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## **Health and Safety Rules**

(Revised March 2009)

According to Rule 4.2 this document must be conspicuously posted in the reception area of both cosmetology schools and establishments and in theory rooms of cosmetology schools.

## **4.2) Health and Safety Rules**

### **A) Enforcement**

1. A salon owner or school owner and the person in charge of any such salon or school, shall be liable for implementing and maintaining the Health and Safety Rules in the salon or school. This shall be done individually and jointly with all persons employed by or working in or on the premises of such salon or school. All practitioners, students and demonstrators shall be held individually liable for implementation and maintenance of the Health and Safety Rules as applicable.
2. To assure compliance with the laws and rules governing the operations of schools and salons, the board's authorized representatives shall have access to the premises of any school or salon, at any time that the school or salon is open for business or at any time that the instruction or practice of cosmetology is being conducted.
3. Refusal to permit, or interference with, an inspection and/or audit constitutes a cause for disciplinary action.
4. All persons performing acts of cosmetology and its related occupations except students in schools of cosmetology, shall present satisfactory proof of identification upon request by an authorized representative of the Board. Satisfactory proof shall be in the form of the photographic license issued by the Board. In the event a photographic license has not been issued, then all persons working in a salon or school shall present a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity. Failure to present valid proof of identification shall be grounds for disciplinary action.
5. Conducting or operating a school or salon without a current, valid license shall be grounds for disciplinary action.
6. Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician or barber in or about a salon or allowing a person to engage in or about a school, without a current valid Arkansas license shall be grounds for disciplinary action.
7. Performing acts of cosmetology or attempting to perform acts of cosmetology, without a current, valid Arkansas license shall be grounds for disciplinary action.

### **B) Consumer Information.**

1. A copy of the Health and Safety Rules shall be conspicuously posted in reception areas of both schools and establishments and in theory rooms of schools.
2. All establishment and school licenses, practitioners' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual work stations, or in the clinic area.
3. No license which has expired or become invalid for any reason whatsoever shall be displayed by any person in connection with the practice of cosmetology or any

of its branches. Any expired or invalid license so displayed shall be surrendered to the Board upon its request.

### **C) Physical Facilities**

**1) Water Supply and Sewage** – A safe and adequate supply of continuous hot and cold running water shall be provided from an approved source. All water-carried sewage shall be disposed of by means of an approved sewage disposal system constructed and operated in conformance with the standards established for such systems by the Arkansas Department of Health.

**2) Plumbing** – Plumbing shall be installed and maintained to promote the following: 1) to carry adequate quantities of water to required locations throughout the school or salon; 2) to prevent contamination of the water supply; 3) to properly convey sewage and liquid wastes from school or salon to the sewerage or sewage disposal system; and 4) to not constitute a source of contamination of equipment, implements, supplies, or create an insanitary condition or nuisance. All plumbing shall conform to the current State Plumbing Code.

**3) Toilet Facilities, Fixtures and Plumbing** – Where toilet facilities are made available or otherwise required, said facilities, fixtures and other plumbing shall be installed in accordance with the Arkansas State Plumbing Code and meet standards set by the Arkansas Department of Health. No toilet facility shall be used for storage.

**4) Handwashing Facilities** – Each school and each salon shall provide handwashing facilities installed in accordance with the Arkansas State Plumbing Code. The facilities shall have a soap dispenser (with soap) and disposable towels or an air dryer for hands. Common towels are prohibited.

**5) Drinking Water** – Each school and each salon shall supply drinking water from a supply meeting the requirements set forth by the Arkansas Department of Health. No school or salon shall provide any cup, glass, or other receptacle for common use.

**6) Garbage and Refuse** – Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. No school or salon shall permit an accumulation of garbage or refuse. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

**7) Insect and Rodent Control** – Each school and each salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. Openings to the outside shall be effectively protected against the entrance of rodents and insects.

**8) Cleanliness and Repair** – Each school and each salon shall keep the floors, mats, walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures clean and in good repair. Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned.

**9) Floor Construction** – Floors and floor coverings of each school and each salon in the working area or clinical area shall be constructed of smooth, non-absorbent, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic and shall be maintained in good repair. Worn, torn, or broken floor coverings shall be replaced.

**10) Carpet** – Carpet shall not be permitted in the working area or clinical area. Carpet, if used as a floor covering in other areas of a school or salon, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Worn or torn carpet shall be replaced.

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

**12) Ventilation** – Each school and each salon shall have sufficient ventilation installed and operated according to State and local requirements to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

**13) Minimum Equipment** – Each school and salon shall have and maintain the following minimum equipment:

- a. A sufficient number of covered waste receptacles.
- b. A liquid sanitizer receptacle of sufficient size to hold instruments and supplies containing a solution approved by the EPA for use as a disinfectant utilized in accordance to the product label.
- c. A sufficient number of closed receptacles to hold all soiled towels.
- d. A sufficient number of airtight containers for sanitized instruments.
- e. A sufficient number of closed cabinets to hold all clean towels.

**14) Animals in Schools and Salons** – Animals are prohibited from being inside a cosmetology school or salon, except for service animals that are accompanying a client with a disability. Pets are not allowed within the premises of a salon or school. In the event that an authorized Board representative observes a salon or school owner's animal within the premises of the salon or school, then the salon or school 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.

**15) Infectious Disease** - No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or any of its branches, or afflicted with an infestation of animal parasites shall be permitted to work or train in a school or in a salon.

No school or salon shall require or permit a student or a practitioner, to massage any surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present and/or knowingly, to work upon a person suffering from any infectious, communicable disease or on a client with an infestation of animal parasites which may be transmitted during the performance of the act of cosmetology or any of its branches.

The term "infectious or communicable disease" shall not include human immunodeficiency virus (HIV) or any other disease that similarly does not pose a significant risk to the health or safety of others during the performance of an act of cosmetology or any of its branches.

**16) Personal Cleanliness**

- a. **Person and Wearing Apparel** – The person and the uniform or attire worn by an individual serving a client shall at all times be clean.
- b. **Washing Hands** – Every person performing cosmetological services in a school or salon shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.

**17) Headrests, Shampoo Bowls, and Treatment Tables**

- a. **Headrests** – The headrest of chairs shall be covered with a clean towel or paper sheet for each client.
- b. **Shampoo Bowls** – Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.
- c. **Treatment Tables** – Treatment tables must be sanitized before and after each client.

**18) Towels**

- a. **Used Towels to be discarded** – After a towel has once been used, it shall be deposited in a closed receptacle, and shall not again be used until properly laundered and sanitized.
- b. **Laundering, Storage and Facilities** – All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to the manufacturer's directions for sanitation purposes. Laundry facilities shall be restricted to the washing and drying of towels, uniforms, aprons, etc., necessary to the operation of a salon or school in an area separate and distinct from the working area or clinical area. A closed dust proof cabinet must be provided for clean towels and linen and covered hamper or receptacle must be provided for all soiled towels, robes and linens.

**19) Bottles and Containers** – All bottles and containers in use in a school or salon shall be distinctly and correctly labeled to disclose their contents.

**20) Neck Strips** – A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a client's neck.

**21) Instruments and Supplies**

- a. All supplies or instruments which come in direct contact with a client and cannot be disinfected (for example, cotton pads, emery boards used on natural or artificial nails, and neck strips) shall be disposed of in a waste receptacle immediately after use.
- b. No person training or working in a school or salon shall be permitted to carry any instrument or supplies in or on a garment or uniform while practicing cosmetology or any branch thereof.

**22) Disinfecting Electrical and Non-Electrical Instruments and Equipment**

- a. Before use upon a client, all electrical and non-electrical instruments including but not limited to (scissors, razors, tweezers, cuticle nippers, manicure/pedicure scissors, clippers, combs, brushes, and rollers) shall be sanitized with soap (or detergent) and water and disinfected with an EPA approved disinfectant. The disinfectant solutions specified in subdivision (a):
  - i. Shall remain covered at all times.
  - ii. Shall be changed at least once each week or whenever visibly cloudy or dirty.
- b. All non-disinfected instruments (those that have been used on a client or soiled in any manner) shall be placed in a properly labeled receptacle.

All disinfected instruments shall be stored in a clean covered place.

**23) Sterilizing Electrolysis Instruments.**

- a. Disposable needles or lancets are recommended, but if non-disposable needles or lancets are used they must be properly sterilized with an autoclave. Instruments that cannot be

sterilized with an autoclave must be sterilized with an EPA-approved disinfectant. Dry sterilizer or UV lights are not acceptable sterilization techniques.

**24) Liquids, Creams, Powders and Other Cosmetic Preparations.**

- a. **Storage** – All liquids, creams and other cosmetic preparations shall be kept in properly labeled clean and closed containers. Powders may be kept in a clean shaker.
- b. **Removal from Container** – When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.
- c. **Pencil Cosmetics** – Pencil cosmetics shall be sharpened before each use. Sharpeners shall be properly disinfected before each use.

**4.3) Facility Use for Non-Accredited Courses**

Schools of cosmetology will be permitted to utilize the school facilities for non-accredited courses, after regular school hours, provided said school owner disseminates literature that the said course(s) is not approved by the Board. All literature (i.e., forms of media advertisements, pamphlets, etc.), must have prior approval by the Board before communication.

**RULE NO. 5  
COSMETOLOGY ESTABLISHMENT  
CERTIFICATE OF REGISTRATION AND LICENSURE**

**5.1) Enforcement**

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

**5.2) Authorization**

- a. Any person, firm or corporation who has applied for a license to operate a cosmetological establishment will receive a letter authorizing the owner to operate the establishment, provided that the owner has certified compliance with the licensing code and the rules of the Board. The letter shall be conspicuously posted in the salon.
- b. A letter of authorization to operate a cosmetology establishment will expire within twelve (12) months of the date of issuance and/or upon certification by a representative of the Board that said salon is not in compliance with the licensing requirements (whichever occurs first).

**5.3) Changes and Notification Requirements**

- A. **Name Change** – When the name of an established salon is changed from the name which appears on the original application, the owner of record shall file an application with the Board for approval and shall submit the required fee. Failure to comply with this section within thirty (30) days of changing the name of the salon will be grounds for disciplinary action.
- B. **Ownership Change** – When the ownership of an established salon is changed from the ownership that appears on the original application, the owner on file with the Board and the new owner shall complete the change of ownership form and submit it to the Board's office

within thirty (30) days of said sale or transfer. At the same time, the new owner, lessee or other legally responsible party shall submit the required fee. Failure to comply with this section shall be grounds for disciplinary action.

- C. **Relocation** – When the location of an established salon is changed, it shall be classified as a new salon and said owner shall comply with the licensing code and rules relating to the original issuance of a salon license.
- D. **Closure** – Within thirty (30) days after a salon is closed, the owner shall complete the closure form and shall return the salon license to the Board.

#### **5.4) General Licensure Requirements**

**A) Permits/Licensure** – Selling products, in a salon, that require the seller to hold a special permit or license by Federal or State authorities shall be classified as another type of business. Other types of businesses shall be separated from a salon in accordance with the requirements specified below in Subdivision B.

#### **B) Separation of Salon from other businesses**

1. **Unsanitary conditions** – A 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 (from the floor to the ceiling) of permanent construction and shall not have doors or openings of any kind between the businesses. Further, the owner shall submit a document issued by the Arkansas Department of Health certifying that the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.

2. **Other businesses not specified in Subdivision B (1).** A salon shall be permitted to conduct business in conjunction with a health and beauty profession provided the person is licensed and regulated by the State of Arkansas.

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

#### **C) Equipment**

- a. In addition to the minimum equipment specified in Rule No. 4(4.3)(13) each salon shall have and maintain a sufficient number of towels, implements, instruments and equipment to ensure that contaminated items are not used on clients.
- b. Each salon shall have and maintain equipment that meets industry standards for the type of cosmetological services provided to clients of the salon. The salon shall have and maintain adequate equipment to ensure the health, safety and welfare of the clients served in the salon.
- c. Electrical and non-electrical equipment in each salon shall be maintained and tested periodically to determine that said equipment is functioning in accordance with the manufacturer's specifications. Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.
- d. Appliances used for the preparation of food shall be prohibited in the working or clinical area or reception area. The use of said appliances is restricted to preparation of food for employees or practitioners working in the salon.

