

DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH

SUBJECT: Rules for Cosmetology and Body Art in Arkansas, 17 CAR pt. 54

DESCRIPTION: The proposed amendments are to comply with Acts 2025, No. 484, regarding required posting of National Human Trafficking Resource Hotline, and minor changes to clarify wax pot safety and addition of body art modalities after initial licensure.

PUBLIC COMMENT: No public hearing was held on these rules. The public comment period expired on March 23, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: The Department of Health “may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to” Title 17, Chapter 26, Subchapter 6 of the Arkansas Code, regarding body art, “to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard.” Ark. Code Ann. § 17-26-603(b)(1). The Department shall implement the State Board of Health’s rules for carrying out the provisions of Title 17, Chapter 26 of the Arkansas Code, regarding cosmetology and related occupations. Ark. Code Ann. § 17-26-205(a)(5)(A).

These rules implement Act 484 of 2025 and include changes based on Act 170 of 2025. Act 170, sponsored by Senator Clarke Tucker, made technical corrections to Title 17 of the Arkansas Code concerning professions, occupations, and businesses. Act 484, sponsored by Representative Joey Carr, concerned the prevention of human trafficking and required the display of information about the National Human Trafficking Hotline.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
 BOARD/COMMISSION _____
 BOARD/COMMISSION DIRECTOR _____
 CONTACT PERSON _____
 ADDRESS _____
 PHONE NO. _____ EMAIL _____
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
 PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency’s statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Sarah Huckabee Sanders
GOVERNOR

Renee Mallory, RN, BSN
SECRETARY OF HEALTH

Jennifer Dillaha, MD
DIRECTOR

To: Members, Arkansas State Board of Health

From: Kelli Kersey
Cosmetology, Massage Therapy and Body Art
Division of Health Protection

Date: July 10, 2025

Subject: To request approval by the State Board of Health of the following proposed amendments to the Cosmetology and Body Art Rules.

Authority: Statutory Authority for Promulgating Rules, e.g. Arkansas Code §17-26-201

Relevant Acts: Are the proposed changes pursuant to recent legislation, and if so, which Acts, e.g. Act 484 of 2025 and Act 170 of 2025

- Pursuant to Acts 2025, No. 484, all establishments and schools shall post in a conspicuous place near the entrance of the establishment or school and in restrooms, a poster language added to 17 CAR § 54-107. Consumer information.
- Industry request to add language to 17 CAR § 54-205 Requirements for schools of cosmetology, postsecondary schools of cosmetology, establishments, and mobile salons — Physical facilities.
 - (n) Shampoo bowls, treatment tables, pedicure spas, and waxing equipment and supplies.
 - (5) Waxing equipment and supplies.
 - (D) Wax pots should not be turned on and warm when a cosmetologist or esthetician is not present or reasonably expected to be present when the wax pot is heated to the applicable temperature for use.
- Pursuant to Acts 2025, No. 170 Language added to 17 CAR § 54-311. Responsibility of body art institution. (a) (3)

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the Rules for Cosmetology and Body Art from February 21, 2026, to March 23, 2026. 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.

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 kelli.kersey@arkansas.gov

Proposed Rulemaking

Rules for Cosmetology and Body Art in Arkansas

Promulgated by:
Department of Health

Title 17. Professions, Occupations, and Businesses

Chapter XI. Department of Health, State Board of Health, Generally

Subchapter A. Generally

Part 54. Rules for Cosmetology and Body Art in Arkansas

Subpart 1. General Provisions

17 CAR § 54-101. Purpose.

This part is prepared for the purpose of establishing standards to:

- (1) Regulate the vocation of cosmetology and its related occupations, specifically:
 - (A) Manicuring;
 - (B) Aesthetics; and
 - (C) 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:
 - (A) Prevent the spreading of communicable diseases; and
 - (B) Provide penalties for violation thereof; and
- (4) Protect the health of the citizens of Arkansas by:
 - (A) Establishing criteria for the application of body art;

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- (B) Requiring licensing of artists and establishments; and
- (C) Requiring inspections of such establishments.

17 CAR § 54-102. Applicability of rules.

This part is not applicable to any cosmetology or body art establishment under the control or direction of a duly licensed physician, nor does it apply to licensed medical hospitals and similarly licensed medical institutions.

17 CAR § 54-103. Prohibitions.

(a) Performing services prohibited under this part 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, or 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:

- (1) Sleeping;
- (2) Residential purposes; or
- (3) 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.

(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 of Health.

- (f)(1) Permanent cosmetics shall not be performed with a coil machine.
- (2) Any procedures must be completed with a digital or rotary machine.

17 CAR § 54-104. Enforcement of rules.

(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, or body art institution shall be liable for implementing and maintaining this part in the:

- (A) Establishment;
- (B) Mobile salon;
- (C) School of cosmetology or postsecondary school of cosmetology; or
- (D) Body art institution.

(2) This shall be done individually and jointly with all persons employed by or working in or on the premises of such:

- (A) Establishment;
- (B) Mobile salon;
- (C) School;
- (D) Training facility; or
- (E) Postsecondary school or institution.

(3) All practitioners, schools, institutions, establishments, mobile salon owners, and students shall be held individually liable for implementation and maintenance of this part as applicable.

(b)(1) 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 or body art institutions, shall present satisfactory proof of identification upon request by an authorized representative of the Department of Health.

(2) All persons working in an establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, or body art institution shall present a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(3) 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 or 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.

17 CAR § 54-105. Access for enforcement of rules.

(a)(1) To ensure compliance with the laws and rules governing the operations of schools of cosmetology, postsecondary schools of cosmetology, body art institutions, and establishments, the Department of Health’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 this part.

(2) The department shall also be permitted access to all required records.

(3)(A) To ensure 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.

(B) 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.

17 CAR § 54-106. Authorization by the Department of Health.

(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 of Health for approval.

(b)(1) 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.

(2) The license shall be conspicuously posted in the establishment or mobile salon.

(c)(1) 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.

(2) The proprietor shall be responsible for compliance with the law and all rules promulgated by the State Board of Health.

(d)(1) 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.

(2) The proprietor shall be responsible for compliance with the law and all rules promulgated by the board.

(e)(1) An institution wishing to teach both secondary and postsecondary students shall obtain both a license for a school of cosmetology and a postsecondary school of cosmetology.

(2) 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 postsecondary school and receive Title IV funds.

17 CAR § 54-107. Consumer information.

(a) A copy of the most recent inspection sheet shall be conspicuously posted in a designated place:

- (1) In the reception area;
- (2) At individual workstations; or
- (3) In the clinic area.

(b) All establishments, mobile salons, and schools of cosmetology and postsecondary schools of cosmetology licenses, body art institutions, practitioners' licenses, artists' licenses, student permits, and instructor licenses shall be conspicuously posted in a designated place:

- (1) In reception areas;
- (2) At the individual workstations; or
- (3) In the clinic area.

(c) No license that has expired or become invalid for any reason whatsoever shall be displayed by any person in connection with the practice of:

- (1) Cosmetology or any of its branches; and
- (2) Body art or any of its branches.

(d) A copy of the online complaint website and phone number for the Department of Health Cosmetology or Body Art Sections shall be posted in a designated place:

- (1) In the reception area;
- (2) At individual workstations; or
- (3) In the clinic area.

(e)(1) Pursuant to Acts 2025, No. 484, all establishments and schools shall post in a conspicuous place near the entrance of the establishment or school and in restrooms, a poster:

(A) Measuring at least eight and one-half inches by eleven inches (8 1/2" x 11") in size; and

(B) Containing information about the National Human Trafficking Resource Center Hotline.

(2) The poster shall include the following:

“If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, or any other activity – call the National Human Trafficking Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under United States and Arkansas state law.

The Hotline is:

Available 24 hours a day, 7 days a week;

Toll free;

Operated by a non-profit, non-governmental organization;

Anonymous and confidential;

Accessible in 170 languages;

Able to provide help, referral to services, training, and general information.”

(3) The poster shall be printed in English, Spanish, and any other language mandated by the Voting Rights Act of 1965, 42 U.S.C. §1973, as it existed on January 1, 2013, in the county where the poster will be posted.

(4) The poster shall be available on the websites of all of the following:

(A) The Alcoholic Beverage Control Board where documents associated with obtaining a liquor license or alcoholic beverage license are customarily located;

(B) The Department of Labor and Licensing; and

(C) The Department of Transportation.

(5)(A) A cosmetology establishment or school’s failure to comply with this section shall result in the following disciplinary action:

(i) For a first violation, a warning; and

(ii) For a second or subsequent violation, a fine not to exceed five hundred (\$500) dollars.

(B) The violation of or noncompliance with this section, and each day’s continuance thereof, shall constitute a separate and distinct violation.

17 CAR § 54-108. Investigations, hearings, or inspections.

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(a)(1) The Department of Health shall conduct investigations and inspections as promulgated by this part.

(2) Initial, routine, and complaint inspections are conducted to ensure compliance with the licensing law and rules.

(3) 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 State Board of Health, unless complaints are received by the department.

(4) 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)(1) 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:

(A) In writing to the department; and

(B) Within thirty (30) days of receipt of department action.

(2) Hearings conducted by the committee may be held bimonthly for review of cases for which disciplinary action may be required.

(3)(A) Except as provided in subdivision (b)(3)(B) of this section, a hearing attended by two (2) or more members of the committee is a meeting.

(B) A final order issued by the committee shall not be imposed by fewer than three (3) members.

(C) A final order imposed by the committee may be appealed to the board within thirty (30) days of its receipt.

(c) **Temporary closure of body art establishment or institution.** If it is determined upon inspection that any body art establishment is being maintained in violation of the critical items for closure enumerated under 17 CAR § 54-312, or such violation of this part poses an imminent threat to public health, safety, or welfare, such establishment shall be closed until the:

(1) Establishment or institution:

(A) Has corrected the violation; and

(B) Is in compliance with this part; and

(2) Department has granted the establishment permission to reopen or it is determined, in a fair hearing under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., that the facility should be reopened.

(d) **Emergency order of suspension.**

(1)(A) 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 Arkansas Code § 25-15-211.

(B) The emergency order of suspension must be reviewed by the committee and the licensee granted an administrative hearing to determine whether the:

(i) Suspension should continue; or

(ii) 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.

17 CAR § 54-109. Complaint policy.

Complaints against a person, establishment, mobile salon, school of cosmetology, body art institution, and 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 cosmetology licensed by the Department of Health on any of the grounds for disciplinary action provided in the Cosmetology Act, Arkansas Code § 17-26-101 et seq.;

(2)(A) Official complaints must be made in writing within ninety (90) days from the date of infraction.

(B) 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.

(C) 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 this part and the Cosmetology Technical Advisory Committee; and

(3)(A) Complaints against a licensee will be provided a hearing by the committee.

(B) Any licensee for whom disciplinary action is imposed by the committee may appeal the administrative action to the State Board of Health pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

17 CAR § 54-110. Location.

(a) The office of the Cosmetology, Massage Therapy, and Body Art Section is located at 4815 West Markham, Little Rock, Arkansas 72205.

(b) All matters related to cosmetology licensing should be directed to the Cosmetology Section office by calling 501-682-2168 or by emailing the Cosmetology Section at Cosmo@arkansas.gov and for the Body Art Section by calling 501-661-2171 or emailing adh.bodyart@arkansas.gov.

(c) Information may also be obtained by accessing the Department of Health's website at healthy.arkansas.gov.

17 CAR § 54-111. Changes and notification requirements.

(a) Name change.

(1) When the name of a licensed cosmetology or body art establishment, mobile salon, cosmetology secondary or postsecondary school, or body art institution is changed from the name that appears on the original application, the owner of record shall:

- (A) File an application with the Department of Health for approval; and
- (B) Submit the required fee.

(2) 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.

(1) When the ownership of a licensed cosmetology or body art establishment, mobile salon, cosmetology secondary or postsecondary 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 Cosmetology, Massage Therapy, and Body Art Section within thirty (30) days of said sale or transfer.

(2) At the same time, the new owner, lessee, or other legally responsible party shall submit the required fee.

(3) The new owner shall submit a copy of:

- (A) His or her driver's license; and
- (B) The legal change of ownership document.

(4) 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 postsecondary school, or body art institution is changed:

(1) It shall be classified as a new establishment, mobile salon, school, or institution; and

(2) Said owner shall comply with the licensing code and rules relating to the original issuance of an establishment license.

(d) Instructor change.

(1) 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.

(2) Failure to comply with this section will be grounds for disciplinary action.

17 CAR § 54-112. Automatic occupational licensure for out-of-state applicants under Acts 2023, No. 457.

(a) An applicant shall be eligible for automatic occupational licensure if:

(1) The applicant either:

(A) Is 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 as a 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 Arkansas Code § 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;

(4) The applicant passes an examination specific to relevant state laws that regulate the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor occupation.

(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:

(A) Health;

(B) Safety; or

(C) Welfare.

(c) Upon the applicant being granted automatic occupational licensure, the applicant shall meet all:

(1) Other cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure requirements; and

(2) Renewal requirements of the cosmetologist, electrologist, manicurist, aesthetician, body artist, or instructor licensure, including without limitation a criminal background check and continuing education hours.

17 CAR § 54-113. Automatic military licensure under Acts 2023, No. 137, and Acts 2021, No. 135.

(a) **Applicability.** This part applies to:

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

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

(3) The spouse of subdivision (a)(1) or (a)(2) of this section, including a uniformed service member who is:

(A) Assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; and

(B) Killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(b) **Automatic licensure.** Automatic licensure shall be granted to persons listed in subsection (a) of this section if the person:

(1) 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

(2) The person pays the licensure fee in 17 CAR § 54-401 et seq.

(c) **Credit toward initial licensure.** 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 before renewal or grant of a subsequent license.

17 CAR § 54-114. Temporary license.

(a) The Department of Health shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 54-202.

(b) The temporary license shall be effective for one hundred sixty (160) days unless the department determines that the applicant does not meet the requirements in

17 CAR §§ 54-204 and 54-305, 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.

17 CAR § 54-115. Fee waiver under Acts 2021, No. 725.

(a)(1) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(2) Eligible applicants are applicants who:

(A) Are receiving assistance through the:

- (i) Arkansas, or current state of residence equivalent, Medicaid Program;
- (ii) Supplemental Nutrition Assistance Program (SNAP);
- (iii) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- (iv) Temporary Assistance for Needy Families Program (TEA); or
- (v) Lifeline Assistance Program (LAP);

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

or

(C) 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, WIC, TEA, or LAP, documentation from the Department of Human Services or current state of residence equivalent agency;
- (2) For unemployment benefits approval in the last twelve (12) months, the Department of Workforce Services or current state of residence equivalent agency; or
- (3) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W-2, 1099, etc.

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

Subpart 2. Rules for Cosmetology and Related Branches

17 CAR § 54-201. Definitions for cosmetology and related branches.

As used in this part:

(1) "Aesthetician" means any person who engages in the practice of beautifying the body by cleaning, waxing, externally manipulating, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic:

- (A) Preparations;
- (B) Antiseptics;
- (C) Tonics;
- (D) Lotions; and
- (E) Creams;

(2) "Art of cosmetology" includes any and all and any combination of the following practices:

(A) Chemically treating, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hairpieces;

(B) Externally manipulating, cleaning, waxing, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

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

(D) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals or preparations, or by

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

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

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

(3) "Automatic licensure for uniformed service members, veterans, and spouses" means granting the occupational licensure without an individual having met occupational licensure requirements provided:

(A) Under the Arkansas Code; or

(B) By other provisions in this part;

(4) "Automatic occupational licensure under Acts 2023, No. 457" means 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 this part;

(5) "Certified hours" means cosmetology, manicure, aesthetic, electrology, or instructor hours that have been earned and recorded with the Department of Health in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school;

(6) "Clean" means removal of visible debris through use of soap/detergent and water or a chemical cleaner;

(7) "Client" means any person who receives cosmetology services for compensation in any form from a person who is engaged in the art of cosmetology;

(8) "Cosmetic" means any product made for beautifying the body;

(9) "Cosmetology establishment" means 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 Arkansas Code § 20-10-1401;

(10) "Cosmetology services" means any work performed for compensation in any form by any person who is engaged in the art of cosmetology;

(11) "Cosmetology Technical Advisory Committee" means 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;

(12) "Disinfect" means 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;

(13) "Disinfectant" means Environmental Protection Agency-registered disinfectant that is:

- (A) Bactericidal;
- (B) Virucidal; and
- (C) Fungicidal;

(14)(A) "Domestic violence and sexual assault awareness training" means a one-hour training course in domestic violence and sexual assault awareness.

(B) The training course materials are provided by the Department of Health and incorporated into the curriculum for cosmetology and its branches.

(C) Certificates of training shall contain proof of domestic violence and sexual assault training;

(15) "Electrologist" means any person who permanently removes hair from or destroys hair on the human body for beautification by the use of an electric needle or by the use of any other kinds of devices or appliances designed to permanently remove hair from the human body;

(16) "EPA" means the Environmental Protection Agency;

(17) "Establishment or mobile salon owner" means any person, firm, or corporation conducting or operating a cosmetology establishment or mobile salon as defined by Arkansas Code 17-26-102(2);

(18) "Manager-operator" means 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;

(19) "Manicurist" means any person who engages in the occupation of manicuring the nails of any person by:

(A) Cutting, trimming, polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending, protecting, wrapping, covering, building, or beautifying the nails; or

(B) 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;

(20) "Mobile salon" means a self-contained, self-supporting, enclosed unit that:

(A) Is at least twenty-four feet (24') in length;

(B) May be transported from one (1) location to another;

(C) Has a base location at the home, salon, or office of the owner of the mobile salon;

(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 of Health; and

(E) Complies with rules established by the Department of Health;

(21) "Porous" means items made or constructed of material that:

(A) Has pores or openings and cannot be properly cleaned so that all visible residue is removed; or

(B) Is damaged or contaminated by cleaning and disinfecting;

(22) "Postsecondary school of cosmetology" means a school of cosmetology:

(A) That offers a postsecondary curriculum approved by the Department of Health; and

(B) Whose enrollment is made up of only students who have a high school diploma or its equivalent;

(23) "Practitioner" means any person who is licensed by the Department of Health as:

(A) A cosmetologist;

(B) An electrologist;

- (C) A manicurist;
- (D) An instructor; or
- (E) An aesthetician;

(24) "Registered hairstylist" means an individual who is registered with the Department of Health 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 subsection (b) of this section 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;

(25) "School of cosmetology" means any person, firm, corporation, premises, building, or part of a building:

(A) Whereon or wherein is taught any branch or any combination of the branches of cosmetology for a fee; and

(B) That is licensed by the Department of Health;

(26) "School of cosmetology or postsecondary school of cosmetology owner" means any person, firm, or corporation conducting or operating a school of cosmetology or a postsecondary school of cosmetology;

(27) "Sterilize" means destruction of all microbial life through proper use of an autoclave;

(28) "Student" means 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;

(29) "Uniformed service member" means:

(A) An active or reserve component member of the:

- (i) United States Air Force;
- (ii) United States Army;

- (iii) United States Coast Guard;
- (iv) United States Marine Corps;
- (v) United States Navy;
- (vi) United States Space Force; or
- (vii) National Guard;

(B) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) An active or reserve component member of the United States Commissioned Corps of the Public Health Service;

(30) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable; and

(31) "Working area or clinical area" means any area that is used to render cosmetology services to the public.

17 CAR § 54-202. Required licensure to practice or teach cosmetology or related branches.

(a) Establishment or mobile salon.

(1) 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.

(2) The proprietor shall be responsible for compliance with the law and all rules promulgated by the State Board of Health.

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

(4)(A) 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.

(B) The license shall be conspicuously posted in the establishment or mobile salon.

(b) **School of cosmetology or postsecondary school of cosmetology.**

(1)(A) Any person, firm, or corporation conducting or operating a school of cosmetology or a postsecondary school of cosmetology shall be required to obtain a current establishment license prior to operating said establishment.

(B) The proprietor shall be responsible for compliance with the law and all rules promulgated by the board.

(2)(A) An institution wishing to teach both secondary and postsecondary students shall obtain both a license for a school of cosmetology and a license for a postsecondary school of cosmetology.

(B) 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 postsecondary 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, 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)(A) The applicant must complete an approved school of cosmetology or postsecondary school of cosmetology as set forth by the department.

(B) 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)(1) 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 17 CAR § 54-201(2), may register as a registered hairstylist with the department to provide services for compensation.

(2) 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.

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

(f) **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 a new license in the manner provided for in the original application, and the board may, in its discretion:

- (1) Exempt the applicant from examination; and
- (2) Grant a new license upon payment of proper fee.

17 CAR § 54-203. 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 Arkansas Code § 17-26-304;
- (2) Electrology as stipulated in Arkansas Code § 17-26-306; or
- (3) Electrology instructor training as stipulated in Arkansas Code § 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 Cosmetology 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 confirming the completion of hours; and

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

(2)(A) If the training, completed or partial, was obtained in another state, then the applicant must meet eligibility requirements.

(B) The applicant is responsible for arranging to have sent to the department his or her certification from the other state or school in which the hours were obtained.

(C) 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 and shall:

(A) Utilize the official grading, scoring, and rating document;

(B) Be scheduled Monday through Friday during regular business hours;

(C) Be proctored in accordance with the National Interstate Council of State 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 that contains the implements, supplies, and equipment necessary to perform each phase of the examination.

(B) Each candidate will be required to bring a kit and/or carrying case that contains all the necessary items contained in the list.

(f) **General policies and procedures.**

(1) The Cosmetology Section and/or any designated testing provider will establish cancellation policies, interpreter policies, and supply requirements for examinations.

(2) All such information shall be made readily available to:

(A) Schools of cosmetology;

(B) Postsecondary schools of cosmetology;

(C) Students; and

(D) Reciprocity applicants.

(3) Updated Candidate Information Bulletins 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.**

(1) 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.

(2) In addition, a grade of seventy (70) is required on the state law exam when taken independently.

17 CAR § 54-204. Reciprocity for cosmetology and related branches.

(a)(1) Upon application to the Department of Health in the form provided for the particular class of license applied for, accompanied by the required fee, application shall expire after one (1) year.

(2) 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:

(A) The applicant for license as a cosmetologist, manicurist, or aesthetician is not fewer than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not fewer than twenty-one (21) years of age;

(B) The applicant holds a current valid license upon application for reciprocity, evidenced by:

(i) A certified copy of the license and an affidavit from the other state; or

(ii) Such other evidence as the department may require;

(C) The applicant has passed an examination comparable to the examination given in this state; and

(D) 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 following conditions:

(1) The applicant for license as a cosmetologist, manicurist, or aesthetician is not fewer than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not fewer than twenty-one (21) years of age;

(2) The applicant completed hours received from a licensed school of cosmetology or postsecondary school of cosmetology, evidenced by:

(A) A certified copy of training and an affidavit received directly from the applicable licensing entity; or

(B) Such other evidence as the department may require; and

(3) The applicant passes a written and practical examination.

(c)(1) A person that has completed partial hours under the laws of another state shall be eligible for examination under the following conditions:

(A) The applicant for license as a cosmetologist, manicurist, or aesthetician is not fewer than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not fewer than twenty-one (21) years of age;

(B) Partial hours evidenced by:

(i) Certified copy of training and an affidavit received directly from the other state; or

(ii) Such other evidence as the department may require;

(C) The applicant completes the required hours required under the rules of the department for the license for which the applicant applied; and

(D) The applicant passes a written and practical examination.

(2)(A) If the training, completed or partial, was obtained in another state, then the applicant must meet eligibility requirements.

(B) The applicant is responsible for arranging to have sent to the department his or her certification from the other state or school in which the hours were obtained.

(C) If the department determines eligibility requirements are met, the applicant will be required to take the Arkansas written and practical exams.

17 CAR § 54-205. Requirements for schools of cosmetology, postsecondary schools of cosmetology, establishments, and mobile salons — Physical facilities.

(a) Water supply and sewage.

(1) A supply of continuous hot and cold running water shall be:

(A) Provided to accommodate all services performed throughout the workday; and

(B) Installed in accordance with the 2018 Arkansas Plumbing Code, 17 CAR pt. 65.

(2) 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 Department of Health.

(b) Toilet facilities, fixtures, and plumbing.

(1) Where toilet facilities are made available or otherwise required, said facilities, fixtures, and other plumbing shall:

(A) Be installed in accordance with the 2018 Arkansas Plumbing Code;
and

(B) Meet standards set by the department.

(2) No toilet facility shall be used for storage of implements or supplies for services performed on the public.

(c) Hand washing facilities.

(1) 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 2018 Arkansas Plumbing Code.

(2) The facilities shall have a soap dispenser with soap and disposable towels or an air dryer for hands.

(3) Common towels and bar soap are prohibited.

(d) Garbage and refuse.

(1) Garbage and refuse shall be kept in durable, easily cleanable containers that do not leak and do not absorb liquids.

(2) No school of cosmetology, postsecondary school of cosmetology, establishment, or mobile salon shall permit an accumulation of garbage or refuse.

(3) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(e) **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.

(f) **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.

(g) **Flooring.** Floors and floor coverings of each school of cosmetology, each postsecondary school of cosmetology, and each establishment in the working area or clinical area shall be:

- (1) Constructed of smooth, nonabsorbent, durable material; and
- (2) Maintained in good repair.

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

(i) **Ventilation.** Each school of cosmetology, each postsecondary school of cosmetology, each establishment, and each mobile salon shall:

- (1) Be free of excessive heat, steam, condensation, vapors, smoke, and harmful fumes; and
- (2) Meet the HVAC requirements under the Mechanical Code, 17 CAR pt. 260, as adopted by the HVACR Licensing Board.

(j) **Minimum equipment.** Each school of cosmetology, postsecondary school of cosmetology, establishment, and mobile salon shall have and maintain the following minimum equipment:

(1)(A) A liquid disinfecting receptacle to hold instruments and supplies with an Environmental Protection Agency-registered disinfecting solution that is:

- (i) Bactericidal, capable of destroying bacteria;
- (ii) Virucidal, capable of destroying viruses; and
- (iii) Fungicidal, capable of destroying fungi.

(B) Disinfectants must be used according to manufacturer labels to be safe and effective.

(C) Contact time listed on the manufacturer's label must be adhered to at all times to effectively destroy pathogens.

(D) The receptacle must be large enough that the instruments and supplies are completely submerged.

(E) The disinfectant solutions shall:

- (i) Remain covered at all times; and
- (ii) Be changed daily or whenever visibly cloudy or dirty; and

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

(k) Animals in schools of cosmetology, postsecondary schools of cosmetology, establishments, and mobile salons.

(1) Animals are prohibited from being inside:

- (A) Schools of cosmetology;
- (B) Postsecondary schools of cosmetology;
- (C) Establishments; or
- (D) Mobile salons.

(2) Exceptions include:

(A)(i) Service animals that are accompanying a client with a disability.

(ii) 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.

(l) Infectious or communicable disease.

(1) 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) A school of cosmetology;
- (B) A postsecondary school of cosmetology;
- (C) An establishment; or
- (D) A mobile salon.

(2)(A) 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, or 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 that may be transmitted during the performance of the act of cosmetology or any of its branches.

(B) 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.

(m) **Personal cleanliness.**

(1) **Person and wearing apparel.** The person and the attire worn by an individual serving a client shall at all times be clean.

(2) **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.

(n) **Shampoo bowls, treatment tables, pedicure spas, and waxing equipment and supplies.**

(1) **Headrests.** The headrest of chairs shall be kept clean.

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

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

(4) **Pedicure spas — Cleaning and disinfecting of circulating and noncirculating tubs and spas for all industry modalities.** The recommended cleaning and disinfecting standards for all circulating and noncirculating tubs or spas are:

(A) 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; and

(B) After each client or service:

(i) Drain the tub;

(ii)(a) Clean the tub according to manufacturer's instructions.

(b) Take special care to remove all film, especially at the water line.

(c) Rinse the tub well;

(iii)(a) Fill the tub with water.

(b) At minimum, use an Environmental Protection Agency-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) If a tub has come in contact with blood or body fluids, at minimum, add an Environmental Protection Agency-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) Allow the disinfectant to stand for noncirculating tubs, or to circulate for circulating tubs, for the time specified according to the manufacturer's instructions;

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

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

(b) Completely immerse in an Environmental Protection Agency-registered, bactericidal, virucidal, and fungicidal disinfectant that is mixed and used according to the manufacturer's directions, rinse, and air dry; and

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

(5) Waxing equipment and supplies.

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

(ii) Each applicator may only be submerged in waxing product one (1) time before being disposed of.

(iii) No used applicator shall be left on or in heater/pot at any time.

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

(C) Roll-on wax applicators are not permitted, except as follows:

(i) Single-use roll-on wax cartridges are acceptable but must be disposed of immediately after service;

(ii) Roll-on wax cartridges warming in a wax heater must have an intact seal; and

(iii) The heating unit must be cleaned and disinfected after each use.

(D) Wax pots should not be turned on and warm when a cosmetologist or esthetician is not present or reasonably expected to be present when the wax pot is heated to the applicable temperature for use.

(o) Towels.

(1) After a towel has once been used, it:

(A) Shall be deposited in a receptacle; and

(B) Shall not again be used until properly cleaned.

(2) Towels and linens shall be washed on the hot cycle and dried until hot to the touch.

(p) **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.

(q) Neck strips.

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

(2) **Exemption.** A freshly laundered/clean cape is used for each client.

(r) **Instruments and supplies.**

(1) All used porous supplies or instruments, such as but not limited to files, pumice stones, and buffers, that cannot be disinfected shall be disposed of in a waste receptacle immediately after use.

(2) Disinfectable files, pumice stones, and buffers are prohibited.

(s) **Electrical instruments and equipment.**

(1)(A) Before use upon a client, all electrical instruments shall be cleaned and disinfected with an Environmental Protection Agency-registered disinfecting solution (spray or wipe) containing:

- (i) Bactericidal, capable of destroying bacteria;
- (ii) Virucidal, capable of destroying viruses; and
- (iii) Fungicidal, capable of destroying fungi.

(B) Disinfectants must be used according to manufacturer labels to be safe and effective.

(C) 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.

(D) Disinfected instruments and equipment shall be placed on a hook or on a clean towel and covered by a clean towel.

(2)(A) Electrical equipment shall be functioning in accordance with the manufacturer's specifications.

(B) Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.

(r) **Nonelectrical instruments and equipment.**

(1)(A) Before use upon a client, all nonelectrical instruments shall be cleaned and then disinfected with an Environmental Protection Agency-registered disinfecting solution containing:

- (i) Bactericidal, capable of destroying bacteria;
- (ii) Virucidal, capable of destroying viruses; and

(iii) Fungicidal, capable of destroying fungi.

(B) Disinfectants must be used according to manufacturer labels to be safe and effective.

(C) 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.

(D) Disinfected items should be stored in a clean covered container.

(2)(A) Nonelectrical equipment shall be functioning in accordance with the manufacturer's specifications.

(B) Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.

(s) Sterilizing instruments.

(1) All needles and lancets must be single-use and disposable.

(2) For proper disposal of needles and lancets, refer to Arkansas Code § 20-7-109 and Arkansas Code § 20-32-101 et seq.

(3) Instruments that cannot be sterilized with an autoclave must be sterilized with an Environmental Protection Agency-registered disinfecting solution containing:

(A) Bactericidal, capable of destroying bacteria;

(B) Virucidal, capable of destroying viruses; and

(C) Fungicidal, capable of destroying fungi.

(4) Disinfectants must be used according to manufacturer labels to be safe and effective.

(5) Dry sterilizer or UV lights are not acceptable sterilization techniques.

(t) Liquids, creams, powders, and other cosmetic preparations.

(1) Storage.

(A) All liquids, creams, and other cosmetic preparations shall be kept in properly labeled clean and covered containers.

(B) Powders may be kept in a clean shaker.

(2) **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.

(3) **Pencil cosmetics and sharpeners.**

(A) Pencil cosmetics shall be sharpened before each use.

(B) Sharpener must be cleaned after each use.

17 CAR § 54-206. Cosmetology establishments and mobile salons certificate of registration and licensure — General licensure requirements.

(a) **Permits/licensure.**

(1) 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.

(2) Other types of businesses shall be separated from an establishment or mobile salon in accordance with the requirements specified below in subdivision (a)(2) of this section.

(b) **Separation of establishment or mobile salon from other businesses.**

(1) **Unsanitary conditions.**

(A) 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.

(B) Further, the owner shall submit a document issued by the Department of Health certifying that the ventilation system or systems of said businesses meets the minimum requirements of the department.

(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 State Board of Barber Examiners.

(c) **Requirements for testing laboratory products.**

(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.

(2) The establishment owner, mobile salon owner, or his or her designee will be required to provide the client or model with a data sheet that states the:

- (A) Name and address of the manufacturer that produces the product;
- (B) Name and address of the practitioner applying the product; and
- (C) Date and results of the test.

(3)(A) The client or model will be required to sign the document that also certifies that the model or client is aware that the product is being applied for testing purposes.

(B) A copy of the document:

(i) Is to be kept by the establishment owner or mobile salon owner;

and

(ii) Must be given to the client or model for the records.

17 CAR § 54-207. School of cosmetology and postsecondary school of cosmetology requirements.

(a) Application for new private school of cosmetology.

(1)(A) Any person, firm, or corporation seeking to open a new school of cosmetology shall:

- (i) Submit an application to the Cosmetology Section office; and
- (ii) Receive preapproval from the Department of Health.

(B) The application shall be accompanied by the following information:

(i) Completed application:

(a) Provided by the Department of Health; and

(b) Available on the Department of Health's website at

healthy.arkansas.gov;

(ii) Detailed floor plan of the proposed school showing adequate floor space;

(iii)(a) A current financial statement prepared by a certified public accountant.

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

(c) 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 twelve (12) months without relying on student tuition;

(iv) List of proposed equipment to accommodate twenty-five (25) student applicants for any combination of:

(a) Cosmetology;

(b) Manicure; and

(c) Aesthetics;

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

(vi) Correspondence from the planning and zoning board certifying that the area in which the proposed school is to be located is properly zoned for this type of business;

(vii) A statement certifying that the owner or owners of the proposed school shall provide not fewer than one thousand five hundred (1,500) hours of continuous training for all cosmetology students enrolled;

(viii) If applicable, a statement certifying the owner or owners shall provide not fewer than six hundred (600) hours of continuous training for all manicure and aesthetic students enrolled;

(ix) The owner shall file a statement designating the name and address of the person who is authorized to:

- (a) Accept service of notice from the Department of Health; and
- (b) Transact all business negotiations on behalf of the proposed

school, including:

- (1) Answers to citations and/or hearings; and

- (2) Compliance with rulings issued by the Department of Health and/or Cosmetology Technical Advisory Committee;

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

- (a) Attendance record;

- (b) Sign-in sheets;

- (c) Student time sheets/card;

- (d) Contracts;

- (e) Daily activity checklist; and

- (f) Progress cards;

- (xi) The required registration fee; and

- (xii) Proof that the school adopts and discloses to the students the complaint process outlined in 17 CAR § 54-108.

(2) When the above information is received in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108(a)(3).

(3) When the school application and initial inspection meet all requirements, the Department of Health 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:

- (A) Twenty-five (25) student enrollment forms; and

- (B) Required fees and documents.

(b) 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:

- (i) Submit an application to the Cosmetology Section office; and

(ii) Receive preapproval from the Department of Health.

(B) The application shall be accompanied by the following information:

(i) Completed application:

(a) Provided by the Department of Health; and

(b) Available on the Department of Health's website at

healthy.arkansas.gov;

(ii) Detailed floor plan of the proposed school showing adequate floor space;

(iii)(a) A current financial statement prepared by a certified public accountant.

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

(c) 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 twelve (12) months without relying on student tuition;

(iv) List of proposed equipment to accommodate twenty-five (25) student applicants for any combination of:

(a) Cosmetology;

(b) Manicure; and

(c) Aesthetics;

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

(vi) Correspondence from the planning and zoning board certifying that the area in which the proposed school is to be located is properly zoned for this type of business;

(vii) A statement certifying that the owner or owners of the proposed school shall provide not fewer than one thousand five hundred (1,500) hours of continuous training for all cosmetology students enrolled;

(viii) If applicable, a statement certifying the owner or owners shall provide not fewer than six hundred (600) hours of continuous training for all manicure and aesthetic students enrolled;

(ix) The owner shall file a statement designating the name and address of the person who is authorized to:

(a) Accept service of notice from the Department of Health; and

(b) Transact all business negotiations on behalf of the proposed school, including:

(1) Answers to citations and/or hearings; and

(2) Compliance with rulings issued by the Department of Health and/or committee;

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

(a) Attendance record;

(b) Sign-in sheets;

(c) Student time sheets/cards;

(d) Contracts;

(e) Daily activity checklist; and

(f) Progress cards;

(xi) The required registration fee;

(xii) Proof that each student enrolled has a high school diploma or its equivalent; and

(xiii) Proof that the school adopts and discloses to the students the complaint process outlined in 17 CAR § 54-108.

(2) When the above information is provided in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108(a)(3).

(3) When the school application and initial inspection meet all requirements, the Department of Health 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:

(A) Twenty-five (25) student enrollment forms; and

(B) Required fees and documents.

(c) 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 preapproval from the Department of Health, as well as to the Division of Higher Education or other governing body.

(B) The notice shall include the following information:

(i) A completed application:

(a) Provided by the Department of Health; and

(b) Available on the Department of Health's website at

healthy.arkansas.gov;

(ii) 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 of the school's commitment that there are sufficient financial resources to support the program;

(iii) Name and contact information for the designee at the school who will be responsible to the Department of Health for ensuring the school complies with applicable statutes and rules;

(iv) A statement certifying the school will comply with all laws, including applicable rules regarding qualified instructors and a school supervisor;

(v) A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in Arkansas Code §§ 17-26-304, 17-26-306, 17-26-307, and 17-26-410;

(vi) A detailed floor plan reflecting adequate floor space;
(vii) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of:

- (a) Cosmetology;
- (b) Manicure; and
- (c) Aesthetics;

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

(ix) Sample of all forms to be used in the school, including but not limited to:

- (a) Attendance record;
- (b) Sign-in sheets;
- (c) Student time sheets/cards;
- (d) Daily activity checklist; and
- (e) Progress cards;

(x) The required registration fee; and

(xi) Proof that the school adopts and discloses to the students the complaint process outlined in 17 CAR § 54-108.

(2) When the above information is provided in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108(a)(3).

(3) When the school application and initial inspection meet all requirements, the Department of Health 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:

- (A) Twenty-five (25) student enrollment forms; and
- (B) Required fees and documents.

(d) **Application for a new postsecondary cosmetology program in a public or state-operated school.**

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(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 preapproval from the Department of Health, as well as to the division or other governing body.

(B) The notice shall include the following information:

(i) A completed application:

(a) Provided by the Department of Health; and

(b) Available on the Department of Health's website at healthy.arkansas.gov;

(ii) 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 of the school's commitment that there are sufficient financial resources to support the program;

(iii) Name and contact information for the designee at the school who will be responsible to the Department of Health for ensuring the school complies with applicable statutes and rules;

(iv) A statement certifying the school will comply with all laws, including applicable rules regarding qualified instructors and a school supervisor;

(v) A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in Arkansas Code §§ 17-26-304, 17-26-306, 17-26-307, and 17-26-410;

(vi) A detailed floor plan reflecting adequate floor space;

(vii) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of:

(a) Cosmetology;

(b) Manicure; and

(c) Aesthetics.

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

(ix) Sample of all forms to be used in the school, including but not limited to:

- (a) Attendance record;
- (b) Sign-in sheets;
- (c) Student time sheets/cards;
- (d) Daily activity checklist; and
- (e) Progress cards;

(x) The required registration fee;

(xi) Proof that each student enrolled has a high school diploma or its equivalent; and

(xii) Proof that the school adopts and discloses to the students the complaint process outlined in 17 CAR § 54-108.

(2) When the above information is provided in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108(a)(3).

(3) When the school application and initial inspection meet all requirements, the Department of Health 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:

- (A) Twenty-five (25) student enrollment forms; and
- (B) Required documents.

(e) 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 that appears on the original application, the owner of record shall:

- (i) File an application with the Cosmetology Section office; and
- (ii) Receive preapproval from the Cosmetology Section.

(B) An application must include the following items of documentation before any relocation can occur:

- (i) A detailed floor plan reflecting adequate floor space;
- (ii) A list of equipment to be used for the program to accommodate twenty-five (25) student applicants for any combination of:
 - (a) Cosmetology;
 - (b) Manicure; and
 - (c) Aesthetics;
- (iii) Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as the instructor's education, previous work experience, etc.;
- (iv) Sample of all forms to be used in the school of cosmetology or postsecondary school of cosmetology, including but not limited to:
 - (a) Attendance record;
 - (b) Sign-in sheets;
 - (c) Student time sheets/cards;
 - (d) Daily activity checklist; and
 - (e) Progress cards;
- (v) All relocated schools of cosmetology or postsecondary schools of cosmetology shall meet physical requirements as for new schools; and
- (vi) The required registration fee.

(2) When the above information is provided in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108.

(3) When the school of cosmetology or postsecondary school of cosmetology application and initial inspection meet all requirements, the Department of Health 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.**

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

(2)(A) The school of cosmetology or postsecondary school of cosmetology shall be of fireproof construction.

(B) All schools shall have a front and back entrance.

(C) No partitions will be permitted except for the specified spaces listed below.

(3)(A) All schools of cosmetology or postsecondary schools of cosmetology must be separated from any other business with solid walls.

(B) Cosmetology establishments that are located in the same building shall:

(i) Be separated by a solid physical barrier; and

(ii) Have separate entrances.

(4)(A) All schools of cosmetology or postsecondary schools of cosmetology shall have sufficient light fixtures and wiring that shall be approved by a licensed electrician or city inspector.

(B) Said electrician or inspector shall certify that wiring and fixtures are adequate for the building size and purpose for which they are to be used.

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

(6) There shall be sufficient hot water supply and pressure to accommodate all services performed throughout the workday, and these shall be installed in accordance with the 2018 Arkansas Plumbing Code, 17 CAR pt. 65.

(7) The school of cosmetology or postsecondary school of cosmetology shall be approved by the Department of Health as to:

(A) Space;

(B) Light;

(C) Ventilation;

(D) Hygienic environment; and

(E) Equipment.

(8) Interior floor space shall be not fewer than two thousand five hundred square feet (2,500 sq. ft.) of area for a maximum of twenty-five (25) students.

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(9)(A) Student practical training area or clinic area shall contain not fewer than one thousand two hundred square feet (1,200 sq. ft.) of open space, with no walls to obstruct the view of the instructor.

(B) The clinic square footage requirements are for a maximum enrollment of twenty-five (25) students.

(C) 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 one thousand two hundred square feet (1,200 sq. ft.) in the clinic.

(D) Every fifty square feet (50 sq. ft.) of space in the aforementioned area will increase the enrollment capacity by one (1).

(E) A classroom is required and shall be not fewer than two hundred seventy-five square feet (275 sq. ft.).

(F) The classroom must be equipped with items conducive to promote a teaching and learning environment that accommodates both the instructor and students.

(G) Vending machines shall not be in the classroom.

(10)(A) The clinical area shall contain stations and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, and facial chairs to accommodate a minimum of twenty-five (25) students for any combination of:

- (i) Cosmetology;
- (ii) Manicure; and
- (iii) Aesthetics.

(B) Other equipment not used for the instruction of the practical work will not be permitted.

(11)(A) Restrooms are required.

(B) Restrooms shall contain a commode and lavatory.

(C) Floors must be a washable surface.

(12)(A) A reception area shall be required.

(B) The reception area shall contain a desk or counter and chairs for clients.

(C) This area shall not contain any equipment used by the students in the practical work.

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

(14)(A) An enclosed dispensary room:

(i) Is required to store supplies used by students; and

(ii) Shall be separated by solid walls from the clinic area.

(B) All extra supplies not being used must be stored.

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

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

(B) Office spaces that are not within the school building must be within one (1) mile of the actual school.

(C) All student files and records must be kept in one (1) location.

(17)(A) Break room or lounge room will be provided.

(B) Eating will not be permitted in the clinical area of the school of cosmetology or postsecondary school of cosmetology.

(g) Equipment.

(1)(A) All equipment for new, existing, and relocated schools of cosmetology or postsecondary schools of cosmetology shall be in good workable condition.

(B) The equipment shall be appropriately maintained in order to promote the health and safety of school of cosmetology or postsecondary school of cosmetology:

(i) Employees;

(ii) Students; and

(iii) 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 of Health.

(h) **Initial inspection of a new or relocated school of cosmetology or postsecondary school of cosmetology.** After all required documentation and fees have been submitted and approved, the Department of Health will conduct an initial inspection on all new or relocated 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; and

(4)(A) 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 of Health for its approval.

(i) **Final inspection of new or relocated 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 of Health 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:

(A) An inspection report of compliance is received;

(B) At least twenty-five (25) student enrollment forms, supporting documents, and enrollment fees have been submitted; and

(C) At least twenty-five (25) student permits have been issued.

(3) If an application is granted and thereafter the Department of Health 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 of Health 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 of Health a sworn affidavit designating who is authorized to:

(A) Accept service of notice from the Department of Health; and

(B) Transact all business negotiations on behalf of the school, including:

(i) Answers to citations for hearing; and

(ii) Compliance with rulings issued by the committee.

(j) Routine inspection of schools of cosmetology or postsecondary schools 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 State Board of Health, unless complaints are received by the Department of Health.

(2)(A) 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 of Health or its representative may:

(i) Review the records maintained by the school of cosmetology or postsecondary school of cosmetology;

(ii) Review the course outline and lesson plans; and

(iii) Generally evaluate the operation of the school of cosmetology or postsecondary school of cosmetology.

(B) 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 of Health or its representative may review all student files for accuracy.

(4)(A) Any school of cosmetology or postsecondary school of cosmetology that fails to abide by the terms and conditions set out in the school of cosmetology or postsecondary school of cosmetology catalog or contract, fails to comply with the procedures for adopting rules, or is capricious in enforcing school of cosmetology or postsecondary school of cosmetology rules may be subject to a disciplinary hearing before the committee pursuant to 17 CAR § 54-108.

(B) In the case of a nationally accredited school of cosmetology or postsecondary school of cosmetology, the Department of Health will notify the proper officials of the disposition of the complaint.

(k) **Purchase of an existing school of cosmetology or postsecondary school of cosmetology.** Any person, firm, or corporation seeking to purchase an existing school of cosmetology or postsecondary school of cosmetology shall submit the following information at least thirty (30) days prior to the purchase:

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

(2) The new owner shall file a statement designating the name and address of the person who is authorized to:

(A) Accept service of notice from the Department of Health; and

(B) Transact all business negotiations on behalf of the school of cosmetology or postsecondary school of cosmetology, including:

(i) Answers to citations for hearings; and

(ii) Compliance with rulings issued by the Department of Health;

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

(4)(A) A current financial statement prepared by a certified public accountant.

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

(C) 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 twelve (12) months without relying on student tuition;

(5) Copy of the legal change of ownership document;

(6) Copy of the new owner's government-issued photo identification;

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

(A) Attendance record;

(B) Sign-in sheets;

(C) Student time sheets/cards;

(D) Contracts;

(E) Daily activity checklist; and

(F) Progress cards; and

(8) The required registration fee.

(I) Registration requirements.

(1)(A) All students of cosmetology, manicuring, electrology, aesthetics, and teacher training shall be registered, processed, and a student permit issued from the Department of Health before accredited hours can be obtained.

(B) Registration prerequisites are as follows:

(i)(a) Registration form, forms provided by the Department of Health.

(b) The completed registration form must be received, processed, and a student permit issued by the Department of Health before accredited hours can be obtained;

(ii) One (1) copy of the student/school of cosmetology or postsecondary school of cosmetology contract, if applicable;

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

(iv) Proof of education:

(a) For postsecondary schools of cosmetology, proof of a high school diploma or its equivalent;

(b) For schools of cosmetology — cosmetology, aesthetics, and manicuring, completed a minimum of two (2) years of high school or its equivalent;

(c) Electrology and instructor, completed four (4) years of high school or its equivalent; and

(d) Results from a test that is approved by the United States Department of Education to measure a student's ability to benefit (an "Ability-To-Benefit test") may be used to determine a student's equivalency to the above; and

(v) Required registration fee.

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

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

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

(C) 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 of Health before records will be changed.

(4) A student who has completed the registration process and whose information is on file with the Department of Health 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 Department of Health Cosmetology Section and the school of cosmetology or postsecondary 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 postsecondary 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 one thousand five hundred (1,500) hours shall:

(A) Be required in the cosmetology program; and

(B) Consist of the following curricula:

(i)(a) Hygiene and sanitation, eighty (80) hours.

(b) Instructions in sanitation, sterilization, hygiene, lighting, and ventilation, etc.

(c) General sanitation duties performed by students shall not exceed more than fifteen (15) minutes per day.

(d) Students are:

(1) Required to maintain their stations as warranted; and

(2) Responsible for their actions or mishaps.

(ii)(a) Related science, one hundred twenty (120) hours.

(b) Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), physiology and histology anatomy, neurology, myology, and osteology, etc.;

(iii)(a) Hairdressing, one thousand (1,000) hours.

(b) 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.;

(iv)(a) Manicuring, one hundred (100) hours.

(b) 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 ankle massage, etc.;

(v)(a) Aesthetics, one hundred (100) hours.

(b) 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.;

(vi)(a) Salesmanship and shop management, fifty (50) hours.

(b) Instruction in how to keep records, knowledge of business law, cosmetology law, rules, booking appointments, retailing;

(vii)(a) Professional ethics, forty-nine (49) hours.

(b) Courtesy, neatness, and professional attitude in meeting the public, etc.; and

(viii) One-hour domestic violence and sexual assault training as set forth in Arkansas Code § 17-26-205(a), etc.

(2)(A) All 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.

(B) This requirement may be modified by prorating the hours when necessary depending upon the school of cosmetology or postsecondary school of cosmetology schedule provided the student is receiving quality theoretical instruction to prepare him or her for examination.

(3) The time of the classroom instruction class shall be registered with the Department of Health.

(4) Students shall not be permitted to leave the classroom during theoretical instruction 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)(A) All schools of cosmetology or postsecondary 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.

(B) Students shall be assigned to clients on the basis of respective learning needs.

(8)(A) Pursuant to Acts 2021, No. 724, 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.

(B) 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:

(A) Health, Sanitation, and Infection Control, seventy-five (75) hours;

(B) Health Related Science, seventy-five (75) hours;

(C) Manicuring and Pedicuring, two hundred (200) hours;

(D) Advance Nail Technology, two hundred (200) hours;

(E) Career Development, forty-nine (49) hours; and

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

(2)(A) All 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.

(B) This requirement may be modified by prorating the hours when necessary depending upon the school schedule, provided the student is receiving quality theoretical instruction to prepare him or her for examination.

(3) The time of the classroom instruction class shall be registered with the Department of Health.

(4) Students shall not be permitted to leave the classroom during theoretical instruction 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 sixty (60) hours in theoretical instruction.

(7)(A) All schools of cosmetology or postsecondary schools of cosmetology shall provide a minimum of ten (10) services per week for each student enrolled who has acquired sixty (60) hours.

(B) Students shall be assigned to clients on the basis of respective learning needs.

(8)(A) Pursuant to Acts 2021, No. 724, 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.

(B) 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, forty (40) hours;
- (B) Physiology, thirty-five (35) hours;
- (C) Bacteriology & Sanitation, thirty-five (35) hours;
- (D) Introduction of Skin Care, forty-five (45) hours;
- (E) Skin Care, one hundred fifty (150) hours;

(F) Makeup and Corrective Makeup, fifty (50) hours;
(G) Eyebrow and Lashes, forty (40) hours;
(H) Hair Removal, forty (40) hours;
(I) Safety Precautions, twenty (20) hours;
(J) Professional & Personality Development, twenty (20) hours;
(K) Management, twenty (20) hours;
(L) Salesmanship, fifteen (15) hours;
(M) State Laws and Rules, ten (10) hours;
(N) Testing Evaluation, fifteen (15) hours;
(O) Instructor's Discretion, sixty-four (64) hours; and
(P) One (1) hour of domestic violence and sexual assault training as set forth in Arkansas Code § 17-26-205(a), etc.

(2)(A) All 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.

(B) This requirement may be modified by prorating the hours when necessary depending upon the school schedule, provided the student is receiving quality theoretical instruction to prepare him or her for examination.

(3) The time of the classroom instruction class shall be registered with the Department of Health.

(4) Students shall not be permitted to leave the classroom during theoretical instruction 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 is paying for service or materials.

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

(7)(A) All schools of cosmetology or postsecondary schools of cosmetology shall provide a minimum of ten (10) services per week for each student enrolled who has acquired sixty (60) hours.

(B) Students shall be assigned to clients on the basis of respective learning needs.

(8)(A) Pursuant to Acts 2021, No. 724, 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.

(B) 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 school of cosmetology or postsecondary school of cosmetology in the State of Arkansas qualified and approved to teach cosmetology by the Department of Health may teach electrolysis in epilation, provided it:

(A) Shows proof of a qualified electrolysis instructor who shall be licensed by the board; and

(B) Meets the minimum requirements in equipment necessary to teach electrolysis in epilation.

(2) Training course.

(A) 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.

(B) The training shall include practical training and technical instruction.

(C) The school of cosmetology or postsecondary school of cosmetology shall establish grades and hold examinations before issuing diplomas in Electrology Training.

(3) Electrology curriculum for schools of cosmetology or postsecondary schools of cosmetology.

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

(4)(A) All 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.

(B) This requirement may be modified by prorating the hours when necessary depending upon the school schedule, provided the student is receiving quality theoretical instruction to prepare him or her for examination.

(5) The time of the classroom instruction class shall be registered with the Department of Health.

(6) Students shall not be permitted to leave the classroom during theoretical instruction 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)(A) All schools of cosmetology or postsecondary schools of cosmetology shall provide a minimum of ten (10) services per week for each student enrolled who has acquired sixty (60) hours.

(B) Students shall be assigned to clients on the basis of respective learning needs.

(10)(A) Pursuant to Acts 2021, No. 724, 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.

(B) All clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

(q) Facility use for nonaccredited courses.

(1) Schools of cosmetology and postsecondary schools of cosmetology will be permitted to utilize the school facilities for nonaccredited courses after regular school hours, provided said school owner disseminates literature that the said course or courses are not approved by the Department of Health.

(2) All literature (i.e., forms of media advertisements, pamphlets, etc.), must have prior approval by the Department of Health 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.

(2) Each school, postsecondary school, training facility, or postsecondary institution will submit the appropriate documentation supporting the accepted curriculum hours received under related educational training.

(3) 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)(A) Students may receive credit towards their chosen course of study through discretionary off-campus hours.

(B) These hours may be obtained by attending educational events relevant to the student's course of study.

(C) Credit can only be given for actual time in attendance.

(D) Credit shall not be granted for travel time.

(E) 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.

(F) Instructors who accompany students during these activities must keep a written record of students' attendance through a sign-in/sign-out sheet.

(2)(A) 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 of the Department of Health.

(B) The record shall include the following information for each event:

(i) Name and location of the educational event;

(ii) Date of the educational event;

(iii) List of each instructor in attendance;

(iv) Sign-in/sign-out sheet;

(v) List of each student in attendance; and

(vi) Number of hours earned by each student.

(t) Instructor/enrolled student ratio.

(1)(A) Instructors shall not be permitted to perform cosmetology services for students.

(B) However, the instructor will be permitted to assist the student when needed in the clinical area.

(2)(A) 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 percent (50%) of the required training.

(B) There must be at least one (1) licensed instructor instructing the students.

(C) 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:

(A) Services are not performed on the public during tutoring sessions; and

(B) Students are not given credit for hours spent in the tutoring capacity.

(u) Responsibility of school of cosmetology or postsecondary school of cosmetology.

(1) Training requirements.

(A)(i) Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a licensed instructor.

(ii) The only creditable time permitted when the clinic facility is closed will be classroom instruction.

(B)(i) All schools of cosmetology or postsecondary schools of cosmetology shall provide each student enrolled the opportunity to acquire the entire course of training uninterrupted by unscheduled vacations or any reason that may cause a delay in the completion of such course.

(ii) Any unforeseen or unexpected circumstances arising in closure of the school during normal business hours, the Department of Health must be notified via email to cosmo@arkansas.gov.

(C) Certification of training form.

(i)(a) The school shall certify the training in accordance with the required curriculum for examination and license.

(b) This provision does not prohibit a school from suspending a student for disciplinary reasons.

(c) Grounds for suspension shall be determined by the owner.

(d) 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.

(e) Duration of a suspension shall be set forth in the school catalog.

(ii)(a) Certification of Hours Forms must be filed with the Department of Health within forty-five (45) calendar days immediately following termination of student (last day of attendance).

(b) Hours of instruction acquired by the student may not be deducted or increased for any reason.

(c) Increase or decrease of creditable hours is prohibited.

(d) If a Certificate of Training is not received within the forty-five (45) days:

(1) The student will be dropped by the Department of Health; and

(2) All hours will be certified.

(iii) No school of cosmetology or postsecondary 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 subdivision (u)(1) of this section.

(D)(i) Certification of Hours Forms should be completed by the designated school official, along with the student training permit and paid-in-full contract.

(ii) Only the hours that have been accrued during the current enrollment shall be certified.

(iii) 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.

(iv) Uncertified hours will not be released until a new certification form is submitted.

(v) Certification of Hours Forms:

(a) May be obtained from the Department of Health upon request; and

(b) Are available for downloading on the Department of Health's website at healthy.arkansas.gov.

(E) Required textbooks.

(i) The Department of Health must approve textbooks.

(ii) Textbooks must adequately cover the prescribed curricula and prepare students for state testing.

(iii) Textbook material must be completed before one thousand five hundred (1,500) hours are completed.

(iv) 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)(i) All schools of cosmetology or postsecondary 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.

(ii) The monthly report shall reflect the:

(a) Number of hours acquired in the school during the prior month; and

(b) Accumulated hours during the current enrollment.

(B)(i) The Cosmetology Section will notify the school of cosmetology or postsecondary school of cosmetology when an error has been made on the monthly report.

(ii) Upon receipt of this notification, the school owner or instructor is required to check their records and apprise the Cosmetology Section office of the corrections made within the week.

(C)(i) All schools of cosmetology or postsecondary 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.

(ii) 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-day timeframe without good cause.

(3) Student records for schools of cosmetology or postsecondary schools of cosmetology.

(A)(i) Every school of cosmetology or postsecondary school of cosmetology shall keep a daily record of attendance on each student enrolled.

(ii) A time clock shall be used for the purpose of recording hours.

(B)(i) Every school of cosmetology or postsecondary school of cosmetology shall keep a daily record of the student's activity.

(ii) 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 postsecondary school of cosmetology shall establish a grading system and hold examinations before issuing diplomas.

(D) All necessary basic subjects, in accordance with the Department of Health'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)(i) A course outline and daily lesson plans shall be used by the school of cosmetology or postsecondary school of cosmetology.

(ii) A course outline shall be provided to students so they will be apprised of the upcoming activities.

(F) Every school of cosmetology or postsecondary 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's enrollment documents;

(v) The signed student contract;

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

(vii) Any disciplinary actions.

(4) Tuition and fees for schools of cosmetology or postsecondary schools of cosmetology.

(A)(i) Every school of cosmetology or postsecondary 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.

(ii) 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.

(iii) 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 postsecondary school of cosmetology until such time as the student has completed his or her training or withdraws from the school of cosmetology or postsecondary school of cosmetology, provided the student has purchased the kit from the school of cosmetology or postsecondary school of cosmetology.

(5) School catalog for schools of cosmetology or postsecondary schools of cosmetology.

(A) Every school of cosmetology or postsecondary school of cosmetology shall set forth basic information about itself in a catalog that is:

- (i) Kept up-to-date;
- (ii) Made available to prospective students; and
- (iii) Submitted to the Department of Health with the original

application.

(B) The catalog must include the following items at a minimum:

- (i) Name and address of the school of cosmetology or postsecondary school of cosmetology;
- (ii) Hours of operation, to include scheduled closures such as holidays and vacations;
- (iii) Date of publication;
- (iv) When the school of cosmetology or postsecondary school of cosmetology was established;
- (v) Admission requirements;
- (vi) Educational objectives of each program;
- (vii) Length of course and course description;
- (viii) Grading system;
- (ix) Graduation requirements;
- (x) Type of document received upon graduation;
- (xi) Refund policy;
- (xii) Name or names of owners; and
- (xiii) Scholarship and fee waiver policies.

(C) Either the catalog or a dated supplement to the catalog must include:

- (i) Total tuition for the course;
- (ii) Books and supplies;
- (iii) Registration fee or enrollment fee;
- (iv) Charges for extra instruction;
- (v) All other costs assessed to students;
- (vi) Details, conditions, and methods of payment of monies owed to the school of cosmetology or postsecondary school of cosmetology;
- (vii) School of cosmetology or postsecondary school of cosmetology policies and rules;
- (viii) Disciplinary action for failure to abide by policies or rules; and
- (ix) Names of administrative staff and faculty of the school of cosmetology or postsecondary school of cosmetology.

(D)(i) Prior to adoption, amendment, or repeal of any rule or catalog, the school of cosmetology or postsecondary school of cosmetology shall give notice of its intended action to the students enrolled in the school of cosmetology or postsecondary school of cosmetology.

(ii)(a) The notice shall include the following:

- (1) The effective date;
- (2) Whether the rule or rules are new, repeals, or changes to an existing rule; and
- (3) What the rule or rules are.

(b) After the students are given notice in the proper form, all students enrolled in said school of cosmetology or postsecondary 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 or rules have been adopted by the school of cosmetology or postsecondary school of cosmetology, a supplement that contains the

revisions shall be attached to all catalogs that the school of cosmetology or postsecondary school of cosmetology has on hand.

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

(6) School of cosmetology or postsecondary school of cosmetology contracts.

(A) School of cosmetology or postsecondary school of cosmetology owners who require contracts as a prerequisite for enrollment will be required to:

(i) File one (1) copy of the contract with the Department of Health;
and

(ii) Provide a copy to the student.

(B) The contract must clearly outline the obligation of both the school of cosmetology or postsecondary school of cosmetology and the student in accordance with the terms and conditions stipulated in the school catalog.

(C)(i) All contracts must contain the following:

(a) The name and address of the school of cosmetology or postsecondary school of cosmetology;

(b) The name and address of the applicant;

(c) Course of training — Total hours of instruction;

(d)(1) School term.

(2) Stipulate full-time or part-time.

(3) Must state the number of hours each day and days per week;

(e) **Schedule of payments.**

(1) State tuition and whether the tuition includes the cost of the kit and book.

(2) If the kit and book are not included in the tuition, said items must be itemized.

(3) The down payment, balance of the contract, and the monthly payments must be stated;

(f) The school of cosmetology or postsecondary school of cosmetology refund policy must be stated;

(g) Acknowledgement that the student received a copy of the school of cosmetology or postsecondary school of cosmetology rules and catalog; and

(h)(1) Contracts of an underage student shall be signed by a parent or guardian.

(2) Parent or guardian signature is required for students under eighteen (18) years of age.

(ii) 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 — Requirements for schools of cosmetology or postsecondary schools of cosmetology.

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

(2) An instructor-trainee shall:

(A) Be licensed as a cosmetologist, manicurist, aesthetician, or electrologist in the State of Arkansas;

(B) Be registered as an instructor-trainee with the Department of Health;

(C) Be under the supervision of a licensed instructor at all times;

(D) Not be authorized to verify student daily slips; and

(E) 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.

(1) Subjects and minimum hours:

(A) Required preparatory training, fifty (50) hours:

(i) Teaching of theory and practical operation;

(ii) Selecting subject matter for class lecture;

- (iii) Preparing class lectures;
- (iv) Conducting a review of all subjects taught;
- (v) Preparing and grading examinations;
- (vi) Demonstrating practical operations; and
- (vii) Teaching practical operations;

(B)(i) Class instruction, one hundred (100) hours.

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

(C)(i) Conducting theory classes in cosmetology, aesthetics, manicuring, or electrology, fifty (50) hours.

(ii) Theory classes will be conducted under the supervision of a licensed instructor;

(D) Conducting practical classes in cosmetology, aesthetics, manicuring, or electrology, three hundred (300) hours;

(E) Method of keeping student records, ten (10) hours;

(F) Instructor's discretion, eighty-nine (89) hours;

(G) Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of cosmetology; and

(H) Domestic violence and sexual assault training as set forth in Arkansas Code § 17-26-205(a), etc.

(2) Total, six hundred (600) hours.

(3) 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.

(1) 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.

(2)(A) Instructor/instructor-trainee ratio is as follows:

(i) One instructor to one trainee (1:1) who has acquired between one hundred and two hundred (100 – 200) hours;

(ii) One instructor to two trainees (1:2), provided:

(a) One (1) trainee has acquired between one hundred and two hundred (100 – 200) hours; and

(b) One (1) trainee has between two hundred and four hundred (200 – 400) hours; and

(iii) One instructor to three trainees (1:3), provided:

(a) One (1) trainee has acquired between one hundred and two hundred (100 – 200) hours;

(b) One (1) trainee has acquired between two hundred and four hundred (200 – 400) hours; and

(c) One (1) trainee has between four hundred and six hundred (400 – 600) hours.

(B)(i) The instructor-trainee or instructor-trainees shall be under the supervision of a full-time licensed instructor at all times.

(ii) Instructor-trainee or instructor-trainees may attend on a part-time basis provided the curriculum is observed.

(y) Renewal requirements.

(1)(A) For biannual renewal, instructors shall not be required to renew the specialty license in which they were originally licensed.

(B) However, they shall only be allowed to instruct in the specialty area of original licensure.

(C) Should an instructor wish to retain their specialty license, they may renew it also.

(2) Continuing education requirements.

(A)(i) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education course.

(ii) 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.

(i) Hours earned at an out-of-state continuing education program will be accepted provided said program is:

(a) Certified by:

(1) The cosmetology board in that state; or

(2) A nationally recognized provider; and

(b) Designated as an "Instructor Training Seminar".

(ii) 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 for the first renewal period following the date of licensure.

(E) Program sponsor.

(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.

(b) "Bona fide" as used herein means state and/or national association/organization chartered with bylaws.

(ii) Community college or university.

(F) Program requirements.

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

(b)(1) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques.

(2) Examples include curriculum development, lesson plan preparation, human resource management, etc.

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

(ii)(a) Courses offered at the community college or university level that contribute directly to the professional competency of the licensee.

(b) Examples include semester hours in psychology, sociology, methods of teaching, business law, etc.

(3) **Program educators.** Approved programs must be conducted by:

(A) Individuals who have special education, training, and experience; or

(B) Other persons who by reason of special education, training, and experience 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 17 CAR § 54-301 et seq., cosmetologists and aestheticians may not use any device, tool, machine, or combination of the same that 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:

(a) Food and Drug Administration, Occupational Safety and Health Administration, and state safety requirements; and

(b) Manufacturers' instructions;

(ii) Must not be classified by the Food and Drug Administration as a Class III, IIIa, or IIIb device, or a laser Class III or IV.

(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)(a) No more than fifty percent (50%) alpha hydroxy acid (AHAs, which include but are not limited to glycolic, tartaric, malic, or lactic acids).

(b) Such AHAs shall not be lower than a pH of 2;

(ii) No more than twenty percent (20%) beta hydroxy acid, which includes salicylic acid;

(iii) No more than twenty percent (20%) trichloroacetic acid;

(iv) Jessner's solution;

(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) Carboic 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:

(A) Administered in an establishment, mobile salon, or school of cosmetology or postsecondary school of cosmetology licensed by the board; and

(B) 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) Cosmetologists and manicurists shall not use liquid methyl methacrylate monomer.

(6) Performing services prohibited under this section shall be grounds for disciplinary action by the committee.

Subpart 3. Rules for Body Art and Related Branches

17 CAR § 54-301. Definitions for body art and related branches.

As used in this part:

- (1) "APP" means the Alliance of Professional Piercers;
- (2) "APT" means the Alliance of Professional Tattooists;
- (3) "Artist" means any person, other than a licensed physician, who:
 - (A) Performs body art on a human; and
 - (B) Is licensed in this state;
- (4) "Artist instructor" means an artist who:
 - (A) 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;
 - (B) Has:
 - (i) Worked in a body art establishment licensed by the Department of Health for at least five (5) years; and
 - (ii) Been in compliance with Department of Health rules governing body artists;
 - (C) Has completed the course required under Arkansas Code § 20-27-1506 [repealed];

(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 of Health;

(F) Shall not exceed a ratio of one instructor to eight students (1:8) per instruction hour;

(G) Is at least twenty-one (21) years of age; and

(H) Has completed two hundred fifty (250) instructional hours from a state-approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor;

(5) "Aseptic technique" means the practice that prevents or hinders the transmission of disease-producing microorganisms from one (1) person or place to another person or place;

(6) "ASTM" means ASTM International;

(7) "Automatic licensure for uniformed service members, veterans, and spouses" means granting the occupational licensure without an individual having met occupational licensure requirements provided:

(A) Under the Arkansas Code; or

(B) By other provisions in this part;

(8) "Automatic occupational licensure under Acts 2023, No. 457" means 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 this part;

(9) "Body art procedures" include:

(A) Body piercing;

(B) Branding;

(C) Permanent cosmetics;

(D) Tattooing; and

(E) Scarification;

(10)(A) "Body piercing and body piercing procedure" means:

(i) The puncturing of a part of a live human being to create a hole for ornamentation or decoration; or

(ii) A single-point perforation of a body part to insert an anchor with a single stud protruding or flush with the skin.

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

(11) "Branding" means a permanent mark made on human tissue by burning with a hot iron or other instrument;

(12) "Critical item" means an aspect of operation or condition of a facility or equipment that constitutes the greatest hazard to health and safety, including imminent health hazards;

(13) "Decontamination area" means an area designated for the decontamination and processing of dirty instruments;

(14) "Disinfectant" means a product that is registered by the 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 for use in decontaminating work surfaces;

(15) "Enzymatic cleaner" or "enzymatic detergent" means low-foaming detergents that:

(A) Add enzymes capable of digesting organic material such as blood and mucus; and

(B) Are labeled as such by the manufacturer;

(16) "Establishment" means any place or facility:

(A) Where body art is performed; and

(B) That has a body artist licensed in Arkansas on staff;

(17) "Germicidal solution" means a substance for use in the destruction of pathogenic microorganisms as indicated on the label;

(18) "Guest artist" means an artist from a state other than Arkansas or a country other than the United States who:

(A) Holds a license from the body art regulatory board or agency, if in existence, in that state or country; or

(B) If an artist license is not available in the guest artist's state or country, can submit to the Department of Health evidence of professional experience, employment, and education including proof of:

(i) Blood-borne pathogen certification; and

(ii) Employment in a licensed body art facility for at least two (2) years;

(19) "Host" means 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;

(20) "Institution" means an establishment that is licensed by the Department of Health to offer postsecondary education to student artists in training through artist instructors in the field of body art;

(21) "Instrument" means equipment used during body art procedures, including without limitation:

(A) Forceps;

(B) Hemostats;

(C) Needles;

(D) Permanent cosmetic needles and tips;

(E) Receiving tubes; and

(F) Tattoo barrels and tubes;

(22) "ISO" means the International Organization for Standardization;

(23) "Operator" means any person who owns, controls, operates, conducts, or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not;

(24)(A) "Permanent cosmetics" means 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:

- (i) Scar camouflaging;
- (ii) Scalp micropigmentation;
- (iii) Pigment lightening;
- (iv) Applying permanent eyebrows, including without limitation:
 - (a) Microblading; and
 - (b) Manual methods;
- (v) Applying permanent eyeliner;
- (vi) Applying permanent lip liner or lip color; and
- (vii) Applying three-dimensional nipples and areola.

(B) "Permanent cosmetics" does not include tattooing or a tattooing procedure;

(25) "Scarification" means injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration;

(26) "Scarification implement" means any instrument that intentionally alters human skin for the purpose of scarification;

(27)(A) "Sharps" includes, but is not limited to, any:

- (i) Contaminated object that can penetrate the skin;
- (ii) Waste produced in the course of physically altering a human being, including tattooing and ear piercing; or
- (iii) Other process where a foreign object is used to cut or pierce the skin.

(B) All waste generated in this manner meeting the definition of sharps must be handled accordingly;

(28) "Single-service" means articles intended for one-time, one-person use and then discarded;

(29) "Student artist" means 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;

(30) "Subdermal implanting" means the insertion of an object under the skin of a live human being for ornamentation or decoration;

(31)(A) "Tattooing and tattoo procedure" means 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.

(B) "Tattooing and tattoo procedures" do not include permanent cosmetics;

(32) "Tempered water" means water having a temperature range between eighty-five degrees Fahrenheit (twenty-nine degrees Celsius) and one hundred ten degrees Fahrenheit (forty-three degrees Celsius) (85°F – 110°F) (29°C – 43°C);

(33)(A) "Temporary or mobile establishment" means an establishment where body art is performed in a temporary place of business, such as:

- (i) Carnivals;
- (ii) Mass gatherings; or
- (iii) Similar public gatherings of a temporary nature.

(B) Temporary or mobile shall meet all the requirements of this part with the following additional requirements:

(i)(a) Store liquid waste in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water tank.

(b) Liquid waste shall not be discharged from the tank when the mobile unit is in motion.

(c) All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department of Health shall be provided a letter of approval for all discharges upon request; and

(ii)(a) Provide a potable water system under pressure.

(b) Enough potable water shall be available in the unit for cleaning and for hand washing.

(c) A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit.

(d) The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service.

(e) 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;

(34) "Uniformed service member" means:

(A) An active or reserve component member of the:

- (i) United States Air Force;
- (ii) United States Army;
- (iii) United States Coast Guard;
- (iv) United States Marine Corps;
- (v) United States Navy;
- (vi) United States Space Force; or
- (vii) National Guard;

(B) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) An active or reserve component member of the United States Commissioned Corps of the Public Health Service;

(35) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable; and

(36) "Vendor" means a person who supplies body art materials, including body art instruments, at a temporary demonstration where body art is performed.

17 CAR § 54-302. Prelicensure determination for disqualifying offenses.

(a) Pursuant to Acts 2023, No. 688, an individual applying for a body art or body art instructor license after July 1, 2024, may petition for a prelicensure determination of whether:

(1) The individual's criminal record will disqualify the individual from licensure;
and

(2) A waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the Department of Health.

(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 or reasons 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 prelicensure 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.

17 CAR § 54-303. 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 Arkansas Code § 17-3-102 et seq., by any court in the State of Arkansas, of any similar offense by a court in another state, or of any similar offense by a federal court, unless the conviction was:

(1) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(2) Otherwise sealed, pardoned, or expunged under prior law.

(b) The Department of Health may grant a waiver as authorized by Arkansas Code § 17-3-102 in certain circumstances.

(c) Upon notification to the department that an individual licensed under this part has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 et seq., by any court in the State of Arkansas, 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 this part.

(d)(1) The department is not authorized to conduct criminal background checks but may inquire about criminal convictions upon application or renewal of a license.

(2) Any applicant or licensee that provides false information to the State Board of Health regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

(e) This section shall not apply to body artists who hold a valid license on or before July 1, 2024.

17 CAR § 54-304. Required licensure to practice or teach body art and related branches.

(a) Establishment.

(1) 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.

(2) The proprietor shall be responsible for compliance with the law and all rules promulgated by the board.

(3) **Application.** Any person, firm, or corporation desiring to open a body art establishment or mobile establishment shall submit an application to the Department of Health for approval.

(4)(A) 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.

(B) The license shall be conspicuously posted in the establishment or mobile establishment.

(C) Establishment licenses:

(i) Shall expire on December 31 of each year; and

(ii) Are renewable when the applicant meets all the current applicable requirements of this part and Arkansas Code § 17-26-601 et seq.

(5) 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.

(6) 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) A new license has been issued by the department; and

(B) The annual fee has been paid.

(7) Any studio or business owner operating without a current license commits a Class D felony.

(8)(A) No person shall operate a body art establishment unless the establishment has received a Certificate of Sanitation from the department.

(B) No certificate shall be issued or renewed unless the establishment has been inspected and found to be in compliance with the provisions of this part at the time of the most current inspection.

(9)(A) The certificate shall expire on December 31 of each year.

(B) Renewal inspections shall be conducted by the department.

(10) No holder of any certificate of sanitation shall allow a body art artist to perform in his or her establishment unless the artist:

(A) Is the holder of a valid body art license issued under Section 4 of this part; or

(B) Holds a current guest artist temporary demonstration license.

(11) 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)(A) 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.

(B) The proprietor shall be responsible for compliance with the law and all rules promulgated by the board.

(2)(A) The applicant must complete a body art institution application as set forth by the department.

(B) 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.

(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 a:

- (A) Body artist;
- (B) Permanent cosmetics artist; and
- (C) 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 that:

- (i) Meets the requirements of the Occupational Safety and Health Administration; and
- (ii) Is approved by the department.

(B) Student artists pursuing licensure for scarification shall also complete basic first aid and CPR training that is approved by the department.

(C)(i) Student artists pursuing licensure for scarification shall possess a current license in another field of body art.

(ii) 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)(i) The applicant must successfully complete a written examination given by the department.

(ii) This examination shall be based on this part.

(iii) It shall ensure the applicant has knowledge of pertinent microbiology and proper technique to ensure 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, 20 CAR pt. 102.

(G)(i) The applicant must complete an approved training program as set forth by the department.

(ii) Student artists 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 fewer than five (5) years.

(3) **Examinations.**

(A) At the end of the required training period, the applicant must successfully complete and pass a:

(i) Written examination approved and administered by the department; and

(ii) Practical examination:

(a) Developed and approved by the department; and

(b) Administered by a licensed body art institution.

(B)(i) At the end of the required training period, the applicant must successfully complete a practical exam in the field or fields of study.

(ii) Practical exams conducted by the department will observe a procedure for:

(a) Aseptic technique;

(b) Sterilization procedures;

(c) Recordkeeping; and

(d) 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)(i) 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.

(ii) This fee is waived for an artist in the qualification review process.

(d) Artist license fee and renewal requirements.

(1) Artist's licenses:

(A) Shall expire on December 31 of each year; and

(B) Are renewable when the applicant meets all the current applicable requirements of this part and Arkansas Code § 20-27-1501 et seq. [repealed], including but not limited to:

(i) Submission of a renewal application for a license for body art or its related branches;

(ii) Proof of completion of the annual blood-borne pathogen certification; and

(iii) For scarification artists, proof of current CPR and first aid certification.

(2)(A) 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.

(B) 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.

(C) 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.

(D) If an artist whose license is suspended has not met the requirements under subdivision (d)(2)(C) of this section within ninety (90) days after the suspension, the artist may apply for qualification review.

17 CAR § 54-305. Reciprocity and qualifying review for body art and related branches — Application for artist license with an expired license or by reciprocity from out-of-state.

(a) 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 of Health an application for qualifications review and a two-hundred-dollar nonrefundable application fee to determine eligibility for a body art license issued by this department.

(b) The department will review qualifications based on the following criteria:

(1) Proof of annual blood-borne pathogen certification;

(2) Proof of licensure as a body art artist by the appropriate regulatory agency within the last two (2) calendar years;

(3)(A) Documentation that the artist completed, at a minimum, a six-month student artist program.

(B) In lieu of training documentation, the artist may submit a letter of reference from the regulatory agency that provides:

(i) Compliance history;

(ii) Evaluation of knowledge of health and safety standards; and

(iii) Any record of training completed;

(4) Proof of passage of the department's body art written exam; and

(5) Completion of a practical exam at a currently licensed body art establishment in Arkansas or other department-approved institution.

(c) 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 17 CAR § 54-113.

(d) Upon receipt and approval of all qualification requirements, the artist shall be invoiced and submit the annual artist license fee.

17 CAR § 54-306. 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.

(A) The water supply shall be adequate, of a safe, sanitary quality, and meet the current requirements of the Department of Health's Rules Pertaining to Public Water Systems, 20 CAR pt. 140.

(B) All water-carried sewage shall be disposed of by means of:

(i) A public sewerage system; or

(ii) An approved onsite wastewater system that is constructed and operated in conformance with the standards established by the State Board of Health.

(3) Garbage and refuse.

(A) Garbage and refuse shall be kept in durable, easily cleanable containers that do not leak and do not absorb liquids.

(B) No establishment, mobile establishment, or institution shall permit an accumulation of garbage or refuse.

(C) 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) A toilet and lavatory shall be located in the establishment and be accessible to clients.

(B) All plumbing shall meet the requirements of the 2018 Arkansas Plumbing Code, 17 CAR pt. 65.

(C) The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.

(6) Hand washing facilities.

(A) Each establishment, mobile establishment, and institution shall provide hand washing facilities installed in accordance with the 2018 Arkansas Plumbing Code.

(B) The facilities shall have a soap dispenser with soap and disposable towels or an air dryer for hands.

(C) Common towels and bar soap are prohibited.

(7) Floors and surfaces.

(A) Floors shall be swept and wet-mopped daily.

(B) 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 as to be easily cleanable, nonabsorbent, and nonporous.

(C) 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 Environmental Protection Agency-approved surface disinfectant as defined in 17 CAR § 54-301 before each new client is seated.

(10) Storage.

(A) Cabinets for the storage of instruments and other paraphernalia used in the establishment shall be provided.

(B) All needles and instruments shall be handled in such a manner as to prevent recontamination.

(11)(A) Packaged, sterilized supplies that have been processed in-house shall be stored and used for no more than one (1) year from the date of processing.

(B) Supplies purchased packaged and presterilized from manufacturers shall be stored and used until the expiration date provided by the manufacturer.

(C) 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)(i) Provide easy access to a sink separate from a restroom that is designated for artist hand washing only.

(ii) The workroom sink shall be for the exclusive use of the artists for washing their hands and preparing the customer.

(iii) 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)(i) Have an adequate number of worktables for each working artist.

(ii) The surface of all worktables shall be constructed of material that

is:

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- (a) Easily cleanable;
- (b) Smooth;
- (c) Nonabsorbent;
- (d) Corrosive-resistant; and
- (e) Easily sanitized; and

(H) Have disposable surface barriers to prevent contamination on all work surfaces and shall be replaced after each procedure.

(14) Decontamination area.

(A) 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 inches (36") from any sink or processing equipment and shall:

- (i) Be physically separated from the waiting area, restroom, and the workroom;
- (ii) 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;
- (iii) Be equipped with a lined, hands-free, covered waste container;
- (iv) Be labeled in a conspicuous manner as "Employees Only" and set up to avoid clients or the public from entering;
- (v) Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.

(B) Body art establishments that use all prepackaged, presterilized, 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 Environmental Protection Agency-registered disinfecting solution (spray or wipe).

(2)(A) A set of individually wrapped sterilized needles shall be used by the artist for each new client.

(B) 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)(A) 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.

(B) 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 replaced before reuse.

(C) 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 that is used, cleaned, and maintained according to the manufacturer's directions and conducted as follows:

(A)(i) Prior to sterilizing, instruments shall be submerged and brushed or swabbed to remove foreign material and rinsed.

(ii) Instruments shall then be immersed in enzymatic cleanser and water using an ultrasonic unit that operates at forty to sixty kilohertz (40 kHz – 60 kHz), followed by a thorough rinsing and drying;

(B) Nondisposable tubes for tattooing shall:

(i) Be disassembled prior to beginning the cleaning process; and

(ii) 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 that is specifically designed to replace the manual cleaning and ultrasonic processing of contaminated instruments;

(E) A chemical indicator shall be used to ensure sufficient temperature and steam penetration and proper functioning of equipment each time the sterilizer is run; and

(F) A monthly sterilization cycle shall be completed with use of a biological monitoring system (commercial preparation of spores) to ensure all microorganisms have been destroyed and sterilization achieved; and

(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)(A) All equipment for new, existing, and relocated institutions shall be in good workable condition.

(B) The equipment shall be appropriately maintained in order to promote the health and safety of:

- (i) Institution employees;
- (ii) Student artists; and
- (iii) Clients.

(2) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled student artist.

(3) 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 hands.

(i) Clean his or her fingernails with his or her individual nail file and thoroughly wash and scrub his or her hands with:

(a) Tempered running water;

(b) An approved soap; and

(c) His or her individual hand brush.

(ii) He or she shall not allow his or 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 that shall be disposed of immediately upon removal.

(B)(i) 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.

(ii) When it is necessary to shave the area, single-service disposable razors shall be used.

(iii) Following shaving, the skin must be gently scrubbed with seventy percent (70%) isopropyl alcohol or other approved germicidal solution, using a sterile gauze pad or paper towel, which shall be used only on one (1) client and then discarded.

(C) Wash and scrub his or her hands as required in subdivision (e)(1)(B) of this section and put on a new pair of medical disposable gloves following the cleaning and the shaving of the client's skin.

(D)(i) 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 or her hands as required in subdivision (e)(1)(B) of this section before resuming the procedure.

(ii) 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)(i) In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used.

(ii) Single-service or individual portions of pigments in clean sterilized containers or single-service containers shall be used for each client.

(iii) Upon completion, the remaining unused pigments shall be discarded.

(iv) Any pigment in which the needles were dipped shall not be reused during new or follow-up procedures.

(v) 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 (1) client and then discarded.

(I)(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.

(ii) It shall be allowed to dry.

(iii) 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.

(iv) The ointment may be spread by the use of:

(a) Sterile gauze;

(b) Sterile tongue depressors; or

(c) Gloved fingers.

(J) The area of permanent cosmetic application shall be washed and, where feasible, ointment or petroleum jelly shall be applied.

(f) **Recordkeeping.**

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(1) The operator shall maintain proper records on each client.
(2) These records shall be entered in ink and kept solely for examination by the department upon request.

(3) A digital recordkeeping system may be used if it:

- (A) Provides all required information; and
- (B) Has an adequate method of backing up the data.

(4) The records shall be preserved for at least one (1) year from the date of the last entry.

(5) The records shall contain the following information:

- (A) The date the procedure was performed;
- (B) The name, address, and date of birth of the client;
- (C) The design and location of body art procedure applied;
- (D) The name and license number of the artist;
- (E) The signature and printed legal name of the client; and
- (F)(i) A photocopy of a valid government-issued photo identification for

each client.

(ii) 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 subsection (g) of this section.

(6) Each form of body art provided by the establishment shall have its own separate record for all other forms of body art.

(7) In the event of a change of ownership or closing of the establishment, all records shall be made available to the department upon request.

(8) 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.

(1) The consent shall be on forms approved by the department and shall be presented to the operator by the parent or legal guardian.

(2) These records shall be labeled "Minor" and be kept separate from all other client files and made available to the department upon request.

(3) 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:

(i) Name;

(ii) Date of birth; and

(iii) Photo; and

(D) The parent or legal guardian presents proof of guardianship that matches the identification given, including without limitation a:

(i) Birth certificate;

(ii) Court or state record for:

(a) Adoption;

(b) Legal guardianship; or

(c) Emancipation; or

(iii) Marriage license.

(4) 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.

(5) 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; or

(B) Branding.

(6) 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.

(7) Any person who performs body art on a person under eighteen (18) years of age, except as provided in subdivisions (g)(3) – (5) of this section, shall be guilty of a Class A misdemeanor.

(8) 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.**

(1) Before performing a body art procedure, an artist must have a discussion of the risks involved and possible complications with the client.

(2) The client must be advised that:

(A) Certain procedures should be considered permanent and can be removed only by a surgical procedure; and

(B) Any effective removal may leave permanent scarring.

(3) A written cautionary notice to that effect shall be:

(A) Furnished to and signed by the client; and

(B) Retained on file at the establishment.

(i)(1) 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.

(2) 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:

(1) Upon request of the client; or

(2) 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.

17 CAR § 54-307. 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:

- (1) An approved mobile facility; or
- (2) Meeting the requirements for a temporary demonstration license.

(b) Mobile units shall meet all the requirements of this part with the following additional requirements:

(1)(A) Liquid waste shall be stored in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water tank.

(B) Liquid waste shall not be discharged from the tank when the mobile unit is in motion.

(C) All liquid waste shall be discharged to an approved sanitary sewage disposal system and the Department of Health shall be provided a letter of approval for all discharges upon request.

(2)(A) A potable water system under pressure shall be provided.

(B) Enough potable water shall be available in the unit for cleaning and for hand washing.

(C) A heating facility capable of producing enough tempered water for these purposes shall be provided on the unit.

(D) The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service.

(E) The water inlet shall be:

(i) Coated so that it will not be contaminated by:

(a) Waste discharge;

(b) Road dust;

(c) Oil; or

(d) Grease; and

(ii) 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.

17 CAR § 54-308. Host and temporary demonstration license.

(a)(1) 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:

(A) 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 of Health;

(B) Pay a nonrefundable host fee of fifty dollars (\$50.00) per artist that shall perform body art at the event, not to exceed two thousand dollars (\$2,000) per event; and

(C) Submit an application for a temporary demonstration license to the department not fewer 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.

(2) The establishment where the guest artist is appearing shall have a licensed body artist on its staff.

(3) In addition to the penalties available pursuant to Arkansas Code § 17-26-612, a host who violates this subdivision shall be subject to:

(A) Closure of the temporary body art event; and

(B) A penalty not to exceed three (3) times the cost of the permit.

(b) An artist, establishment, or supplier of materials for body art 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 fewer than seven (7) days prior to the appearance of a guest artist;

(2) Submit a nonrefundable fee of fifty dollars (\$50.00) from a guest artist for a temporary demonstration license;

(3) Provide evidence of completion of a blood-borne pathogens training that meets the requirements of the Occupational Safety and Health Administration with the application; and

(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.

17 CAR § 54-309. Body art institution requirements.

(a) Application for new private postsecondary body art institution.

(1)(A) Any person, firm, or corporation seeking to open a new body art institution shall:

(i) Submit an application to the Body Art Section office; and

(ii) Receive approval from the Department of Health.

(B) The application shall be accompanied by the following information:

(i) Completed application:

(a) Provided by the Department of Health; and

(b) Available on the Department of Health's website at

healthy.arkansas.gov;

(ii) Detailed floor plans of the proposed institution showing adequate floor space;

(iii)(a) A current financial statement prepared by a certified public accountant.

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

(c) 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 twelve (12) months without relying on student tuition;

(iv) Work history and resume of the owner;

(v) List of proposed equipment to accommodate all student applicants for any combination of body art;

(vi) Instructor Form for Instructors shall be completed listing detailed information such as instructor's education, previous work experience, etc.;

(vii) Correspondence from the planning and zoning board certifying that the area in which the proposed institution is to be located is properly zoned for this type of business;

(viii)(a) If applicable, a statement certifying that the owner or owners of the proposed institution shall provide not fewer than:

(1) 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 of not fewer than six (6) months or more than twenty-four (24) months for all students enrolled; or

(2) 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 of not fewer than six (6) months or more than twenty-four (24) months for all students enrolled.

(b) 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 fewer than four (4) months after completion and licensure for the initial field of study;

(ix) The owner shall file a statement designating the name and address of the person who is authorized to:

(a) Accept service of notice from the Department of Health; and

(b) Transact all business negotiations on behalf of the proposed institution including:

(1) Answers to citations and/or hearings; and

(2) Compliance with rulings issued by the Department of Health and/or Cosmetology Technical Advisory Committee;

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

(a) Attendance record;

(b) Sign-in sheets;

(c) Student time sheets/card;

(d) Contracts;

(e) Daily activity checklist; and

(f) Progress cards;

(xi) The required registration fee;

(xii) Proof that each student enrolled has a high school diploma or its equivalent; and

(xiii) Proof that the institution adopts and discloses to the students the complaint process outlined in 17 CAR § 54-109.

(2) When the above information is received in full, the Department of Health will conduct the initial inspection described in 17 CAR § 54-108.

(3) When the institution application and initial inspection meet all requirements, the Department of Health 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:

(A) Student enrollment forms;

(B) Required fees; and

(C) Documents.

(b) Inspections.

(1) Initial inspection of a new or relocated body art institution.

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

- (i) Proposed rooms, including adequacy of floor space, plumbing, ventilation, lighting, etc.;
- (ii) Proposed layout;
- (iii) Proposed items of equipment and material; and
- (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 of Health for its approval.

(2) Final inspection of new or relocated 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 of Health 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:

- (i) An inspection report of compliance is received;
 - (ii) Supporting documents and enrollment fees have been submitted;
- and
- (iii) Student permits have been issued.

(C) If an application is granted and thereafter the Department of Health 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 of Health may deny an 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 of Health a sworn affidavit designating who is authorized to:

- (i) Accept service of notice from the Department of Health; and
- (ii) Transact all business negotiations on behalf of the school,

including:

(a) Answers to citations for hearing; and

(b) Compliance with rulings issued by the committee.

(3) Routine inspection of body art institution.

(A) The institution shall be inspected:

(i) At least once a year to ensure compliance with the licensing law and rules promulgated by the State Board of Health, unless complaints are received by the Department of Health; and

(ii)(a) To determine compliance with applicable licensing code and rules governing body art institutions.

(b) During an inspection, the Department of Health or its representative may:

(1) Review the records maintained by the body art institution;

(2) Review the course outline and lesson plans; and

(3) Generally evaluate the operation of the body art institution.

(c) Failure to comply with the licensing requirements will be grounds for disciplinary action and license revocation.

(B) To determine compliance of all student files and records for body art institutions, the Department of Health or its representative may review all student files for accuracy.

(C)(i) Any body art institution that fails to abide by the terms and conditions set out in the body art institution catalog or contract, 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 committee pursuant to 17 CAR § 54-108.

(ii) In the case of a nationally accredited body art institution, the Department of Health 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 of Health before accredited hours can be obtained.

(2)(A) Registration prerequisites are as follows:

(i)(a) Registration form (forms provided by the Department of Health).

(b) The completed registration form must be received, processed, and a student permit issued by the Department of Health before accredited hours can be obtained;

(ii) One (1) copy of the student/institution contract;

(iii) A copy of:

(a) The student's driver's license; or

(b) Other form of identification verifying the student's age;

(iv) Proof of education:

(a) High school diploma or its equivalent; or

(b) Results from a test that is approved by the United States Department of Education to measure a student's ability to benefit (an "Ability-To-Benefit test") may be used to determine a student's equivalency to the above;

(v) Proof of completed Blood Borne Pathogens course;

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

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

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

(E) 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 of Health before records will be changed.

(F) A student who has completed the registration process and whose information is on file with the Department of Health 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.

(G) In the event a student has training from another state, then the student must provide the following to the Department of Health Cosmetology Section and the school of cosmetology or postsecondary 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 postsecondary school of cosmetology where the student obtained the hours.

17 CAR § 54-310. 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, ten (10) hours;

(B) State Law and Rules, ten (10) hours;

(C) Requirements and Safe Practices, twenty-five (25) hours;

(D) Medical Conditions, ten (10) hours;

- (E) Anatomy and Physiology, forty (40) hours;
- (F) Fundamental Protocol for Procedures, thirty (30) hours;
- (G) Color Theory, twenty (20) hours;
- (H) Fundamentals of Tattooing, sixty (60) hours;
- (I) Fundamentals of Healing and Touch Ups, twenty (20) hours;
- (J) Sanitation and Disinfection, twenty-five (25) hours; and
- (K) Hands-On Techniques, one hundred fifty (150) hours.

(2)(A) 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.

(B) 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, ten (10) hours;
- (B) State Law and Rules, ten (10) hours;
- (C) Requirements for Facilities, ten (10) hours);
- (D) Safe Practices, ten (10) hours;
- (E) Medical Conditions, ten (10) hours;
- (F) Anatomy and Physiology, forty (40) hours;
- (G) Fundamental Protocol for Procedures, thirty (30) hours;
- (H) Color Theory, Pigment Formulation and Selections, twenty (20) hours;
- (I) Anesthetics, ten (10) hours;
- (J) Fundamentals of Eyebrows, twenty (20) hours;
- (K) Fundamentals of Eyeliner, twenty (20) hours;
- (L) Fundamentals of Lips, twenty (20) hours;
- (M) Fundamentals of Healing and Touch Ups, twenty (20) hours;
- (N) Sanitation and Disinfection, twenty (20) hours; and
- (O) Hands-On Techniques, one hundred fifty (150) hours.

(2)(A) 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.

(B) 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, ten (10) hours;
- (B) State Law and Rules, ten (10) hours;
- (C) Requirements and Safe Practices, twenty-five (25) hours;
- (D) Medical Conditions, ten (10) hours;
- (E) Anatomy and Physiology, forty (40) hours;
- (F) Fundamental Protocol for Procedures, thirty (30) hours;
- (G) Anesthetics, ten (10) hours;
- (H) Fundamentals of Piercing, sixty (60) hours;
- (I) Fundamentals of Healing and After Care, thirty (30) hours;
- (J) Sanitation and Disinfection, twenty-five (25) hours; and
- (K) Hands-On Techniques, one hundred fifty (150) hours.

(2)(A) 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.

(B) 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, ten (10) hours;
- (B) State Law and Rules, ten (10) hours;
- (C) Requirements and Safe Practices, twenty (20) hours;

- (D) Medical Conditions, ten (10) hours;
- (E) Anatomy and Physiology, forty (40) hours;
- (F) Fundamental Protocol for Procedures, twenty (20) hours;
- (G) Anesthetics, ten (10) hours;
- (H) Fundamentals of Branding, sixty (60) hours;
- (I) Fundamentals of Healing and After Care, twenty (20) hours;
- (J) Sanitation and Disinfection, twenty-five (25) hours; and
- (K) Hands-On Techniques, one hundred fifty (150) hours.

(2)(A) 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.

(B) 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, ten (10) hours;
- (B) State Law and Rules, ten (10) hours;
- (C) Requirements and Safe Practices, twenty-five (25) hours;
- (D) Medical Conditions, ten (10) hours;
- (E) Anatomy and Physiology, forty (40) hours;
- (F) Fundamental Protocol for Procedures, thirty (30) hours;
- (G) Anesthetics, ten (10) hours;
- (H) Fundamentals of Scarification, sixty (60) hours;
- (I) Fundamentals of Healing and After Care, thirty (30) hours;
- (J) Sanitation and Disinfection, twenty-five (25) hours; and
- (K) Hands-On Techniques, one hundred fifty (150) hours.

(2)(A) 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.

(B) 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 subsection (b) of this section, a total of two hundred fifty (250) hours in the Permanent Cosmetic instructor course shall consist of the following subjects and hours:

- (A) Teaching Observation, fifty (50) hours;
- (B) Theory Classes, fifty (50) hours;
- (C) Procedure Observation, fifty (50) hours; and
- (D) Practice Teaching, one hundred (100) hours.

(2)(A) 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.

(B) All other theatrical, clinical work or experience must be completed under the direct supervision of a licensed instructor present at the school.

17 CAR § 54-311. 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 Arkansas Code § 17-26-601 et seq.

(2)(A) The department shall develop standards to determine the:

(i) Maximum number of student artists in an institution at one (1) time shall be at a ratio of no more than eight students to one artist instructor (8:1) per instruction hour; and

(ii) Length of the program in hours and across a range of months;

(B) During the artist training in the fields of body art:

(i) Each student artist shall complete not fewer than four hundred (400) clock hours of supervised body art work and classroom instruction in a period of not fewer than six (6) months or more than twenty-four (24) months in an

establishment licensed under Arkansas Code § 17-26-603 and Arkansas Code § 6-51-601 et seq.; and

(ii) The hours required under 17 CAR § 54-310(a)(2) shall include no more than:

(a) Twenty percent (20%) unsupervised online instruction hours;

and

(b) Eighty percent (80%) in-person practical instruction hours;

(C) During the artist training in the field of branding:

(i) Each student artist shall complete not fewer than three hundred seventy-five (375) clock hours of supervised body art work and classroom instruction in a period of not fewer than six (6) months or more than twenty-four (24) months in an establishment licensed under Arkansas Code § 20-27-1503 [repealed] and Arkansas Code § 6-51-601 et seq.; and

(ii) The hours required under 17 CAR § 54-310(d)(1) shall include no more than:

(a) Twenty percent (20%) unsupervised online instruction hours;

and

(b) Eighty percent (80%) in-person practical instruction hours.

(3) A licensed artist wanting to study additional fields of body art training may have licensure in the additional fields of body art ~~be~~-added by completing not fewer 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 fewer than an additional four (4) months after completion and licensure for the initial field of study.

(4)(A) The artist instructor shall maintain a training log of the clock hours completed by the student artist on forms approved by the department.

(B) 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.

(C) The completed training log shall be submitted to the department 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)(i) The institution shall certify the training in accordance with the required curriculum for examination and license.

(ii) This provision does not prohibit an institution from suspending a student for disciplinary reasons.

(iii) Grounds for suspension shall be determined by the owner.

(iv) 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 the institution.

(v) Duration of a suspension shall be set forth in the institution catalog.

(B)(i) Certification of Hours Forms must be filed with the department within forty-five (45) calendar days immediately following termination of student (last day of attendance).

(ii) Hours of instruction, having been acquired by the student, may not be deducted or increased for any reason.

(iii) Increase or decrease of creditable hours is prohibited.

(iv) 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 17 CAR § 54-309.

(D)(i) Certification of Hours Forms should be completed by the designated school official, along with the student training permit and paid-in-full contract.

(ii) Only the hours that have been accrued during the current enrollment shall be certified.

(iii) 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.

(iv) Uncertified hours will not be released until a new certification form is submitted.

(v) 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 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.

(c) Monthly reports for body art institutions.

(1)(A) 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.

(B) The monthly report shall reflect the:

(i) Number of hours acquired in the institution during the prior month; and

(ii) Accumulated hours during the current enrollment.

(2)(A) The Body Art Section will notify the body art institution when an error has been made on the monthly report.

(B) Upon receipt of this notification, the institution owner or instructor is required to check their records and apprise the Body Art Section office of the corrections made within the week.

(3)(A) 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.

(B) 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-day timeframe without good cause.

(d) Student records for body art institutions.

(1) Every body art institution shall keep a daily record of attendance on each student enrolled.

(2)(A) Every body art institution shall keep a daily record of the student's activity.

(B) 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) A course outline and daily lesson plans shall be used by the body art institution.

(B) 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's enrollment documents;

(D) The signed student contract;

(E) The signed financial agreements between the school and the student;

and

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(F) Any disciplinary actions.

(e) **School catalog for body art institution.**

(1) Every body art institution shall set forth basic information about itself in a catalog that is:

(A) Kept up-to-date;

(B) Made available to prospective students; and

(C) Submitted to the department with the original application.

(2) The catalog must include the following items at a minimum:

(A) Name and address of body art institution;

(B) Hours of operation, to include scheduled closures such as holidays and vacations;

(C) Date of publication;

(D) When the body art institution was established;

(E) Admission requirements;

(F) Educational objectives of each program;

(G) Length of course and course description;

(H) Grading system;

(I) Graduation requirements;

(J) Type of document received upon graduation;

(K) Refund policy;

(L) Name or names of owners; and

(M) Scholarship and fee waiver policies.

(3) Either the catalog or a dated supplement to the catalog must include:

(A) Total tuition for the course;

(B) Books and supplies;

(C) Registration fee or enrollment fee;

(D) Charges for extra instruction;

(E) All other costs assessed to students;

(F) Details, conditions, and methods of payment of monies owed to the body art institution;

- (G) Body art institution policies and rules;
- (H) Disciplinary action for failure to abide by policies or rules; and
- (I) Name of administrative staff and faculty of the body art institution.

(4)(A) 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 the postsecondary body art institution.

(B)(i) The notice shall include the following:

(a) The effective date;

(b) Whether the rule or rules are new, repeals, or changes to an existing rule; and

(c) What the rule or rules are.

(ii) 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.

(A) After the rule or rules have been adopted by the body art institution, a supplement that 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 students.

(6) Body art institution contracts.

(A) Body art institution 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.**

(a) Stipulate full-time or part-time.

(b) Must state the number of hours each day and days per week;

(v) **Schedule of payments.**

(a) State tuition and whether the tuition includes the cost of the kit and book.

(b) If the kit and book are not included in the tuition, said items must be itemized.

(c) 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)(a) Contracts of underaged students shall be signed by a parent or guardian.

(b) Parent or guardian signature is required for students under eighteen (18) years of age; and

(ix) All body art institution contracts must be fully executed.

(f) **Instructor training body art institutions and renewal requirements.** An artist that:

(1) Has been licensed by the department 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 Arkansas Code § 20-27-1506 [repealed];

(4) Is a registered instructor for the specified field of body art with the department;

(5) Has completed a course in safety and sanitation guidelines and requirements by the department;

(6) Shall not exceed a ratio of one instructor to eight students (1:8) per instruction hour;

(7) Is at least twenty-one (21) years of age; and

(8) Has completed two hundred fifty (250) instructional hours from a state-approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.

17 CAR § 54-312. Critical items for closure.

(a) Any body art establishment that is found to be in violation of any critical item or items shall be subject to immediate closure by the Department of Health, pending a hearing before the State Board of Health in accordance with Arkansas Code § 25-15-211.

(b) The establishment shall remain closed until:

(1) All issued fines and/or penalties have been paid; and

(2) It is found no longer in violation of any critical item or items 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:

(A) Sunburn;

(B) Open lesions;

(C) Rashes; or

(D) Wounds;

(4) Performing a body art procedure with the use of a product or ink that is banned or restricted by the 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 presterilized 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 Arkansas Code § 25-15-211.

17 CAR § 54-313. Restrictions concerning body art procedures.

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)(A) 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.

(B) The skin surface shall be free from rash, pimples, infection, or recent scar tissue before body art is applied;

(4)(A) No person inflicted with an infectious or communicable disease that 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.

(B) The Department of Health 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)(A) No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician.

(B) This section does not intend to prohibit the cover-up of existing tattoos with:

- (i) Additional body art design patterns; or
- (ii) Application of permanent cosmetics;

(6) No smoking in an establishment at any time in accordance with the Arkansas Clean Indoor Air Act of 2006, Arkansas Code § 20-27-1801 et seq.;

(7)(A) No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing.

(B) Ingredients contained in the pigments and Material Safety Data Sheets must be provided by the manufacturer to the department upon request;

(8)(A) The use of a straight razor is prohibited.

(B) 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; and

(12) An artist shall not use chemical or other means to intensify the results of a scarification procedure.

17 CAR § 54-314. Standards for serving clients.

(a) Body piercing standards.

(1) Initial jewelry for body piercing shall meet ASTM International 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 and free of nicks, scratches, burrs, and polishing compounds, and metals must have a consistent mirror finish.

(4)(A) 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.

(B) 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 of Health 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 nontattooing 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 this part.

(c) **Branding standards.**

(1) Any metal or other instrument used in a branding procedure that 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 nongalvanized 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:
 - (A) Used to prevent contamination on all work surfaces; and
 - (B) 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:
 - (A) Individually prepackaged and presterilized by the manufacturer; and
 - (B) Handled in a manner to avoid compromising sterility.
- (7)(A) A scarification artist shall wear sterile individually prepackaged gloves during the scarification procedure.
 - (B) A new pair of sterile gloves shall be worn for each scarification procedure.
 - (C) If the scarification artists must stop the procedure to conduct other tasks, the artist must:
 - (i) Wash his or her hands according to 17 CAR § 54-306(e)(1)(B);and
 - (ii) 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, 20 CAR pt. 53.

(12) Surface barriers used during scarification procedures shall be considered medical waste and disposed of accordingly after each procedure.

17 CAR § 54-315. Treatment and disposal of infectious waste.

Treatment and disposal of infectious waste, including sharps, shall conform to:

- (1) Acts 1913, No. 96, as amended, and Acts 1992 (1st Ex. Sess.), No. 41; and
- (2) The Rules Pertaining to the Management of Medical Waste from Generators and Health Care Related Facilities, 20 CAR pt. 53.

17 CAR § 54-316. Related rules.

All body art establishments shall comply with all appropriate state laws, rules, including but not limited to the following:

- (1) Rules Pertaining to General Sanitation, 20 CAR pt. 131;
- (2) Acts 1977, No. 402, as amended, and the Rules Pertaining to Onsite Wastewater Systems, 14 CAR pt. 21;
- (3) Rules Pertaining to Public Water Systems, 20 CAR pt. 140;
- (4) 2018 Arkansas Plumbing Code, 17 CAR pt. 65;
- (5) Rules Pertaining to the Management of Medical Waste from Generators and Health Care Related Facilities, 20 CAR pt. 53;
- (6) Rules Pertaining to the Communicable Disease — Tuberculosis, 20 CAR pt. 103;
- (7) Arkansas Fuel Gas Code, 17 CAR pt. 67; and
- (8) Mechanical Code, 17 CAR pt. 260.

17 CAR § 54-317. Penalty.

(a)(1) Every firm, person, or corporation violating any of the provisions of this part shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not fewer than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment not exceeding one (1) month, or both.

(2) Each day of violation shall constitute a separate offense, Arkansas Code § 20-27-1512 [repealed].

(b) Additional civil penalties and fines shall be enforced in accordance with Arkansas Code §§ 20-58-12 and 20-7-101 and Arkansas Code § 20-27-1501 et seq. [repealed].

(c) Any penalty will be in addition to other remedies available to the Department of Health, including suspension or revocation of license and civil penalties.

Subpart 4. Fees

17 CAR § 54-401. Fees for cosmetology.

(a) The following fees shall apply as authorized under Arkansas Code § 17-26-209(a).

(b) All fees are nonrefundable upon submission:

Enrollment into a school of cosmetology or postsecondary school of
Cosmetology \$20.00

Examination for licensing.

First-time candidate:

Practical (payable to school) not to exceed \$65.00

Retest candidate:

Practical (payable to school) not to exceed \$65.00

Reciprocity candidate that has not taken a written and practical exam

Transfer fee \$50.00 one-time fee

Practical (payable to school) not to exceed \$65.00

Renewal of a cosmetology, manicure, aesthetics, electrology, or instructor license \$50.00 biennially

Reciprocity for a cosmetology, manicure, aesthetics, electrology, or instructor license when the licensee is duly registered in another state \$50.00 one-time fee

New establishment or mobile salon \$100 one-time fee

Renewal of an establishment or mobile salon \$50.00 annually

Relocation of establishment \$50.00 one-time fee

New school of cosmetology or postsecondary school of Cosmetology \$1000 one-time fee

Renewal of a school of cosmetology or postsecondary school of cosmetology \$250 annually

Change of name and/or ownership of a school or postsecondary school \$100 one-time fee

Name and/or ownership change of an establishment or mobile salon \$25.00 each

Duplicate license \$10.00 per license

Certification of Department of Health records \$10.00 per license

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

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

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

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 license

Hot check fee, plus all applicable bank fees, for each returned check
\$25.00 service charge

17 CAR § 54-402. Fees for body art.

Initial/renewal of a tattoo, body piercing, permanent cosmetic, branding,
scarification, or instructor license, annually \$100

Practical and Written Examination of a tattoo, body piercing, permanent
cosmetic, branding, scarification, or instructor artist \$50.00

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

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

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

New body art establishment, one-time fee \$150

Renewal of a body art establishment, annually \$150

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

New body art institution, one-time fee \$850

Renewal of body art institution, annually \$150

Host for an event for education purposes (not to exceed \$2,000) per artist\$50.00

Guest artist for event for education purposes, per license \$50.00

Hot check fee, plus all applicable bank fees, for each returned check
\$25.00 service charge