

**By-Laws
of the
Cosmetology Technical Advisory Committee**

**ARTICLE I
Powers, Duties, Membership**

Section 1. Purposes and Powers.

(a) The Cosmetology Technical Advisory Committee (Committee) will recommend and advise the Arkansas Department of Health (Department) and the Arkansas Board of Health (Board) regarding rules, regulations, and standards on all matters relating to cosmetology including, but not limited to:

- (1) the duties of the Department's employees;
- (2) examinations of applicants for licensing;
- (3) the issuance of permits and licenses;
- (4) the registration of cosmetological establishments and schools of cosmetology; and
- (5) any other matters considered necessary by the Board for governing health and safety in regard to the precautions to be employed to prevent the creating or spreading of infections or contagious diseases in cosmetological establishments, in schools of cosmetology, and in the practice of a cosmetologist and in any branch of cosmetology.

(b) The Committee will conduct bimonthly hearings to adjudicate cases that may require disciplinary measures against individuals and organizations who are alleged to have violated rules and regulations pertaining to cosmetology.

(c) The Committee may also be granted such other powers as conferred upon it by the laws of the State of Arkansas and/or the Arkansas Board of Health.

Section 2. Membership of the Committee.

(a) There is created the Committee, which shall consist of seven (7) of the following representatives from within the cosmetology industry who are of good moral character and who are at least twenty-five (25) years of age:

- (1) One (1) member shall be a licensed cosmetologist actively engaged in practicing the art of cosmetology for at least five (5) years at the time of appointment;
- (2) One (1) member shall be a licensed nail technician;
- (3) One (1) member shall be an owner of a licensed school of cosmetology or shall be a director of cosmetology at a state-supported school;
- (4) One (1) member shall be a licensed aesthetician; and
- (5) Three (3) members shall represent the cosmetology industry at large or a related field.

(b) Members shall be appointed for terms of two (2) years.

(c) Vacancies occurring during a term shall be filled for the unexpired term.

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

(e) A member may be removed from the committee by the Board of Health for cause.

(f) Only two (2) members of the committee may be appointed from any one (1) congressional district.

(g) Before entering upon the discharge of his or her duties, each member shall make and file with the Secretary of State the oath of office prescribed by Arkansas Constitution, Article 19, § 20.

Section 3. Responsibility and Duty of Committee Members.

(a) In order to ensure broad representation and a quorum, all Committee members have a responsibility to attend all regular or special meetings. A Committee member shall be subject to removal from the Committee in the event that the member shall fail to present to the Committee a satisfactory excuse for his or her absence. Unexcused absences from three (3) successive regular meetings shall constitute sufficient cause for removal.

(b) Removal of committee members shall be in accordance with the following:

(1) Within thirty (30) days after each regular Committee meeting, the Committee shall notify the Board in writing of any member who has been absent from three (3) successive regular meetings without attending any intermediary called special meetings. A copy of the notification sent to the Board, shall also be mailed to the member who has been absent from three (3) successive regular. An additional notification will be mailed to the nominating organization of the member.

(2) The notice to the Board shall include a copy of all meeting notices and attendance records for the past year.

(3) Removal from office shall be in accordance with all other applicable Arkansas law.

Section 4. Office and Place of Meetings. Meetings of the Committee may be held at such place or places, within or without the State of Arkansas, as shall be fixed by the Committee and stated in the notice thereof. The books and records of the Committee may be kept at such place or places within the State of Arkansas as the Committee may from time to time determine.

Section 5. Regular Meetings. The Committee shall meet bimonthly but may meet more frequently upon the majority vote, stated in writing, of any seven (7) members of the Committee or upon direction from the Director of the Arkansas Department of Health.

Notice of regular meetings shall be given by the Executive Secretary to each member of the Committee at least seven (7) days before the date on which each meeting is to be held. All meetings may be held in person or by telephone or any other electronic means, as long as consistent with the requirements of the Freedom of Information Act.

Section 6. Special Meetings. Special meetings of the Committee for any purpose or purposes may be called by the Chairperson, Director of the Arkansas Department of Health, or by the majority vote of any seven (7) members of the Committee.

Section 7. Notice of Special Meetings. Except as otherwise expressly required by law, notice of special meetings of members of the Committee shall be given at least two (2) hours before the meeting takes place in order that the public shall have representatives at the meeting consistent with the requirements of the Freedom of Information Act. Ark. Code Ann. §25-19-106(b)(2).

Section 8. Agenda. At least seven (7) days prior to any regular or special meeting of the Committee, the Chairperson of the Committee shall cause an Agenda of the matters to be discussed at such regular or special meeting to be placed in the United States mail addressed to each member of the Committee.

Section 9. Quorum and Manner of Acting. Unless otherwise provided by law, the presence of a majority of the Committee, (7) members, shall be necessary to constitute a quorum for the transaction of business. In the absence of a quorum, a majority of the Committee present may adjourn the meeting from time to time until a quorum shall be present. At all meetings of the Committee, a quorum being present, all matters shall be decided by the affirmative vote of a majority of the members present and voting, except as otherwise required by the laws of the State of Arkansas. Votes may not be cast by proxy.

Section 10. Resignation. Any member of the Committee may resign at any time by giving written notice to the Board. The resignation of any member shall take effect upon receipt of notice thereof or at such later time as shall be specified in such notice; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 11. Vacancies. Any vacancy that shall occur in the Committee by reason of death, resignation, disqualification or removal or any other cause whatsoever shall be filled by the Department. Vacancies shall be filled in the manner provided in this subchapter for the original appointment. Persons appointed to fill vacancies shall serve the unexpired portions of the terms.

Section 12. Compensation of Members. (Members except those employed by the state may receive expense reimbursement and stipends in accordance with Ark. Code Anne. § 25-16-901 et seq. However, nothing herein contained shall be construed to preclude any member from serving the Department of Health in any other capacity and receiving compensation therefore or preclude per diem expense allowance or automobile mileage cost reimbursement as provided by law.

ARTICLE II
Sub-Committees

The Committee may establish and create from time to time such sub-committees as it deems necessary to carry out the affairs and further the purposes of the Committee.

ARTICLE III
Officers

Section 1. Principal Officers. The principal officers of the Committee shall be a Chairperson, a Vice-Chairperson, and an Executive Secretary whose duties shall be those customarily exercised by those officers or duties specifically designated by the Committee. All officers shall serve for a period of one (1) year and until their successors are elected.

Section 2. Election and Term of Office. The Chairperson and Vice Chairperson shall be chosen annually by the Committee at the January meeting thereof or at the next regular meeting of the Committee after the beginning of the calendar year. Each such officer shall hold office until his/her successor shall have been chosen and shall qualify or until his/her death or until he/she shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal. Any of the officers may be removed, with cause, at any time, by a vote of a two-thirds (2/3) majority of the members of the Committee present and voting at any regular or special meeting of the Committee at which proper notification of such proposed action was made in advance to each member.

Section 5. Vacancies. A vacancy in any office may be filled for the unexpired portion of the term in the manner prescribed in these By-laws for election or appointment to such office for such unexpired time.

Section 6. Chairperson. The Chairperson shall have general supervision and management of the affairs of the Committee subject to the control of the Committee. In general, he/she shall perform all duties incident to the office of Chairman as herein defined and all such other duties as from time to time may be assigned to him by the Committee.

Section 7. Vice-Chairperson. The Vice-Chairperson shall, in the absence or disability of the Chairman, perform the duties and exercise the powers of such office. The Vice-Chairperson shall perform such other duties and have such other powers as the Chairman or the Committee may from time to time prescribe.

ARTICLE IV
Amendments

The By-Laws of the Committee may be altered, amended or repealed by the affirmative vote of a two-thirds (2/3) majority of the members of the Committee, provided notice of the proposed action and the substance of the suggested amendment shall be given to each member of the Committee as provided herein and that such action does not contravene Arkansas law.

ARTICLE V
Administrative Year

The administrative year of the Committee shall be the calendar year.

ARTICLE VI
Procedural Rules

All meetings and procedural matters of the Committee shall be conducted in accordance with “Robert’s Rules of Order” except when in conflict with these By-Laws or the laws of the State of Arkansas.

Certification

These bylaws were approved at a meeting of the Cosmetology Technical Advisory Committee by a two-thirds majority vote on ____ ____, 2011.

Chairperson

Date