

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 212

By: Garvin

4
5
6 AS INTRODUCED

7 An Act relating to cosmetology and barbering;
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, 199.9, as last
15 amended by Section 7, Chapter 260, O.S.L. 2014,
16 199.10, as last amended by Section 1, Chapter 265,
17 O.S.L. 2016, 199.11, as last amended by Section 9,
18 Chapter 363, O.S.L. 2019, and 199.14, as last amended
19 by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
20 2020, Sections 199.1, 199.3, 199.4, 199.6, 199.7,
21 199.9, 199.10, 199.11 and 199.14), which relate to
22 definitions, powers of Board, executive director,
23 unlawful practices, cosmetology and barbering
24 schools, inspection of facilities, renewal of
25 licenses, grounds for denial of license and fees;
26 modifying definitions; adding definition; modifying
27 language; authorizing certain information be provided
28 to law enforcement for certain purpose; including
29 authority for certifications; deleting maximum
30 administrative penalty; prohibiting use of barber
31 pole; defining term; adding regional accreditation
32 recognized by certain United States authority;
33 deleting language; requiring cumulative fees be paid
34 for certain renewals; deleting requirement for
35 address change notification; modifying fees; adding
36 certain 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
6 Barbering 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;

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

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

21 Cosmetology shall include, but not be limited to, any one or
22 combination of the following practices: bleaching, cleansing,
23 curling, cutting, coloring, dressing, removing, singeing, styling,
24 waving, or similar work upon the hair of any person by any means,

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

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

16 11. "Cosmetology or barber school/college" means any place or
17 premises where instruction in any or all the practices of
18 cosmetology or barbering is given. Any person, firm, institution or
19 corporation, who holds himself, herself or itself out as a school to
20 teach and train, or any person, firm, institution or corporation who
21 shall teach and train any other person or persons in any of the
22 practices of cosmetology or barbering is hereby declared to be
23 engaged in operating a cosmetology and/or barber school, and shall
24 be subject to the provisions of the Oklahoma Cosmetology and
25

1 Barbering Act. Licensed cosmetology and/or barber schools may offer
2 education to secondary and postsecondary students in this state;

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

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

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

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

17 16. 15. "Hybrid learning" means courses that combine face-to-
18 face classroom instruction with on-line, computer-based learning;

19 17. 16. "Manicurist/Nail technician" means a person who gives
20 manicures, gives pedicures, or applies artificial nails;

21 18. 17. ~~"Manicurist/Nail technician instructor"~~ "Master
22 instructor" means a person licensed by the Board as a qualified
23 teacher of the art and science of ~~nail technology theory and~~

1 practice one of the following disciplines: cosmetology, barbering,
2 facial/esthetics or nail technology theory and practice;

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

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

7 ~~21.~~ 18. "Postsecondary institution" means a school licensed to
8 teach students according to prescribed curriculum as in paragraph 1
9 of subsection G of Section 199.7 of this title and in Board rule
10 175:10-3-34(a);

11 ~~22.~~ 19. "Public school" means any state-supported institution
12 conducting a cosmetology program;

13 ~~23.~~ 20. "Salon suites" means an independent room with a
14 lockable door which allows for an independent salon, shop or
15 establishment business address. Salon suites are mini salons.
16 Salon suites require an establishment license issued by the Oklahoma
17 State Board of Cosmetology and Barbering for each individually
18 operated room;

19 21. "Secondary institution" means a school licensed to teach
20 students eligible for credit of five hundred (500) hours of related
21 subjects as prescribed in paragraph 2 of subsection G of Section
22 199.7 of this title and in Board rule 175:10-3-34(b); and

1 ~~24.~~ 22. "Student" means a person who is enrolled in and
2 attending a cosmetology or barbering school for the purpose of
3 learning the practice of cosmetology or barbering.

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

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

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

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

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

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

1 public agencies as necessary and appropriate for the discharge of
2 that agency's duties;

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

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

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

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

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

23 9. ~~Refuse, revoke,~~ Revoke or suspend licenses, certificates ~~of~~
24 ~~registration~~ or permits after notice and an opportunity for a full

1 hearing, pursuant to Article II of the Administrative Procedures
2 Act, on proof of violation of any ~~of these provisions~~ provision of
3 the Oklahoma Cosmetology and Barbering Act or the rules established
4 by the Board;

5 10. Enter into any contracts necessary to implement or enforce
6 the provisions of the Oklahoma Cosmetology and Barbering Act or
7 rules promulgated thereto; and

8 11. Apply to a court of competent jurisdiction for an order
9 enjoining ~~an unlicensed~~ a person from practicing cosmetology or
10 barbering or holding himself or herself out as a practitioner of
11 cosmetology or barbering. Injunctive relief granted by the court
12 shall be without bond.

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

17 2. Reinstatement of any such license, certificate of
18 registration, or permit shall rest in the sound discretion of the
19 Board.

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

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

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

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

19 Section 199.4. The State Board of Cosmetology and Barbering
20 shall employ an executive director who shall be in charge of the
21 office of the Board. The executive director shall have such
22 qualifications as shall be established by rules of the Board;
23 provided, the executive director shall not be actively engaged in
24

1 the practice of cosmetology or barbering while serving as executive
2 director. The executive director shall:

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

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

5 3. Keep and preserve all books and records pertaining to the
6 Board;

7 4. Have authority, in the name of and in behalf of the Board,
8 to issue all licenses, certificates ~~of registration~~, permits,
9 orders, and notices;

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

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

14 7. Have authority to approve payrolls and all claims for the
15 Board;

16 8. Have authority to employ staff;

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

19 10. Perform such other duties as may be directed by the Board.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as
21 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
22 2020, Section 199.6), is amended to read as follows:

23 Section 199.6. A. The State Board of Cosmetology and Barbering
24 is hereby authorized to promulgate rules ~~for~~ governing the

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

12 B. The State Board of Cosmetology and Barbering shall have the
13 power and duty to implement rules of the Board, to issue and renew
14 licenses, to inspect cosmetology and barbering establishments and
15 schools, and to inspect the sanitary operating practices of
16 cosmetology and barbering licensees, including sanitary conditions
17 of cosmetology and barbering establishments and schools.

18 C. It shall be unlawful and constitute a misdemeanor,
19 punishable upon conviction by a fine of not less than Fifty Dollars
20 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
21 imprisonment in the county jail for not more than thirty (30) days,
22 or both such fine and imprisonment, for any person, firm, or
23 corporation in this state to:

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

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

9 3. Practice or offer to practice barbering, cosmetology or
10 manicuring without having obtained a license therefor from the
11 Board;

12 4. Operate a cosmetic studio without having obtained a license
13 therefor from the Board;

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

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

19 7. Willfully violate any rule promulgated by the Board for the
20 sanitary management and operation of a cosmetology or barber
21 establishment, cosmetology school or barber college; or

22 8. Violate any of the provisions of the Oklahoma Cosmetology
23 and Barbering Act.

1 D. The State Board of Cosmetology and Barbering shall have the
2 authority to levy administrative fines not to exceed Five Hundred
3 Dollars (\$500.00) for persons practicing cosmetology or barbering
4 without a license or certificate, ~~and~~ for owners of licensed
5 establishments who allow ~~unlicensed individuals~~ persons who are not
6 licensed or certified by the Board to practice cosmetology or
7 barbering ~~without a license~~ in their establishment and for persons
8 who violate any provision of the Oklahoma Cosmetology and Barbering
9 Act or the rules of the Board. Each day a violation continues shall
10 be a separate offense. ~~The administrative fine shall not exceed a~~
11 ~~total of Five Hundred Dollars (\$500.00).~~

12 E. No person shall place a barber pole in a location, or use a
13 barber pole in its advertising or signage, that would create or tend
14 to create the impression to the public that the business offers
15 barbering services unless the business is licensed as a barbering
16 establishment or is licensed as a cosmetology establishment that
17 employs licensed barbers. For purposes of this subsection, "barber
18 pole" means a pole or cylinder with alternating stripes of any
19 combination including, but not limited to, red and white or red,
20 white and blue, or any object of similar nature regardless of its
21 actual shape or coloring.

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

- 1 1. Funeral directors;
- 2 2. Persons in the Armed Services;
- 3 3. Persons authorized to practice the healing arts or nursing;
- 4 or
- 5 4. Regularly employed sales people working in retail
- 6 establishments engaged in the business of selling cosmetics in
- 7 sealed packages.

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as

9 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.

10 2020, Section 199.7), is amended to read as follows:

11 Section 199.7. A. Each cosmetology and barber school shall be

12 licensed annually by the State Board of Cosmetology and Barbering.

13 Application for the first year's license for a cosmetology and

14 barber school shall be accompanied by a fee of Four Hundred Dollars

15 (\$400.00), which shall be retained by the Board if the application

16 is approved and a license is issued. The annual renewal license fee

17 for cosmetology or barber schools shall be One Hundred Twenty-five

18 Dollars (\$125.00).

19 B. 1. No license or renewal thereof for a cosmetology or

20 barber school shall be issued unless the owner thereof furnishes to

21 the Board a good and sufficient surety bond in the principal sum of

22 Two Thousand Dollars (\$2,000.00) for the first instructor and an

23 additional One Thousand Dollars (\$1,000.00) for each additional

24 instructor, executed by a surety company authorized to do business

1 in this state, and conditioned on the faithful performance of the
2 terms and conditions of all contracts entered into between the owner
3 of the cosmetology or barber school and all persons enrolling
4 therein.

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

9 C. It shall be the duty of the owner or manager of a
10 cosmetology or barber school to enter into a written contract with
11 all students before permitting students to attend any classes.
12 Contracts shall be made out in triplicate, the original copy to be
13 retained by the school, the duplicate to be given to the student,
14 and the triplicate to be filed with the executive director of the
15 Board.

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

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

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

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

6 F. There shall be included in the curriculum for cosmetology
7 and barber schools, courses of study in the theory of cosmetology
8 and barbering related theory, studies in manipulative practices,
9 sterilization and sanitation, shop management, and such other
10 related subjects as may be approved by the Board.

11 G. 1. The Board shall adopt a curriculum of required courses
12 of instruction in theory and training of either one thousand five
13 hundred (1,500) clock hours or an equivalent number of credit hours
14 as recognized by the United States Department of Education or a
15 regional or national accreditation entity recognized by the United
16 States Department of Education in a basic course to be taught in all
17 cosmetology or barbering schools in the state. The basic
18 cosmetology or barbering course shall be designed to qualify
19 students completing the course to take the examination for a
20 license.

21 2. Cosmetology and barber students in vocational, trade, and
22 industrial cosmetology and barbering classes in public schools,
23 parochial, private schools or home schools shall qualify by
24 completing one thousand (1,000) hours in a basic course of

1 cosmetology or barbering and five hundred (500) hours of approved
2 related subjects to be selected from, but not limited to, the
3 following high school courses in a public school, parochial, private
4 or home school: psychology, biology, general science, American
5 history, art, typing I, typing II, business arithmetic,
6 salesmanship, bookkeeping I, bookkeeping II, related mathematics,
7 English II, English III and English IV.

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

11 2. Each cosmetology or barber school shall employ at least one
12 instructor for the first fifteen students registered therein, and at
13 least one additional instructor shall be employed for each
14 additional group of fifteen students, or major fraction thereof.

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

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

20 J. No cosmetology or barber school owner or an establishment
21 owner shall charge students or apprentices for cosmetic materials,
22 supplies, apparatus, or machines used by them in practice work. A
23 reasonable charge may be made by a cosmetology or barber school for
24 clinical work performed by students upon persons who are not

1 students therein. No instructor shall be permitted to do
2 professional or clinical work in a cosmetology or barber school at
3 any time.

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

6 L. 1. Students shall:

7 a. have an eighth-grade education or the equivalent
8 thereof, and

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

13 2. Credit shall not be given to any person by the Board or by a
14 cosmetology or barber school for hours spent in attending a
15 cosmetology or barber school unless the person has registered with
16 the Board as a student prior to the attendance, except that a
17 student who has attended a cosmetology or barber school out of state
18 may receive credit for such attendance for transfer upon proper
19 certification as provided by rule of the Board.

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

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

1 M. 1. No student shall be eligible to take the examination for
2 a Board-issued license without furnishing to the Board the affidavit
3 of the owner of the cosmetology or barber school that the student
4 has satisfactorily completed the requirements specified in paragraph
5 1 of subsection F of this section, except public and private school
6 students who will complete the requirements specified in paragraph 2
7 of subsection F of this section by the close of the current school
8 year may take the examination next preceding the end of the school
9 year.

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

13 N. No person shall be eligible to register for the examination
14 for an instructor's license unless such person is a high school
15 graduate, or has obtained a General Equivalency Diploma (GED) as to
16 which the applicant shall qualify by tests to be prescribed by the
17 Board and conducted by qualified examiners selected by the Board,
18 and has:

19 1. Satisfactorily completed all hours required for the
20 appropriate specialty course and an additional one thousand (1,000)
21 instructor training hours or equivalent number of credit hours as
22 recognized by the United States Department of Education or as
23 recognized by a regional or national accreditation entity ~~prescribed~~
24

1 ~~by the Board~~ recognized by the United States Department of Education
2 in a cosmetology school in this state; or

3 2. Completed all hours required for the appropriate specialty
4 course, three hundred (300) instructor training hours, prescribed by
5 the Board in a cosmetology school in this state and has been engaged
6 in the practice of cosmetology for at least the preceding two (2)
7 years.

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

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

16 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.9, as
17 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
18 2020, Section 199.9), is amended to read as follows:

19 Section 199.9. A. The State Board of Cosmetology and Barbering
20 shall not issue a license for a cosmetology or barber establishment
21 until an inspection has been made of the salon and equipment,
22 including the sanitary facilities thereof. Temporary approval
23 pending inspection may be made upon sworn affidavit by the license
24 applicant that all requirements have been met. No license shall be

1 issued for a cosmetology or barber establishment to be operated in a
2 private home or residence unless the salon is located in a room or
3 rooms not used or occupied for residential purposes.

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

8 2. In an emergency such as illness, invalidism, or death, a
9 practitioner licensed operator or certified by the Board may perform
10 cosmetology or barbering services for a person by appointment in a
11 place other than a licensed cosmetology or barber establishment or
12 cosmetology or barber school.

13 C. A person licensed as a cosmetologist may perform cosmetology
14 services in a barber establishment. A person licensed as a barber
15 may perform barbering services in a cosmetology establishment. Any
16 salon which provides both cosmetology and barbering services must
17 obtain a license from the Board.

18 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.10, as
19 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.
20 2020, Section 199.10), is amended to read as follows:

21 Section 199.10. A. All licenses and certificates issued under
22 the provisions of the Oklahoma Cosmetology and Barbering Act shall
23 be issued for a period of one (1) year. The expiration date of the
24 license shall be the last day of the month in which the applicant's

1 birthday falls. The public display of a licensee's personal
2 residential address on the face of any license issued pursuant to
3 the provisions of the Oklahoma Cosmetology and Barbering Act shall
4 be prohibited on and after July 1, 2016, and such personal address
5 information, if ~~publically~~ publicly displayed on a valid license,
6 may be redacted by the licensee until the license is renewed and no
7 longer bears his or her personal residential address.

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

11 C. Any person who fails to renew the license or certificate
12 within the required time may make application for renewal at any
13 time within five (5) years from the expiration date of the license
14 or certificate by paying the regular renewal license fee and a late
15 fee of Ten Dollars (\$10.00), which becomes due two (2) months after
16 the expiration date.

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

22 ~~E. Before a person may take an examination to renew an expired~~
23 ~~license after a period of five (5) years, such person shall register~~
24 ~~in a cosmetology or barber school for the given number of review~~

1 ~~hours in accordance with the following timetable and schedule based~~
2 ~~upon the type of license held.~~

	Expired Five	Review
License Type	Years or More	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		
Instructor		100 hours
Manicurist		100 hours
Facial Operator		100 hours
Cosmetician		100 hours
Hairbraiding		
Technician		100 hours

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

1 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.11, as
2 last amended by Section 9, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
3 2020, Section 199.11), is amended to read as follows:

4 Section 199.11. A. The State Board of Cosmetology and
5 Barbering is hereby authorized to deny, revoke, suspend, or refuse
6 to renew any license, certificate, or registration that it is
7 authorized to issue under the Oklahoma Cosmetology and Barbering Act
8 for any of the following causes:

9 1. Conviction of a felony crime that substantially relates to
10 the practice of cosmetology and poses a reasonable threat to public
11 safety;

12 2. Gross malpractice or gross incompetence;

13 3. Fraud practiced in obtaining a license or registration;

14 4. A license or certificate holder's continuing to practice
15 while afflicted with an infectious, contagious, or communicable
16 disease;

17 5. Habitual drunkenness or addiction to use of habit forming
18 drugs;

19 6. Advertising by means of statements known to be false or
20 deceptive;

21 7. Continued or flagrant violation of any rules of the Board,
22 or continued practice by a ~~Board licensee~~ licensed or certified
23 person in a cosmetology or barber establishment wherein violations
24

1 of the rules of the Board are being committed within the knowledge
2 of the ~~licensee~~ licensed or certified person;

3 8. Failure to display license or certificate as required by the
4 Oklahoma Cosmetology and Barbering Act;

5 9. Continued practice of cosmetology or barbering after
6 expiration of a license or certificate therefor;

7 10. Employment by a salon or barber establishment owner or
8 manager of any person to perform any of the practices of cosmetology
9 or barbering who is not duly licensed or certified to perform the
10 services;

11 11. Practicing cosmetology or barbering in an unprofessional
12 manner;

13 12. Unsanitary operating practices or unsanitary conditions of
14 a school or establishment; or

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

17 B. As used in this section:

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

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

1 of harm against another and has a bearing on the fitness or ability
2 to serve the public or work with others in the occupation.

3 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.14, as
4 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
5 2020, Section 199.14), is amended to read as follows:

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

8	<u>Student Registration as a student</u>	\$ 5.00
9	<u>Apprentice Registration</u>	10.00
10	Examination for license <u>or certification</u>	35.00
11	<u>School License (initial)</u>	400.00
12	<u>School License (renewal)</u>	125.00
13	<u>Annual License or Certificate</u>	25.00
14	<u>Annual Master Instructor License</u>	50.00
15	<u>Establishment License (initial)</u>	50.00
16	<u>Establishment License (renewal)</u>	30.00
17	Cosmetology and Barber school license (initial)	400.00
18	Cosmetology and Barber school license (renewal)	125.00
19	Apprentice Registration	10.00
20	Renewal Advanced Operator license (annual)	25.00
21	Facial Operator license (annual)	25.00
22	Cosmetology license (annual)	25.00
23	Barber license (annual)	25.00
24	Manicurist license (annual)	25.00

1	Facial/Esthetics Instructor license (annual)	30.00
2	Cosmetician license (annual)	25.00
3	Manicurist/Nail Technician Instructor license (annual)	30.00
4	Demonstrator license (annual).....	20.00
5	Master Cosmetology Instructor license (annual)	50.00
6	Master Barber Instructor license (annual)	50.00
7	Cosmetology establishment license (initial).....	45.00
8	Cosmetology establishment license (renewal).....	30.00
9	Barber establishment license (initial).....	45.00
10	Barber establishment license (renewal).....	30.00
11	Cosmetic Studio license (initial).....	50.00
12	Cosmetic Studio license (renewal).....	30.00
13	Nail Salon (initial).....	45.00
14	Nail Salon (renewal).....	30.00
15	Reciprocity license (initial).....	30.00
16	Reciprocity processing fee.....	30.00
17	Duplicate license (in case of loss or	
18	destruction of original).....	5.00
19	Notary fee.....	1.00 <u>7.00</u>
20	Certification of Records.....	10.00

21 B. In addition to the fees specified in subsection A of this
22 section, the Board shall charge a total penalty of Ten Dollars
23 (\$10.00), as provided for in subsection C of Section 199.10 of this
24 title.

1 C. Any person licensed as an advanced operator prior to July 1,
2 1985, may renew the advanced cosmetologist license annually by
3 payment of the fee required by this section and by being in
4 compliance with the rules promulgated by the State Board of
5 Cosmetology and Barbering.

6 SECTION 10. This act shall become effective November 1, 2021.
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