

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 283

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Cosmetology and
8 Barbering Act; amending 59 O.S. 2021, Sections 61.5
9 and 199.1, which relate to definitions; modifying
10 definition; and providing an effective date.

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

12 SECTION 1. AMENDATORY 59 O.S. 2021, Section 61.5, is
13 amended to read as follows:

14 Section 61.5. Any one or any combination of the following
15 practices, when done upon the upper part of the human body for
16 cosmetic purposes and when done for payment either directly or
17 indirectly for the general public, constitutes the practice of
18 barbering, to wit: Shaving or trimming the beard or cutting the
19 hair; giving facial or scalp massages or treatment with oils,
20 creams, lotions or other preparations, either by hand or mechanical
21 appliances; singeing, ~~shampooing~~ or dyeing the hair, or applying
22 hair tonics; applying cosmetic preparations, antiseptics, powders,
23 oils, clays or lotions to scalp, face, neck or upper part of the
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1 body; and removing superfluous hair from the face, neck or upper
2 part of the body.

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 199.1, is
4 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;

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

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 licensed in this
4 state as an operator or instructor and who demonstrates any cosmetic
5 preparation. The person shall be required to obtain a Demonstrator
6 license and pass a state written exam relating to general safety and
7 sanitation from the Board before making any such demonstrations;

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

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

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

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

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

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

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

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

3 21. "Postsecondary institution" means a school licensed to
4 teach students according to prescribed curriculum as in paragraph 1
5 of subsection G of Section 199.7 of this title and in Board rule
6 175:10-3-34(a);

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

9 23. "Secondary institution" means a school licensed to teach
10 students eligible for credit of five hundred (500) hours of related
11 subjects as prescribed in paragraph 2 of subsection G of Section
12 199.7 of this title and in Board rule 175:10-3-34(b); and

13 24. "Student" means a person who is enrolled in and attending a
14 cosmetology or barbering school for the purpose of learning the
15 practice of cosmetology or barbering.

16 SECTION 3. This act shall become effective November 1, 2023.

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