

1 **SENATE FLOOR VERSION**

2 March 1, 2018

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1312

6 By: Dahm

7 [cosmetology and barbering - Oklahoma Cosmetology
8 and Barbering Act - effective date]
9

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

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 61.6, is
12 amended to read as follows:

13 Section 61.6. Any person practicing the trade of barber, barber
14 instructor, or apprentice barber, without having at the time a
15 valid, unrevoked certificate, as provided in this act, or any person
16 who as owner, lessee, manager, or in any other supervisory capacity,
17 employs a person practicing the trade of barber, barber instructor,
18 or apprentice barber without such person having a valid, unrevoked
19 certificate as a barber, barber instructor, or apprentice barber,
20 shall be deemed guilty of a misdemeanor, and shall, upon conviction,
21 be fined not to exceed One Hundred Dollars (\$100.00), and each day
22 of such practice, or each day such unlicensed person is so employed,
23 shall constitute a separate offense. ~~All fines under the provisions~~
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1 ~~of this section shall be paid into the common school fund of the~~
2 ~~county wherein the conviction is had.~~

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.6, as
4 amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2017,
5 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. Willfully violate any rule promulgated by the Board for the
2 sanitary management and operation of a cosmetology or barber
3 establishment, cosmetology school or barber college; or

4 8. 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.

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1 SECTION 3. This act shall become effective November 1, 2018.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
3 March 1, 2018 - DO PASS AS AMENDED
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