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# CORRECTED

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 420

By: Bergstrom

## AS INTRODUCED

An Act relating to the Oklahoma Cosmetology and Barbering Act; amending 59 O.S. 2011, Sections 199.1, as last amended by Section 1, Chapter 62 O.S.L. 2018, 199.3, as last amended by Section 2, Chapter 62, O.S.L. 2018, 199.4, as amended by Section 88, Chapter 229, O.S.L. 2013, 199.6, as last amended by Section 4, Chapter 260, O.S.L. 2014, 199.7, as last amended by Section 5, Chapter 260, O.S.L. 2014, 199.8, as last amended by Section 6, Chapter 260, O.S.L. 2014, 199.9, as last amended by Section 7, Chapter 260, O.S.L. 2014, 199.10, as last amended by Section 1, Chapter 265, O.S.L. 2016, 199.11, as last amended by Section 2, Chapter 183, O.S.L. 2015 and 199.14, as last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp. 2018, Sections 199.1, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, 199.11 and 199.14), which relate to definitions, powers of board, executive director, penalties, apprentices, inspections, renewal of license; modifying definitions; modifying language; deleting language; 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; barbering schools; providing for regional accreditation recognized by the Department of Education; increasing number of apprentices; setting certificate fee; providing for hairbraiding certificate; 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 2018, 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;

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 non-  
6 permanent removal of hair from the human body without puncturing the  
7 skin, or by the use of cosmetic preparations, antiseptics, tonics,  
8 lotions, or creams, massaging, cleansing, stimulating, exercising,  
9 beautifying, or ~~similarly working~~ similar work, the scalp, face,  
10 neck, arms, bust, upper part of the body or ~~the~~ manicuring ~~of~~ the  
11 nails of any person, exclusive of such of the foregoing practices as  
12 come within the scope of the practice of the healing arts as  
13 provided by the laws of this state;

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 post secondary students in the state;

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

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

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

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

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

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

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

1       ~~19. "Master barber instructor"~~ 17. "Master instructor barber"  
2 means a person who gives instruction in barbering or any practices  
3 thereof;

4       ~~20. Master cosmetology instructor"~~ 18. "Master instructor  
5 cosmetology" means a person who gives instruction in cosmetology or  
6 any practices thereof;

7       19. "Master instructor facial/esthetician" means a person  
8 licensed by the Board as a qualified teacher of the art and science  
9 of facial and esthetics theory and practice;

10       20. "Master instructor manicurist/nail technician" means a  
11 person licensed by the Board as a qualified teacher of the art and  
12 science of nail technology theory and practice;

13       21. "Post-secondary institution" means a school licensed to  
14 teach students according to prescribed curriculum as in paragraph 1  
15 of subsection F of Section 199.7 of this title and in Board rule  
16 175:10-3-34(a);

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

19       23. "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 F of Section  
22 199.7 of this title and in Board rule 175:10-3-34 (b); and

1        24. "Student" means a person who is enrolled in and attending a  
2 cosmetology school for the purpose of learning the practice of  
3 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 2018, 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 ~~manicurist~~  
3 manicurist/nail technicians, cosmetologists, ~~facial operators~~  
4 facial/estheticians, hairbraiding ~~technician~~ technicians,  
5 ~~manicurist/nail technician instructor~~ master instructors  
6 manicurist/nail technician, ~~facial/esthetics instructor~~ master  
7 instructors facial/esthetician, ~~master cosmetology instructor~~ master  
8 instructors cosmetology, ~~cosmetician~~ cosmetician/stylists, ~~barber~~  
9 barbers, or ~~barber instructor~~ master instructors barber 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;~~

3 4. Notwithstanding any other provision of law to the contrary,  
4 records and information obtained in connection with an investigation  
5 of alleged violations, including complaints, identity of a  
6 complainant, investigative reports, and documentation or images  
7 generated or received during the course of an investigation, shall  
8 be confidential and shall not be subject to disclosure. However,  
9 such information may be introduced by the state in administrative  
10 proceedings before the Board and the information then becomes a  
11 public record. The Board may also provide such information to law  
12 enforcement and other public agencies as necessary and appropriate  
13 in the discharge of the duties of that agency. The respondent in a  
14 complaint may acquire information obtained during an investigation,  
15 unless the disclosure of the information is otherwise prohibited,  
16 except for the investigative report, if the respondent signs a  
17 protective order whereby the respondent agrees to use the  
18 information solely for the purpose of defense in the Board  
19 proceeding and in any appeal therefrom and agrees to not otherwise  
20 disclose the information. This subsection shall not apply to  
21 routine inspection reports.

22 5. Issue all certificates ~~of registration~~, licenses, permits,  
23 registrations, notices and orders;

1       ~~5.~~ 6. Establish and conduct examinations for limited specialty  
2 licenses ~~for cosmetician, facial/esthetics instructor,~~  
3 ~~manicurist/nail technician instructor, master barber instructor, or~~  
4 ~~master cosmetology instructor~~ and certificates within the practice  
5 of cosmetology and barbering. The Board shall ~~also~~ promulgate rules  
6 for ~~special~~ said specialty licenses and certificates, including but  
7 not limited to reduced curriculum requirements, as the Board may  
8 deem appropriate and necessary to further the purposes of the  
9 Oklahoma Cosmetology and Barbering Act;

10       ~~6.~~ 7. Make regular inspections of all cosmetology and ~~barber~~  
11 barbering schools and cosmetology and ~~barber~~ barbering  
12 establishments licensed to operate in this state, and reports  
13 thereof shall be kept and maintained in the office of the Board;

14       ~~7.~~ 8. Make investigations and reports on all suspected or  
15 reported violations of the Oklahoma Cosmetology and Barbering Act;

16       ~~8.~~ 9. Take samples of beauty supplies for the purpose of  
17 chemical analysis; provided, that if the owner demands payment for  
18 the sample taken, payment at the regular retail price shall be made;

19       ~~9. Refuse, revoke,~~ 10. Revoke or suspend licenses,  
20 certificates ~~of registration~~ or permits after notice and an  
21 opportunity for a full hearing, pursuant to Article II of the  
22 Administrative Procedures Act, on proof of violation of any ~~of these~~  
23 provisions of the Cosmetology and Barbering Act or the rules  
24 established by the Board;

1       ~~10.~~ 11. Enter into ~~any~~ contracts necessary to implement or  
2 enforce the provisions of the Oklahoma Cosmetology and Barbering Act  
3 or rules promulgated thereto; and

4       ~~11.~~ 12. Apply to a court of competent jurisdiction for an order  
5 enjoining ~~an unlicensed~~ a person not licensed or certified by the  
6 Board from practicing cosmetology or barbering or holding himself or  
7 herself out as a practitioner of cosmetology or barbering.  
8 Injunctive relief granted by the court shall be without bond.

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

13       2. Reinstatement of any such license, certificate ~~of~~  
14 ~~registration,~~ or permit shall rest in the sound discretion of the  
15 Board.

16       3. Any action of the Board in ~~refusing,~~ ~~revoking,~~ or suspending  
17 a license, certificate of registration, or permit may be appealed to  
18 the district court of the county of the appellant's residence  
19 pursuant to the Administration Procedures Act.

20       D. 1. In any case where a ~~licensee~~ person licensed or  
21 certified by the Board becomes a member of the Armed Forces of the  
22 United States, such license or certificate shall not lapse by reason  
23 thereof but shall be considered and held in force and effect without  
24 further payment of license or certificate fees during the period of

1 service in the Armed Forces of the United States and for six (6)  
2 months after honorable release from the Armed Forces of the United  
3 States the licensee person may resume practice pursuant to a license  
4 or certificate without other or further examination by notifying the  
5 Board in writing.

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

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.4, as  
11 amended by Section 88, Chapter 229, O.S.L. 2013 (59 O.S. Supp.,  
12 Section 199.4), is amended to read as follows:

13 Section 199.4. The State Board of Cosmetology and Barbering  
14 shall employ an executive director who shall be in charge of the  
15 office of the Board. The executive director shall have such  
16 qualifications as shall be established by rules of the Board;  
17 provided, the executive director shall not be actively engaged in  
18 the practice of cosmetology or barbering while serving as executive  
19 director. The executive director shall:

- 20 1. Devote his or her entire time to the duties of the office;
- 21 2. Receive salary and benefits as provided by law;
- 22 3. Keep and preserve all books and records pertaining to the  
23 Board;

24

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

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

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

8 7. Have authority to approve payrolls and all claims for the  
9 Board;

10 8. Have authority to employ staff;

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

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

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as  
15 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
16 2018, Section 199.6), is amended to read as follows:

17 Section 199.6. A. The State Board of Cosmetology and Barbering  
18 is hereby authorized to promulgate rules ~~for~~ governing the  
19 examination and licensure or certification of cosmetologists,  
20 ~~manicurists, nail technicians~~ manicurist/nail technicians,  
21 ~~estheticians~~ facial/estheticians, ~~cosmeticians~~ cosmetician/stylists,  
22 hair braiding technicians, ~~master cosmetology instructors~~ master  
23 instructors cosmetology, ~~manicurist instructors~~ master instructors  
24 manicurist/nail technician, ~~esthetics instructors~~ master instructors

1 facial/esthetician, barbers, and ~~master barber instructors~~ master  
2 instructors barber. The Board is hereby authorized to promulgate  
3 rules to govern the sanitary operation of cosmetology and barbering  
4 establishments and to administer fines not to exceed Fifty Dollars  
5 (\$50.00) for those licensed and not to exceed Five Hundred Dollars  
6 (\$500.00) for those not licensed. Each day a violation continues  
7 shall be construed as a separate offense.

8 B. The State Board of Cosmetology and Barbering shall have the  
9 power and duty to implement rules of the Board, to issue and renew  
10 licenses and certificates, to inspect cosmetology and barbering  
11 establishments and schools, and to inspect the sanitary operating  
12 practices of cosmetology and barbering licensees, including sanitary  
13 conditions of cosmetology and barbering establishments and schools.

14 C. It shall be unlawful and constitute a misdemeanor,  
15 punishable upon conviction by a fine of not less than Fifty Dollars  
16 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by  
17 imprisonment in the county jail for not more than thirty (30) days,  
18 or both such fine and imprisonment, for any person, firm, or  
19 corporation in this state to:

20 1. Operate or attempt to operate a cosmetology school/college,  
21 cosmetology or barber establishment, cosmetology or barber school or  
22 college that offers cosmetology, barbering or both without having  
23 obtained a license therefor from the State Board of Cosmetology and  
24 Barbering;

1           2. Give or attempt to give instruction in cosmetology or  
2 barbering, without having obtained ~~an instructor's~~ a master  
3 instructor license from the State Board of Cosmetology and  
4 Barbering;

5           3. Practice or offer to practice barbering, cosmetology or  
6 manicuring without having obtained a license therefor from the  
7 Board;

8           4. Operate a cosmetic studio without having obtained a license  
9 therefor from the Board;

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

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

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

18          8. Violate any of the provisions of the Oklahoma Cosmetology  
19 and Barbering Act.

20          D. The State Board of Cosmetology and Barbering shall have the  
21 authority to levy administrative fines not to exceed Five Hundred  
22 Dollars (\$500.00) for persons practicing cosmetology or barbering  
23 without a license or certificate, for persons operating a  
24 cosmetology or barbering establishment or school without a license,

1 and for owners of licensed establishments who allow ~~unlicensed~~  
2 ~~individuals~~ persons who are not licensed or certified by the Board  
3 to practice cosmetology or barbering ~~without a license~~ in their  
4 establishment. Each day a violation continues shall be a separate  
5 offense. ~~The administrative fine shall not exceed a total of Five~~  
6 ~~Hundred Dollars (\$500.00).~~

7 E. The Board shall have the authority to levy fines not to  
8 exceed Five Hundred Dollars (\$500.00) for any violation of the  
9 Oklahoma Cosmetology and Barbering Act, including violations listed  
10 in subsection (C) above, and any rules of the Board. Each day a  
11 violation continues shall be a separate offense.

12 F. The provisions of the Oklahoma Cosmetology and Barbering Act  
13 shall not apply to the following persons while such persons are  
14 engaged in the proper discharge of their professional duties;

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

18 or

- 19 4. Regularly employed sales people working in retail  
20 establishments engaged in the business of selling cosmetics in  
21 sealed packages.

22 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as  
23 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
24 2018, Section 199.7), is amended to read as follows:



1 Section 199.7. A. Each cosmetology and barber school shall be  
2 licensed annually by the State Board of Cosmetology and Barbering.  
3 Application for the first year's license for a cosmetology and  
4 barber school shall be accompanied by a fee of Four Hundred Dollars  
5 (\$400.00), which shall be retained by the Board if the application  
6 is approved and a license is issued. The annual renewal license fee  
7 for cosmetology or barber schools shall be One Hundred Twenty-five  
8 Dollars (\$125.00).

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

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

23 C. It shall be the duty of the owner or manager of a  
24 cosmetology or barber school to enter into a written contract with

1 all students before permitting students to attend any classes.  
2 Contracts shall be made out in triplicate, the original copy to be  
3 retained by the school, the duplicate to be given to the student,  
4 and the triplicate to be filed with the executive director of the  
5 Board.

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

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

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

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

20 F. There shall be included in the curriculum for cosmetology  
21 and barber schools, courses of study in the theory of cosmetology  
22 and barbering related theory, studies in manipulative practices,  
23 sterilization and sanitation, shop management, and such other  
24 related subjects as may be approved by the Board.

1 G. 1. The Board shall adopt a curriculum of required courses  
2 of instruction in theory and training of either one thousand five  
3 hundred (1,500) clock hours or an equivalent number of credit hours  
4 as recognized by the United States Department of Education or a  
5 regional or national accreditation entity recognized by the United  
6 States Department of Education in a basic course to be taught in all  
7 cosmetology or barbering schools in the state. The basic  
8 cosmetology or barbering course shall be designed to qualify  
9 students completing the course to take the examination for a  
10 license.

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

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

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

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

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

10          J. No cosmetology or barber school owner or an establishment  
11 owner shall charge students or apprentices for cosmetic materials,  
12 supplies, apparatus, or machines used by them in practice work. A  
13 reasonable charge may be made by a cosmetology or barber school for  
14 clinical work performed by students upon persons who are not  
15 students therein. No instructor shall be permitted to do  
16 professional or clinical work in a cosmetology or barber school at  
17 any time.

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

20          L. 1. Students shall:

21           a. have an eighth-grade education or the equivalent  
22           thereof, and

23           b. be at least sixteen (16) years of age unless they are  
24           public or private school students who will be sixteen

1 (16) years of age by November 1 of the year in which  
2 cosmetology or barbering instruction begins.

3 2. Credit shall not be given to any person by the Board or by a  
4 cosmetology or barber school for hours spent in attending a  
5 cosmetology or barber school unless the person has registered with  
6 the Board as a student prior to the attendance, except that a  
7 student who has attended a cosmetology or barber school out of state  
8 may receive credit for such attendance for transfer upon proper  
9 certification as provided by rule of the Board.

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

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

15 M. 1. No student shall be eligible to take the examination for  
16 a Board-issued license without furnishing to the Board the affidavit  
17 of the owner of the cosmetology or barber school that the student  
18 has satisfactorily completed the requirements specified in paragraph  
19 1 of subsection F of this section, except public and private school  
20 students who will complete the requirements specified in paragraph 2  
21 of subsection F of this section by the close of the current school  
22 year may take the examination next preceding the end of the school  
23 year.

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

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

10           1. Satisfactorily completed all hours required for the  
11 appropriate specialty course and an additional one thousand (1,000)  
12 instructor training hours or equivalent number of credit hours as  
13 recognized by the United States Department of Education or as  
14 recognized by a regional or national accreditation entity ~~prescribed~~  
15 ~~by the Board~~ recognized by the United States Department of Education  
16 in a cosmetology school in this state; or

17           2. Completed all hours required for the appropriate specialty  
18 course, three hundred (300) instructor training hours, prescribed by  
19 the Board in a cosmetology school in this state and has been engaged  
20 in the practice of cosmetology for at least the preceding two (2)  
21 years.

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

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

6 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as  
7 last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
8 2018, Section 199.8), is amended to read as follows:

9 Section 199.8. A. Each person training as an apprentice shall  
10 be required to have the same qualifications as a student for  
11 admission into a cosmetology or barber school, and shall be  
12 registered with the State Board of Cosmetology and Barbering before  
13 commencing the training.

14 B. No apprentice shall engage in any of the practices of  
15 cosmetology or barbering except under the immediate supervision of a  
16 licensed instructor in a cosmetology or barber establishment  
17 approved by the Board for apprentice training.

18 C. All apprentices must wear a badge which designates them as  
19 an apprentice and is furnished by the Board with the apprentice  
20 registration receipt.

21 D. Only ~~one apprentice~~ two apprentices may be registered to  
22 receive training in ~~any~~ a cosmetology or barber establishment at any  
23 one time.

24

1 E. Completion of three thousand (3,000) hours of apprentice  
2 training in a cosmetology or barbering establishment is the  
3 equivalent of one-thousand-five-hundred-hours training in a  
4 cosmetology or barber school and shall entitle the apprentice to  
5 take the examination.

6 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as  
7 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
8 2018, Section 199.9), is amended to read as follows:

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

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

23 2. In an emergency such as illness, invalidism, or death, a  
24 ~~licensed operator~~ practitioner licensed or certified by the Board



1 may perform cosmetology or barbering services for a person by  
2 appointment in a place other than a licensed cosmetology or barber  
3 establishment or cosmetology or barber school.

4 C. A person licensed as a cosmetologist may perform cosmetology  
5 services in a barber establishment. A person licensed as a barber  
6 may perform barbering services in a cosmetology establishment. Any  
7 salon which provides both cosmetology and barbering services must  
8 obtain a license from the Board.

9 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.10, as  
10 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.  
11 2018, Section 199.10), is amended to read as follows:

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

23

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

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

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

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

Expired Five	Review
License/ <u>Certificate</u> Type	Years or More
Hours Required	
Basic Cosmetologist	250
hours	
Barber	250
hours	

24

1	Master <del>Cosmetology</del> Instructor <u>Cosmetology</u>	100
2	hours	
3	Master <del>Barber</del> Instructor <u>Barber</u>	100
4	hours	
5	<del>Facial/Esthetics</del> <u>Master</u> Instructor	
6	<u>Facial/Esthetician</u>	100 hours
7	<u>Master Instructor</u> Manicurist/Nail Technician <del>Instructor</del>	
8		100 hours
9	Manicurist/ <u>Nail Technician</u>	100 hours
10	<del>Facial Operator</del> <u>Facial/Esthetician</u>	100 hours
11	Cosmetician/ <u>Stylist</u>	100 hours
12	Hairbraiding Technician	<del>100</del> <u>40</u> hours

13 F. Each person holding a license or certificate shall notify  
14 the Board of any change in the mailing address of such person within  
15 thirty (30) days after any change.

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as  
17 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.  
18 2018, Section 199.11), is amended to read as follows:

19 Section 199.11. A. The State Board of Cosmetology and  
20 Barbering is hereby authorized to deny, revoke, suspend, or refuse  
21 to renew any license, certificate or registration that it is  
22 authorized to issue under the Oklahoma Cosmetology and Barbering Act  
23 for any of the following causes:

24

- 1 1. Conviction of a felony crime that substantially relates to  
2 the practice of cosmetology or poses a reasonable threat to public  
3 safety;
- 4 2. Gross malpractice or gross incompetence;
- 5 3. Fraud practiced in obtaining a license, certificate or  
6 registration;
- 7 4. A license or certificate holder's continuing to practice  
8 while afflicted with an infectious, contagious, or communicable  
9 disease;
- 10 5. Habitual drunkenness or addiction to use of habit forming  
11 drugs;
- 12 6. Advertising by means of statements known to be false or  
13 deceptive;
- 14 7. Continued or flagrant violation of any rules of the Board,  
15 or continued practice by a ~~Board licensee~~ licensed or certified  
16 person in a cosmetology or barber establishment wherein violations  
17 of the rules of the Board are being committed within the knowledge  
18 of the ~~licensee~~ licensed or certified person;
- 19 8. Failure to display license or certificate as required by the  
20 Oklahoma Cosmetology and Barbering Act;
- 21 9. Continued practice of cosmetology or barbering after  
22 expiration of a license or certificate therefor;
- 23 10. Employment by a salon or barber establishment owner or  
24 manager of any person to perform any of the practices of cosmetology

1 or barbering who is not duly licensed or certified to perform the  
2 services;

3 11. Practicing cosmetology or barbering in an immoral or  
4 unprofessional manner;

5 12. Unsanitary operating practices or unsanitary conditions of  
6 a school or establishment; or

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

9 B. As used in this section:

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

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

18 SECTION 10. AMENDATORY 59 O.S. 2011, Section 199.14, as  
19 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.  
20 2018, Section 199.14), is amended to read as follows:

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

23	Registration as a student	\$5.00
24	<u>Certificate</u>	<u>25.00</u>

1	Examination for license	35.00
2	Cosmetology and Barber school license (initial)	400.00
3	Cosmetology and Barber school license (renewal)	125.00
4	Apprentice Registration	10.00
5	Renewal Advanced Operator license (annual)	25.00
6	<del>Facial Operator</del> <u>Facial/Esthetician</u> license (annual)	25.00
7	Cosmetology license (annual).	25.00
8	Barber license (annual)	25.00
9	Manicurist/ <u>Nail Technician</u> license (annual)	25.00
10	<del>Facial/Esthetics</del> <u>Master Instructor</u> <u>Facial/Esthetician</u> license	
11	(annual)	30.00
12	Cosmetician/ <u>Stylist</u> license (annual)	25.00
13	Hairbraiding Technician <del>license</del> <u>certificate</u> (annual)	25.00
14	<u>Master Instructor</u> Manicurist/Nail Technician <del>Instructor</del> license	
15	(annual)	30.00
16	Demonstrator license (annual)	20.00
17	Master <u>Instructor</u> Cosmetology <del>Instructor</del> license	
18	(annual)	50.00
19	Master <u>Instructor</u> Barber <del>Instructor</del> license (annual)	50.00
20	Cosmetology <del>establishment</del> <u>Establishment</u> license	
21	(initial)	45.00
22	Cosmetology <del>establishment</del> <u>Establishment</u> license	
23	(renewal)	30.00
24	Barber <del>establishment</del> <u>Establishment</u> license	

1	(initial)	45.00
2	Barber <del>establishment</del> <u>Establishment</u> license	
3	(renewal)	30.00
4	Cosmetic Studio license (initial)	50.00
5	Cosmetic Studio license (renewal)	30.00
6	Nail Salon (initial)	45.00
7	Nail Salon (renewal)	30.00
8	Reciprocity license (initial)	30.00
9	Reciprocity processing fee	30.00
10	Duplicate license (in case of loss or destruction	
11	of original)	5.00
12	Notary fee	1.00
13	Certification of Records	10.00

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

17 C. Any person licensed as an advanced operator prior to July 1,  
18 1985, may renew the advanced cosmetologist license annually by  
19 payment of the fee required by this section and by being in  
20 compliance with the rules promulgated by the State Board of  
21 Cosmetology and Barbering.

22 SECTION 11. This act shall become effective in accordance with  
23  
24

1 the provisions of Section 58 of Article V of the Oklahoma  
2 Constitution.

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