

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 3301

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3301 - By: THOMPSON of the House.

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

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

- 1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 199.3, as amended by
2 Section 1, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2009, Section 199.3), is amended to
3 read as follows:
- 4 Section 199.3 A. In order to safeguard and protect the health and general welfare
5 of the people of the State of Oklahoma, the State Board of Cosmetology is hereby vested
6 with the powers and duties necessary and proper to enable it to fully and effectively
7 carry out the provisions of the Oklahoma Cosmetology Act.
- 8 B. The Board shall have the powers and duties to:
- 9 1. Promulgate rules pursuant to the Administrative Procedures Act relating to
10 standards of sanitation which must be observed and practiced by all cosmetology schools

1 and cosmetology salons. The Board shall furnish copies of the rules to the owner or
2 manager of each cosmetology school or cosmetology salon operating in this state. It shall
3 be the duty of each owner or manager to post a copy of the rules in a conspicuous place in
4 each of the establishments or schools;

5 2. Conduct examinations of applicants for certificates of registration as
6 manicurists, cosmetologists, facial operators, hairbraiding technician, manicurist/nail
7 technician instructor, facial/esthetics instructor, master instructor and cosmetician at
8 such times and places determined by the Board. Applications for all examinations shall
9 be made on forms approved by the Board;

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

17 4. Issue all certificates of registration, licenses, permits, notices and orders;

18 5. Establish limited specialty licenses for cosmetician, facial/esthetics instructor,
19 hairbraiding technician and manicurist/nail technician instructor within the practice of
20 cosmetology. The Board shall also promulgate rules for special licenses, including but
21 not limited to reduced curriculum requirements, as the Board may deem appropriate and
22 necessary to further the purposes of the Oklahoma Cosmetology Act;

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

4 7. Make investigations and reports on all violations of the Oklahoma Cosmetology
5 Act;

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

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

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

15 11. Apply to a court of competent jurisdiction for an order enjoining an unlicensed
16 person from practicing cosmetology or holding himself or herself out as a practitioner of
17 cosmetology. Injunctive relief granted by the court shall be without bond; and

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

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

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

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

6 D. 1. In any case where a licensee becomes a member of the Armed Forces of the
7 United States, such license shall not lapse by reason thereof but shall be considered and
8 held in full force and effect without further payment of license fees during the period of
9 service in the Armed Forces of the United States and for six (6) months after honorable
10 release therefrom. At any time within six (6) months after honorable release from the
11 Armed Forces of the United States the licensee may resume practice pursuant to a
12 license without other or further examination by notifying the Board in writing.

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
21 FINANCIAL SERVICES, dated 02-25-10 - DO PASS, As Amended.