

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

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Name of Agency Department of Labor and Licensing

Department Board of Barber Examiners

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8/4/2020

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Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

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General Counsel, Department of Labor and Licensing

Title

8/4/2020

Date

ARKANSAS RULES FOR BARBERING INCLUDING SAFETY AND SANITATION

RULE 1: ESTABLISHMENTS

A. WALLS, CEILINGS AND FLOORS: The walls, ceilings, and floors in every barber shop, barber school, or post-secondary barber school shall be kept clean and in good repair. Floors shall be constructed of smooth, non-absorbent, durable material and shall be maintained in good repair. These requirements shall include the proper cleaning of floors, shelves, cabinets, chairs, trays and other equipment. Concrete blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned.

B. LIGHTING AND VENTILATION: Barber establishments shall have-permanently fixed artificial light sources installed to provide sufficient light on the working area or clinical area. Establishments must have sufficient ventilation installed and operated according to state and local requirements to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and harmful fumes.

C. WATER SUPPLY: A safe and adequate supply of continuous hot and cold running water must be provided. Where a public water system is available a connection must be made thereto; otherwise the water must be obtained from a supply meeting the requirements set forth in the Arkansas Department of Health Rules pertaining to semi-public water supplies.

D. RESTROOMS: Restrooms must be kept clean, adequately lighted, properly ventilated and in good repair. No toilet facility shall be used for storage, especially of implements or supplies for services performed on the public.

RULE 2: DEFINITIONS:

A. DISINFECT: Destruction of bacterial, viral and fungal pathogens (not spores) through the use of proper process and chemical disinfectants intended for use in the barbershop setting.

B. DISINFECANT: EPA registered disinfectant that is bactericidal, virucidal and fungicidal

C. STERILIZE: Destruction of all microbial life through proper use of an autoclave

D. SANITATION: Measures necessary for improving and protecting health and well-being of the people.

E. CLEANING: Mechanical process of removing surface debris from implements to prepare them for disinfection. This process can be done with soap/water or a chemical cleaner.

RULE 3: INSTRUMENTS AND SUPPLIES: All used porous supplies or instruments which cannot be disinfected shall be disposed of in a waste receptacle immediately after use.

A. ELECTRICAL INSTRUMENTS AND EQUIPMENT:

(1) Before use upon a client, all electrical instruments shall be cleaned and then disinfected with an EPA registered disinfecting solution (spray or wipe) that is labeled as bactericidal, (capable of destroying bacteria) virucidal, (capable of destroying viruses) and fungicidal, (capable of destroying fungi). Disinfectants must be used according to manufacturer labels to be safe and effective. All non-porous instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled ("dirty") 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.

(2) 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.

B. NON-ELECTRICAL INSTRUMENTS AND EQUIPMENT:

(1) Before use upon a client, all non-electrical instruments such as razors, shears, tweezers, combs, clipper blades, and all other instruments or appliances that come in contact with the patron must be thoroughly cleaned and then disinfected with an EPA registered disinfecting solution (spray or wipe) that is labeled as 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 that is labeled as "clean" or "ready for use".

(2) 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.

(3) The use of powder puffs, finger bowls, sponges, styptic pencils and alum is positively prohibited.

RULE 4 A: CONDUCT AND SANITATION: All barber shops and barber schools shall have in use at all times at each chair, a hospital-grade, and EPA approved broad-spectrum disinfectant, similar to Barbicide. The wet container must be adequate in size to accommodate all instruments to be used on each patron. It shall contain a disinfecting solution as defined by the board which shall be bacteriologically effective and must have an oil disinfectant for clipper blades. Dry cabinets must be dust tight and all tools or instruments must be kept in said cabinet or hanging at all times when not in use.

B. TOWELS: A separate clean towel and/or sanitary neck strip shall be used to keep the protective covering from coming in direct contact with a client's neck. All barber shops and barber schools shall have sufficient closed towel cabinets for storage of clean towels and closed receptacles for soiled towels. After a towel has once been used, it shall be deposited in a closed receptacle and not permitted to be left on lavatory or work stand and shall not be used until properly laundered. The headrest of each chair shall be provided with a clean towel or clean paper for each patron using the chair.

C. COMMUNICABLE DISEASE: No person affected with any disease in a communicable state shall serve the patrons in any barber shop or barber school. In addition, no barber shall serve a client with known communicable disease, or skin that is open, blistered or otherwise disrupted in an area where a service will be performed. For purposes of this rule, HIV/AIDS are not considered communicable diseases.

D. CLEANLINESS OF PERSONNEL: The operator shall wear clean uniforms or clean clothes at all times. The operator shall cleanse his hands thoroughly with soap and water or an equally effective alcohol based hand sanitizer before attending each patron or after visiting the restroom.

E. OBJECTIONABLE ESTABLISHMENTS: No sleeping area shall be permitted in any barber establishment nor shall any part of it be so used. Connecting doors shall be solid and self-closing. No animals or reptiles are to be allowed on the premises, with the exception of medical assistance animals.

F. MEDICAL TREATMENT: No barber shall undertake to treat any disease of the skin or any lesions of the skin whatsoever, such as pimples, boils, warts, moles, and similar conditions, but must refer such conditions to a licensed physician.

RULE 5: MISCELLANEOUS:

A. No student in any school is authorized to barber in any barber shop for pay or without pay.

B. No barber school, barber-college, or barber shop will be approved on any premise, or in any building or part of a building unless a physical barrier is established, separating said barber school, barber college, or barber shop from all other businesses, occupations or establishments conducted on the same premise, or in the same building or part thereof. All walls separating barber schools, barber colleges, or barber shops from other businesses, occupations, or establishments must be of solid construction, and a minimum of seven feet high.

C. Salons licensed by the Arkansas Board of Health, Cosmetology Section are exempt from the requirements that a wall separate the two (2) businesses.

D. The Board will charge \$15.00 for a Barber or Shop List.

E. The last inspection report for the barbershop shall be displayed in a conspicuous place adjacent to the current shop and personal barber license which shall have a current picture attached.

F. In accordance with 17-20-206 (c), inspection will include appropriate personal identification of those working in any barber establishment.

RULE 6: BARBER SCHOOL/COLLEGE TEACHER MANAGER INSTRUCTOR (TMI):

To ensure that operators of barber colleges have sufficient time to make careful study and examination in selecting their TMI'S, said operators are authorized by the Board upon request to substitute a licensed Barber, in good standing with the Board, to exercise the duties and functions of a regular TMI until a licensed TMI can be hired.

RULE 7: DIRECTOR AND INVESTIGATOR/INSPECTOR REQUIREMENTS:

- A.** No person shall be employed in the position of Director unless that person has been:
1. primarily employed in the active practice of barbering for at least five years, or
 2. employed as Investigator/Inspector for the Board for at least two years, immediately prior to assuming the position of Director.
- B.** No person shall be employed in the position of Investigator/ Inspector for the Board unless that person has been primarily engaged in the active practice of barbering for at least two years immediately prior to assuming the position of Investigator/Inspector.

RULE 8: BARBER COLLEGE/BARBER SCHOOL CURRICULUM:

- A.** The following 1500 hour curriculum will be required for a Barber:
- | | |
|--|-----------|
| Hygiene and Sanitation..... | 80 Hours |
| Related Sciences (elementary chemistry, physiology, anatomy of head, face and neck)..... | 175 Hours |
| Shaving and beard trimming..... | 50 Hours |
| Barber-Chemical Services..... | 345 Hours |
| Barber Shop Management..... | 65 Hours |
| Salesmanship & Product Knowledge..... | 50 Hours |
| Hair styling and waving..... | 300 Hours |
| Haircutting and bobbing..... | 425 Hours |
| Shop Department..... | 10 Hours |

- B.** The following 550 hour minimum curriculum will be required for the Cosmetology Crossover Program:

History of Barbering:	10 Hours
Implements and Tools.....	30 Hours
Shaving.....	70 Hours
Haircutting:	405 Hours
Arkansas Barber Laws:	15 Hours
Hygiene and Sanitation.....	20 Hours

- C.** The curriculum for students enrolled in a Teacher Manager Instructor (TMI) course shall consist of six hundred (600) clock hours of training, both technical (instructions by demonstration, lecture, classroom participation, or examination) and practical (the actual performance by the TMI trainee of teaching techniques and principles). The text book to be used is Milady's Master Educator.

Required preparatory training.....	50 hours
Teaching of theory and practical operation. Selecting subject matter for class lecture. Preparing class lectures. Conducting a review of all subjects taught. Preparing and grading examinations. Demonstrating practical operations. Teaching practical operations.	
Class attendance.....	100 hours
To be conducted by a licensed TMI to prepare TMI trainee to properly lecture and demonstrate on all subjects of barbering	
Conducting Theory Classes in all aspects of barbering.....	50 hours
Classes to be conducted under the supervision of a licensed TMI.	
Conducting Practical Classes in Haircutting, Shaving, Massage, Chemical Services	300 hours
Method of Keeping Student Records.....	10 hours
TMI's Discretion.....	90 hours
Training in subjects in which the individual may be deficient.	

RULE 9: LICENSURE OF MEMBERS OF THE ARMED FORCES IN GOOD STANDING AND THEIR SPOUSES:

A. Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with the Board of Barber Examiners and was entitled to practice or engage in his or her profession shall be kept in good standing by the board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty.

B. The board will also exempt the spouse of a member of the Armed Forces of the United States from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

C. The board may issue a professional license to the spouse of an active duty member of the Armed Forces of the United States if the spouse applies in the format prescribed by the board. An application must include proof that:

1. The applicant is married to a member of the Armed Forces of the United States who is on active duty.
2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
3. The applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.

D. An application must be accompanied by the fee prescribed by the board.

RULE 10: AUTOMATIC LICENSURE RETURNING MILITARY VETERAN

A. 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.

B. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

1. An active duty military service member stationed in the State of Arkansas;
2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or
3. The spouse of a person under B (1) or (2) above.

C. The Board shall grant such automatic licensure upon receipt of all the below:

4. Payment of the initial licensure fee;
5. Evidence that the individual holds a substantially equivalent license in another state; and
6. Evidence that the applicant is a qualified applicant under Section B.

RULE 11: LICENSURE OF DISPLACED BARBERS DUE TO EMPLOYMENT OR DISASTER:

A. Any barber who was in good standing with the Board of Barber Examiners in another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction and was entitled to practice or engage in his or her profession or their spouse, shall be allowed an expedited licensure procedure due to employment opportunities or disaster.

B. An application must be accompanied by the fee prescribed by the board.

RULE 12: RECIPROCITY UNDER ACTS 426/1011

Note: This Rule does not apply to those individuals seeking reciprocity who are trained in a foreign country pursuant to Ark. Code Ann. § 17-20-303(e).

A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

1. The applicant shall hold a substantially similar license in another United States' jurisdiction.
 - a. A license from another state is substantially similar to an Arkansas barber license if the other state's licensure qualifications require:
 - i. The applicant be at least 16 ½ years of age
 - ii. Have an educational requirement of at least the 8th grade
 - iii. Have had their barber training in a state approved school of barbering

- b. The applicant shall hold his or her occupational licensure in good standing and have the continuing education or training that is required to maintain licensure.
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license (apprentice) in a United States' jurisdiction;
- 2. The applicant shall be sufficiently competent in the field of barbering and
- 3. If the currently licensed barber had less than 1500 hours of training, the barber must have been practicing at least one (1) year in a barber shop
- B. Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - 1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and
 - b. Evidence that the other state's licensure requirements match those listed in A.1.a. The Board may verify this information online or by telephone to the other state's licensing board.
 - 2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the board with:
 - a. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
 - c. As evidence that the applicant is sufficiently competent in the field of barbering an applicant shall submit a "certification of record" from the board under which the applicant is licensed.

RULE 13: TEMPORARY AND PROVISIONAL LICENSE

- A.** The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Reciprocity section B.
- B.** The temporary and provisional license shall be effective until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in Reciprocity section A, in which case the temporary and provisional 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 and provisional license.

RULE 14: LICENSE FOR A PERSON FROM A STATE (COUNTRY) THAT DOES NOT LICENSE BARBERS.

- A. Required Qualifications.** An applicant from a state (country) that does not license barbers shall be sufficiently competent in the field of barbering and:
 - 1 Pass with a minimum score of 75% on a practical and written examination.
 - 2 Be at least 16 ½ years of age
 - 3 Meet an educational requirement of at least the 8th grade
 - 4 Have a minimum of 1500 hours of training or have worked in a barbershop for at least one (1) year after training in a documented facility.

- B.** Required documentation. An applicant shall submit a fully-executed application, the required fee, and a “certification of record” to insure minimum training from the facility attended.

RULE 15: PRE-LICENSURE CRIMINAL BACKGROUND CHECK:

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.

1. The individual must obtain the pre-licensure criminal background check petition form from the Board.
2. The Board will respond with a decision in writing to a completed petition within a reasonable time.
3. The Board’s response will state the reason(s) for the decision.
4. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
5. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
6. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

B. Waiver Request: If an individual has been convicted of an offense listed in A.C.A. § 17-2-102(a), except those permanently disqualifying offenses found in subsection (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

1. An affected applicant for a license; or
2. An individual holding a license subject to revocation.

C. The Board may grant a waiver upon consideration of the following without limitation:

1. The age at which the offense was committed;
2. The circumstances surrounding the offense;
3. The length of time since the offense was committed;
4. Subsequent work history since the offense was committed;
5. Employment references since the offense was committed;
6. Character references since the offense was committed;
7. Relevance of the offense to the occupational license; and
8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

D. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

E. The Board will respond with a decision in writing and will state the reasons for the decision.

F. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq*