

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3301

6 By: Thompson

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2001, Section 199.3, as amended by
10 Section 1, Chapter 56, O.S.L. 2003 (59 O.S. Supp.
11 2009, Section 199.3), which relates to the Oklahoma
12 Cosmetology Act; allowing Board to establish fees;
13 repealing 59 O.S. 2001, Section 199.14, as last
14 amended by Section 1, Chapter 86, O.S.L. 2006 (59
15 O.S. Supp. 2009, Section 199.14), which relates to
16 the State Board of Cosmetology fees; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2001, Section 199.3, as
20 amended by Section 1, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2009,
21 Section 199.3), is amended to read as follows:

22 Section 199.3 A. In order to safeguard and protect the health
23 and general welfare of the people of the State of Oklahoma, the
24 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 of the Oklahoma Cosmetology Act.

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

2 1. Promulgate rules pursuant to the Administrative Procedures
3 Act relating to standards of sanitation which must be observed and
4 practiced by all cosmetology schools and cosmetology salons. The
5 Board shall furnish copies of the rules to the owner or manager of
6 each cosmetology school or cosmetology salon operating in this
7 state. It shall be the duty of each owner or manager to post a copy
8 of the rules in a conspicuous place in each of the establishments or
9 schools;

10 2. Conduct examinations of applicants for certificates of
11 registration as manicurists, cosmetologists, facial operators,
12 hairbraiding technician, manicurist/nail technician instructor,
13 facial/esthetics instructor, master instructor and cosmetician at
14 such times and places determined by the Board. Applications for all
15 examinations shall be made on forms approved by the Board;

16 3. Keep a record of all its proceedings. The Board shall keep
17 a record of all applicants for certificates, licenses and permits,
18 showing the name of the applicant, the name and location of the
19 place of occupation or business, if any, and the residence address
20 of the applicant, and whether the applicant was granted or refused a
21 certificate, license or permit. The records of the Board shall be
22 valid and sufficient evidence of matters contained therein, shall
23 constitute public records. Records shall be open to public
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1 inspection at all reasonable times and subject to the Oklahoma Open
2 Records Act;

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, hairbraiding technician and
7 manicurist/nail technician instructor within the practice of
8 cosmetology. The Board shall also promulgate rules for special
9 licenses, including but not limited to reduced curriculum
10 requirements, as the Board may deem appropriate and necessary to
11 further the purposes of the Oklahoma Cosmetology Act;

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

15 7. Make investigations and reports on all violations of the
16 Oklahoma Cosmetology Act;

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

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

1 10. Enter into any contracts necessary to implement or enforce
2 the provisions of the Oklahoma Cosmetology Act or rules promulgated
3 thereto; ~~and~~

4 11. Apply to a court of competent jurisdiction for an order
5 enjoining an unlicensed person from practicing cosmetology or
6 holding himself or herself out as a practitioner of cosmetology.

7 Injunctive relief granted by the court shall be without bond; and

8 12. Promulgate rules pursuant to the Administrative Procedures
9 Act establishing a schedule of fees to be charged by the Board.

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

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

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

21 D. 1. In any case where a licensee becomes a member of the
22 Armed Forces of the United States, such license shall not lapse by
23 reason thereof but shall be considered and held in full force and
24 effect without further payment of license fees during the period of

1 service in the Armed Forces of the United States and for six (6)
2 months after honorable release therefrom. At any time within six
3 (6) months after honorable release from the Armed Forces of the
4 United States the licensee may resume practice pursuant to a license
5 without other or further examination by notifying the Board in
6 writing.

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

11 SECTION 2. REPEALER 59 O.S. 2001, Section 199.14, as
12 last amended by Section 1, Chapter 86, O.S.L. 2006 (59 O.S. Supp.
13 2009, Section 199.14), is hereby repealed.

14 SECTION 3. This act shall become effective November 1, 2010.

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