

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 706

By: Monson

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 199.11, as amended by Section 6, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2004, Section 199.11), which relates to cosmetology licenses; deleting certain prohibition to licensure of certain persons; authorizing prohibition of licensure for conviction substantially relating to certain professional practice; authorizing certain appeal for denial, suspension or revocation of certain license; setting time for certain appeal; authorizing the State Board of Cosmetology to refuse to issue or renew certain license for certain reason; defining term; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 199.11, as amended by Section 6, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2004, Section 199.11), is amended to read as follows:

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

1. Conviction of a ~~felony as shown by a certified copy of the record of the court~~ crime that substantially relates to the practice of cosmetology;
2. Gross malpractice or gross incompetence;
3. Fraud practiced in obtaining a license or registration;
4. A license or certificate holder's continuing to practice while afflicted with an infectious, contagious, or communicable disease;

5. Habitual drunkenness or addiction to use of habit forming drugs;

6. Advertising by means of statements known to be false or deceptive;

7. Continued or flagrant violation of any rules of the Board, or continued practice by an operator in a cosmetology salon wherein violations of the rules of the Board are being committed within the knowledge of the operator;

8. Failure to display license or certificate as required by the Oklahoma Cosmetology Act;

9. Continued practice of cosmetology after expiration of a license therefor;

10. Employment by a salon owner or manager of any person to perform any of the practices of cosmetology who is not duly licensed to perform the services; or

11. Practicing cosmetology in an immoral or unprofessional manner.

B. An applicant whose license or certification is denied, revoked, suspended, or not renewed may appeal the decision to the Board within thirty (30) days of that decision. If the appeal is successful, the applicant shall be entitled to receive the license or certification. Nothing herein shall require the Board to issue or reinstate any license, certification or registration when the Board deems that such action would be harmful to the profession or the public.

C. As used in this section, "substantially relates" means the nature of criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

50-1-548

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