

## Chapter 20

### Barbers

Subchapter 1 — Barber Law — General Provisions

Subchapter 2 — Barber Law — State Board of Barber Examiners

Subchapter 3 — Barber Law — Registration

Subchapter 4 — Barber Schools

Subchapter 5 — Barber Technicians

### Subchapter 1 — Barber Law — General Provisions

#### 17-20-101. Title.

Sections 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310, and 17-20-401—424, and 17-20-501—17-20-503 shall be known and may be cited as the “Arkansas Barber Law”.

#### 17-20-102. Definitions.

(a) As used in this chapter, unless the context otherwise requires, “barbering” means any one (1) or any combination of the following practices when performed ~~upon the head, face, and neck~~ for cosmetic purposes and done for the public generally for pay, either directly or indirectly, in any location which will be defined as a barber shop:

- (1) Shaving or trimming the beard;
- (2) Cutting hair;
- (3) Giving facial and scalp massage or application of oils, creams, lotions, or other preparations, either by hand or mechanical appliances;
- (4) Singeing, shampooing, or applying chemicals;
- (5) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck; and

(6) Use of the traditional symbol known as the “barber pole”, which is composed of a vertical cylinder or pole with a ball on top, with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole, or any likeness thereof, with the intent to mislead the public in any manner that would make the public believe that barbering was being practiced in or that a licensed barber was employed in an establishment that does not employ barbers, is prohibited.

(b) Such practices when done for the treatment of physical or mental ailments or diseases shall not constitute barbering.

**17-20-103. Exemptions — Construction.**

(a) The following persons, firms, or corporations are exempt from the provisions of §§ ~~17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ Arkansas Barber Law while in the proper discharge of their professional duties:

- (1) Persons licensed by the laws of this state to practice the healing arts;
- (2) Commissioned medical or surgical officers of the United States Army, Navy, or Marine Hospital Service or United States Public Health Service Commissioned Corps;
- (3) Persons licensed or registered by the Arkansas State Board of Nursing; and
- (4) Undertakers and morticians.
- (5) Jails, prisons, or penitentiaries

(b) Nothing contained in §§ ~~17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ Arkansas Barber Law shall be construed so as to conflict in any manner with the laws regulating the vocation of cosmetic therapy or beauty culture.

**17-20-104. Penalties.**

(a) Any person, firm, or corporation desiring to operate as a barber, barbershop, barber corporation, or barber school or college which fails to file an application for certificate of registration shall be deemed guilty of a misdemeanor.

(b) Any person, firm, or corporation which shall operate as a barber, barber shop, barber corporation, or barber school or college without a certificate of registration duly and legally issued by the State Board of Barber Examiners, herein referred to as the “Board”, shall be deemed guilty of a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100).

(c) The willful making of any false statement to a material matter in any oath or affidavit which is required by the provisions of §§ ~~17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ Arkansas Barber Law shall be perjury and be punishable as such.

(d) Each day of unlawful practice as described in this section shall constitute a separate offense.

(e) It shall be the duty of all prosecuting attorneys of the state and all political subdivisions of the state to enforce the provisions of this chapter and prosecute persons violating them.

## Subchapter 2 — Barber Law — State Board of Barber Examiners

### 17-20-201. Creation — Members.

(a)(1) There is created a State Board of Barber Examiners, consisting of the Secretary of the State Board of Health, who shall be an ex officio member of the board, and five (5) members to be appointed by the Governor for a term of six (6) years.

(2) Three (3) of the members so appointed shall be practicing barbers who have followed the occupation of barbering in this state for at least five (5) years immediately prior to their appointment.

(3) One (1) member appointed by the Governor will be a public member to represent the consumer, and one (1) member appointed by the Governor to represent persons sixty-five (65) years of age and beyond. The two (2) members appointed under this subdivision (a) (3) shall not be actively engaged in or retired from the barbering profession. The two (2) positions may not be held by the same person. Both shall be full voting members but shall not participate in the grading of practical examinations.

(4) The five (5) members shall be appointed in such manner that two (2) of them shall reside in the geographical area north of I-40, two (2) shall reside in the geographical area south of I-40, and one (1) shall be appointed from the state at large.

~~—(5) The membership of the Secretary of the State Board of Health on the State Board of Barber Examiners shall in no way be affected by the provisions of § 25-19-211 [Repealed].~~

(b)(1) Each member shall hold office until a successor is appointed and qualified.

(2) The Governor shall have the power to remove any member for gross incompetency, gross immorality, disability, any abuse of his or her official power, or other good cause and shall fill any vacancy thus occasioned by appointment within thirty (30) days after the vacancy occurs.

(3) Members appointed to fill vacancies caused by death, resignation, or removal shall serve only for the unexpired term of their predecessors.

(c) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

### 17-20-202. Officers and proceedings.

(a) The State Board of Barber Examiners shall organize by electing a chair from its own membership.

(b) A majority of the board shall constitute a quorum and may perform and exercise all the duties and powers devolving upon it.

(c) The board may be furnished suitable quarters for the conduct of its business and shall adopt and use a common seal for the authentication of its orders and records.

**17-20-203. Executive secretary.**

(a)(1) The State Board of Barber Examiners is authorized to employ an executive secretary, who shall not be a member of the board and who shall have the responsibility of keeping:

(A) A record of the boards proceedings;

(B) A record of persons registered as barbers and apprentices showing the name, place of business, and residence of each and the date and number of his or her certificate;

(C) A record of all certificates issued, refused, renewed, suspended, or revoked; and

(D) Such other records as may be directed by the board or required by law.

(2) The records shall be open to public inspection at all reasonable times.

(b) The executive secretary shall perform such other functions and duties as may be prescribed by law or directed by the board.

(c) The executive secretary shall receive such compensation for his or her services as may be prescribed by the board within the limitations of the biennial appropriation therefor made by the General Assembly.

~~(d) Before entering upon the discharge of the duties of his or her office, the executive secretary shall give a bond to the state, to be approved by the Governor and filed with the Auditor of State, in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of his or her office.~~

**17-20-204. Personnel.**

The State Board of Barber Examiners is authorized to employ such other personnel as it deems necessary to carry out the provisions of §§ ~~17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ Arkansas Barber Law within such limits as may be provided by biennial appropriation of the General Assembly. All employees shall work under the direct supervision of the ~~board~~ Executive Secretary.

**17-20-205. Meetings.**

The State Board of Barber Examiners shall hold a meeting ~~in Little Rock once every month, or at such other places where,~~ at least every quarter at places where, in the discretion of the board, there are a sufficient number of applicants to warrant holding an examination ~~outside of Little Rock~~ for the purpose of:

(1) Passing upon barbers' applications;

(2) Conducting an examination to determine an applicant's ability to receive a license and shall issue or refuse to issue a license thereon; and

(3) Transacting any other business which may properly come before it.

**17-20-206. Rules and regulations — Inspections.**

(a) ~~The State Board of Barber Examiners shall have authority to make and promulgate reasonable rules and regulations for the administration of the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310 Arkansas Barber Law and for the purpose of carrying out the intent of these subchapters.~~

(b) It shall prescribe sanitary requirements for barbershops and barber schools, subject to the approval of the State Board of Health.

(c) Any member of the board or its inspectors shall have authority to enter upon and to inspect any barbershop or barber school at any time during business hours.

(d) A copy of the rules and regulations and sanitary requirements adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and a copy shall be posted in a conspicuous place in the barber shop or barber school, along with the current inspection report.

~~(e) The board may correct any conflicts contained herein by promulgation of rules and regulations, subject to the approval of the Attorney General.~~

**17-20-207. Annual reports.**

The State Board of Barber Examiners shall annually, on or before January 1, make a report to the Governor of all its official acts during the preceding year and of its receipts and disbursements and such recommendations as it may deem expedient.

**17-20-208. Fees.**

(a) The State Board of Barber Examiners shall by regulation establish reasonable registration fees, renewal fees, examination fees, and such other fees as it deems necessary and appropriate to fulfill its duties.

~~(b) A duplicate certificate will be issued upon the filing of a statement covering the loss of the original certificate, certified by the oath of the applicant, and by submitting one (1) signed photograph, and the payment of a fee of five dollars (\$5.00) for the issuance of the duplicate certificate. Each duplicate certificate shall have the word “Duplicate” stamped across the face thereof and will bear the same number as the original certificate that it was issued in lieu of.~~

~~(e)~~ (b) Funds thus realized shall be expended for:

(1) The payment of the salary of the Executive Secretary of the State Board of Barber Examiners;

(2) Expenses and stipends in accordance with § 25-16-901 et seq.;

(3) Salary of registered barber inspectors and stenographers;

(4) Retainer fees for attorneys;

(5) Publication of the Arkansas Barber Law, ~~§§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~

(6) Investigation of violations of the Arkansas Barber Law §§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310 and

(7) Such other purposes as may be directed by the board.

**17-20-209. Disposition of funds.**

(a)(1) All moneys received by the ~~State Board of Barber Examiners~~ under ~~§§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310~~ Arkansas Barber Law shall be paid to the Executive Secretary of the ~~State Board of Barber Examiners~~, who shall give a proper receipt for those moneys. ~~At the end of each month, he or she shall report to the Auditor of State the total amount received by him or her under the provisions of §§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310~~ Arkansas Barber Law from all sources.

(2) The executive secretary shall at the same time deposit the entire amount of such receipts with the Treasurer of State, who shall place them to the credit of a special fund to be created and known as the “State Board of Barber Examiners Fund”.

(b)(1) By its chair and executive secretary, the board shall from time to time certify to the Auditor of State the necessary expenses incurred by the board, including expense reimbursement and stipends as provided in § 25-16-901 et seq. The Auditor of State shall issue his or her warrant for the expenses, which shall be paid out of the funds so established for the maintenance of the board.

(2) No order shall be drawn by the Auditor of State on any fund other than the ~~State Board of Barber Examiners Fund~~ for any stipends or expenses of the board incident to the administration of ~~§§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310~~ Arkansas Barber Law.

(c) All funds so paid to the Treasurer of State shall remain and be a separate and permanent fund for the maintenance of the board and the administration of ~~§§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310~~ Arkansas Barber Law.

~~(d) All funds derived from civil penalties imposed by the board shall be deposited in one (1) or more depositories qualifying for the deposit of public funds. These funds shall be used by the board for administering the provisions of §§ 17-20-101 — 17-20-104, 17-20-201 — 17-20-209, and 17-20-301 — 17-20-310.~~

## Subchapter 3 — Barber Law — Registration

### 17-20-301. Certificate required.

(a) (1) It shall be unlawful:

~~—(1) To practice barbering in this state without a certificate of registration as a registered barber issued pursuant to the provisions of §§ 17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310 by the State Board of Barber Examiners as established in § 17-20-201 et seq.;~~

For any person, firm, or corporation to conduct or operate a barber establishment, school of barbering, barber shop, or any other place of business in which any occupation of a barber are taught or practiced until licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation.

(2) It shall be unlawful to act or attempt to act as a barber without a certificate of registration as a registered barber duly issued by the board; and

(3) It shall be unlawful for any person, firm, or corporation to operate a barber shop unless it is at all times operated under the personal supervision and management of a registered barber.

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

(c) A barbering establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

(d) (1) It shall be unlawful for any person to employ or to allow to be employed, any person not licensed by the Board in or about a barber establishment as a barber manager.

(2) At any time the name, location, owner or manager changes at any barber shop or barber school or college, the owner must report that change by application and be subject to the fee established.

(3) If an establishment no longer has a barber working there, or is closed, a new shop application must be filed with the Board.

~~(b)~~ (e) It shall be the responsibility of all barber shop owners to assure that their employees, or those who work in their establishment have appropriate licenses.

(f) Barber establishments who have persons licensed by the Arkansas State Board of Cosmetology must also have their appropriate current licenses to practice.

### **17-20-302. Qualifications of applicants.**

Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

(1) Is qualified under the provisions of §§ ~~17-20-101—17-20-104, 17-20-201—17-20-209, and 17-20-301—17-20-310~~ Arkansas Barber Law;

(2) Is of good moral character and temperate habits;

(3) Has passed a satisfactory examination conducted by the ~~State Board of Barber Examiners~~ to determine his or her fitness to practice barbering ~~and furnishes a diploma showing graduation from a grammar school or its equivalent as determined by an examination conducted by the board~~;

(4) Is at least sixteen and one-half (16 ½) years of age; and

(5) Has received training approved by the appropriate licensing authorities.

### **17-20-303. Application.**

(a) Any person, firm, or corporation desiring to operate as a barber, barber student, teacher manager instructor (TMI), TMI student, barber shop, barber corporation, or barber school or college shall file an application for a certificate of registration on a form furnished by the ~~State Board of Barber Examiners~~ and pay the application fee.

(b) Any person who desires to practice barbering in this state shall file with the Executive Secretary of the ~~State Board of Barber Examiners~~ a written application, ~~under oath~~, duly notarized, with certification of at least one thousand five hundred (1500) hours of barber training, together with two (2) identical two-inch by three-inch signed photographs and satisfactory proof that the applicant is of good moral character. passport size signed photographs, a copy of their record of identification, social security number, and proof of education of at least the eighth (8<sup>th</sup>) grade for barber and high school graduate for TMI.

(c) Any barber applying for reciprocity ~~Any person recently coming into this state~~ who has an unrevoked or unexpired license issued by the proper authorities of another state certifying he has completed a minimum of 1500 hours of training, may be issued a certificate of registration as a registered barber upon making the application as required by Arkansas Barber law and upon the payment of a ~~one hundred fifty dollar reciprocity fee, subject to the conditions outlined in subsection (d) of this section. The reciprocity fee which shall include the license fee until the beginning of the next renewal period.~~

(d)(1) Any unlicensed person applying for reciprocity who has at least one thousand five hundred (1,500) hours of barber training may be granted registration by examination reciprocity upon completion of those hours and with proof of licensure training by the proper authorities state board in the state in which the person received the training and upon making application as required by law and upon payment of a reciprocity examination fee to obtain registration in this state as a registered barber.



(2) Any barber ~~person~~ applying for reciprocity who has fewer than one thousand five hundred (1,500) hours of barber training must ~~also~~ have been continuously engaged in the practice of barbering for at least one (1) year in addition to providing proof of licensure and training ~~in~~ by the state board where the applicant received training or holds a license, or complete the required number of 1500 hours and upon making application as required by law and upon payment of a reciprocity fee to obtain registration in this state as a registered barber.

(e) Any person applying for reciprocity who is licensed in a foreign country as a barber is required to pass an examination administered by the Board to qualify for a license in this state. All documents submitted for the purpose of complying with the requirements for examination shall be original copies and translated in the English language. The application must be accompanied with a money order for the reciprocity and examination fee.

(f) Any person who has been continuously licensed or registered in another state to practice barbering as a teacher, manager, instructor (TMI) who also meets the requirements of 17-20-406 (a) (2), may be issued a certificate of registration as a registered barber and TMI upon making application as required by law and upon payment of a reciprocity fee to obtain registration in this state as a registered barber, plus a TMI reciprocity fee.

#### **17-20-304. Examinations.**

(a) An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the State Board of Barber Examiners may apply for another examination at any future meeting of the board.

(b) The fee for each reexamination shall be the same as the fee for original examination.

(c) Any person enrolled as a student in any barber school in this state shall be given credit for all time spent therein, provided their hours can be certified by the officials of the school attended.

(d) Examinations shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in schools of barbering approved by the board.

(e) A certificate of registered barber shall be issued by the board to any applicant who shall pass a satisfactory examination making a grade of not less than seventy-five percent (75%) in all subjects upon which he or she is examined and who shall possess the qualifications required in this chapter.

#### **17-20-305. Display of certificates.**

Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his or her work chair.

#### **17-20-306. [Repealed.]**

**17-20-307. Renewal — Expiration — Restoration.**

(a) Every registered barber or TMI who continues in active practice or service shall annually between July 1 and on or before September 1 renew his or her certificate of registration and/or shop certificate of registration by paying the required fee.

(b) Every certificate of registration which has not been renewed, as herein required, in any year shall expire on September 1 in that year.

(c)(1) A registered barber or TMI whose certificate of registration has ~~been~~ expired ~~for sixty (60) days or less~~ may have his or her certificate and/or shop certificate of registration restored immediately upon payment of the required restoration fee.

(2)(A) Any registered barber or TMI who ~~retires from the practice of barbering and~~ fails to keep his or her registration certificate renewed for not more than three (3) years may renew his or her certificate of registration upon payment of the required restoration fee for each year of delinquency.

(B) If the time elapsed is more than three (3) years, he or she must take and pass the required examination and pay the examination fee as set forth by the board.

(d) Arkansas Barbers who hold a current license will be issued a personal LIFETIME LICENSE at age 80 upon request. However, their shop license must be renewed yearly.

**17-20-308. Grounds for disciplinary action.**

The State Board of Barber Examiners may refuse to issue or renew or may suspend or revoke any certificate of registration, take other appropriate disciplinary action, and impose a civil penalty as provided in § 17-20-310 for any of the following:

(1) Conviction of a felony shown by a certified copy of the record of the court of conviction;

a. In accordance with Arkansas State law A.C.A. § 5-14-129 (2016), the Board will refuse to issue or renew or will suspend or revoke any certificate of registration for a barber who is a registered sex offender under the following conditions.

(1) It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with a child under sixteen (16) years of age.

(2) A violation of this section is a Class D felony.

(2) Malpractice or gross incompetency;

(3) Affliction of the applicant, registered barber, or registered apprentice barber with an infectious or communicable disease;

(4) Advertising by means of knowingly false or deceptive statements;

(5) Advertising, practicing, or attempting to practice under a trade name or name other than one's own;

(6) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;

(7) Immoral or unprofessional conduct;

(8) The violation of any of the sanitary regulations promulgated by either the board or the Department of Health for the regulation of barbershops and barber schools; or

(9) Continuing employment in a barbershop wherein the sanitary regulations of the board or the department promulgated for the regulation of barbershops or barber schools are known by the registered barber or registered apprentice to be violated.

#### **17-20-309. Denial, suspension, or revocation — Procedure.**

(a) No action in refusing to issue or renew or in suspending or revoking a certificate of registration for any of the causes listed in § 17-20-308 shall be taken until the accused has been furnished with a statement of the specific charges against him or her and notice of the time and place of hearing thereof.

(b) The statement of charges and notice must be served personally upon the person or mailed to his or her last known address at least twenty (20) days prior to the hearing.

(c) The accused may be present at the hearing in person or by counsel, or both.

(d) Upon the hearing of any such proceeding, the State Board of Barber Examiners may administer oaths and may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

(e) Any circuit court or any judge of a circuit court, either in term time or in vacation, upon application either of the accused or of the board or member thereof, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension, or revocation of certificates of registration.

(f) If upon the hearing the board finds the charges are true, it may refuse to issue or renew a certificate of registration or may revoke or suspend the certificate if it has been issued.

(g) Any person aggrieved by the action of the board, as provided in this section, may appeal from the action to the Pulaski County Circuit Court and to the Supreme Court as in other cases made and provided.

#### **17-20-310. Civil penalty.**

(a) Whenever the ~~State Board of Barber Examiners~~, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., determines that any person has violated any provision of the Arkansas Barber Law, §§

~~17-20-101~~—~~17-20-104~~, ~~17-20-201~~—~~17-20-209~~, and ~~17-20-301~~—~~17-20-310~~ or any regulation promulgated by the board pursuant to it, the board may impose a civil penalty on the person not to exceed two hundred fifty dollars (\$250).

**(b)(1)** If a licensed barber against whom a civil penalty has been imposed by the board fails to pay the penalty, the board may file an action in the Pulaski County Circuit Court to collect the civil penalty.

**(2)** If the board prevails in the action, the defendant shall be directed to pay, in addition to the civil penalty, reasonable attorney's fees and costs incurred by the board in prosecuting the action.

**(c)** Any person aggrieved by the action of the board imposing civil penalties may appeal the decision in the manner and under the procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for appeals from administrative decisions.

## **Subchapter 4 — Barber Schools & Post-Secondary Barber Schools**

### **17-20-401. Definition.**

**(a)** Schools of barbering shall be conducted as provided in this subchapter.

**(b)** A person, firm, or corporation desiring to conduct a school of barbering shall apply to the Board for approval and will be inspected and approved prior to public opening.

**(c)** The license authorizes the school of barbering holding it to transact operations in this state during the year for which it is issued, subject to the rules of the Board.

**(d)** Nothing in this section shall be construed as authorization or permission to conduct a school of barbering without a valid, existing, and unexpired license.

**(e)** A license issued by the Board shall designate on the written license whether the school of barbering is licensed as:

**(1)** A secondary school of barbering (one that may take students who have completed the 8th grade or its equivalent and are at least 16 ½ years of age), or

**(2)** A postsecondary school of barbering.

**(a)** Although the curriculum is the same, a postsecondary Barber School/College admits as regular students, individuals who have a high school diploma or equivalent who are beyond the age of compulsory school attendance in the State of Arkansas

**(b)** A school whose enrollment is made up of no more than fifty percent (50%) students with neither a high school diploma or recognized equivalent

**17-20-402. Enforcement.**

The State Board of Barber Examiners may commence and maintain all proper and necessary proceedings in order to enforce compliance with any provisions of the laws, rules, or regulations pertaining to the practice of barbering and, in addition to other remedies, may enforce compliance by injunction.

**17-20-403. Application for registration — Public welfare considerations.**

(a) Every applicant for a certificate of registration to operate a new barber college shall offer proof sufficient to the State Board of Barber Examiners that the establishment of a new barber college in a particular area will not be detrimental to the public welfare.

(b) In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barbershops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities; and
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities.

**17-20-404. Application for registration — Contents.**

(a) No barber school or barber college will be approved on any premise, or in any building or part of a building unless a physical barrier of solid construction separating said barber school, barber college from all other businesses, occupations or establishments conducted on the same premise, or in the same building or part thereof.

(b) An application for a license and approval as a registered school or college of barbering shall contain, under oath of the applicant or proper officer of a corporation or association, the following:

- (1) The full name of the applicant, person, association, or corporation;
- (2) The exact location where the school or college is located or proposed to be located;
- (3) Whether or not the school or college is owned or leased and, if leased, the name and residence of the owner or, if a corporation, the directors and stockholders thereof;

(4) A detailed drawing of the premises where the instruction is to take place, including the:

- (A) Size of the building;
- (B) Number of chairs available;
- (C) Sanitary facilities;
- (D) Name, number, and qualifications of the teachers on the staff; and
- (E) Proposed number of students;

(5) A statement, certified to by a public accountant licensed to practice in this state, of the assets and liabilities of the person or firm making the application;

(6) Evidence that a financial responsibility bond for faithful performance of duty has been secured; and

(7) Evidence that a performance bond of ten thousand dollars (\$10,000) guaranteeing the operation of the school or college for ~~one (1) year~~ has been secured.

**17-20-405. Licensing prerequisites — ~~Managers and teachers.~~ Teacher Manager Instructor (TMI)**

~~(a)~~ No school or college of barbering shall be approved by the State Board of Barber Examiners and no license shall be issued to operate or conduct any school or college of barbering until the following provisions are complied with:

~~(a)(1)~~ ~~The management and faculty are registered barber teachers TMI's under this subchapter;~~

~~(2)~~ ~~The teacher TMI must be a high school graduate;~~

~~(3)~~ ~~The teacher TMI shall have completed a postgraduate course of six hundred (600) hours in barber teacher TMI theory in an approved school, which school shall regularly offer such a course;~~

~~(b)(4)~~ ~~At least one (1) approved teacher TMI is teaching therein at all times and in charge of each daily class in theoretical scientific study, scientific barbering practice, and general barbering practice at all times;~~

~~(c)(5)~~ ~~One (1) teacher TMI is provided for every twenty (20) students; and~~

~~(6)(A)~~ ~~Every teacher shall pay a teacher license fee of forty dollars (\$40.00) per year.~~

~~(B)~~ ~~For restoration of an expired license to practice as a teacher, the teacher shall pay a fee of forty eight dollars (\$48.00).~~

~~(b)~~ ~~Section 17-20-404(4)-(6) shall not apply to any school or college of barbering which was engaged in the operation or conduct of any such school or college on June 16, 1961.~~

~~(c)~~ ~~(b) Any person who has been continuously licensed or registered in another state to practice barbering who also meets the requirements of subdivisions (a) (2) and (3) of this section may be issued a certificate of registration as a registered barber teacher upon making application as required by law and upon payment of a one hundred fifty dollar~~

~~reciprocity fee to obtain registration in this state as a registered barber, plus a one hundred fifty dollar barber teacher reciprocity fee.~~

~~(d) The board may license a secondary educational institution as a school or college of barbering.~~

~~(e) The board shall indicate in writing on the license of a school or college of barbering whether the school is licensed as a secondary or postsecondary institution.~~

#### **17-20-406. Teacher, Manager, Instructor (TMI) certification.**

~~(a) (1) Application for examination for a manager TMI certificate shall be filed with the State Board of Barber Examiners on blank forms prepared and furnished by the board and shall be accompanied by the fee prescribed in § 17-20-409.~~

~~(2) A "TMI" (teacher, manager, instructor) applicant must be twenty-one (21) years of age, a currently licensed barber who has one year experience as a barber, a high school diploma or equivalent, and who has completed a postgraduate course of six hundred (600) hours in barber teacher theory in an approved school.~~

~~(3) The applicant for TMI will take a written test and a demonstration to the board on a subject assigned by the board from the text book on one of the following subjects:~~

~~(a) Haircutting~~

~~(b) Permanent waving~~

~~(c) Hair color~~

~~(d) Hairstyling~~

~~(e) Chemical processing~~

~~(f) Shaving~~

~~(b) Any person who has been continuously licensed or registered in another state to practice barbering who also meets the requirements of subdivisions (a)(2) and (3) of this section— Arkansas Barber Law may be issued a certificate of registration as a registered barber teacher TMI upon making application as required by law and upon payment of the a one hundred fifty dollar reciprocity fee to obtain registration in this state as a registered barber, plus the a one hundred fifty dollar barber teacher TMI reciprocity fee.~~

~~(c) A TMI must have received not less than eight (8) hours of additional training in an instructor's training seminar or continuing education course certified by the Board on a yearly basis before renewal of their TMI license.~~

#### **17-20-407. Curriculum.**

~~(a) No school or college of barbering shall be approved by the State Board of Barber Examiners and no license shall be issued to operate or conduct any school or college of barbering until the applicant demonstrates to the board that it is fully qualified to thoroughly educate and instruct students in all subjects necessary and required to qualify them as competent barbers.~~

**(b)** No school of barbering shall be approved by the board unless it:

~~(1) Requires as a prerequisite to admission thereto graduation from an eighth grade school or possession of an equivalent education to be determined by an examination conducted by the board;~~ Meets the admission requirements in 17-20-401, (e) (1), (2).

**(2)(A)** Requires as a prerequisite to graduation a course of instruction and practice of not fewer than five hundred fifty (550) hours for licensed cosmetologists, and for all other students not less than one thousand five hundred (1,500) hours of continuous study and practice of not more than eight (8) hours in any one (1) day, five (5) days a week, within a period of not fewer than nine (9) months from the date of enrollment.

**(B)** The course of instruction shall include the following subjects with curriculum hours as specified in Rules and Procedures:

- (i)** Scientific fundamentals for barbering;
- (ii)** Physiology;
- (iii)** Hygiene;
- (iv)** Elementary chemistry relating to sterilization and antiseptics;
- (v)** Massaging and manipulating the muscles of the face, neck, and scalp;
- (vi)** Hair cutting;
- (vii)** Bobbing;
- (viii)** Waving;
- (ix)** Shaving;
- (x)** Beard trimming; and
- (xi)** Chemical services.

**(c)** Each barber college shall follow these guidelines:

**(1)** Conduct a course of study and training which shall consist of not fewer than five hundred fifty (550) hours for students who are licensed cosmetologists, and as to all other students not fewer than one thousand five hundred (1,500) clock hours. The average daily schedule of each student shall consist of the following:

**(A)** One and one-fourth (1 ¼) clock hours of theoretical study in a classroom;

**(B)** One and one-fourth (1 ¼) clock hours of scientific barber practice in a classroom other than general clinic; and

**(C)** Five (5) clock hours of general barber practice. Each barber college shall average five (5) ~~and one-half (5 ½) haircuts or shaves~~ services per day per student;

**(2)** Teach no fewer than one-third (1/3) of its total enrollment scientific barbering practice, theory, or general barber practice at one (1) time;

~~**(3)** Submit Post a daily schedule of its course of study to the board for its approval and post a copy of the approved schedule in its general clinic where it can be easily read by all students; and~~



(4) Require a maximum attendance in all subjects. No student shall be permitted to spend more than eight (8) hours in the college in any one (1) day.

(d) The board shall promulgate rules that distinguish between a secondary and a postsecondary education curriculum.

#### **17-20-408. Facility — Equipment.**

(a)(1) No school or college of barbering shall be approved by the State Board of Barber Examiners and no license shall be issued to operate or conduct any school or college of barbering until one (1) chair is available for each student.

(2) The chairs shall be five feet (5') from center to center with one (1) shampoo bowl with hot and cold running water for every two (2) barber chairs.

(b) Each barber college shall have within the premises in which it is located adequate space to accommodate all facilities required by the board. Each barber chair in each college shall be of such construction that it may readily be cleaned, and it shall be mechanically workable and in good working order. ~~Space between barber chairs and space between barber chairs and the work stand or wall shall be adequate so that no student will be hampered in the performance of his or her work. After the adoption of these rules, compliance with the requirements of this subsection shall be subject to the determination of the board and its approval.~~

(c) Square foot requirements for a barber school or college shall be determined by the board.

(d) The classroom shall be equipped with sufficient seating capacity for all students attending the classroom and shall have the following equipment:

(1) One (1) ~~lavatory~~ shampoo sink with hot and cold running water for every two (2) barber chairs to be approved for scientific practice classes;

(2) One (1) ~~blackboard~~ chalkboard or equivalent not less than six feet by three and one-half feet (6' x 3 ½') in size;

(3) One (1) chart of the skin and hair;

(4) One (1) chart of the muscles of the head, face, and neck;

(5) One (1) chart of the nerves of the head, face, and neck;

(6) One (1) chart of the bones of the head and face;

(7) One (1) chart of the blood supplied to the head and face;

(8) One (1) standard dictionary;

(9) One (1) medical dictionary; and

(10) One (1) microscope for the study of bacteria.

(e) The floor of the practical training room shall be covered with tile or any type of ~~first-grade linoleum~~ water resistant material and shall have available the following equipment and facilities:

- (1) A minimum of fifteen (15) barber chairs in modern and new condition;
- (2) One (1) ~~lavatory~~ shampoo bowl for each two (2) chairs;
- (3) One (1) closed cabinet for tools and linens for each chair;
- (4) One (1) approved soiled towel container with hinged lid or door for each chair;
- (5) One (1) ~~sterilization~~ disinfecting solution container for each chair adequate in size to accommodate all instruments to be used on each patron;

- (6) One (1) ultraviolet lamp for every twenty (20) students or a fraction thereof;
- (7) One (1) infrared generator for every twenty (20) students or a fraction thereof;
- (8) One (1) high-frequency unit for every twenty (20) students or a fraction thereof;
- (9) One (1) mechanical hand vibrator for every ten (10) students or a fraction thereof;
- (10) One (1) hair dryer; and

(11) One (1) time clock to verify student hours of daily attendance to be submitted to the Board by the 10<sup>th</sup> of each month.

(f) Each barber college shall have adequate ventilating and lighting equipment approved by the board.

(g) Each barber college having both men and women in its enrollment shall provide one (1) ~~toilet~~ restroom for men and one (1) ~~toilet~~ restroom for women

**17-20-409. Fees.**

(a) No school or college of barbering shall be approved by the State Board of Barber Examiners and no license shall be issued to operate or conduct any school or college of barbering until the applicant pays the initial license fee of five hundred dollars (\$500). Thereafter the school or college shall pay an annual renewal fee of one hundred fifty dollars (\$150).

(b) Other fees applicable to barber schools or colleges are:

- (1) Teacher, manager, or instructor examination . . . . . \$80.00
- (2) Teacher, manager, or instructor license . . . . . \$40.00
- (3) Restoration of a teacher, manager, or instructor license . . . . . \$48.00

**17-20-410. Revocation or suspension of certificate.**

The State Board of Barber Examiners may revoke or suspend any certificate of school license or registration upon finding that the school or college fails to comply with the provisions of this subchapter or with the rules and regulations prescribed by the board.

**17-20-411 — 17-20-419. [Reserved.]**

**17-20-420. Application for enrollment.**

(a) No school of barbering shall enroll or admit any student thereto unless the student makes and files in duplicate a duly verified application. This application shall be of such form and contain such matters as the ~~State Board of Barber Examiners~~ may prescribe ~~and shall be obtained by the student or the school from the board.~~

(b) One (1) copy of the application shall be retained by the school enrolling or admitting the student, and one (1) copy shall be filed by the school with the board along with the fee prescribed for the administration of the student application and student license.

**17-20-421. Applicants for admission or examination — Qualification.**

(a) Every applicant for entrance as a student in a barber college or for admittance to examination to receive a certificate of registration as a registered barber shall have a diploma showing completion of the eighth grade or a certification of equivalency. ~~issued by the State Board of Barber Examiners in this or any other state or country from which the applicant is applying.~~

(1) All students of barbering shall be registered with the Board before \_\_\_\_\_ hours can be obtained.

(2) The enrollment application shall be accompanied with identification by social security number, drivers' license and two (2) passport size photographs of the applicant with name on back.

(b) A student shall complete a reenrollment form with the appropriate administrative fee whenever a change of schools occurs or upon reenrollment.

**17-20-422. Application for examination.**

Each applicant for an examination shall:

(1) Make application to the ~~State Board of Barber Examiners~~ at least ten (10) business days prior to the examination date on blank forms prepared and furnished by the board. The application to contain with proof under the applicant's oath of the particular qualifications of the applicant, including the certification by school officials of the number of hours attained;

~~—(2) Furnish to the board a certificate from a practicing medical doctor of this state dated not more than ten (10) days prior to the date of application attesting that he or she is free from any contagious or infectious disease;~~

~~—(3) Furnish to the board two (2) signed photographs of the applicant, size two inches by three inches (2" x 3"), one (1) to accompany the application and one (1) to be returned to the applicant to be presented to the board when the applicant appears for examination; and~~

(4) (2) Pay the required fee to the board as provided by law.

**17-20-423. Sanitary rules and regulations.**

Each barber college shall furnish each student upon enrollment a copy of the rules and regulations governing sanitary conditions of barber shops of this state as registered with the Secretary of State.

**17-20-424. Inspection of student work.**

**(a)** Each barber college shall require that a patron shall not be released from a chair after being served by a student until all the work performed by the student has been thoroughly inspected and approved by a teacher.

**(b)** In each licensed school of barbering:

**(1)** A student may not engage in any work upon a client until he or she has had the required number of hours of instruction.

**(2)** A school shall not advertise student work to the public through any medium unless the work is designated as student work.

**(3)** A school may allow a student to volunteer in charity or special events held outside the school if the following conditions are met:

**(a)** The student agrees to participate;

**(b)** The student is accompanied by and acts under the direct supervision of their licensed instructor; and

**(c)** The school maintains the required student to teacher ratios.

## **Subchapter 5 — Barber Technicians**

**17-20-501. Scope of employment.**

A certified barber technician may be employed in a licensed barber shop and may assist the barber in shampooing and ~~sterilizing~~ sanitizing so long as the shampooing and ~~sterilizing~~ sanitizing is done and performed under the direct personal supervision of a licensed barber. The barber technician shall not be permitted to cut or style hair or otherwise engage in the practice of barbering.

**17-20-502. Certification.**

**(a)** The State Board of Barber Examiners shall issue a barber technician certification to a barber shop that is current with their shop and technician licenses. ~~person who has:~~

- ~~—(1) Completed the twelfth grade of school;~~
- ~~—(2) Completed at least twenty (20) full working days study at an approved school of barbering, which study shall include subjects designated by the board;~~
- ~~—(3) Completed not fewer than twenty (20) hours study of sterilization of tools and of the barber laws of the State of Arkansas; and~~
- ~~—(4) Satisfactorily passed an examination prepared by and conducted by the board to determine the applicant's fitness and ability to practice as a barber technician.~~
- ~~-(b)(1) Alternatively, the board shall issue a barber technician certification provided the person has:~~
  - ~~—(A) Completed the twelfth grade of school;~~
  - ~~—(B) Completed a sixty-day apprenticeship program under the instruction of a licensed barber and designed by the board, which shall include a thorough study of sterilization of tools and of the barber laws of the State of Arkansas; and~~
  - ~~—(C) Satisfactorily passed an examination prepared and conducted by the board to determine the applicant's fitness and ability to practice as a barber technician.~~
- ~~—(2) Any person participating in the aforementioned apprenticeship program shall be allowed to take the examination prepared by the board only upon certification by the instructing barber that the person has completed the course as designed by the board.~~

**17-20-503. Certificate authorizing barber shop to continue to employ.**

Upon application of from a currently licensed barber shop and upon receipt of the application fee of thirty-five dollars (\$35.00), the State Board of Barber Examiners shall issue a certificate authorizing the licensed barber shop to continue to employ not more than two (2) persons as barber technicians. ~~Persons so employed must have completed the eighth grade of school and be registered with the board.~~