

1 STATE OF OKLAHOMA

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

3 SENATE BILL 421

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 199.1,
9 199.3, 199.6, as amended by Section 1, Chapter 57,
10 O.S.L. 2022, 199.10, and 199.14 (59 O.S. Supp. 2022,
11 Section 199.6), which relate to definitions, powers
12 of the State Board of Cosmetology and Barbering,
13 rules, licenses, and fees; modifying definitions;
14 excluding certain powers and rules of the Board;
15 removing certain license and fee; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2021, Section 199.1, is
19 amended to read as follows:

20 Section 199.1. As used in the Oklahoma Cosmetology and
21 Barbering Act:

22 1. "Apprentice" means a person who is engaged in learning the
23 practice of cosmetology or barbering in a cosmetology or barbering
24 establishment;

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

1 3. "Barbering" means any one or any combination of the
2 following practices, when done upon the upper part of the human body
3 for cosmetic purposes and when done for payment either directly or
4 indirectly for the general public, constitutes the practice of
5 barbering, to wit: Shaving or trimming the beard or cutting the
6 hair; giving facial or scalp massages or treatment with oils,
7 creams, lotions or other preparations, either by hand or mechanical
8 appliances; singeing, shampooing or applying lighteners or color to
9 the hair or applying hair tonics; applying cosmetic preparations,
10 antiseptics, powders, oils, clays or lotions to scalp, face, neck or
11 upper part of the body; and removing superfluous hair from the face,
12 neck or upper part of the body;

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

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

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

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

22 8. "Cosmetician" means a person ~~licensed by the Board to~~
23 ~~perform~~ who only performs patron services limited to hair arranging
24 and, shampooing, conditioning, drying, curling, straightening,

1 styling, or the application of makeup, including, but not limited
2 to, using hairstyling tools and products. ~~Services must be~~
3 ~~performed in a licensed establishment;~~

4 9. "Cosmetology" means any one or combination of practices
5 generally and usually performed by and known as the occupation of
6 beauticians, beauty culturists, beauty operators, cosmeticians,
7 cosmetologists, or hairdressers or of any other person holding
8 himself or herself out as practicing cosmetology by whatever
9 designation and within the meaning of the Oklahoma Cosmetology and
10 Barbering Act and in or upon whatever place or premises.

11 Cosmetology shall include, but not be limited to, any one or
12 combination of the following practices: bleaching, cleansing,
13 curling, cutting, coloring, dressing, removing, singeing, styling,
14 waving, or similar work upon the hair of any person by any means,
15 whether with hands or mechanical or electrical apparatus or
16 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
17 shall be construed to prohibit the use of hands or mechanical or
18 electrical apparatus or appliances for the nonpermanent removal of
19 hair from the human body without puncturing of the skin or the use
20 of cosmetic preparations, antiseptics, tonics, lotions, or creams,
21 or massaging, cleansing, stimulating, exercising, beautifying, or
22 similarly working the scalp, face, neck, arms, or the manicuring of
23 the nails of any person, exclusive of such of the foregoing

1 practices as are within the scope of practice of the healing arts as
2 provided by law;

3 10. "Cosmetology establishment" means an establishment or place
4 of business where one or more persons are engaged in the practices
5 of cosmetology but shall not include cosmetology schools, salons
6 where only cosmeticians provide services, or colleges;

7 11. "Cosmetology or barber school/college" means any place or
8 premises where instruction in any or all the practices of
9 cosmetology or barbering is given. Any person, firm, institution or
10 corporation, who holds himself, herself or itself out as a school to
11 teach and train, or any person, firm, institution or corporation who
12 shall teach and train any other person or persons in any of the
13 practices of cosmetology or barbering is hereby declared to be
14 engaged in operating a cosmetology and/or barber school, and shall
15 be subject to the provisions of the Oklahoma Cosmetology and
16 Barbering Act. Licensed cosmetology and/or barber schools may offer
17 education to secondary and postsecondary students in this state;

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

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

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

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

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

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

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

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

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

20 21. "Postsecondary institution" means a school licensed to
21 teach students according to prescribed curriculum as in paragraph 1
22 of subsection G of Section 199.7 of this title and in Board rule
23 175:10-3-34(a);

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

3 23. "Secondary institution" means a school licensed to teach
4 students eligible for credit of five hundred (500) hours of related
5 subjects as prescribed in paragraph 2 of subsection G of Section
6 199.7 of this title and in Board rule 175:10-3-34(b); and

7 24. "Student" means a person who is enrolled in and attending a
8 cosmetology or barbering school for the purpose of learning the
9 practice of cosmetology or barbering.

10 SECTION 2. AMENDATORY 59 O.S. 2021, Section 199.3, is
11 amended to read as follows:

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

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

19 1. Promulgate rules pursuant to the Administrative Procedures
20 Act relating to standards of sanitation which must be observed and
21 practiced by all cosmetology and barber establishments, cosmetology
22 or barber schools, master cosmetology instructors, master barber
23 instructors, barbers, apprentices, students, and board licensees.

24 The Board shall furnish copies of the rules to the owner or manager

1 of each cosmetology school, barber school and cosmetology and barber
2 establishment operating in this state. It shall be the duty of each
3 owner or manager to post a copy of the rules in a conspicuous place
4 in each of the establishments or schools;

5 2. Conduct examinations of applicants for certificates of
6 registration as manicurists, cosmetologists, facial operators,
7 hairbraiding technician, manicurist/nail technician instructor,
8 facial/esthetics instructor, master cosmetology instructor,
9 ~~cosmetician~~, barber, or barber instructor at such times and places
10 determined by the Board. Applications for all examinations shall be
11 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, shall
19 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. Issue all certificates of registration, licenses, permits,
4 notices and orders;

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

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

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

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

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

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

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

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

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

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

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

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

12 SECTION 3. AMENDATORY 59 O.S. 2021, Section 199.6, as
13 amended by Section 1, Chapter 57, O.S.L. 2022 (59 O.S. Supp. 2022,
14 Section 199.6), is amended to read as follows:

15 Section 199.6. A. The State Board of Cosmetology and Barbering
16 is hereby authorized to promulgate rules for governing the
17 examination and licensure of cosmetologists, manicurists, nail
18 technicians, estheticians, ~~cosmeticians~~, hair braiding technicians,
19 master cosmetology instructors, manicurist instructors, esthetics
20 instructors, barbers, and master barber instructors. The Board is
21 hereby authorized to promulgate rules to govern the sanitary
22 operation of cosmetology and barbering establishments and to
23 administer fines not to exceed Fifty Dollars (\$50.00) for those
24 licensed and not to exceed Five Hundred Dollars (\$500.00) for those

1 not licensed. Each day a violation continues shall be construed as
2 a separate offense.

3 B. The State Board of Cosmetology and Barbering shall have the
4 power and duty to implement rules of the Board, to issue and renew
5 licenses, to inspect cosmetology and barbering establishments and
6 schools, and to inspect the sanitary operating practices of
7 cosmetology and barbering licensees, including sanitary conditions
8 of cosmetology and barbering establishments and schools.

9 C. It shall be unlawful and constitute a misdemeanor,
10 punishable upon conviction by a fine of not less than Fifty Dollars
11 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
12 imprisonment in the county jail for not more than thirty (30) days,
13 or both such fine and imprisonment, for any person, firm, or
14 corporation in this state to:

15 1. Operate or attempt to operate a cosmetology school/college,
16 cosmetology or barber establishment, cosmetology or barber school or
17 college that offers cosmetology, barbering or both without having
18 obtained a license therefor from the State Board of Cosmetology and
19 Barbering;

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

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

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

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

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

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

14 8. Violate any of the provisions of the Oklahoma Cosmetology
15 and Barbering Act.

16 D. The State Board of Cosmetology and Barbering shall have the
17 authority to levy administrative fines not to exceed Five Hundred
18 Dollars (\$500.00) for persons practicing cosmetology or barbering
19 without a license, and for owners of licensed establishments who
20 allow unlicensed individuals to practice cosmetology or barbering
21 without a license in their establishment. Each day a violation
22 continues shall be a separate offense. The administrative fine
23 shall not exceed a total of Five Hundred Dollars (\$500.00).

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

4 1. Funeral directors;

5 2. Persons in the Armed Services;

6 3. Persons authorized to practice the healing arts or nursing;

7 4. Regularly employed sales people working in retail
8 establishments engaged in the business of selling cosmetics in
9 sealed packages; or

10 5. Persons employed to render cosmetology or hairstyling
11 services in the course of and incidental to the business or
12 employers engaged in the theatrical, radio, television, or motion
13 picture production industries, modeling, or photography.

14 SECTION 4. AMENDATORY 59 O.S. 2021, Section 199.10, is
15 amended to read as follows:

16 Section 199.10. A. All licenses issued under the provisions of
17 the Oklahoma Cosmetology and Barbering Act shall be issued for a
18 period of one (1) year. The expiration date of the license shall be
19 the last day of the month in which the applicant's birthday falls.
20 The public display of a licensee's personal residential address on
21 the face of any license issued pursuant to the provisions of the
22 Oklahoma Cosmetology and Barbering Act shall be prohibited on and
23 after July 1, 2016, and such personal address information, if
24 publically displayed on a valid license, may be redacted by the

1 licensee until the license is renewed and no longer bears his or her
2 personal residential address.

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

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

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

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

18	Expired Five	Review
19 License Type	Years or More	Hours Required
20 Basic Cosmetologist		250 hours
21 Barber		250 hours
22 Master Cosmetology		
23 Instructor		100 hours
24 Master Barber		

1	Instructor	100 hours
2	Facial/Esthetics	
3	Instructor	100 hours
4	Manicurist/Nail	
5	Technician	
6	Instructor	100 hours
7	Manicurist	100 hours
8	Facial Operator	100 hours
9	Cosmetician	100 hours
10	Hairbraiding	
11	Technician	100 hours

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

15 SECTION 5. AMENDATORY 59 O.S. 2021, Section 199.14, is
16 amended to read as follows:

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

19	Registration as a student.....	\$ 5.00
20	Examination for license	35.00
21	Cosmetology and Barber school license (initial).....	400.00
22	Cosmetology and Barber school license (renewal).....	125.00
23	Apprentice Registration.....	10.00
24	Renewal Advanced Operator license (annual).....	25.00

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

1 B. In addition to the fees specified in subsection A of this
2 section, the Board shall charge a total penalty of Ten Dollars
3 (\$10.00), as provided for in Section 199.10 of this title.

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

9 SECTION 6. This act shall become effective November 1, 2023.

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