

1 STATE OF OKLAHOMA

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

3 SENATE BILL 72

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to licensing; amending 59 O.S. 2021,
8 Sections 199.1, 199.6, as amended by Section 1,
9 Chapter 57, O.S.L. 2022, and 199.14 (59 O.S. Supp.
10 2022, Section 199.6), which relate to the Oklahoma
11 Cosmetology and Barbering Act; modifying definition;
12 removing certain violation for unlawful acts under
13 act; removing fee for certain license; and providing
14 an effective date.

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

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

18 Section 199.1. As used in the Oklahoma Cosmetology and
19 Barbering Act:

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

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

25 3. "Barbering" means any one or any combination of the
26 following practices, when done upon the upper part of the human body

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

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

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

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

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

20 8. "Cosmetician" means a person licensed by the Board to
21 perform patron services limited to hair arranging and application of
22 makeup, including, but not limited to, using hairstyling tools and
23 products. Services must be performed in a licensed establishment;
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1 9. "Cosmetology" means any one or combination of practices
2 generally and usually performed by and known as the occupation of
3 beauticians, beauty culturists, beauty operators, cosmeticians,
4 cosmetologists, or hairdressers or of any other person holding
5 himself or herself out as practicing cosmetology by whatever
6 designation and within the meaning of the Oklahoma Cosmetology and
7 Barbering Act and in or upon whatever place or premises.
8 Cosmetology shall include, but not be limited to, any one or
9 combination of the following practices: bleaching, cleansing,
10 curling, cutting, coloring, dressing, removing, singeing, styling,
11 waving, or similar work upon the hair of any person by any means,
12 whether with hands or mechanical or electrical apparatus or
13 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
14 shall be construed to prohibit the use of hands or mechanical or
15 electrical apparatus or appliances for the nonpermanent removal of
16 hair from the human body without puncturing of the skin or the use
17 of cosmetic preparations, antiseptics, tonics, lotions, or creams,
18 or massaging, cleansing, stimulating, exercising, beautifying, or
19 similarly working the scalp, face, neck, arms, or the manicuring of
20 the nails of any person, exclusive of such of the foregoing
21 practices as are within the scope of practice of the healing arts as
22 provided by law;

23 10. "Cosmetology establishment" means an establishment or place
24 of business where one or more persons are engaged in the practices

1 of cosmetology but shall not include cosmetology schools or
2 colleges;

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

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

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

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

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

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

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

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

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

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

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

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

21 23. "Secondary institution" means a school licensed to teach
22 students eligible for credit of five hundred (500) hours of related
23 subjects as prescribed in paragraph 2 of subsection G of Section
24 199.7 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 or barbering school for the purpose of learning the
3 practice of cosmetology or barbering.

4 SECTION 2. AMENDATORY 59 O.S. 2021, Section 199.6, as
5 amended by Section 1, Chapter 57, O.S.L. 2022 (59 O.S. Supp. 2022,
6 Section 199.6), is amended to read as follows:

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

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

1 C. It shall be unlawful and constitute a misdemeanor,
2 punishable upon conviction by a fine of not less than Fifty Dollars
3 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
4 imprisonment in the county jail for not more than thirty (30) days,
5 or both such fine and imprisonment, for any person, firm, or
6 corporation in this state to:

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

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

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

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

20 5. ~~Demonstrate a cosmetic preparation without having obtained a~~
21 ~~demonstrator's license from the Board;~~

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

1 ~~7.~~ 6. Willfully violate any rule promulgated by the Board for
2 the sanitary management and operation of a cosmetology or barber
3 establishment, cosmetology school or barber college; or

4 ~~8.~~ 7. Violate any of the provisions of the Oklahoma Cosmetology
5 and Barbering Act.

6 D. The State Board of Cosmetology and Barbering shall have the
7 authority to levy administrative fines not to exceed Five Hundred
8 Dollars (\$500.00) for persons practicing cosmetology or barbering
9 without a license, and for owners of licensed establishments who
10 allow unlicensed individuals to practice cosmetology or barbering
11 without a license in their establishment. Each day a violation
12 continues shall be a separate offense. The administrative fine
13 shall not exceed a total of Five Hundred Dollars (\$500.00).

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

- 17 1. Funeral directors;
- 18 2. Persons in the Armed Services;
- 19 3. Persons authorized to practice the healing arts or nursing;
- 20 4. Regularly employed sales people working in retail
21 establishments engaged in the business of selling cosmetics in
22 sealed packages; or

23 5. Persons employed to render cosmetology or hairstyling
24 services in the course of and incidental to the business or
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1 employers engaged in the theatrical, radio, television, or motion
2 picture production industries, modeling, or photography.

3 SECTION 3. AMENDATORY 59 O.S. 2021, Section 199.14, is
4 amended to read as follows:

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

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|----|---|------------------|
| 7 | Registration as a student..... | \$ 5.00 |
| 8 | Examination for license..... | <u>35.00</u> |
| 9 | Cosmetology and Barber school license (initial)..... | 400.00 |
| 10 | Cosmetology and Barber school license (renewal)..... | 125.00 |
| 11 | Apprentice Registration..... | 10.00 |
| 12 | Renewal Advanced Operator license (annual)..... | 25.00 |
| 13 | Facial Operator license (annual)..... | 25.00 |
| 14 | Cosmetology license (annual)..... | 25.00 |
| 15 | Barber license (annual)..... | 25.00 |
| 16 | Manicurist license (annual)..... | 25.00 |
| 17 | Facial/Esthetics Instructor license (annual)..... | 30.00 |
| 18 | Cosmetician license (annual)..... | 25.00 |
| 19 | Manicurist/Nail Technician Instructor license (annual)..... | 30.00 |
| 20 | Demonstrator license (annual)..... | 20.00 |
| 21 | Master Cosmetology Instructor license (annual) | 50.00 |
| 22 | Master Barber Instructor license (annual)..... | 50.00 |
| 23 | Cosmetology establishment license (initial)..... | 45.00 |
| 24 | Cosmetology establishment license (renewal)..... | 30.00 |

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

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

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

21 SECTION 4. This act shall become effective November 1, 2023.

23 59-1-765 MR 12/21/2022 2:20:29 PM