

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 392

5 By: Senator B. Davis  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING BODY ART; TO AMEND  
9 THE LAW CONCERNING THE COSMETOLOGY TECHNICAL ADVISORY  
10 COMMITTEE; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 AN ACT TO AMEND THE LAW CONCERNING BODY  
14 ART; AND TO AMEND THE LAW CONCERNING THE  
15 COSMETOLOGY TECHNICAL ADVISORY COMMITTEE.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 17-3-102(h)(4), concerning licensing  
22 restrictions based on criminal records, is repealed.

23 ~~(4) Of body artists under § 17-26-601 et seq.~~  
24

25 SECTION 2. Arkansas Code § 17-26-201(c), concerning the creation and  
26 members of the Cosmetology Technical Advisory Committee, is amended to read  
27 as follows:

28 (c) The committee shall be composed of the following representatives  
29 from within the cosmetology industry who are at least twenty-five (25) years  
30 of age:

31 (1) One (1) member shall be a licensed cosmetologist actively  
32 engaged in practicing the art of cosmetology for at least five (5) years at  
33 the time of appointment;

34 (2) One (1) member shall be a licensed nail technician;

35 (3) One (1) member shall be an owner of a licensed school of  
36 cosmetology or shall be a director of cosmetology at a state-supported



1 school;

2 (4) One (1) member shall be a licensed aesthetician;

3 (5) ~~Three (3) members~~ One (1) member shall represent the  
4 cosmetology industry at large or a related field;

5 (6) One (1) member shall ~~represent the permanent and~~  
6 ~~semipermanent cosmetic industry~~ be a licensed permanent cosmetic artist  
7 actively engaged in the practice of permanent cosmetics for a minimum of five  
8 (5) years in the State of Arkansas at the time of the appointment; ~~and~~

9 (7) One (1) member shall represent the body art industry;

10 (8) One (1) member shall be a licensed tattoo artist actively  
11 engaged in the practice of tattooing for a minimum of five (5) years in the  
12 State of Arkansas at the time of the appointment;

13 (9) One (1) member shall be a licensed piercing artist actively  
14 engaged in the practice of piercing for a minimum of five (5) years in the  
15 State of Arkansas at the time of the appointment.

16

17 SECTION 3. Arkansas Code § 17-26-601(1)-(3), concerning the  
18 definitions in relation to body art, are amended to read as follows:

19 (1) "Artist" means any person other than a licensed physician  
20 who performs body art on a human and is licensed in this state;

21 (2) ~~"Artist in training~~ Student artist" means a person who:

22 (A) Is in training under the supervision of an artist  
23 ~~trainer~~ instructor ~~or a physician;~~ and

24 (B) Shall not perform body art ~~independently~~ without the  
25 supervision of an artist instructor;

26 (3) ~~"Artist trainer~~ instructor" means an artist who:

27 (A) Has been licensed by the Department of Health as an  
28 artist for at least five (5) years in the specified field of body art in  
29 which he or she will offer training;

30 (B) Has worked in a body art establishment licensed by the  
31 department for at least five (5) years and been in compliance with department  
32 rules governing body artists;

33 (C) Has completed the course required under § 17-26-606;

34 ~~and~~

35 (D) Is a registered instructor for the specified field of  
36 body art with the department;

1                   (E) Has completed a course in safety and sanitation  
2 guidelines and requirements by the department;

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

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

6                   (H) Has completed two hundred and fifty (250)  
7 instructional hours from a state approved instructor program.

8  
9           SECTION 4. Arkansas Code § 17-26-601, concerning definitions in  
10 relation to body art, is amended to add additional subdivisions to read as  
11 follows:

12                   (15) “Host” means an individual or business entity, including an  
13 event coordinator or manager, responsible for the organization of a  
14 convention, tradeshow, or other temporary event that includes a body art  
15 demonstration booth;

16                   (16) “Institution” means an establishment that is licensed by  
17 the department to offer postsecondary education to student artists in  
18 training through artist instructors in the field of body art;

19                   (17)(A) “Permanent cosmetics” means the application of pigment  
20 placed in the skin by a needle or other instrument to beautify the body,  
21 including without limitation for the purposes of:

22                                   (A) Scar camouflaging;

23                                   (B) Scalp micropigmentation;

24                                   (C) Pigment lightening;

25                                   (D) Applying permanent eyebrows, including without  
26 limitation:

27   (i) Microblading; and

28   (ii) Manual methods;

29                                   (E) Applying permanent eyeliner;

30                                   (F) Applying permanent lip liner or lip color; and

31                                   (G) Applying three-dimensional nipples and areola.

32                   (B) “Permanent cosmetics” does not include tattooing or a  
33 tattooing procedure.

34  
35           SECTION 5. Arkansas Code § 17-26-602(b) and (c), concerning  
36 documentation and consent to perform body art on person under eighteen years

1 of age, are amended to read as follows:

2 (b) A person shall not perform body art on a person under sixteen (16)  
3 years of age, regardless of parental consent, except when piercing the  
4 earlobe or when the person is given medical consent due to medical necessity  
5 from a physician in addition to parental consent.

6 (c) It is unlawful for a person to perform body art on the ~~nipple~~  
7 areola ~~or genitalia~~ of a person under eighteen (18) years of age ~~regardless~~  
8 ~~of parental consent~~ unless given medical consent due to medical necessity  
9 from a physician in addition to parental consent.

10

11 SECTION 6. Arkansas Code § 17-26-603(a)(2), concerning the authority  
12 of the Department of Health to license, regulate, and inspect for health  
13 hazards of body art establishments, is amended to read as follows:

14 (2) ~~A body art training facility~~ An institution shall be  
15 licensed by the department as an establishment and as an approved body art  
16 training ~~facility~~ institution.

17

18 SECTION 7. Arkansas Code § 17-26-603(a)(4), concerning the authority  
19 of the Department of Health to license, regulate, and inspect for health  
20 hazards of body art establishments, is amended to read as follows:

21 (4) The business premises, equipment, procedures, ~~techniques,~~  
22 and conditions of those businesses shall be subject to at least one (1)  
23 inspection by the department annually.

24

25 SECTION 8. Arkansas Code § 17-26-603(b)(1), concerning the authority  
26 of the Department of Health to license, regulate, and inspect for health  
27 hazards of body art establishments, is amended to read as follows:

28 (b)(1) The department may adopt appropriate rules regarding the  
29 artists, premises, equipment, procedures, ~~techniques,~~ and conditions of  
30 establishments which perform procedures subject to this subchapter to assure  
31 that the premises, equipment, procedures, ~~techniques,~~ and conditions are  
32 aseptic and do not constitute a health hazard.

33

34 SECTION 9. Arkansas Code § 17-26-603(e)(2)(A), concerning the  
35 authority of the Department of Health to license, regulate, and inspect for  
36 health hazards of body art establishments, is amended to read as follows:

1 (2)(A) The department shall collect a one-time fee of ~~five~~  
 2 ~~hundred dollars (\$500)~~ two hundred dollars (\$200) per artist licensed in a  
 3 state other than Arkansas or a country other than the United States who  
 4 applies for qualifications review by the department.

5  
 6 SECTION 10. Arkansas Code § 17-26-606 is amended to read as follows:  
 7 17-26-606. Blood-borne pathogens course.

8 (a)(1) Each artist, artist ~~trainer~~ instructor, and student artist ~~in~~  
 9 ~~training~~ shall complete United States Occupational Safety and Health  
 10 Administration blood-borne pathogens training approved by the Department of  
 11 Health.

12 (2) An approved online course may be used to satisfy the  
 13 requirement under subdivision (a)(1) of this section.

14 (b) Each artist ~~trainer~~ instructor shall complete the course before  
 15 training any student artist ~~in training~~.

16 (c) Each student artist ~~in training~~ shall complete the course before  
 17 applying for the examination required under § 17-26-608.

18 (d)(1) After completion of a first United States Occupational Safety  
 19 and Health Administration blood-borne pathogens training approved by the  
 20 department, an artist, an artist ~~trainer~~ instructor, and ~~an~~ a student artist  
 21 ~~in training~~ shall renew the training annually.

22 (2) A copy of each annual certification under subdivision (d)(1)  
 23 of this section shall be submitted to the department with the license  
 24 renewal.

25  
 26 SECTION 11. Arkansas Code § 17-26-607 is amended to read as follows:  
 27 17-26-607. Education of student artist ~~in training~~.

28 (a) An artist ~~trainer~~ instructor shall be a registered instructor in a  
 29 ~~school~~ institution licensed by the Department of Health.

30 (b) ~~The department shall develop standards to determine:~~

31 ~~(1)~~ The maximum number of student artists in training in a  
 32 training facility at any time shall be at a ratio of no more than eight (8)  
 33 students to one (1) artist instructor per instruction hour; and

34 ~~(2) The length of the program in hours and across a range of~~  
 35 ~~months.~~

36 (c)(1)(A)(i) During the student artist ~~in~~ training in the fields of

1 ~~tattooing, body piercing, or permanent cosmetics~~ body art, each student  
2 artist ~~in training~~ shall complete not less than ~~three hundred seventy five~~  
3 ~~(375)~~ four hundred (400) clock hours of supervised body art work and  
4 classroom instruction in a period not less than six (6) months or more than  
5 twenty-four (24) months in an establishment licensed under § 17-26-603 and §  
6 6-51-601 et seq.

7 (ii) The hours required under subdivision  
8 (c)(1)(A)(i) shall include no more than twenty percent (20%) to be  
9 unsupervised online instruction hours and eighty percent (80%) in person  
10 practical instruction hours.

11 (B) During the student artist training in the field of  
12 branding, each student artist ~~in training~~ shall complete not less than three  
13 hundred seventy-five (375) clock hours of supervised body art work and  
14 classroom instruction in a period not less than six (6) months or more than  
15 twenty-four (24) months in an establishment licensed under § 17-26-603 and §  
16 6-51-601 et seq.

17 (C) Additional fields of body art training may be added by  
18 completing not less than two hundred fifty (250) clock hours of technical and  
19 procedural training in each of the other fields of body art in which ~~an a~~ a  
20 student artist ~~in training~~ is to be licensed in no less than four (4) months.

21 (D) ~~An A~~ A student artist ~~in training~~ studying multiple  
22 fields of body art at the same time shall complete the total clock hours ~~of~~  
23 ~~all fields~~ in each specific field in not less than twelve (12) months or more  
24 than twenty-four (24) months.

25 (2)(A) The artist ~~trainer~~ instructor shall maintain a training  
26 log of the clock hours completed by the student artist ~~in training~~ on forms  
27 approved by the department.

28 (B) The training log shall include without limitation a  
29 record of:

- 30 (i) Hours of both theory and practical education;
- 31 (ii) The procedures observed and completed; and
- 32 (iii) A list of resources used for training.

33 (C) The student artist ~~in training~~ shall keep available  
34 for inspection a bound record book that is separate from the record book of  
35 another artist or student artist ~~in training~~.

36 (D) The completed training log shall be submitted to the

1 department at the time of the practical examination under § 17-26-608.

2 (d) An artist ~~trainer~~ instructor may offer training only in the area  
3 in which the artist ~~trainer~~ instructor holds a current license from the  
4 department.

5 (e) The department shall adopt a minimum curriculum for each area of  
6 body art training that shall be followed by all artist ~~trainers~~ instructors,  
7 student artists ~~in training~~, and body art training facilities.

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9 SECTION 12. Arkansas Code § 17-26-609(c), concerning temporary  
10 demonstration licenses, is amended to read as follows:

11 (c)(1) The ~~sponsor~~ host of a body art event for an educational  
12 purpose, a trade show, a demonstration, or a combination of an educational  
13 purpose, a trade show, and a demonstration of body art procedures where body  
14 art is performed shall obtain the necessary permits to conduct business in  
15 the jurisdiction in which the event will be held, including without  
16 limitation a permit issued by the department.

17 (2) The department shall collect a nonrefundable ~~sponsor~~ host  
18 fee of fifty dollars (\$50.00) per artist who performs body art at an event,  
19 not to exceed two thousand dollars (\$2,000) per event.

20 (3) In addition to the penalties under § 17-26-602, a ~~sponsor~~  
21 host who violates this subsection is subject to closure of the temporary body  
22 art event and a penalty not to exceed three (3) times the cost of the permit.  
23

24 SECTION 13. Arkansas Code § 17-26-611(a)(5), concerning the  
25 prohibitions of the practice of body art, is amended to read as follows:

26 (5) In a procedure area that is not physically and permanently  
27 separated from beauty ~~facilities~~ areas with a wall and a door, such as ~~hair~~  
28 cosmetology, aesthetics, and nail services; and  
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