

1 ENGROSSED SENATE
2 BILL NO. 1166

By: Bice and Bergstrom of the
Senate

3 and

4 Conley of the House

5
6
7 [Oklahoma Cosmetology and Barbering Act - hair
8 braiding and cosmetician - hours of training -
licenses and fees - effective date]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
12 last amended by Section 1, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
13 2019, Section 199.1), is amended to read as follows:

14 Section 199.1. As used in the Oklahoma Cosmetology and
15 Barbering Act:

16 1. "Apprentice" means a person who is engaged in learning the
17 practice of cosmetology or barbering in a cosmetology or barbering
18 establishment;

19 2. "Barber" or "barber stylist" means any person who engages in
20 the practice of barbering;

21 3. "Barbering" means any one or any combination of the
22 following practices, when done upon the upper part of the human body
23 for cosmetic purposes and when done for payment either directly or
24 indirectly for the general public, constitutes the practice of

1 barbering, to wit: Shaving or trimming the beard or cutting the
2 hair; giving facial or scalp massages ~~or treatment with oils,~~
3 ~~creams, lotions or other preparations,~~ either by hand or mechanical
4 appliances; singeing, ~~shampooing or~~ applying lighteners or color to
5 the hair ~~or~~; applying hair tonics; ~~applying cosmetic preparations,~~
6 ~~antiseptics, powders, oils, clays or lotions to scalp, face, neck or~~
7 ~~upper part of the body;~~ and removing superfluous hair from the face,
8 neck or upper part of the body;

9 4. "Barber establishment" means an establishment or place of
10 business where one or more persons are engaged in the practice of
11 barbering, but shall not include barber schools or colleges;

12 5. "Barber school" or "barber college" means an establishment
13 operated for the purpose of teaching barbering;

14 6. "Board" means the State Board of Cosmetology and Barbering;

15 7. ~~"Cosmetic studio" means any place or premises where~~
16 ~~demonstrators give demonstrations, without compensation, for the~~
17 ~~purpose only of advertising and selling cosmetics;~~

18 8. "Cosmetician" means a person ~~licensed by the Board to~~
19 ~~perform~~ who performs patron services limited to hair shampooing and
20 hair arranging and the application of makeup, including, but not
21 limited to, using hairstyling tools and products. ~~Services must be~~
22 ~~performed in a licensed establishment;~~

23 9. 8. "Cosmetology" means any one or combination of practices
24 generally and usually performed by and known as the occupation of

1 beauticians, beauty culturists, beauty operators, ~~cosmeticians,~~
2 cosmetologists, or hairdressers or of any other person holding
3 himself or herself out as practicing cosmetology by whatever
4 designation and within the meaning of the Oklahoma Cosmetology and
5 Barbering Act and in or upon whatever place or premises.
6 Cosmetology shall include, but not be limited to, any one or
7 combination of the following practices: bleaching, ~~cleansing,~~
8 ~~curling,~~ cutting, coloring, ~~dressing,~~ removing, singeing, ~~styling,~~
9 ~~waving,~~ or similar work upon the hair of any person by any means,
10 whether with hands or mechanical or electrical apparatus or
11 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
12 shall be construed to prohibit the use of hands or mechanical or
13 electrical apparatus or appliances for the nonpermanent removal of
14 hair from the human body without puncturing of the skin or the use
15 of cosmetic preparations, antiseptics, tonics, lotions, or creams,
16 or massaging, cleansing, stimulating, exercising, beautifying, or
17 similarly working the scalp, face, neck, arms, or the manicuring of
18 the nails of any person, exclusive of such of the foregoing
19 practices as are within the scope of practice of the healing arts as
20 provided by law;

21 ~~10.~~ 9. "Cosmetology establishment" means an establishment or
22 place of business where one or more persons are engaged in the
23 practices of cosmetology but shall not include cosmetology schools
24 or colleges;

1 ~~11.~~ 10. "Cosmetology or barber school/college" means any place
2 or premises where instruction in any or all the practices of
3 cosmetology or barbering is given. Any person, firm, institution or
4 corporation, who holds himself, herself or itself out as a school to
5 teach and train, or any person, firm, institution or corporation who
6 shall teach and train any other person or persons in any of the
7 practices of cosmetology or barbering is hereby declared to be
8 engaged in operating a cosmetology and/or barber school, and shall
9 be subject to the provisions of the Oklahoma Cosmetology and
10 Barbering Act. Licensed cosmetology and/or barber schools may offer
11 education to secondary and postsecondary students in this state;

12 ~~12.~~ 11. "Demonstrator" means a person who is not licensed in
13 this state as an operator or instructor and who demonstrates any
14 cosmetic preparation. ~~The person shall be required to obtain a~~
15 ~~Demonstrator license and pass a state written exam relating to~~
16 ~~general safety and sanitation from the Board before making any such~~
17 ~~demonstrations~~ including makeup;

18 ~~13.~~ 12. "Facial/Esthetics instructor" means a person licensed
19 by the Board as a qualified teacher of the art and science of facial
20 and esthetics theory and practice;

21 ~~14.~~ 13. "Facialist/Esthetician" means any person who gives
22 facials for compensation;

23 ~~15.~~ ~~"Hairbraiding technician~~ 14. "Hair braiding" means a
24 ~~person certified by the Board to perform hairbraiding, hairweaving~~

1 ~~techniques, and hair extensions in a licensed cosmetology~~
2 establishment the service of twisting, wrapping, weaving, extending,
3 locking or braiding hair by hand or with mechanical devices and
4 includes:

- 5 a. the use of decorative beads, natural or synthetic hair
6 and fibers, the use of hair extensions and other hair
7 accessories, and
- 8 b. minor trimming of natural hair or hair extensions
9 incidental to twisting, wrapping, weaving, extending,
10 locking or braiding hair;

11 15. "Hair arranging" means drying, styling, curling, dressing
12 or manipulating the hair using hairstyling tools and products that
13 do not include application of dyes, reactive chemicals or other
14 preparations to alter the structure or composition of the hair and
15 includes hair braiding, the use of topical agents such as
16 conditioners, gels, moisturizers, pomades and shampoos used in
17 conjunction with arranging hair and the making and use of natural
18 and synthetic hair extensions and wigs;

19 16. "Hybrid learning" means courses that combine face-to-face
20 classroom instruction with on-line, computer-based learning;

21 17. "Manicurist/Nail technician" means a person who gives
22 manicures, gives pedicures, or applies artificial nails;

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1 18. "Manicurist/Nail technician instructor" means a person
2 licensed by the Board as a qualified teacher of the art and science
3 of nail technology theory and practice;

4 19. "Master barber instructor" means a person who gives
5 instruction in barbering or any practices thereof;

6 20. "Master cosmetology instructor" means a person who gives
7 instruction in cosmetology or any practices thereof;

8 21. "Postsecondary institution" means a school licensed to
9 teach students according to prescribed curriculum as in paragraph 1
10 of subsection G of Section 199.7 of this title and in Board rule
11 175:10-3-34(a);

12 22. "Public school" means any state-supported institution
13 conducting a cosmetology program;

14 23. "Secondary institution" means a school licensed to teach
15 students eligible for credit of five hundred (500) hours of related
16 subjects as prescribed in paragraph 2 of subsection G of Section
17 199.7 of this title and in Board rule 175:10-3-34(b); and

18 24. "Student" means a person who is enrolled in and attending a
19 cosmetology or barbering school for the purpose of learning the
20 practice of cosmetology or barbering.

21 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.3, as
22 last amended by Section 2, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
23 2019, Section 199.3), is amended to read as follows:

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1 Section 199.3. A. In order to safeguard and protect the health
2 and general welfare of the people of the State of Oklahoma, the
3 State Board of Cosmetology and Barbering is hereby vested with the
4 powers and duties necessary and proper to enable it to fully and
5 effectively carry out the provisions of the Oklahoma Cosmetology and
6 Barbering Act.

7 B. The Board shall have the powers and duties to:

8 1. Promulgate rules pursuant to the Administrative Procedures
9 Act relating to standards of sanitation which must be observed and
10 practiced by ~~all~~ cosmetology and barber establishments, cosmetology
11 or barber schools, master cosmetology instructors, master barber
12 instructors, barbers, apprentices, students, ~~and~~ board licensees.
13 The Board shall furnish copies of the rules to the owner or manager
14 of each cosmetology school, barber school and cosmetology and barber
15 establishment operating in this state. It shall be the duty of each
16 owner or manager to post a copy of the rules in a conspicuous place
17 in each of the establishments or schools;

18 2. Conduct examinations of applicants for certificates of
19 registration as manicurists, cosmetologists, facial operators,
20 ~~hairbraiding technician,~~ manicurist/nail technician instructor,
21 facial/esthetics instructor, master cosmetology instructor,
22 ~~cosmetician,~~ barber, ~~or~~ barber instructor at such times and places
23 determined by the Board. Applications for all examinations shall be
24 made on forms approved by the Board;

1 3. Keep a record of all its proceedings. The Board shall keep
2 a record of all applicants for certificates, licenses and permits,
3 showing the name of the applicant, the name and location of the
4 place of occupation or business, if any, ~~and~~ the residence address
5 of the applicant~~,~~ and whether the applicant was granted or refused a
6 certificate, license or permit. The records of the Board shall be
7 valid and sufficient evidence of matters contained therein, shall
8 constitute public records. Records shall be open to public
9 inspection at all reasonable times and subject to the Oklahoma Open
10 Records Act. Notwithstanding any other provision of law to the
11 contrary, records and information obtained in connection with an
12 investigation of alleged violations, including complaints, identity
13 of a complainant, investigative reports~~,~~ and documentation or images
14 generated or received during the course of an investigation, shall
15 be confidential and shall not be subject to disclosure;

16 4. Issue all certificates of registration, licenses, permits,
17 notices and orders;

18 5. Establish limited specialty licenses for ~~cosmetician,~~
19 facial/esthetics instructor, manicurist/nail technician instructor,
20 master barber instructor~~,~~ or master cosmetology instructor within
21 the practice of cosmetology or barbering. The Board shall also
22 promulgate rules for special licenses, including but not limited to
23 reduced curriculum requirements, as the Board may deem appropriate
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1 and necessary to further the purposes of the Oklahoma Cosmetology
2 and Barbering Act;

3 6. Make regular inspections of all cosmetology and barber
4 schools and cosmetology and barber establishments licensed to
5 operate in this state, and reports thereof shall be kept and
6 maintained in the office of the Board;

7 7. Make investigations and reports on all violations of the
8 Oklahoma Cosmetology and Barbering Act;

9 8. Take samples of beauty supplies for the purpose of chemical
10 analysis; provided, that if the owner demands payment for the sample
11 taken, payment at the regular retail price shall be made;

12 9. Refuse, revoke, or suspend licenses, certificates of
13 registration or permits after notice and an opportunity for a full
14 hearing, pursuant to Article II of the Administrative Procedures
15 Act, on proof of violation of any of these provisions or the rules
16 established by the Board;

17 10. Enter into any contracts necessary to implement or enforce
18 the provisions of the Oklahoma Cosmetology and Barbering Act or
19 rules promulgated thereto; and

20 11. Apply to a court of competent jurisdiction for an order
21 enjoining an unlicensed person from practicing cosmetology or
22 barbering or holding himself or herself out as a practitioner of
23 cosmetology or barbering. Injunctive relief granted by the court
24 shall be without bond.

1 C. 1. Any person whose license, certificate of registration,
2 or permit has been suspended or revoked may, after the expiration of
3 thirty (30) days, make application to the Board for reinstatement
4 thereof.

5 2. Reinstatement of any such license, certificate of
6 registration, or permit shall rest in the sound discretion of the
7 Board.

8 3. Any action of the Board in refusing, revoking, or suspending
9 a license, certificate of registration, or permit may be appealed to
10 the district court of the county of the appellant's residence
11 pursuant to the Administrative Procedures Act.

12 D. 1. In any case where a licensee becomes a member of the
13 Armed Forces of the United States, such license shall not lapse by
14 reason thereof but shall be considered and held in full force and
15 effect without further payment of license fees during the period of
16 service in the Armed Forces of the United States and for six (6)
17 months after honorable release therefrom. At any time within six
18 (6) months after honorable release from the Armed Forces of the
19 United States the licensee may resume practice pursuant to a license
20 without other or further examination by notifying the Board in
21 writing.

22 2. The period of time in which the licensee shall have been a
23 member of the Armed Forces of the United States shall not be
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1 computed in arriving at the amount of fee or fees due or to become
2 due by such licensee.

3 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.6, as
4 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
5 2019, Section 199.6), is amended to read as follows:

6 Section 199.6. A. The State Board of Cosmetology and Barbering
7 is hereby authorized to promulgate rules for governing the
8 examination and licensure of cosmetologists, manicurists, nail
9 technicians, estheticians, ~~cosmeticians, hair braiding technicians,~~
10 master cosmetology instructors, manicurist instructors, esthetics
11 instructors, barbers, and master barber instructors. The Board is
12 hereby authorized to promulgate rules to govern the sanitary
13 operation of cosmetology and barbering establishments and to
14 administer fines not to exceed Fifty Dollars (\$50.00) for those
15 licensed and not to exceed Five Hundred Dollars (\$500.00) for those
16 not licensed. Each day a violation continues shall be construed as
17 a separate offense.

18 B. The State Board of Cosmetology and Barbering shall have the
19 power and duty to implement rules of the Board, to issue and renew
20 licenses, to inspect cosmetology and barbering establishments and
21 schools, and to inspect the sanitary operating practices of
22 cosmetology and barbering licensees, including sanitary conditions
23 of cosmetology and barbering establishments and schools.

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1 C. It shall be unlawful and constitute a misdemeanor,
2 punishable upon conviction by a fine of not less than Fifty Dollars
3 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
4 imprisonment in the county jail for not more than thirty (30) days,
5 or both such fine and imprisonment, for any person, firm, or
6 corporation in this state to:

7 1. Operate or attempt to operate a cosmetology school/college,
8 cosmetology or barber establishment, cosmetology or barber school or
9 college that offers cosmetology, barbering or both without having
10 obtained a license therefor from the State Board of Cosmetology and
11 Barbering;

12 2. Give or attempt to give instruction in cosmetology or
13 barbering, without having obtained an instructor's license from the
14 Board;

15 3. Practice or offer to practice barbering, cosmetology or
16 manicuring without having obtained a license therefor from the
17 Board;

18 ~~4. Operate a cosmetic studio without having obtained a license~~
19 ~~therefor from the Board;~~

20 ~~5. Demonstrate a cosmetic preparation without having obtained a~~
21 ~~demonstrator's license from the Board;~~

22 ~~6.~~ Permit any person in one's employ, supervision, or control
23 to practice cosmetology or barbering unless that person has obtained
24 an appropriate license from the Board;

1 ~~7.~~ 5. Willfully violate any rule promulgated by the Board for
2 the sanitary management and operation of a cosmetology or barber
3 establishment, cosmetology school or barber college; or

4 ~~8.~~ 6. Violate any of the provisions of the Oklahoma Cosmetology
5 and Barbering Act.

6 D. The State Board of Cosmetology and Barbering shall have the
7 authority to levy administrative fines not to exceed Five Hundred
8 Dollars (\$500.00) for persons practicing cosmetology or barbering
9 without a license, and for owners of licensed establishments who
10 allow unlicensed individuals to practice cosmetology or barbering
11 without a license in their establishment. Each day a violation
12 continues shall be a separate offense. The administrative fine
13 shall not exceed a total of Five Hundred Dollars (\$500.00).

14 E. The provisions of the Oklahoma Cosmetology and Barbering Act
15 shall not apply to the following persons while such persons are
16 engaged in the proper discharge of their professional duties:

- 17 1. Funeral directors;
- 18 2. Persons in the Armed Services;
- 19 3. Persons authorized to practice the healing arts or nursing;

20 ~~or~~

21 4. Regularly employed sales people working in retail
22 establishments engaged in the business of selling cosmetics in
23 sealed packages;

- 24 5. Cosmeticians; and

1 6. Demonstrators.

2 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.10, as
3 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.
4 2019, Section 199.10), is amended to read as follows:

5 Section 199.10. A. All licenses issued under the provisions of
6 the Oklahoma Cosmetology and Barbering Act shall be issued for a
7 period of one (1) year. The expiration date of the license shall be
8 the last day of the month in which the applicant's birthday falls.
9 The public display of a licensee's personal residential address on
10 the face of any license issued pursuant to the provisions of the
11 Oklahoma Cosmetology and Barbering Act shall be prohibited on and
12 after July 1, 2016, and such personal address information, if
13 publically displayed on a valid license, may be redacted by the
14 licensee until the license is renewed and no longer bears his or her
15 personal residential address.

16 B. Applications for renewal must be made on or before the last
17 day of the month in which the applicant's birthday falls, and shall
18 be accompanied by the appropriate fees.

19 C. Any person who fails to renew the license within the
20 required time may make application for renewal at any time within
21 five (5) years from the expiration date of the license by paying the
22 regular renewal license fee and a late fee of Ten Dollars (\$10.00),
23 which becomes due two (2) months after the expiration date.

1 D. Any person who fails to renew within the required time may
2 make application with subsequent renewal and penalty fees.

3 E. Before a person may take an examination to renew an expired
4 license after a period of five (5) years, such person shall register
5 in a cosmetology or barber school for the given number of review
6 hours in accordance with the following timetable and schedule based
7 upon the type of license held.

8	Expired Five	Review
9 License Type	Years or More	Hours Required
10 Basic Cosmetologist		250 hours
11 Barber		250 hours
12 Master Cosmetology		
13 Instructor		100 hours
14 Master Barber		
15 Instructor		100 hours
16 Facial/Esthetics		
17 Instructor		100 hours
18 Manicurist/Nail		
19 Technician		
20 Instructor		100 hours
21 Manicurist		100 hours
22 Facial Operator		100 hours
23 Cosmetician		100 hours
24 Hairbraiding		

1 ~~Technician~~

~~100 hours~~

2 F. Each person holding a license shall notify the Board of any
3 change in the mailing address of such person within thirty (30) days
4 after any change.

5 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.14, as
6 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
7 2019, Section 199.14), is amended to read as follows:

8 Section 199.14. A. The following fees shall be charged by the
9 State Board of Cosmetology and Barbering:

10	Registration as a student.....	\$ 5.00
11	Examination for license	35.00
12	Cosmetology and Barber school license (initial).....	400.00
13	Cosmetology and Barber school license (renewal).....	125.00
14	Apprentice Registration.....	10.00
15	Renewal Advanced Operator license (annual).....	25.00
16	Facial Operator license (annual).....	25.00
17	Cosmetology license (annual).....	25.00
18	Barber license (annual).....	25.00
19	Manicurist license (annual).....	25.00
20	Facial/Esthetics Instructor license (annual).....	30.00
21	Cosmetician license (annual).....	25.00
22	Manicurist/Nail Technician Instructor license (annual)	30.00
23	Demonstrator license (annual).....	20.00
24	Master Cosmetology Instructor license (annual)	50.00

1	Master Barber Instructor license (annual).....	50.00
2	Cosmetology establishment license (initial).....	45.00
3	Cosmetology establishment license (renewal).....	30.00
4	Barber establishment license (initial).....	45.00
5	Barber establishment license (renewal).....	30.00
6	Cosmetic Studio license (initial).....	50.00
7	Cosmetic Studio license (renewal)	30.00
8	Nail Salon (initial)	45.00
9	Nail Salon (renewal)	30.00
10	Reciprocity license (initial).....	30.00
11	Reciprocity processing fee.....	30.00
12	Duplicate license (in case of loss or	
13	destruction of original).....	5.00
14	Notary fee.....	1.00
15	Certification of Records.....	10.00

16 B. In addition to the fees specified in subsection A of this
17 section, the Board shall charge a total penalty of Ten Dollars
18 (\$10.00), as provided for in Section 199.10 of this title.

19 C. Any person licensed as an advanced operator prior to July 1,
20 1985, may renew the advanced cosmetologist license annually by
21 payment of the fee required by this section and by being in
22 compliance with the rules promulgated by the State Board of
23 Cosmetology and Barbering.

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