

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 513

By: Shurden of the Senate

and

Gray of the House

(cosmetology - amending various sections of

Title 59 -

effective date)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to cosmetology; amending 59 O.S. 1991, Sections 199.1, as amended by Section 1, Chapter 135, O.S.L. 1994, 199.2, as amended by Section 1, Chapter 32, O.S.L. 1997, 199.3, as amended by Section 2, Chapter 135, O.S.L. 1994, 199.4, as amended by Section 3, Chapter 135, O.S.L. 1994, 199.5, 199.6, 199.7, as last amended by Section 4, Chapter 135, O.S.L. 1994, 199.8, as amended by Section 5, Chapter 135, O.S.L. 1994, 199.9, as amended by Section 6, Chapter 135, O.S.L. 1994, 199.10, as amended by Section 2, Chapter 184, O.S.L. 1992, 199.11, 199.13 and 199.14, as amended by Section 3, Chapter 184, O.S.L. 1992 and 199.15, as amended by Section 13, Chapter 364, O.S.L. 1998 (59 O.S. Supp. 1999, Sections 199.1, 199.2, 199.3, 199.4, 199.7, 199.8, 199.9, 199.10, 199.14 and 199.15), which relate to cosmetology; creating short title; modifying and adding definitions; clarifying and updating language; removing examination restrictions; requiring promulgation of certain rules; providing for qualifications for the executive director; removing certain authority for adopting advanced course; removing certain requirements for lapse of licenses; modifying certain educational and training hours responsibilities; specifying certain examination requirements for specific categories of licenses; adding certain categories of licensures and fees; repealing 59 O.S. 1991, Section 199.17, which relates to certain authority of the State Board of Cosmetology; updating language relating to the State Cosmetology Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 199 of Title 59, unless there is created a duplication in numbering, reads as follows:

Chapter 6 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Cosmetology Act".

SECTION 2. AMENDATORY 59 O.S. 1991, Section 199.1, as amended by Section 1, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.1), is amended to read as follows:

Section 199.1 As used in ~~this act~~ the Oklahoma Cosmetology Act:

1. ~~"Cosmetology" means any one or combination of practices generally and usually performed by and known as the occupation of beauticians, beauty culturists, beauty operators, cosmeticians, cosmetologists or hairdressers, or of any other person holding herself or himself out as practicing cosmetology by whatever designation and within the meaning of this act and in or upon whatever place or premises. Cosmetology shall include, but not be limited to, any one or combination of the following practices: arranging, bleaching, cleansing, curling, cutting, coloring, dressing, removing, singeing, styling, waving, or similar work, upon the hair of any person by any means, and with hands or mechanical or electrical apparatus or appliances. Nothing in this act shall be construed to prohibit the use of any of said devices for the nonpermanent removal of hair from the human body without puncturing the skin, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, massaging, cleansing, stimulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails of any person, exclusive of such of the foregoing practices as come within the scope of the practice of the healing arts as provided by the laws of this state~~ "Apprentice" means a person who is engaged in learning the practice of cosmetology in a cosmetology salon;

2. "Board" means the State Board of Cosmetology;

3. ~~"Operator" means any person who engages in, follows or performs any of the practices of cosmetology~~ "Cosmetic studio" means any place or premises where demonstrators give demonstrations, without compensation, for the purpose only of advertising and selling cosmetics;

4. ~~"Instructor" means any person who gives instruction in cosmetology or any practices thereof~~ "Cosmetician" means a person licensed by the Board to perform patron services limited to hair arranging and application of makeup, including, but not limited to, using hairstyling tools and products. Services must be performed in a licensed establishment limited to photo studios and cosmetic studios;

5. ~~"Student" means a person who is enrolled in and attending a beauty school for the purpose of learning the practice of cosmetology~~ "Cosmetology" means any one or combination of practices generally and usually performed by and known as the occupation of beauticians, beauty culturists, beauty operators, cosmeticians, cosmetologists, or hairdressers or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of the Oklahoma Cosmetology Act and in or upon whatever place or premises. Cosmetology shall include, but not be limited to, any one or combination of the following practices: bleaching, cleansing, curling, cutting, coloring, dressing, removing, singeing, styling, waving, or similar work upon the hair of any person by any means, whether with hands or mechanical or electrical apparatus or appliances. Nothing in the Oklahoma Cosmetology Act shall be construed to prohibit the use of hands or mechanical or electrical apparatus or appliances for the nonpermanent removal of hair from the human body without puncturing of the skin or the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, or massaging, cleansing, stimulating,

exercising, beautifying, or similarly working the scalp, face, neck, arms, or the manicuring of the nails of any person, exclusive of such of the foregoing practices as are within the scope of practice of the healing arts as provided by law;

6. ~~"Apprentice" means a person who is engaged in learning the practice of cosmetology in a beauty shop~~ "Cosmetology salon" means any place or premises where any of the practices of cosmetology are performed. The term "cosmetology salon" shall not include a cosmetology school or a cosmetic studio;

7. ~~"Manicurist" or "manicurist/nail technician" means a person who gives manicures, pedicures or applies artificial nails~~ "Cosmetology school" means any place or premises where instruction in any or all the practices of cosmetology is given. Any person, firm, institution or corporation, who holds himself, herself or itself out as a school to teach and train, or any person, firm, institution or corporation who shall teach and train any other person or persons in any of the practices of cosmetology is hereby declared to be engaged in operating a cosmetology school, and shall be subject to the provisions of the Oklahoma Cosmetology Act;

8. "Demonstrator" means a person who is not licensed in this state as an operator or instructor and who demonstrates any cosmetic preparation ~~by applying the same with his or her hands upon the hair or body of another; provided, the~~ _____ The person shall be required to obtain a Demonstrator license from the ~~board~~ Board before making any such demonstrations;

9. ~~"Beauty school" means any place or premises where instruction in any or all of the practices of cosmetology is given. Any person, firm, institution or corporation, who shall hold himself or itself out as a school to teach and train, or any person, firm, institution or corporation who shall teach and train any other person or persons in any of the practices of cosmetology is hereby declared to be engaged in operating a beauty school, and shall be~~

~~subject to the provisions of this act~~ "Facial/Esthetics instructor"
means a person licensed by the Board as a qualified teacher of the
art and science of facial and esthetics theory and practice;

10. ~~"Cosmetic studio" means any place or premises where~~
~~demonstrators give demonstrations, without compensation, for the~~
~~purpose only of advertising and selling cosmetics~~ "Facial operator"
means any person who gives facials for compensation;

11. ~~"Beauty shop" means any place or premises where any of the~~
~~practices of cosmetology are performed, except that said term shall~~
~~not include a "beauty school" or a "cosmetic studio" as herein~~
~~defined~~ "Hairbraiding technician" means a person licensed by the
Board to perform hairbraiding, hairweaving techniques, and hair
extensions in a licensed cosmetology establishment;

12. ~~"Facial operator" means any person who gives facials for~~
~~compensation; and~~ "Manicurist" means a person who gives manicures,
gives pedicures, or applies artificial nails;

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

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

15. "Operator" means any person who engages in, follows or
performs any of the practices of cosmetology;

16. "Public school" means any state-supported institution
conducting a cosmetology program; and

17. "Student" means a person who is enrolled in and attending a
cosmetology school for the purpose of learning the practice of
cosmetology.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 199.2, as
amended by Section 1, Chapter 32, O.S.L. 1997 (59 O.S. Supp. 1999,
Section 199.2), is amended to read as follows:

Section 199.2 A. 1. There is hereby re-created, to continue until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology which shall be composed of nine (9) members to be appointed by the Governor, ~~one~~ and to serve at the pleasure of the Governor.

2. ~~One member of which~~ shall be appointed from each congressional district ~~of the state,~~ and the additional members shall be appointed at large.

3. ~~The~~ At the time of appointment, the members ~~of said Board~~ shall be citizens of this state, at least twenty-five (25) years of age, and shall be high school graduates. Six members ~~of said Board~~ shall, at the time of appointment, have had at least five (5) years' continuous practical experience in the practice of cosmetology in ~~the State of Oklahoma~~ this state, one member shall be a lay person, one member shall be an administrator of a licensed private ~~school of~~ cosmetology school, and one member shall be an administrator of a public school licensed to teach cosmetology.

4. No two members ~~of said Board~~ shall be graduates of the same ~~beauty~~ cosmetology school, nor shall they be organizers of or promote the organization of any cosmetic, beauty, or hairdressers' association. ~~Six members of the Board must~~ Each of the six cosmetology appointees shall continue to be actively engaged in the profession of cosmetology while serving ~~upon the Board; in the~~ event.

5. If any ~~such~~ member retires or ceases to practice his or her profession during ~~his or her~~ the term of membership on the Board, such terms shall automatically cease.

~~On April 1, 1949, the Governor shall appoint two members of said Board for a term of one (1) year, two members for a term of two (2) years, two members for a term of three (3) years, and two members for a term of four (4) years, and thereafter each member shall be appointed for a term of four (4) years. The Governor shall appoint~~

~~the one lay member to serve until April 1, 1986, and thereafter said member shall be appointed for a term of four (4) years and the Governor shall appoint a like-qualified person to fulfill the remainder of the term.~~

B. The terms of office for Board members shall be four (4) years ending June 30.

C. Each member shall serve until his or her a successor is appointed and qualified or until such member becomes disqualified to serve under the provisions of this act. The members of said Board shall take the oath provided by law for public officials.

D. Five members of the Board shall constitute a quorum for the transaction of business.

E. The Governor may remove any member of the Board at any time at the Governor's discretion. Vacancies shall be filled by appointment by the Governor for the unexpired portion of the term.

F. ~~Said~~ The Board shall organize by electing from its membership a ~~chairperson~~ chair and ~~vice-chairperson~~ vice-chair, each to serve for a period of one (1) year. The ~~chairperson or the vice-chairperson presiding at the meeting of the Board~~ presiding officer shall not be entitled to vote upon any question except in the case of a tie vote.

~~Said members~~ Members shall be ~~paid~~ reimbursed for their actual and necessary traveling expenses as provided by the State Travel Reimbursement Act.

G. Within thirty (30) days after the end of each fiscal year, the Board shall make a full report to the Governor of all its receipts and expenditures, and also a full statement of its work during the year, together with such recommendations as ~~it~~ the Board deems expedient.

H. The State Board of Cosmetology may expend funds for suitable office space for the transaction of its business ~~and the~~ The Board shall adopt a common seal for the use of the executive ~~secretary~~

director in authenticating ~~the license, orders and records of the~~
Board documents.

I. The Board shall meet at its office for the transaction of such business as may come before it on the second Monday in January, ~~April, June and~~ March, May, July, September, and November and at such other times as it may deem advisable, ~~subject, however, to the limitation contained in this section.~~

SECTION 4. AMENDATORY 59 O.S. 1991, Section 199.3, as amended by Section 2, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.3), is amended to read as follows:

Section 199.3 A. In order to safeguard and protect the health and general welfare of the people of the State of Oklahoma, the State Board of Cosmetology is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions ~~and objects of Sections 199.1 through 199.16 of this title, and to make and enforce all reasonable rules necessary therefor~~ of the Oklahoma Cosmetology Act.

B. ~~In addition to the above general powers the~~ The Board shall have the following specific powers and duties:

1. ~~Subject to approval of the State Commissioner of Health Pursuant to the Administrative Procedures Act,~~ the Board shall ~~adopt and~~ promulgate rules relating to standards of sanitation, which shall be observed and practiced by all ~~beauty cosmetology~~ schools and ~~beauty shops~~ cosmetology salons. ~~Said rules may be changed or modified.~~ The Board shall furnish copies of the rules to the owner or manager of each ~~beauty cosmetology~~ school or ~~beauty shop~~ cosmetology salon operating in this state, and it shall be the duty of each owner or manager to post the rules in a conspicuous place in each of the establishments or schools;

2. The Board shall conduct examinations of applicants for certificates of registration as manicurists, ~~operators~~ cosmetologists, facial operators, and ~~instructors six (6) times each~~

~~year on the second Monday and Tuesday in January, March, May, July, September and November and~~ hairbraiding technician, manicurist/nail technician instructor, facial/esthetics instructor, master instructor and cosmetician at such times and places as may be determined by the Board. ~~Examinations of applicants for all other certificates of registration or licenses shall be given at the times and in the manner as shall be provided by the Board.~~ Applications for all examinations shall be made on forms ~~to be~~ approved by the Board;

3. The Board shall keep a record of all its proceedings. It shall keep a record of all applicants for certificates, licenses and permits, showing the name of the applicant, the name and location of ~~his or her~~ the place of occupation or business, if any, and ~~his or her~~ the residence address of the applicant, and whether the applicant was granted or refused a certificate, license or permit. The records of the Board shall be ~~prima facie~~ valid and sufficient evidence of matters contained therein, shall constitute public records, and shall be open to public inspection at all reasonable times and subject to the Oklahoma Open Records Act;

4. The Board shall have authority to issue all certificates of registration, licenses, permits, notices and orders;

5. The Board is authorized to establish, pursuant to the Administrative Procedures Act, limited specialty licenses for cosmetician, facial/esthetics instructor, hairbraiding technician and manicurist/nail technician instructor within the practice of cosmetology. The Board shall also promulgate rules for said special licenses, including but not limited to reduced curriculum requirements, as the Board may deem appropriate and necessary to further the purposes of the Oklahoma Cosmetology Act;

6. The Board or the duly authorized representatives thereof shall make regular inspections of all ~~beauty~~ cosmetology schools and ~~beauty shops~~ cosmetology salons licensed to operate in this state,

and reports thereof shall be kept and maintained in the office of the Board;

~~6.~~ 7. The Board or the duly authorized representatives thereof shall make investigations and reports on all ~~cases of illegal practice of these provisions~~ violations of the Oklahoma Cosmetology Act;

~~7.~~ 8. The Board or the duly authorized representatives thereof shall have authority to take samples of beauty supplies for the purpose of chemical analysis; provided, that if the owner demands payment for the sample taken, payment at the regular retail price shall be made;

~~8.~~

9. a. The Board shall have the power to refuse, revoke, or suspend licenses, certificates of registration or permits after notice and an opportunity for a full hearing, pursuant to the Administrative Procedures Act, on proof of violation of any of these provisions or the rules established by the Board, ~~and shall have the power to require the production of such books, records, and papers as it may desire. Before any certificate of registration, license or permit shall be suspended or revoked for any of the causes contained herein, the holder thereof shall have notice, in writing, of the charge or charges against him or her, and shall, at a day specified in the notice, which shall be at least five (5) days after the service thereof, be given a public hearing with a full opportunity to produce testimony in his or her behalf.~~

b. Any person whose license, certificate of registration, or permit has been suspended or revoked may, after the expiration of thirty (30) days, make application to

the Board for reinstatement thereof. Reinstatement of any such license, certificate of registration, or permit shall rest in the sound discretion of ~~said~~ the Board. ~~An appeal may be taken from any~~ Any action of the Board in refusing, revoking, or suspending a license, certificate of registration, or permit may be appealed to the district court of the county of ~~such person's~~ the appellant's residence pursuant to the Administrative Procedures Act; and

~~9.~~ 10. In any case where a licensee becomes a member of the Armed Forces of the United States, ~~his or her~~ such license shall not lapse by reason thereof but shall be considered and held in full force and effect without further payment of license fees during the period of service in the Armed Forces of the United States and for six (6) months after honorable release therefrom. At any time within six (6) months after honorable release from the Armed Forces of the United States the licensee may resume practice ~~under his or her~~ pursuant to a license without other or further examination by notifying the Board in writing. The period of time in which the licensee shall have been a member of the Armed Forces of the United States shall not be computed in arriving at the amount of fee or fees due or to become due by such licensee.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 199.4, as amended by Section 3, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.4), is amended to read as follows:

Section 199.4 ~~A.~~ The State Board of Cosmetology shall employ an executive director who shall be in charge of the office of the Board ~~and~~. The executive director shall have ~~the same~~ such qualifications as ~~a~~ shall be established by rules of the Board ~~member, except that; provided,~~ the executive director shall not be actively engaged in the practice of cosmetology while serving as executive director. The executive director shall ~~devote~~:

1. Devote his or her entire time to the duties of the office
~~and shall receive as compensation an annual salary to be fixed by~~
~~the Board in a sum payable monthly, and actual and necessary travel~~
~~expenses as provided in the State Travel Reimbursement Act. Before~~
~~entering upon the duties of office, the executive director shall~~
~~take the oath of office.~~

~~B. The executive director shall keep;~~

2. Receive salary and benefits as provided by law;

3. Keep and preserve all books and records pertaining to the
~~Board and shall have;~~

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

5. Have authority to collect all fees and penalties provided
~~for in this act. The executive director shall keep~~ by the Oklahoma
Cosmetology Act;

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

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

8. With the approval of the Board, have the authority to
designate a business manager, whose duties shall include receiving,
accounting for, and depositing all funds for the Board;

9. Keep a continuous inventory of all properties, excluding
supplies, belonging to the Board, ~~and shall perform~~

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

~~C. There is hereby created in the State Treasury a revolving~~
~~fund for the Board to be designated the Board of Cosmetology~~
~~Revolving Fund. The fund shall be administered in accordance with~~
~~the Revolving Fund Procedures Act. The executive director shall~~
~~make quarterly reports to the Board of all monies collected and the~~
~~sources from which derived. The executive director shall have~~

~~authority to approve payrolls and all claims for the State Board of Cosmetology.~~

~~D. The executive director, with the approval of the Board, shall designate a bookkeeper, whose duties shall include that of receiving, accounting for, and depositing all funds for the Board.~~

SECTION 6. AMENDATORY 59 O.S. 1991, Section 199.5, is amended to read as follows:

Section 199.5 The State Board of Cosmetology shall create positions, make appointments, and fix the salaries of officials and employees necessary to carry out the purposes of ~~this act~~ the Oklahoma Cosmetology Act and the administration thereof. ~~Said~~ The employees shall include not less than five ~~(5)~~ nor more than nine ~~(9)~~ cosmetology inspectors. ~~Each employee shall receive traveling expenses as authorized by law for other state employees.~~ Only licensed ~~operators or~~ instructors shall be employed as cosmetology inspectors by the Board.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 199.6, is amended to read as follows:

Section 199.6 A. ~~From and after the effective date of this act, it~~ It shall be unlawful and constitute a misdemeanor, punishable upon conviction by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment, for any person, firm, or corporation in this state to:

~~(a)~~ 1. Operate or attempt to operate a ~~beauty~~ cosmetology school or ~~beauty shop~~ cosmetology salon without having obtained a license therefor from the State Board of Cosmetology, ~~as required by law.~~

~~(b)~~ 2. ~~Serve as an instructor~~ Give or attempt to give instruction in cosmetology, without having obtained an instructor's license from the State Board of Cosmetology, ~~as required by law.~~

~~(e)~~ 3. Practice or offer to practice cosmetology or manicuring without having obtained a license therefor from the State Board of Cosmetology, ~~as required by law.~~;

~~(d)~~ 4. Operate a cosmetic studio without having obtained a license therefor from the State Board of Cosmetology, ~~as required by law.~~;

~~(e)~~ 5. Demonstrate a cosmetic preparation without having obtained a demonstrator's license from the State Board of Cosmetology, ~~as required by law.~~;

~~(f)~~ 6. Permit any person in one's employ, supervision, or control to practice cosmetology unless that person has obtained an appropriate license from the State Board of Cosmetology.;

~~(g)~~ 7. Willfully violate any rule ~~or rules adopted~~ promulgated by the State Board of Cosmetology ~~and approved by the Commissioner of the State Department of Health,~~ for the sanitary management and operation of a ~~beauty~~ cosmetology school or ~~beauty shop~~ cosmetology salon; or

~~(h)~~ 8. Violate any of the provisions of ~~this act~~ the Oklahoma Cosmetology Act.

B. The provisions of ~~this act~~ the Oklahoma Cosmetology Act shall not apply to ~~funeral~~ the following persons while such persons are engaged in the proper discharge of their professional duties:

1. Funeral directors, ~~or to persons;~~

2. Persons in the Armed Services, ~~or to persons;~~

3. Persons authorized to practice the healing arts, or nursing, ~~while said persons are engaged in the proper discharge of their professional duties; nor shall anything in this act be construed to apply to regularly; or~~

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

SECTION 8. AMENDATORY 59 O.S. 1991, Section 199.7, as last amended by Section 4, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.7), is amended to read as follows:

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

B. No license or renewal thereof for a ~~beauty~~ cosmetology school shall be issued unless the owner thereof shall furnish to the Board a good and sufficient surety bond in the principal sum of Two Thousand Dollars (\$2,000.00) for the first instructor and an additional One Thousand Dollars (\$1,000.00) for each additional instructor, executed by a surety company authorized to do business in this state, and conditioned on the faithful performance of the terms and conditions of all contracts entered into between the owner of said ~~beauty~~ cosmetology school and all persons enrolling therein. The surety bond shall be in a form approved by the Attorney General and filed in the ~~office~~ Office of the Secretary of State. Suit may be brought on said bond by any person injured by reason of the breach of the conditions thereof.

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

D. No license for a ~~beauty~~ cosmetology school shall be issued unless the owner thereof shall present evidence satisfactory to the Board that the school has satisfactory facilities and equipment and has instructors qualified to give a course of study as provided in ~~this act~~ the Oklahoma Cosmetology Act.

E. There shall be included in the curriculum for ~~beauty~~ cosmetology schools, courses of study in the theory of cosmetology and related theory, studies in manipulative practices, sterilization and sanitation, shop management, and such other related subjects as may be approved by the Board.

F. The Board shall adopt a curriculum of required courses of instruction in theory and training of one thousand five hundred (1,500) hours in a basic course of cosmetology to be taught in all ~~beauty~~ cosmetology schools in the state. The basic course shall be designed to qualify students completing the course to take the examination for an operator's license. Students in vocational, trade, and industrial cosmetology classes in public schools shall qualify by completing one thousand (1,000) hours in a basic course of cosmetology and five hundred (500) hours of approved related subjects to be selected from, but not limited to, the following high school courses in a public school: psychology, biology, general science, American history, art, typing I, typing II, business arithmetic, salesmanship, bookkeeping I, bookkeeping II, related mathematics, English II, English III and English IV.

~~The Board is hereby authorized to adopt an advanced course of five hundred (500) hours of instruction in instructor's training. The training in the advanced course shall be designed to qualify persons completing said course to take an examination for an instructor's license. All persons must complete the one thousand five hundred (1,500) hours basic training before being eligible for enrollment in an instructor's course.~~

~~F.~~ G. No person shall be eligible to give instruction in cosmetology unless the person is the holder of a current unrevoked instructor's license issued by the Board. Each ~~beauty~~ cosmetology school shall employ at least one instructor for the first fifteen students registered therein, and at least one additional instructor shall be employed for each additional group of fifteen students, or major fraction thereof.

~~G.~~ H. A ~~beauty~~ cosmetology school may be operated in and as part of an accredited high school.

~~H.~~ I. No ~~beauty~~ cosmetology school owner or ~~beauty shop~~ cosmetology salon owner shall charge students for cosmetic materials, supplies, apparatus, or machines used by them in practice work, but students shall be required to furnish their own books and hand instruments of trade. A reasonable charge may be made by a ~~beauty~~ cosmetology school for clinical work performed by students upon persons who are not students therein. No instructor shall be permitted to do professional or clinical work in a ~~beauty~~ cosmetology school at any time.

~~I.~~ J. No ~~beauty shop~~ cosmetology salon shall ever be operated in or as a part of a ~~beauty~~ cosmetology school.

~~J.~~ K. Students shall have an eighth-grade education or the equivalent thereof, shall be at least sixteen (16) years of age, ~~except~~ unless they are public and or private school students who will be sixteen (16) years of age by November 1 of the year in which cosmetology instruction begins, and shall be of good moral and ethical character. Credit shall not be given to any person by the Board or by a ~~beauty~~ cosmetology school for hours spent in attending a ~~beauty~~ cosmetology school unless the person has registered with the Board as a student prior to the attendance, except that a student who has attended a ~~beauty~~ cosmetology school out of state may receive credit for such attendance for transfer upon proper certification as provided by rule of the Board. No student shall be

credited with more than eight (8) hours' attendance in a ~~beauty~~ cosmetology school in any one (1) day. No person shall be eligible to take the examination for an operator's license unless such person is at least seventeen (17) years of age or a high school graduate.

~~K.~~ L. 1. No student shall be eligible to take the examination for an operator's license without furnishing to the Board the affidavit of the owner of the ~~beauty~~ cosmetology school that said student has satisfactorily completed one thousand five hundred (1,500) hours' study of the approved basic course, except public and private school students who will complete the one thousand five hundred-hour basic course by the close of the current school year may take the examination next preceding the end of ~~said~~ the school year.

2. The owner of each ~~beauty~~ cosmetology school shall file a report with the Board on or before the fifth day of each month showing the total number of hours of instruction and training received by each student during the preceding calendar month. Students who are eligible to take the examination shall be given an oral examination if requested by their instructor.

~~L. A person who has held an operator's, manicurist's or instructor's license issued in this state and who has allowed the license to lapse or expire may make application to the Board to retake the examination for the license previously held. Provided however, the applicant shall provide proof of the successful completion of five hundred (500) additional hours in conformity with the new requirements of this act. Provided further, a person who has held an instructor's license issued in this state, and has allowed the same to lapse, but has continuously held a valid operator's license, may renew same by making application to the Board, and upon the payment of the required fee any time prior to July 1, 1950. After said date, all lapsed instructor's licenses must be renewed under the provision of Section 199.10 of this title.~~

M. No person shall be eligible to register for the examination for an instructor's license unless ~~he or she~~ such person is a high school graduate, or has the equivalent of a high school education as to which the applicant shall qualify by tests to be prescribed by the ~~State Board of Cosmetology~~ and conducted by qualified examiners selected by ~~said~~ the Board, and:

1. Has satisfactorily completed ~~two thousand five hundred (2,500) hours~~ all hours required for the appropriate specialty course and an additional one thousand (1,000) instructor training hours prescribed by the Board in a ~~beauty~~ cosmetology school in this state; or

2. Has completed ~~two thousand (2,000) hours~~ all hours required for the appropriate specialty course, five hundred (500) instructor training hours, prescribed by the Board in a ~~beauty~~ cosmetology school in this state and has been engaged in the practice of cosmetology for at least the preceding two (2) years.

N. ~~Applications to take examinations shall be filed with the Board at least thirty (30) days prior to time of taking an examination.~~ The Board shall have the power to conduct examinations around the state at public locations including, but not limited to, vocational-technical campuses.

O. Each ~~beauty~~ cosmetology school shall ~~have~~ prominently ~~displayed~~ display in a conspicuous place above or to the side of the entrance thereto, a sign bearing the words "BEAUTY SCHOOL", which words shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 199.8, as amended by Section 5, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.8), is amended to read as follows:

Section 199.8 A. Each person training as an apprentice shall be required to have the same qualifications as a student for admission into a ~~beauty~~ cosmetology school, and shall be registered

with the State Board of Cosmetology before commencing ~~said~~ the training.

B. No apprentice shall engage in any of the practices of cosmetology except under the immediate supervision of a licensed instructor in a ~~beauty shop~~ cosmetology salon approved by the ~~board~~ Board for apprentice training.

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

D. Only one apprentice may be registered to receive training in any ~~beauty shop~~ cosmetology salon at any one time.

E. Completion of three thousand (3,000) hours of apprentice training in a ~~beauty shop~~ cosmetology salon is the equivalent of one thousand five hundred (1,500) hours' training in a cosmetology school and shall entitle ~~said~~ the apprentice to take an operator's examination.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 199.9, as amended by Section 6, Chapter 135, O.S.L. 1994 (59 O.S. Supp. 1999, Section 199.9), is amended to read as follows:

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

B. 1. Except as otherwise provided in ~~Sections 199.1 through 199.17 of this title~~ the Oklahoma Cosmetology Act, it shall be unlawful for any person to practice cosmetology in any place other

than a licensed barbershop, or a ~~beauty shop~~ cosmetology salon, or ~~beauty~~ a cosmetology school licensed by the Board.

2. A licensed manicurist may practice in any licensed barbershop, and in an emergency such as illness, invalidism, or death, a licensed operator may perform cosmetology services for a person by appointment in a place other than a licensed ~~beauty shop~~ cosmetology salon or ~~beauty~~ cosmetology school.

C. A person licensed as an operator may perform cosmetology services in a barbershop. A person licensed as a barber may perform barbering services in a ~~beauty shop~~ cosmetology salon. Any ~~shop~~ salon which provides both cosmetology and barbering services must obtain a license from ~~both the State Board of Cosmetology and the State Department of Health.~~

SECTION 11. AMENDATORY 59 O.S. 1991, Section 199.10, as amended by Section 2, Chapter 184, O.S.L. 1992 (59 O.S. Supp. 1999, Section 199.10), is amended to read as follows:

Section 199.10 A. All licenses issued under the provisions of ~~Section 199.1 et seq. of this title~~ the Oklahoma Cosmetology Act shall be issued for a period of one (1) year. The expiration date of the license shall be the last day of the month in which the applicant's birthday falls.

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

C. Any person who ceases to practice under a license issued by the State Board of Cosmetology, and fails to renew the license within the required time, may make application for renewal at any time within one (1) year from the expiration date of the license ~~and shall pay by paying~~ the regular renewal license fee and a ~~penalty~~ late fee of Ten Dollars (\$10.00), which becomes due two (2) months after the expiration date. If application for renewal of the license is not made within said period of one (1) year, no renewal

may be made by the Board unless the applicant passes the regular examination.

D. Before a person may take an examination to renew an expired license after a period of five (5) years, such person shall, after registering for examination, register in a cosmetology school for the given number of review hours in accordance with the following timetable and schedule based upon the number of years the license has expired, and upon the type of license held.

<u>License Type</u>	<u>Number of Years License Expired</u>	<u>Review Hours Required</u>
<u>Basic Cosmetologist</u>	<u>5 years</u>	<u>250 hours</u>
	<u>10 years</u>	<u>500 hours</u>
	<u>15 years or more</u>	<u>1,000 hours</u>
<u>Cosmetician</u>	<u>5 years</u>	<u>120 hours</u>
	<u>10 years</u>	<u>200 hours</u>
	<u>15 years or more</u>	<u>250 hours</u>
<u>Manicurist</u>	<u>5 years</u>	<u>120 hours</u>
	<u>10 years</u>	<u>200 hours</u>
	<u>15 years or more</u>	<u>250 hours</u>
<u>Facial Operator</u>	<u>5 years</u>	<u>120 hours</u>
	<u>10 years</u>	<u>200 hours</u>
	<u>15 years or more</u>	<u>250 hours</u>
<u>Hairbraiding Technician</u>	<u>5 years</u>	<u>120 hours</u>
	<u>10 years</u>	<u>200 hours</u>
	<u>15 years or more</u>	<u>250 hours</u>
<u>Master Instructor</u>	<u>5 years</u>	<u>200 hours</u>
	<u>10 years</u>	<u>300 hours</u>
	<u>15 years or more</u>	<u>400 hours</u>
<u>Facial/Esthetics Instructor</u>	<u>5 years</u>	<u>200 hours</u>

10 years 300 hours

15 years or more 400 hours

Manicurist/Nail

Technical Instructor 5 years 200 hours

10 years 300 hours

15 years or more 400 hours

E. Each person holding a license shall notify the Board of any change in ~~his or her~~ the mailing address of such person within thirty (30) days after any change.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 199.11, is amended to read as follows:

Section 199.11 The State Board ~~may either refuse to issue a renewal license or may~~ of Cosmetology is hereby authorized to deny, revoke ~~or~~, suspend, or refuse to renew any license, certificate, or registration ~~in the manner set out in Section 3 of this act for any one or combination~~ that it is authorized to issue under the Oklahoma Cosmetology Act for any of the following causes:

~~(a)~~ 1. Conviction of a felony as shown by a certified copy of the record of the court~~;~~;

~~(b)~~ 2. Gross malpractice or gross incompetence~~;~~;

~~(c)~~ 3. Fraud practiced in obtaining a license or registration~~;~~;

~~(d)~~ ~~When the licensee~~ 4. A license or certificate holder ~~continues holder's continuing to practice after they become~~ while afflicted with an infectious, contagious, or communicable disease~~;~~;

~~(e)~~ 5. Habitual drunkenness or addiction to use of habit forming drugs~~;~~;

~~(f)~~ 6. Advertising by means of ~~knowingly~~ statements known to be false or deceptive ~~statements;~~;

~~(g)~~ 7. Continued or flagrant violation of any rules ~~or~~ regulations of the Board, or continued practice by an operator in a ~~beauty shop~~ cosmetology salon wherein violations of the rules ~~and~~

~~regulations~~ of the Board are being committed within the knowledge of the operator~~;~~;

~~(h)~~ 8. Failure to display license or certificate as ~~provided in this act.~~ required by the Oklahoma Cosmetology Act;

~~(i)~~ 9. Continued practice of cosmetology after expiration of a license therefor~~;~~; or

~~(j)~~ 10. Employment by ~~shop~~ a salon owner or manager of any person to perform any of the practices of cosmetology who is not duly licensed to perform ~~said~~ the services.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 199.13, is amended to read as follows:

Section 199.13 A. The State Board of Cosmetology may dispense with examination of ~~applicants as provided in this act~~ an applicant and may grant a certificate of registration as provided in ~~this act~~ in all cases where such applicants have the Oklahoma Cosmetology Act if:

1. The applicant has complied with the requirements of another state, territory or foreign country~~;~~ or province; ~~(and held;~~

2. Holds a current license ~~therefrom)~~ from such other state, territory, or foreign country or province wherein the requirements for registration are substantially equal to those in force in this state at the time of filing application for such certificate~~;~~; or ~~upon~~

3. Upon due proof that such applicant has continuously engaged in the practices or occupation for which a license is applied for at least ~~five (5)~~ three (3) years immediately prior to such application and upon the payment of a fee of ~~Twenty-five Dollars (\$25.00)~~ Thirty Dollars (\$30.00).

B. Payment of the reciprocity fee shall also constitute payment of the first annual license fee.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 199.14, as amended by Section 3, Chapter 184, O.S.L. 1992 (59 O.S. Supp. 1999, Section 199.14), is amended to read as follows:

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

Registration as an apprentice or student.....	\$ 5.00
Examination for Manicurist, Operator, Instructor, or Facial Operator license.....	15.00
Beauty Cosmetology school license (initial).....	400.00
Beauty Cosmetology school license (renewal).....	125.00
Renewal Advanced Operator license (annual).....	15.00
Facial Operator license (annual)	15.00
Operator license (annual)	15.00
Manicurist license (annual)	15.00
<u>Facial/Esthetics Instructor license (annual)</u>	<u>20.00</u>
<u>Cosmetician license (annual)</u>	<u>15.00</u>
<u>Hairbraiding Technician (annual)</u>	<u>15.00</u>
<u>Manicurist/Nail Technician Instructor (annual)</u>	<u>20.00</u>
Demonstrator license (annual)	20.00
<u>Master Instructor license (annual)</u>	20.00
Beauty Shop Cosmetology Salon license (initial)	35.00
Beauty Shop Cosmetology Salon license (renewal)	20.00
Cosmetic Studio license (initial)	40.00
Cosmetic Studio license (renewal)	20.00
Reciprocity license (initial)	30.00
Reciprocity processing fee	30.00
Duplicate license (in case of loss or destruction of original)	5.00
Notary fee	1.00
Certification of Records	10.00

B. In addition to the ~~above~~ fees specified in subsection A of this section, the Board shall charge a total penalty in the amount

of Ten Dollars (\$10.00), which becomes due two (2) months after the expiration date on all delinquent licenses.

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

SECTION 15. AMENDATORY 59 O.S. 1991, Section 199.15, as amended by Section 13, Chapter 364, O.S.L. 1998 (59 O.S. Supp. 1999, Section 199.15), is amended to read as follows:

Section 199.15 ~~All~~ A. There is hereby created in the State Treasury for the Oklahoma State Board of Cosmetology a revolving fund to be designated the State Cosmetology Fund. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of all fees and penalties collected hereunder and all cash on hand not otherwise encumbered as of the effective date of this act pursuant to the Oklahoma Cosmetology Act or rules promulgated thereto and any other funds obtained or received by the State Board of Cosmetology pursuant to the Oklahoma Cosmetology Act shall be paid into the State Treasury in accordance with the depository laws of this state, and shall be kept in and credited to a separate fund to be known as the State Cosmetology Fund, which is hereby created, under and subject exclusively to the control of the State Cosmetology Board for the purpose of fulfillment and accomplishment of the conditions and purposes of this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and shall be expended by the Board for the purposes of implementing, administering and enforcing the Oklahoma Cosmetology Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. At the close of each fiscal year ~~hereafter said Cosmetology~~ the Board shall pay into the General Revenue Fund of the state ten percent (10%) of the gross fees and penalties so charged, collected and received by ~~such~~ the Board. Other than ~~said~~ the ten percent (10%) all fees and penalties charged and monies collected and received, ~~plus all cash on hand not otherwise encumbered as of the effective date of this act,~~ are hereby dedicated, appropriated and pledged to the accomplishment and fulfillment of the purposes of ~~this act~~ the Oklahoma Cosmetology Act.

C. All expenses, per diem, salaries, wages, travel, rents, printing, supplies, maintenance, and other costs incurred by the Board in the performance of its duty and in accomplishment and fulfillment of the purposes of ~~this act~~ the Oklahoma Cosmetology Act shall be a proper charge against and paid from ~~said~~ the State Cosmetology Fund; ~~provided that, in.~~ In no event shall any claim or obligation accrue against the State of Oklahoma nor against ~~said~~ the Cosmetology Fund in excess of the ninety percent (90%) or the amount of fees and penalties collected and paid into the State Treasury ~~under~~ pursuant to the provisions of ~~this act~~ the Oklahoma Cosmetology Act.

SECTION 16. REPEALER 59 O.S. 1991, Section 199.17, is hereby repealed.

SECTION 17. This act shall become effective July 1, 2000.

SECTION 18. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 12th day of April, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate