

1 ENGROSSED HOUSE
2 BILL NO. 1807

By: Bennett and Bell of the
House

3 and

4 Garvin of the Senate
5
6

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 199.1, as last
9 amended by Section 1, Chapter 62, O.S.L. 2018, 199.3,
10 as last amended by Section 2, Chapter 62, O.S.L.
11 2018, 199.4, as amended by Section 88, Chapter 229,
12 O.S.L. 2013, 199.6, as last amended by Section 4,
13 Chapter 260, O.S.L. 2014, 199.7, as last amended by
14 Section 5, Chapter 260, O.S.L. 2014, 199.8, as last
15 amended by Section 6, Chapter 260, O.S.L. 2014,
16 199.9, as last amended by Section 7, Chapter 260,
17 O.S.L. 2014, 199.10, as last amended by Section 1,
18 Chapter 265, O.S.L. 2016, 199.11, as last amended by
19 Section 9, Chapter 363, O.S.L. 2019 and 199.14, as
20 last amended by Section 4, Chapter 62, O.S.L. 2018
21 (59 O.S. Supp. 2020, Sections 199.1, 199.3, 199.4
22 199.6, 199.7, 199.8, 199.9, 199.10, 199.11 and
23 199.14), which relate to the Oklahoma Cosmetology and
24 Barbering Act; modifying and adding definitions,
powers of board, executive director, penalties,
apprentices, inspections and renewal of license;
modifying definitions; providing for certificates;
making certain information confidential; allowing
evidence information to be public; exempting
information for report inspection; providing for
fines; setting maximum fine amount; making each day
of violation a separate offense; providing for
regional accreditation recognized by the Department
of Education; increasing number of apprentices;
modifying and adding fees; and providing an effective
date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
3 last amended by Section 1, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
4 2020, Section 199.1), is amended to read as follows:

5 Section 199.1 As used in the Oklahoma Cosmetology and Barbering
6 Act:

7 1. "Apprentice" means a person who is engaged in learning the
8 practice of cosmetology or barbering in a cosmetology or barbering
9 establishment;

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

12 3. "Barbering" means any one or any combination of the
13 following practices, when done upon the upper part of the human body
14 for cosmetic purposes and when done for payment either directly or
15 indirectly for the general public, constitutes the practice of
16 barbering, to wit: Shaving or trimming the beard or cutting the
17 hair; giving facial or scalp massages or treatment with oils,
18 creams, lotions or other preparations, either by hand or mechanical
19 appliances; singeing, shampooing or applying lighteners or color to
20 the hair or applying hair tonics; applying cosmetic preparations,
21 antiseptics, powders, oils, clays or lotions to scalp, face, neck or
22 upper part of the body; and removing superfluous hair from the face,
23 neck or upper part of the body;

24

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

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

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

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

10 8. "~~Cosmetician~~ Cosmetician/stylist" means a person licensed by
11 the Board to perform patron services limited to hair arranging and
12 application of makeup, including, but not limited to, using
13 hairstyling tools and products. Services must be performed in a
14 licensed establishment;

15 9. "Cosmetology" means any one or a combination of practices
16 generally and usually performed by and known as the occupation of
17 beauticians, beauty culturists, beauty operators, cosmeticians,
18 cosmetologists, or hairdressers, or of any other person holding
19 himself or herself out as practicing cosmetology by whatever
20 designation and within the meaning of the Oklahoma Cosmetology and
21 Barbering Act and in or upon whatever place or premises.

22 Cosmetology shall include, but not be limited to, any one or
23 combination of the following practices: bleaching, cleansing,
24 curling, cutting, coloring, dressing, removing, singeing, styling,

1 waving, or similar work, upon the hair of any person by any means,
2 ~~whether~~ and with hands or mechanical or electrical apparatus or
3 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
4 shall be construed to prohibit the use of ~~hands or mechanical or~~
5 ~~electrical apparatus or appliances~~ any of the devices for the
6 nonpermanent removal of hair from the human body without puncturing
7 ~~of~~ the skin, or by the use of cosmetic preparations, antiseptics,
8 tonics, lotions, or creams, or massaging, cleansing, stimulating,
9 exercising, beautifying, or similarly working the scalp, face, neck,
10 arms, bust, upper part of the body or ~~the~~ manicuring ~~of~~ the nails of
11 any person, exclusive of such of the foregoing practices as are
12 within the scope of the practice of the healing arts as provided by
13 law;

14 10. "Cosmetology establishment" means an establishment or place
15 of business where one or more persons are engaged in the practices
16 of cosmetology but shall not include cosmetology schools or
17 colleges;

18 11. "Cosmetology or barber school/college" means any place or
19 premises where instruction in any or all the practices of
20 cosmetology or barbering is given. Any person, firm, institution or
21 corporation, who holds himself, herself or itself out as a school to
22 teach and train, or any person, firm, institution or corporation who
23 shall teach and train any other person or persons in any of the
24 practices of cosmetology or barbering is hereby declared to be

1 engaged in operating a cosmetology and/or barber school, and shall
2 be subject to the provisions of the Oklahoma Cosmetology and
3 Barbering Act. Licensed cosmetology and/or barber schools may offer
4 education to secondary and postsecondary students in this state;

5 12. "Demonstrator" means a person who is not otherwise licensed
6 ~~in this state as an operator or instructor~~ pursuant to the Oklahoma
7 Cosmetology and Barbering Act and who demonstrates any cosmetic
8 preparation. The person shall be required to obtain a Demonstrator
9 license and pass a state written exam relating to general safety and
10 sanitation from the Board before making any such demonstrations;

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

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

16 ~~15.~~ 14. "Hairbraiding technician" means a person certified by
17 the Board to perform hairbraiding, ~~hairweaving~~ hair-weaving
18 techniques, and hair extensions in a licensed cosmetology
19 establishment;

20 ~~16.~~ 15. "Hybrid learning" means courses that combine face-to-
21 face classroom instruction with on-line, computer-based learning;

22 ~~17.~~ 16. "Manicurist/Nail technician" means a person who gives
23 manicures, gives pedicures, or applies artificial nails;

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.~~ 17. "Master ~~barber~~ instructor" means a person ~~who gives~~
5 ~~instruction in barbering or any practices thereof~~ licensed by the
6 Board as a qualified teacher of the art and science of one of the
7 following disciplines: cosmetology, barbering, facial and esthetics
8 or nail technology theory and practice;

9 ~~20. "Master cosmetology instructor" means a person who gives~~
10 ~~instruction in cosmetology or any practices thereof;~~

11 ~~21.~~ 18. "Postsecondary institution" means a school licensed to
12 teach students according to prescribed curriculum as in paragraph 1
13 of subsection G of Section 199.7 of this title and in Board rule
14 175:10-3-34(a);

15 ~~22.~~ 19. "Public school" means any state-supported institution
16 conducting a cosmetology program;

17 ~~23.~~ 20. "Salon suites" are "mini-salons" in a large commercial
18 space. These are independent rooms with a lockable door which
19 allows for an independent salon/shop/establishment business address.
20 Salon suites require an establishment license issued by the Oklahoma
21 State Board of Cosmetology and Barbering for each individually
22 operated room;

23 21. "Secondary institution" means a school licensed to teach
24 students eligible for credit of five hundred (500) hours of related

1 subjects as prescribed in paragraph 2 of subsection G of Section
2 199.7 of this title and in Board rule 175:10-3-34(b); and

3 ~~24.~~ 22. "Student" means a person who is enrolled in and
4 attending a cosmetology or barbering school for the purpose of
5 learning the practice of cosmetology or barbering.

6 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.3, as
7 last amended by Section 2, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
8 2020, Section 199.3), is amended to read as follows:

9 Section 199.3 A. In order to safeguard and protect the health
10 and general welfare of the people of the State of Oklahoma, the
11 State Board of Cosmetology and Barbering is hereby vested with the
12 powers and duties necessary and proper to enable it to fully and
13 effectively carry out the provisions of the Oklahoma Cosmetology and
14 Barbering Act.

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

16 1. Promulgate rules pursuant to the Administrative Procedures
17 Act relating to standards of sanitation which must be observed and
18 practiced by all cosmetology and barber establishments, cosmetology
19 ~~or~~ and barber schools, ~~master cosmetology instructors, master barber~~
20 ~~instructors, barbers,~~ apprentices, students, and ~~board licensees~~
21 persons licensed or certified by the Board. The Board shall furnish
22 copies of the rules to the owner or manager of each cosmetology
23 school, barber school and cosmetology and barber establishment
24 operating in this state. It shall be the duty of each owner or

1 manager to post a copy of the rules in a conspicuous place in each
2 of the establishments or schools;

3 2. Conduct examinations of applicants for ~~certificates of~~
4 ~~registration~~ licensure or certification as ~~manicurists~~
5 manicurist/nail technicians, cosmetologists, ~~facial operators~~
6 facial/estheticians, hairbraiding ~~technician~~ technicians,
7 ~~manicurist/nail technician instructor, facial/esthetics instructor,~~
8 ~~master cosmetology instructor, cosmetician~~ cosmetician/stylists,
9 ~~barber, barbers or barber instructor~~ master instructors at such
10 times and places determined by the Board. Applications for all
11 examinations shall be made on forms approved by the Board;

12 3. Keep a record of all its proceedings. The Board shall keep
13 a record of all applicants for certificates, licenses and permits,
14 showing the name of the applicant, the name and location of the
15 place of occupation or business, if any, and the residence address
16 of the applicant, and whether the applicant was granted or refused a
17 certificate, license or permit. The records of the Board shall be
18 valid and sufficient evidence of matters contained therein, and
19 shall constitute public records. Records shall be open to public
20 inspection at all reasonable times and subject to the Oklahoma Open
21 Records Act. Notwithstanding any other provision of law to the
22 contrary, records and information obtained in connection with an
23 investigation of alleged violations, including complaints, identity
24 of a complainant, investigative reports, and documentation or images

1 generated or received during the course of an investigation, shall
2 be confidential and shall not be subject to disclosure. However,
3 the Board may provide such information to law enforcement and other
4 public agencies as necessary and appropriate for the discharge of
5 that agency's duties;

6 4. Issue all certificates ~~of registration~~, licenses, permits,
7 notices and orders;

8 5. Establish and conduct examinations for limited specialty
9 licenses ~~for cosmetician, facial/esthetics instructor,~~
10 ~~manicurist/nail technician instructor, master barber instructor, or~~
11 ~~master cosmetology instructor~~ and certificates within the practice
12 of cosmetology or barbering. The Board shall ~~also~~ promulgate rules
13 for ~~special~~ said specialty licenses and certificates, including but
14 not limited to reduced curriculum requirements, as the Board may
15 deem appropriate and necessary to further the purposes of the
16 Oklahoma Cosmetology and Barbering Act;

17 6. Make regular inspections of all cosmetology and ~~barber~~
18 barbering schools and cosmetology and ~~barber~~ barbering
19 establishments licensed to operate in this state, and reports
20 thereof shall be kept and maintained in the office of the Board;

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

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

4 9. ~~Refuse, revoke,~~ Revoke or suspend licenses, certificates ~~of~~
5 ~~registration~~ or permits after notice and an opportunity for a full
6 hearing, pursuant to Article II of the Administrative Procedures
7 Act, on proof of violation of any ~~of these~~ provisions of the
8 Oklahoma Cosmetology and Barbering Act or the rules established by
9 the Board;

10 10. Enter into ~~any~~ contracts necessary to implement or enforce
11 the provisions of the Oklahoma Cosmetology and Barbering Act or
12 rules promulgated thereto; and

13 11. Apply to a court of competent jurisdiction for an order
14 enjoining ~~an unlicensed~~ a person not licensed or certified by the
15 Board from practicing cosmetology or barbering or holding himself or
16 herself out as a practitioner of cosmetology or barbering.
17 Injunctive relief granted by the court shall be without bond.

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

22 2. Reinstatement of any such license, certificate ~~of~~
23 ~~registration,~~ or permit shall rest in the sound discretion of the
24 Board.

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

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

16 2. The period of time in which the licensee person licensed or
17 certified by the Board shall have been a member of the Armed Forces
18 of the United States shall not be computed in arriving at the amount
19 of fee or fees due or to become due by such licensee person.

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.4, as
21 amended by Section 88, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2020,
22 Section 199.4), is amended to read as follows:

23 Section 199.4 The State Board of Cosmetology and Barbering
24 shall employ an executive director who shall be in charge of the

1 office of the Board. The executive director shall have such
2 qualifications as shall be established by rules of the Board;
3 provided, the executive director shall not be actively engaged in
4 the practice of cosmetology or barbering while serving as executive
5 director. The executive director shall:

6 1. Devote his or her entire time to the duties of the office;

7 2. Receive salary and benefits as provided by law;

8 3. Keep and preserve all books and records pertaining to the
9 Board;

10 4. Have authority, in the name of and in behalf of the Board,
11 to issue all licenses, certificates ~~of registration~~, permits,
12 registrations, orders, and notices;

13 5. Have authority to collect all fees and penalties provided
14 for by the Oklahoma Cosmetology and Barbering Act;

15 6. Make quarterly reports to the Board of all monies collected
16 and the sources from which derived;

17 7. Have authority to approve payrolls and all claims for the
18 Board;

19 8. Have authority to employ staff;

20 9. Keep a continuous inventory of all properties, excluding
21 supplies, belonging to the Board; and

22 10. Perform such other duties as may be directed by the Board.
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1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as
2 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
3 2020, Section 199.6), is amended to read as follows:

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

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

23 C. It shall be unlawful and constitute a misdemeanor,
24 punishable upon conviction by a fine of not less than Fifty Dollars

1 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
2 imprisonment in the county jail for not more than thirty (30) days,
3 or both such fine and imprisonment, for any person, firm, or
4 corporation in this state to:

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

10 2. Give or attempt to give instruction in cosmetology or
11 barbering, without having obtained an instructor's license from the
12 State Board of Cosmetology and Barbering;

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

16 4. Operate a cosmetic studio without having obtained a license
17 therefor from the Board;

18 5. Demonstrate a cosmetic preparation without having obtained a
19 demonstrator's license from the Board;

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

23
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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 or certificate, ~~and~~ for owners of licensed
10 establishments who allow ~~unlicensed individuals~~ persons who are not
11 licensed or certified by the Board to practice cosmetology or
12 barbering ~~without a license~~ in their establishment, and for persons
13 who violate any provision of the Oklahoma Cosmetology and Barbering
14 Act or rules of the Board. Each day a violation continues shall be
15 a separate offense. ~~The administrative fine shall not exceed a~~
16 ~~total of Five Hundred Dollars (\$500.00).~~

17 E. No person shall place a barber pole in a location, or use a
18 barber pole in its advertising or signage, that would create or tend
19 to create the impression to the public that the business offers
20 barbering services unless the business is licensed as a barbering
21 establishment or is licensed as a cosmetology establishment that
22 employs licensed barbers. For the purpose of this subsection,
23 "barber pole" means a pole or cylinder with alternating stripes of
24 any combination including but not limited to red and white, or red,

1 white and blue, or any object of a similar nature, regardless of its
2 actual shape or coloring.

3 F. The provisions of the Oklahoma Cosmetology and Barbering Act
4 shall not apply to the following persons while such persons are
5 engaged in the proper discharge of their professional duties:

- 6 1. Funeral directors;
- 7 2. Persons in the Armed Services;
- 8 3. Persons authorized to practice the healing arts or nursing;

9 or

- 10 4. Regularly employed sales people working in retail
11 establishments engaged in the business of selling cosmetics in
12 sealed packages.

13 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as
14 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
15 2020, Section 199.7), is amended to read as follows:

16 Section 199.7 A. Each cosmetology and barber school shall be
17 licensed annually by the State Board of Cosmetology and Barbering.
18 Application for the first year's license for a cosmetology and
19 barber school shall be accompanied by a fee of Four Hundred Dollars
20 (\$400.00), which shall be retained by the Board if the application
21 is approved and a license is issued. The annual renewal license fee
22 for cosmetology or barber schools shall be One Hundred Twenty-five
23 Dollars (\$125.00).

24

1 B. 1. No license or renewal thereof for a cosmetology or
2 barber school shall be issued unless the owner thereof furnishes to
3 the Board a good and sufficient surety bond in the principal sum of
4 Two Thousand Dollars (\$2,000.00) for the first instructor and an
5 additional One Thousand Dollars (\$1,000.00) for each additional
6 instructor, executed by a surety company authorized to do business
7 in this state, and conditioned on the faithful performance of the
8 terms and conditions of all contracts entered into between the owner
9 of the cosmetology or barber school and all persons enrolling
10 therein.

11 2. The surety bond shall be in a form approved by the Attorney
12 General and filed in the Office of the Secretary of State. Suit may
13 be brought on the bond by any person injured by reason of the breach
14 of the conditions thereof.

15 C. It shall be the duty of the owner or manager of a
16 cosmetology or barber school to enter into a written contract with
17 all students before permitting students to attend any classes.
18 Contracts shall be made out in triplicate, the original copy to be
19 retained by the school, the duplicate to be given to the student,
20 and the triplicate to be filed with the executive director of the
21 Board.

22 D. A school licensed or applying for licensure shall maintain
23 recognition as an institution of postsecondary study by meeting the
24 following conditions:

1 1. The school shall admit as a regular student only an
2 individual who has earned a recognized high school diploma, or who
3 is beyond the age of compulsory high school attendance;

4 2. The school shall be licensed by name, or in the case of an
5 applicant, shall apply for licensure by name, to offer one or more
6 training programs beyond the secondary level.

7 E. No license for a cosmetology or barber school shall be
8 issued unless the owner thereof presents evidence satisfactory to
9 the Board that the school has satisfactory facilities and equipment
10 and has instructors qualified to give a course of study as provided
11 in the Oklahoma Cosmetology and Barbering Act.

12 F. There shall be included in the curriculum for cosmetology
13 and barber schools, courses of study in the theory of cosmetology
14 and barbering related theory, studies in manipulative practices,
15 sterilization and sanitation, shop management, and such other
16 related subjects as may be approved by the Board.

17 G. 1. The Board shall adopt a curriculum of required courses
18 of instruction in theory and training of either one thousand five
19 hundred (1,500) clock hours or an equivalent number of credit hours
20 as recognized by the United States Department of Education or a
21 regional or national accreditation entity recognized by the United
22 States Department of Education in a basic course to be taught in all
23 cosmetology or barbering schools in the state. The basic
24 cosmetology or barbering course shall be designed to qualify

1 students completing the course to take the examination for a
2 license.

3 2. Cosmetology and barber students in vocational, trade, and
4 industrial cosmetology and barbering classes in public schools,
5 parochial, private schools or home schools shall qualify by
6 completing one thousand (1,000) hours in a basic course of
7 cosmetology or barbering and five hundred (500) hours of approved
8 related subjects to be selected from, but not limited to, the
9 following high school courses in a public school, parochial, private
10 or home school: psychology, biology, general science, American
11 history, art, typing I, typing II, business arithmetic,
12 salesmanship, bookkeeping I, bookkeeping II, related mathematics,
13 English II, English III and English IV.

14 H. 1. No person shall be eligible to give instruction in
15 cosmetology or barbering unless the person is the holder of a
16 current unrevoked instructor's license issued by the Board.

17 2. Each cosmetology or barber school shall employ at least one
18 instructor for the first fifteen students registered therein, and at
19 least one additional instructor shall be employed for each
20 additional group of fifteen students, or major fraction thereof.

21 3. Students utilizing hybrid learning programs are included in
22 the total student number as referenced in the ratio in paragraph 2
23 of subsection G of this section.

24

1 I. A cosmetology or barbering school may be operated in and as
2 part of an accredited high school.

3 J. No cosmetology or barber school owner or an establishment
4 owner shall charge students or apprentices for cosmetic materials,
5 supplies, apparatus, or machines used by them in practice work. A
6 reasonable charge may be made by a cosmetology or barber school for
7 clinical work performed by students upon persons who are not
8 students therein. No instructor shall be permitted to do
9 professional or clinical work in a cosmetology or barber school at
10 any time.

11 K. No cosmetology or barber establishment shall ever be
12 operated in or as a part of a cosmetology school.

13 L. 1. Students shall:

14 a. have an eighth-grade education or the equivalent
15 thereof, and

16 b. be at least sixteen (16) years of age unless they are
17 public or private school students who will be sixteen
18 (16) years of age by November 1 of the year in which
19 cosmetology or barbering instruction begins.

20 2. Credit shall not be given to any person by the Board or by a
21 cosmetology or barber school for hours spent in attending a
22 cosmetology or barber school unless the person has registered with
23 the Board as a student prior to the attendance, except that a
24 student who has attended a cosmetology or barber school out of state

1 may receive credit for such attendance for transfer upon proper
2 certification as provided by rule of the Board.

3 3. No student shall be credited with more than eight (8) hours'
4 attendance in a cosmetology or barber school in any one (1) day.

5 4. No person shall be eligible to take the Board-issued
6 examination for a license unless such person is at least seventeen
7 (17) years of age or a high school graduate.

8 M. 1. No student shall be eligible to take the examination for
9 a Board-issued license without furnishing to the Board the affidavit
10 of the owner of the cosmetology or barber school that the student
11 has satisfactorily completed the requirements specified in paragraph
12 1 of subsection ~~F~~ G of this section, except public and private
13 school students who will complete the requirements specified in
14 paragraph 2 of subsection ~~F~~ G of this section by the close of the
15 current school year may take the examination next preceding the end
16 of the school year.

17 2. Students who are eligible to take the examination shall be
18 given an oral examination if requested by their instructor and proof
19 of qualifying disability is proven.

20 N. No person shall be eligible to register for the examination
21 for an instructor's license unless such person is a high school
22 graduate, or has obtained a General Equivalency Diploma (GED) as to
23 which the applicant shall qualify by tests to be prescribed by the
24

1 Board and conducted by qualified examiners selected by the Board,
2 and has:

3 1. Satisfactorily completed all hours required for the
4 appropriate specialty course and an additional one thousand (1,000)
5 instructor training hours or equivalent number of credit hours as
6 recognized by the United States Department of Education or as
7 recognized by a regional or national accreditation entity ~~prescribed~~
8 ~~by the Board~~ recognized by the United States Department of Education
9 in a cosmetology school in this state; or

10 2. Completed all hours required for the appropriate specialty
11 course, three hundred (300) instructor training hours, prescribed by
12 the Board in a cosmetology school in this state and has been engaged
13 in the practice of cosmetology for at least the preceding two (2)
14 years.

15 O. The Board shall have the power to conduct examinations
16 around the state at public locations including, but not limited to,
17 technology center schools.

18 P. Each cosmetology or barber school shall prominently display
19 in a conspicuous place above or to the side of the entrance thereto
20 a sign identifying it as an institute of learning. Wording on sign
21 shall be in plain letters at least three (3) inches high and at
22 least one (1) inch wide.

23

24

1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as
2 last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
3 2020, Section 199.8), is amended to read as follows:

4 Section 199.8 A. Each person training as an apprentice shall
5 be required to have the same qualifications as a student for
6 admission into a cosmetology or barber school, and shall be
7 registered with the State Board of Cosmetology and Barbering before
8 commencing the training.

9 B. No apprentice shall engage in any of the practices of
10 cosmetology or barbering except under the immediate supervision of a
11 licensed instructor in a cosmetology or barber establishment
12 approved by the Board for apprentice training.

13 C. All apprentices must wear a badge which designates them as
14 an apprentice and is furnished by the Board with the apprentice
15 registration receipt.

16 D. Only ~~one apprentice~~ two apprentices may be registered to
17 receive training in ~~any a~~ a cosmetology or barber establishment at any
18 one time.

19 E. Completion of three thousand (3,000) hours of apprentice
20 training in a cosmetology or ~~barber~~ barbering establishment is the
21 equivalent of one thousand five hundred (1,500) hours' training in a
22 cosmetology or barber school and shall entitle the apprentice to
23 take the examination.

24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as
2 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
3 2020, Section 199.9), is amended to read as follows:

4 Section 199.9 A. The State Board of Cosmetology and Barbering
5 shall not issue a license for a cosmetology or barber establishment
6 until an inspection has been made of the ~~salon~~ establishment and
7 equipment, including the sanitary facilities thereof. Temporary
8 approval pending inspection may be made upon sworn affidavit by the
9 license applicant that all requirements have been met. No license
10 shall be issued for a cosmetology or barber establishment to be
11 operated in a private home or residence unless the ~~salon~~
12 establishment is located in a room or rooms not used or occupied for
13 residential purposes.

14 B. 1. Except as otherwise provided in the Oklahoma Cosmetology
15 and Barbering Act, it shall be unlawful for any person to practice
16 cosmetology or barbering in any place other than a licensed
17 establishment or school licensed by the Board.

18 2. In an emergency such as illness, invalidism, or death, a
19 practitioner licensed ~~operator~~ or certified by the Board may perform
20 cosmetology or barbering services for a person by appointment in a
21 place other than a licensed cosmetology or barber establishment or
22 cosmetology or barber school.

23 C. A person licensed as a cosmetologist may perform cosmetology
24 services in a barber establishment. A person licensed as a barber

1 may perform barbering services in a cosmetology establishment. Any
2 ~~salon~~ establishment which provides both cosmetology and barbering
3 services must obtain a license from the Board.

4 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.10, as
5 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.
6 2020, Section 199.10), is amended to read as follows:

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

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

21 C. Any person who fails to renew the license or certificate
22 within the required time may make application for renewal at any
23 time within five (5) years from the expiration date of the license
24 or certificate by paying the regular renewal ~~license~~ fee and a late

1 fee of Ten Dollars (\$10.00), which becomes due two (2) months after
2 the expiration date.

3 D. Any person who fails to renew within ~~the required time~~ may
4 ~~make application with subsequent~~ five (5) years shall not be
5 eligible for licensure or certification until the person submits
6 payment for all cumulative renewal and penalty fees and successfully
7 passes the Board's safety and sanitation exam.

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

License Type	Expired Five Years or More	Review Hours Required
Basic Cosmetologist		250 hours
Barber		250 hours
Master Cosmetology		
Instructor		100 hours
Master Barber		
Instructor		100 hours
Facial/Esthetics		
Instructor		100 hours
Manicurist/Nail		
Technician		

1	Instructor	100 hours
2	Manicurist	100 hours
3	Facial Operator	100 hours
4	Cosmetician	100 hours
5	Hairbraiding	
6	Technician	100 hours

7 ~~F. Each person holding a license shall notify the Board of any~~
8 ~~change in the mailing address of such person within thirty (30) days~~
9 ~~after any change.~~

10 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as
11 last amended by Section 9, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
12 2020, Section 199.11), is amended to read as follows:

13 Section 199.11 A. The State Board of Cosmetology and Barbering
14 is hereby authorized to deny, revoke, suspend, or refuse to renew
15 any license, certificate, or registration that it is authorized to
16 issue under the Oklahoma Cosmetology and Barbering Act for any of
17 the following causes:

18 1. Conviction of a felony crime that substantially relates to
19 the practice of cosmetology and poses a reasonable threat to public
20 safety;

21 2. Gross malpractice or gross incompetence;

22 3. Fraud practiced in obtaining a license, certificate or
23 registration;

24

- 1 4. A license or certificate holder's continuing to practice
2 while afflicted with an infectious, contagious, or communicable
3 disease;
- 4 5. Habitual drunkenness or addiction to use of habit-forming
5 drugs;
- 6 6. Advertising by means of statements known to be false or
7 deceptive;
- 8 7. Continued or flagrant violation of any rules of the Board,
9 or continued practice by a ~~Board licensee~~ licensed or certified
10 person in a cosmetology or barber establishment wherein violations
11 of the rules of the Board are being committed within the knowledge
12 of the ~~licensee~~ licensed or certified person;
- 13 8. Failure to display license or certificate as required by the
14 Oklahoma Cosmetology and Barbering Act;
- 15 9. Continued practice of cosmetology or barbering after
16 expiration of a license or certificate therefor;
- 17 10. Employment by a salon or barber establishment owner or
18 manager of any person to perform any of the practices of cosmetology
19 or barbering who is not duly licensed or certified to perform the
20 services;
- 21 11. Practicing cosmetology or barbering in an unprofessional
22 manner;
- 23 12. Unsanitary operating practices or unsanitary conditions of
24 a school or establishment; or

1 13. Unsanitary operating practices of a ~~licensee~~ practitioner
2 licensed or certified by the Board.

3 B. As used in this section:

4 1. "Substantially relates" means the nature of criminal conduct
5 for which the person was convicted has a direct bearing on the
6 fitness or ability to perform one or more of the duties or
7 responsibilities necessarily related to the occupation; and

8 2. "Poses a reasonable threat" means the nature of criminal
9 conduct for which the person was convicted involved an act or threat
10 of harm against another and has a bearing on the fitness or ability
11 to serve the public or work with others in the occupation.

12 SECTION 10. AMENDATORY 59 O.S. 2011, Section 199.14, as
13 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
14 2020, Section 199.14), is amended to read as follows:

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

Registration as a student <u>Student registration</u>	\$ 5.00
<u>Apprentice registration</u>	<u>10.00</u>
Examination for license <u>or certificate</u>	35.00
Cosmetology and Barber school license (initial)	400.00
Cosmetology and Barber school license (renewal)	125.00
Apprentice Registration	10.00
Renewal Advanced Operator license (annual)	25.00
Facial Operator license (annual)	25.00

1	Cosmetology license (annual)	25.00
2	Barber license (annual)	25.00
3	Manicurist license (annual)	25.00
4	Facial/Esthetics Instructor license (annual)	30.00
5	Cosmetician license (annual)	25.00
6	Manicurist/Nail Technician Instructor license (annual)	30.00
7	<u>School license (initial)</u>	<u>400.00</u>
8	<u>School license (renewal)</u>	<u>125.00</u>
9	<u>Annual license or certificate renewal</u>	<u>25.00</u>
10	<u>Annual master instructor license renewal</u>	<u>50.00</u>
11	<u>Establishment license (initial)</u>	<u>50.00</u>
12	<u>Establishment license (renewal)</u>	<u>30.00</u>
13	Demonstrator license (annual).....	20.00
14	Master Cosmetology Instructor license (annual)	50.00
15	Master Barber Instructor license (annual).....	50.00
16	Cosmetology establishment license (initial)	45.00
17	Cosmetology establishment license (renewal)	30.00
18	Barber establishment license (initial)	45.00
19	Barber establishment license (renewal)	30.00
20	Cosmetic Studio license (initial)	50.00
21	Cosmetic Studio license (renewal)	30.00
22	Nail Salon (initial)	45.00
23	Nail Salon (renewal)	30.00
24	Reciprocity license (initial).....	30.00

1	Reciprocity processing fee.....	30.00
2	Duplicate license (in case of loss or	
3	destruction of original).....	5.00
4	Notary fee.....	1.00
5		<u>7.00</u>
6	Certification of Records.....	10.00
7	<u>Duplicate license (in case of loss or destruction</u>	
8	<u>of original).....</u>	<u>5.00</u>

9 B. In addition to the fees specified in subsection A of this
10 section, the Board shall charge a total penalty of Ten Dollars
11 (\$10.00), as provided for in Section 199.10 of this title.

12 C. Any person licensed as an advanced operator prior to July 1,
13 1985, may renew ~~the advanced cosmetologist~~ that license annually by
14 payment of the fee required by this section and by being in
15 compliance with the rules promulgated by the State Board of
16 Cosmetology and Barbering.

17 SECTION 11. This act shall become effective November 1, 2021.

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1 Passed the House of Representatives the 8th day of March, 2021.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

6
7
8 _____
9 Presiding Officer of the Senate