

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1821

By: Miller (Ray)

AS INTRODUCED

An Act relating to cosmetology; amending 59 O.S. 2001, Sections 199.1, 199.9 and 199.14, as amended by Section 8, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2004, Section 199.14), which relate to Oklahoma Cosmetology Act; modifying definitions; modifying inspections of certain facilities; increasing certain fees; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 199.1, is amended to read as follows:

Section 199.1 As used in the Oklahoma Cosmetology Act:

1. "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. "Cosmetic studio" means any place or premises where demonstrators give demonstrations, without compensation, for the purpose only of advertising and selling cosmetics;
4. "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. "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. "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. "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. The person shall be required to obtain a Demonstrator license from the Board before making any such demonstrations;

9. "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. "Facial operator" means any person who gives facials for compensation;

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

12. "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. "Nail salon" means any place or premises where any of the practices of manicures, pedicures, or application of artificial nails are performed;

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

~~16.~~ 17. "Public school" means any state-supported institution conducting a cosmetology program; and

~~17.~~ 18. "Student" means a person who is enrolled in and attending a cosmetology school for the purpose of learning the practice of cosmetology.

SECTION 2. AMENDATORY 59 O.S. 2001, 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 cosmetology salon until an inspection has been made of the 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 cosmetology salon to be operated in a private home or residence unless the salon is located in a room or rooms not used or occupied for residential purposes.

B. 1. Except as otherwise provided in the Oklahoma Cosmetology Act, it shall be unlawful for any person to practice cosmetology in any place other than a licensed barbershop or a cosmetology salon, or a cosmetology school licensed by the Board.

2. A licensed manicurist may practice in any licensed barbershop, cosmetology salon, or nail salon, 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 cosmetology salon or 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 cosmetology salon. Any salon which provides both cosmetology and barbering services must obtain a license from the Board.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 199.14, as amended by Section 8, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2004, 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
Cosmetology school license (initial).....	400.00
Cosmetology school license (renewal).....	125.00
Renewal Advanced Operator license (annual).....	<del>15.00</del>
	<u>until July 1, 2006.....20.00</u>
	<u>beginning July 1, 2006.25.00</u>
Facial Operator license (annual).....	<del>15.00</del>

	<u>until July 1, 2006.....</u>	<u>20.00</u>
	<u>beginning July 1, 2006.</u>	<u>25.00</u>
Operator license (annual).....		<del>15.00</del>
	<u>until July 1, 2006.....</u>	<u>20.00</u>
	<u>beginning July 1, 2006.</u>	<u>25.00</u>
Manicurist license (annual).....		<del>15.00</del>
	<u>until July 1, 2006.....</u>	<u>20.00</u>
	<u>beginning July 1, 2006.</u>	<u>25.00</u>
Facial/Esthetics Instructor license (annual).....		<del>20.00</del>
	<u>until July 1, 2006.....</u>	<u>25.00</u>
	<u>beginning July 1, 2006.</u>	<u>30.00</u>
Cosmetician license (annual).....		<del>15.00</del>
	<u>until July 1, 2006.....</u>	<u>20.00</u>
	<u>beginning July 1, 2006.</u>	<u>25.00</u>
Hairbraiding Technician (annual).....		<del>15.00</del>
	<u>until July 1, 2006.....</u>	<u>20.00</u>
	<u>beginning July 1, 2006.</u>	<u>25.00</u>
Manicurist/Nail Technician Instructor (annual).....		<del>20.00</del>
	<u>until July 1, 2006.....</u>	<u>25.00</u>
	<u>beginning July 1, 2006.</u>	<u>30.00</u>
Demonstrator license (annual).....		<del>20.00</del>
	<u>until July 1, 2006.....</u>	<u>25.00</u>
	<u>beginning July 1, 2006.</u>	<u>30.00</u>
Master Instructor license (annual).....		<del>20.00</del>
	<u>until July 1, 2006.....</u>	<u>25.00</u>
	<u>beginning July 1, 2006.</u>	<u>30.00</u>
Cosmetology Salon license (initial).....		<del>35.00</del>
	<u>until July 1, 2006.....</u>	<u>40.00</u>
	<u>beginning July 1, 2006.</u>	<u>45.00</u>
Cosmetology Salon license (renewal).....		<del>20.00</del>
	<u>until July 1, 2006.....</u>	<u>25.00</u>
	<u>beginning July 1, 2006.</u>	<u>30.00</u>

Cosmetic Studio license (initial).....	<del>40.00</del>
	<u>until July 1, 2006.....45.00</u>
	<u>beginning July 1, 2006.50.00</u>
Cosmetic Studio license (renewal).....	<del>20.00</del>
	<u>until July 1, 2006.....25.00</u>
	<u>beginning July 1, 2006.30.00</u>
<u>Nail Salon license (initial)</u>	<u>until July 1, 2006.....40.00</u>
	<u>beginning July 1, 2006.45.00</u>
<u>Nail Salon license (renewal)</u>	<u>until July 1, 2006.....25.00</u>
	<u>beginning July 1, 2006.30.00</u>
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 fees specified in subsection A of this section, the Board shall charge a total penalty of Ten Dollars (\$10.00), as provided for in Section 199.10 of this title.

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

SECTION 4. This act shall become effective November 1, 2005.

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