, an artist shall not perform on a person under eighteen (18) years of age regardless of parental consent:~~

~~10.3.3.1. Body art on the nipple or genital;~~

~~10.3.3.2. Branding.~~

~~10.3.4. Any person who performs body art on a person under eighteen (18) years of age, except as provided in Sections 10.3.1 10.3.3., shall be guilty of a Class A misdemeanor.~~

~~10.3.5. Any person who falsely claims to be the minor's parent or legal guardian for the purpose of obtaining body art for a person under eighteen (18) years of age shall be guilty of a Class D felony.~~

~~10.4. Client Information. Before performing a body art procedure, an artist must:~~

~~10.4.1. Have a discussion of the risks involved and possible complications with the client. The client must be advised that certain procedures should be considered permanent and can be removed only by a surgical procedure and any effective removal may leave permanent scarring.~~

~~10.4.2. A written cautionary notice to that effect shall be furnished to and signed by the client and retained on file at the establishment.~~

~~10.5. After the procedure is complete, oral and written (printed or photocopied) instructions, approved by the Department, on the care of the skin where body art was applied in order to prevent infection, shall be given to each client. A copy of these instructions shall also be posted in a conspicuous place in the establishment.~~

~~10.6. Patch Test for Sensitivity. A patch test shall be administered upon request of the client or prior to any permanent cosmetic procedure.~~

~~10.7. Suspected Infections to be Reported. All infections suspected from performing a body art procedure, which become known to the artist/operator, shall be reported to the Department within one (1) business day and the infected client shall be referred to a physician.~~

SECTION 11, RESTRICTIONS CONCERNING BODY ART PROCEDURES

Body art procedures shall be prohibited under the following circumstances:

- ~~11.1. No body art procedure shall be done on the person of anyone having a history of jaundice or similar disease and each client shall be questioned.~~
- ~~11.2. No body art procedure shall be done on the person of any individual who is obviously under the influence of drngs or intoxicating liquor.~~
- ~~11.3. No body art procedure shall be done on a person suffering from any visible rash, skin lesion or any skin disease or possible communicable disease. The skin surface shall be free from rash, pimples, infection or recent scar tissue before body art is applied.~~
- ~~11.4. No person inflicted with an infectious or communicable disease, which may be transmitted during the performance of any body art procedure, or afflicted with an infestation of animal parasites shall be permitted to work or train in a body art establishment. The Department may require a certificate signed by a duly licensed physician stating the person is free from communicable diseases before permission to resume operation is granted.~~
- ~~11.5. No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician. This section does not intend to prohibit the cover up of existing tattoos with additional body art design pattern or application of permanent cosmetics.~~
- ~~11.6. No smoking in an establishment at any time in accordance with the Arkansas Clean Indoor Air Act~~
- ~~11.7. No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing. Ingredients contained in the pigments and Material Safety Data Sheets must be provided by the manufacturer to the Department upon request.~~
- ~~11.8. The use of a straight razor is prohibited. Only single service disposable razors shall be used for shaving purposes.~~
- ~~11.9. No person shall allow or perform the tattooing of animals in an establishment licensed and used for performing body art procedures on human beings.~~
- ~~11.10. An artist licensed by the Department shall not perform or attempt to perform the insertion of a subdermal implant.~~
- ~~11.11. An artist may us only nonprescription strength topical anesthetics, ointments, or other medications prior to, during, or after any phase of body art procedures.~~
- ~~11.12. An artist shall not use chemical or other means to intensify the results of a scarification procedure.~~

SECTION 12. ASEPTIC PROCEDURES

- ~~12.1. The artist shall wear a clean outer garment.~~
- ~~12.2. Before each procedure, the artist shall clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with tempered running water, an approved soap and his/her individual hand brush. He/she shall not allow his/her hands to dry without the use of a single service use paper towel or approved mechanical means.~~
- ~~12.3. A new pair of medical disposable gloves shall be used by the artist for each client and shall be disposed of immediately upon removal.~~
- ~~12.4. The area of the client's skin to which body art is to be applied shall be prepared by washing~~

- ~~with distilled water and approved germicidal soap. When it is necessary to shave the area, single service disposable razors shall be used. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol or other approved germicidal solution, using a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.~~
- ~~12.5. Following the cleaning and the shaving of the client's skin, the artist shall again wash and scrub his/her hands as required in Section 12.2 and put on a new pair of medical disposable gloves.~~
- ~~12.6. During any phase of the procedure, should the artist be interrupted for other duties, i.e., answering the phone, etc., the artist shall wash his/her hands as required in Section 12.2. before resuming the procedure. A new pair of medical disposable gloves shall be used.~~
- ~~12.7. When acetate stencils are used for transferring the design to the skin, stencils shall be thoroughly cleaned and rinsed in an approved germicidal solution according to manufacturer's instructions and then they shall be dried with a sterile gauze pad or air dried before each use.~~
- ~~12.8. When the design is transferred during hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused on another client.~~
- ~~12.9. In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single service or individual portions of pigments in clean sterilized containers or single service containers shall be used for each client. Upon completion, the remaining unused pigments shall be discarded. Any pigment in which the needles were dipped shall not be reused during new or follow up procedures. Where pigment mixing is necessary to achieve the correct color and follow up touch ups may be required (permanent cosmetics), the original container of mixed pigment may be kept.~~
- ~~12.10 Excess pigment shall be removed from the skin with a sterile gauze pad or paper towel, which shall be used only on one client and then discarded.~~
- ~~12.11. After a completed body art procedure, with the exception of piercings, the area of skin worked on, shall be cleaned with a piece of single use sterile material saturated with an approved germicidal solution. It shall be allowed to dry. After drying, ointment may be applied to body art from a collapsible metal or plastic tube or single use packet or portion and where feasible the entire area covered with a piece of an approved, nonstick bandage. The ointment may be spread by the use of sterile gauze, sterile tongue depressors, or gloved fingers.~~
- ~~12.12. The area of permanent cosmetic application shall be washed and where feasible, ointment or petroleum jelly shall be applied.~~
- ~~12.13. All surfaces, work tables and client chairs must be disinfected with EPA approved surface disinfectant as defined in Section 3 of these Rules before each new client is seated.~~

SECTION 13, EQUIPMENT

- ~~13.1. A set of individual wrapped sterilized needles shall be used by the artist for each new client. An adequate number of sterilized needles and tubes or tips per tattoo or permanent cosmetic artist must be on hand for the entire day or night operation.~~
- ~~13.2. All instruments that come in direct contact with a client's skin or are exposed to blood or~~

- bodily fluid shall be sterilized prior to reuse. Body piercing establishments are required to sterilize initial piercing jewelry.
- ~~13.3. All needles shall be single use and disposable.~~
- ~~13.4. New medical disposable gloves shall be worn during any sterilization procedure.~~
- ~~13.5. Approved modes of sterilization include:~~
- ~~13.5.1. Use of a steam, pulse pressure, or vacuum autoclave sterilizer, which is used, cleaned and maintained according to the manufacturer's directions; or~~
 - ~~13.5.2. Single use prepackaged sterilized instruments obtained from suppliers or manufacturers.~~
- ~~13.6. Sterilization shall be conducted as follows:~~
- ~~13.6.1. Prior to sterilizing, instruments shall be submerged and brushed or swabbed to remove foreign material and rinsed. Instruments shall then be immersed in enzymatic cleanser and water using an ultrasonic unit that operates at 40 to 60 kilohertz, followed by a thorough rinsing and drying;~~
 - ~~13.6.1.1. Non-disposable tubes for tattooing shall be disassembled prior to beginning the cleaning process and remain this way throughout the sterilization process.~~
 - ~~13.6.1.2. Enzymatic cleanser used in the ultrasonic unit shall be designed for such use and used in accordance with the manufacturer's instructions.~~
 - ~~13.6.1.3. The exception to this cleaning process may be the use of an instrument washer, which is specifically designed to replace the manual cleaning and ultrasonic processing of contaminated instruments.~~
 - ~~13.6.2. A chemical indicator shall be used to assure sufficient temperature and steam penetration and proper functioning of equipment each time the sterilizer is run.~~
- ~~13.7. A monthly sterilization cycle shall be completed with use of a biological monitoring system (commercial preparation of spores) to assure all microorganisms have been destroyed and sterilization achieved.~~
- ~~13.8. Approved closed cabinets for the storage of instruments, dyes, pigments and other paraphernalia used in the establishment shall be provided. All needles and instruments shall be handled in such a manner as to prevent recontamination.~~
- ~~13.9. Packaged, sterilized supplies which have been processed in house shall be stored and used for no more than one (1) year from the date of processing. Supplies purchased packaged and pre-sterilized from manufacturers shall be stored and used until the expiration date provided by the manufacturer. The integrity of each package shall be inspected prior to use.~~
- ~~13.10. Tattoo and permanent cosmetic machines shall be cleaned and sanitized with an approved germicidal before each use.~~
- ~~13.11. Body art establishments that utilize all prepackaged sterilized needles and tubes and other equipment that contacts a client during any body art procedure shall not be required to provide an autoclave at the establishment.~~

SECTION 14, STANDARDS FOR SERVING CLIENTS

14.1. Body Piercing Standards

- ~~14.1.1. Initial jewelry for body piercing shall meet ASTM or ISO standards.~~
- ~~14.1.2. The jewelry must be able to withstand the heat and pressure of autoclave sterilization.~~
- ~~14.1.3. All surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals must have a consistent mirror finish.~~
- ~~14.1.4. An artist shall maintain on file for inspection a "Mill Test Certificate" confirming certification by ASTM International or the International Organization for Standardization, both for steel and titanium jewelry for initial piercing. The documentation shall accompany each initial piercing jewelry order.~~
- ~~14.1.5. Use of personal client jewelry or any apparatus or device presented by the client to be worn within an initial piercing is prohibited.~~
- ~~14.1.6. Any jewelry used for the procedure must be properly sterilized prior to use and handled in a manner to maintain sterility until use.~~
- ~~14.1.7. No product shall be used in or on a fresh body piercing that warns against such use. Nor shall these products be used against manufacturer warnings in the aftercare or healing of the piercing.~~
- ~~14.1.8. Any marking instrument shall be single use and disposable.~~

14.2. Tattoo and Permanent Cosmetic Standards

- ~~14.2.1. All inks, dyes and pigments must be produced by a commercial manufacturer and accepted for use by the Department by providing Material Safety Data Sheets and/or ingredient information.~~
- ~~14.2.2. Any needle shall be single use only and sterilized prior to use.~~
- ~~14.2.3. All products used for the procedure such as skin cleansers, etc. shall be used in accordance with the manufacturer's instructions.~~
- ~~14.2.4. Any non-tattooing marking instrument shall be single use only and disposed of after use.~~
- ~~14.2.5. After the procedure is complete, the tattoo or permanent cosmetic shall be cleaned and, where feasible, an ointment and a nonstick bandage applied.~~
- ~~14.2.6. All tubes, barrels, tips, or hand tools used for permanent cosmetics shall be single use and disposable or stainless steel tubes, which may be sterilized onsite in accordance with these Rules.~~

14.3. Branding Standards

- ~~14.3.1. Any metal or other instrument used in a branding procedure which comes in direct contact with the client's skin shall be single use or capable of being properly sterilized.~~
- ~~14.3.2. All products used for the procedure such as skin cleansers, preps, or ointments shall be used in accordance with the manufacturer's instructions.~~
- ~~14.3.3. Any marking instrument or stencil shall be single use only and disposed of after~~

use.

~~14.3.4. The artist, the client and any assistants or other individuals in the procedure room shall wear adequate personal protection equipment throughout the procedure.~~

~~14.3.5. The procedure area for branding shall be an enclosed room with adequate ventilation.~~

~~14.3.6. Metal used in strike branding procedures shall be made of non-galvanized steel.~~

~~14.4. Scarification Standards~~

~~14.4.1. Scarification procedures shall be performed in a dedicated enclosed workroom that is used for no other purpose at that time.~~

~~14.4.2. Adequate surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.~~

~~14.4.3. Both oral and written aftercare shall be given to the client prior to beginning any scarification procedure.~~

~~14.4.4. All marking instruments and stencils shall be single use and disposable.~~

~~14.4.5. A scarification artist shall wear disposable eye and respiratory protection as well as an adequate hair restraint at all times while performing the scarification procedure.~~

~~14.4.6. All scarification instruments shall be individually prepackaged and pre-sterilized by the manufacturer and handled in a manner to avoid compromising sterility.~~

~~14.4.7. A scarification artist shall wear sterile individually prepackaged gloves during the scarification procedure. A new pair of sterile gloves shall be worn for each scarification procedure. If the scarification artists must stop the procedure to conduct other tasks, the artist must wash his or her hands according to Section 12.2 and put on a new pair of sterile gloves.~~

~~14.4.8. A client's skin must be thoroughly cleaned with soap and water, rinsed and swabbed with an antiseptic solution prior to a scarification procedure.~~

~~14.4.9. If the area in which the procedure is to be performed requires shaving, it shall be done with a single use, disposable razor.~~

~~14.4.10. After the procedure is complete, the area shall be washed and a nonstick bandage applied.~~

~~14.4.11. All scarification implements used to break or cut the skin shall be regarded as sharps and must be single use and disposed of in compliance with the Rules Pertaining to The Management of Medical Waste from Generators and Health Care Related Facilities.~~

~~14.4.12. Surface barriers used during scarification procedures shall be considered medical waste and disposed of accordingly after each procedure.~~

SECTION 15. TEMPORARY OR MOBILE ESTABLISHMENTS

~~15.1. No person shall be licensed to perform body art in any temporary place of business, such as carnivals, mass gatherings, or similar public gatherings of a temporary nature without an~~

approved mobile facility or without meeting the requirements for a temporary demonstration license.

~~15.2. Mobile units shall meet all the requirements of these Rules with the following additional requirements:~~

~~15.2.1. Liquid waste shall be stored in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department shall be provided a letter of approval for all discharges upon request.~~

~~15.2.2. A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for hand washing. A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.~~

~~15.3. The Department may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.~~

SECTION 16. TEMPORARY DEMONSTRATION LICENSE

~~16.1. The Department may issue a temporary demonstration license to an artist, establishment, or a supplier of materials for body art for:~~

~~16.1.1. Educational purposes where body art is performed;~~

~~16.1.2. Trade shows where body art is performed;~~

~~16.1.3. Demonstrations of body art products or procedures; and~~

~~16.1.4. An appearance as a guest artist.~~

~~16.2. A temporary demonstration license shall be valid for no more than fourteen (14) consecutive calendar days.~~

~~16.3. The sponsor of a body art event for educational purposes, trade shows and/or demonstrations of body art procedures where body art is performed shall obtain all necessary permits to conduct business in the jurisdiction where the event will be held, including, but not limited to, valid permits issued by the Department.~~

~~16.4 The Department shall collect a non-refundable sponsor fee of fifty dollars (\$50) per artist that shall perform body art at the event, not to exceed two thousand dollars (\$2000) per event. In addition to the penalties available pursuant to Ark. Code Ann. § 20-27-1502, a sponsor who violates this subdivision shall be subject to closure of the temporary body art event and a penalty not to exceed three times the cost of the permit.~~

~~16.5. The Department shall levy and collect a non-refundable fee of fifty dollars (\$50) from a guest artist for a temporary demonstration license.~~

~~16.5.1. An application for a temporary demonstration license shall be submitted to the Department not less than forty five (45) days prior to the event for educational purposes, trade show, or demonstration of body art products and procedures where~~

body art is performed.

~~16.5.2. An application for a temporary demonstration license shall be submitted to the Department not less than seven (7) days prior to the appearance of a guest artist.~~

~~16.6. An artist shall provide evidence of completion of a blood borne pathogens training which meets the requirements of the Occupational Safety and Health Administration with the application.~~

~~16.6.1. A person applying for a temporary demonstration license to appear as a guest artist shall provide documentation of licensure as an artist in another state or country or employment history with proof of employment in a body art facility licensed by the regulatory board or agency in that state or country before the temporary demonstration license may be granted.~~

~~16.6.2. The establishment where the guest artist is appearing shall have a licensed body artist on its staff.~~

~~16.6.3. A guest artist may be issued a temporary demonstration license to appear as a guest artist in the state of Arkansas no more than one (1) time every three (3) months.~~

SECTION 17. TREATMENT AND DISPOSAL OF INFECTIOUS WASTE

~~Treatment and disposal of infectious waste including sharps shall conform to Act 96 of 1913 as amended and Act 41 of 1992 and the Rules Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.~~

SECTION 18. SUBMISSION OF PLANS

~~Before any body art establishment is constructed or an existing structure is converted to use as a body art establishment, plans shall be submitted to the Department for review and approval. The plans and specifications shall include the workroom layout, plumbing plans, construction materials and the type and model of proposed equipment. No body art establishment shall be constructed, remodeled, or converted except in accordance with approved plans.~~

SECTION 19. INSPECTIONS

~~The business premises, equipment, procedures, techniques and conditions of body art establishments shall be subject to at least one (1) inspection by the Department per year.~~

SECTION 20. ACCESS TO ESTABLISHMENT; CLOSURE FOR VIOLATION; SUSPENSION OR REVOCATION OF ARTIST OR ESTABLISHMENT LICENSE

~~20.1. The Department at all reasonable times shall have access to and is hereby empowered to enter any and all parts of the premises of any body art establishment for the purpose of making inspections to determine compliance with these rules. The Department shall also be permitted access to all required records.~~

~~20.2. If it is determined upon inspection that any body art establishment is being maintained contrary to the provisions of these rules and such violation poses an imminent threat to public health, safety or welfare, such establishment shall be closed until provision is~~

made to comply with the rules and permission is given by the Department to reopen or it is determined, in a fair hearing under the Arkansas Administrative Procedures Act, that the facility should be reopened.

~~20.3. After written notice, the Department may suspend or revoke any artist or establishment license issued in accordance with these Rules for violation of the provisions of these Rules. The artist or operator may appeal such suspension or revocation as provided for by the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.~~

SECTION 21. RELATED RULES

All body art establishments shall comply with all appropriate state laws, rules, including but not limited to the following:

~~21.1. Arkansas Department of Health Rules Pertaining to General Sanitation.~~

~~21.2. Act 402 of 1977, as amended, and the Rules Pertaining to Onsite Wastewater Systems.~~

~~21.3. Arkansas Department of Health Rules Pertaining to Public Water Systems.~~

~~21.4. Arkansas Plumbing Code.~~

~~21.5. The Rules Pertaining to Management of Medical Waste from Generators and Health Care-Related Facilities.~~

~~21.6. The Rules Pertaining to the Control of Communicable Diseases.~~

~~21.7. The Arkansas Gas Codes.~~

~~21.8. The Arkansas Mechanical Code.~~

SECTION 22. PENALTY

~~22.1. Every firm, person, or corporation violating any of the provisions of these Rules shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § 20-27-1512.).~~

~~22.2. Additional civil penalties and fines shall be enforced in accordance with Ark. Code Ann. § 20-58-12, Ark. Code Ann. § 20-7-101 and Ark. Code Ann. § 20-27-1501 et. seq.~~

~~22.3. Any penalty will be in addition to other remedies available to the Department, including suspension or revocation of license and civil penalties.~~

SECTION 23. SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end, the provisions hereto are declared severable.

SECTION 24. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

SECTION 25. CERTIFICATION

~~This will certify that the foregoing Rules for Body Art Establishments were adopted by the Arkansas Board of Health on the 1st day of August, 2019.~~



~~Nathaniel Smith, MD, MPH
Secretary of Health
Arkansas Department of Health~~