HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1929 By: Griffin of the Senate

and

Sanders of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Cosmetology and Barbering Act; amending 59 O.S. 2011, Section 199.1, as amended by Section 85, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.1), which relates to definitions; modifying and adding definitions; amending 59 O.S. 2011, Section 199.2, as last amended by Section 16 of Enrolled Senate Bill No. 2122 of the 2nd Session of the 54th Oklahoma Legislature, which relates to the State Board of Cosmetology and Barbering; modifying Board member requirements; amending 59 O.S. 2011, Section 199.3, as amended by Section 87, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.3), which relates to powers of the Board; providing for rules; clarifying confidentiality of investigative records; modifying licensing categories; amending 59 O.S. 2011, Section 199.6, as amended by Section 90, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.6), which relates to unlawful acts; clarifying unlawful acts; authorizing administrative fines; setting maximum fine amount; amending 59 O.S. 2011, Section 199.7, as amended by Section 91, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.7), which relates to exam eligibility; providing for hybrid-learning programs; permitting equivalent hours of training for instructors; deleting wording on certain signs; amending 59 O.S. 2011, Section 199.8, as amended by

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Section 92, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.8), which relates to apprentices; modifying language; amending 59 O.S. 2011, Section 199.9, as amended by Section 93, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.9), which relates to licenses; providing for barbering under certain license; amending 59 O.S. 2011, Section 199.10, as amended by Section 94, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.10), which relates to renewal of license; setting review hours for licensure after certain period; amending 59 O.S. 2011, Section 199.11, as amended by Section 95, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.11), which relates to suspension of license; adding causes for disciplinary action; amending 59 O.S. 2011, Section 199.13, as amended by Section 96, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.13), which relates to reciprocity; providing for foreign licenses to be recognized; specifying application process for applicant from a foreign country; amending 59 O.S. 2011, Section 199.14, as amended by Section 97, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.14), which relates to fees; modifying fees; setting barber license fees; repealing 59 O.S. 2011, Sections 61.1, as amended by Section 81, Chapter 229, O.S.L. 2013, 61.2, as amended by Section 82, Chapter 229, O.S.L. 2013, and 61.3, as amended by Section 83, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Sections 61.1, 61.2 and 61.3), which relate to powers of the Board, license fees and the Oklahoma Cosmetology and Barbering Fund; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as amended by Section 85, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.1), is amended to read as follows:

Section 199.1 As used in the Oklahoma Cosmetology and Barbering Act:

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1. "Apprentice" means a person who is engaged in learning the practice of cosmetology or barbering in a cosmetology ~~salon~~ or barbering establishment;

2. "Barber or Barber Stylist" means any person who engages in the practice of barbering;

3. "Barbering" means any one or any combination of the following practices, when done upon the upper part of the human body for cosmetic purposes and when done for payment either directly or indirectly for the general public, constitutes the practice of barbering, to wit: Shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or ~~dyeing~~ applying lighteners or color to the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body; and removing superfluous hair from the face, neck or upper part of the body;

4. "Barber establishment" means an establishment or place of business where one or more persons are engaged in the practice of barbering, but shall not include barber schools or colleges;

5. ~~"Barber instructor" means a person licensed by the Board as a qualified teacher of barbering;~~

~~6.~~ "Barber school" or "barber college" means an establishment operated for the purpose of teaching barbering;

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~~7.~~ 6. "Board" means the State Board of Cosmetology and Barbering;

~~8.~~ 7. "Cosmetic studio" means any place or premises where demonstrators give demonstrations, without compensation, for the purpose only of advertising and selling cosmetics;

~~9.~~ 8. "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~~;

~~10.~~ 9. "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 and Barbering 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 and Barbering Act shall be construed to prohibit the use of hands or mechanical or

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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;

~~11.~~ 10. "Cosmetology ~~salon~~ establishment" means ~~any~~ an establishment or place ~~or premises~~ of business where ~~any of~~ one or more persons are engaged in the practices of cosmetology ~~are performed. The term "cosmetology salon" shall not include a cosmetology school or a cosmetic studio~~ but shall not include cosmetology schools or colleges;

~~12.~~ 11. "Cosmetology or barber school/college" means any place or premises where instruction in any or all the practices of cosmetology or barbering 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 or barbering is hereby declared to be engaged in operating a cosmetology and/or barber school, and shall be subject to the provisions of the Oklahoma Cosmetology and

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Barbering Act. Licensed cosmetology and/or barber schools may offer education to secondary and postsecondary students in this state;

~~13.~~ 12. "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 and pass a state written exam relating to general safety and sanitation from the Board before making any such demonstrations;

~~14.~~ 13. "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;

~~15.~~ 14. "~~Facial operator~~ Facialist/Esthetician" means any person who gives facials for compensation;

~~16.~~ 15. "Hairbraiding technician" means a person licensed by the Board to perform hairbraiding, hairweaving techniques, and hair extensions in a licensed cosmetology establishment;

16. "Hybrid learning" means courses that combine face-to-face classroom instruction with on-line, computer-based learning;

17. "Manicurist/Nail technician" means a person who gives manicures, gives pedicures, or applies artificial nails;

18. "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;

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19. "Master barber instructor" means a person who gives instruction in barbering or any practices thereof;

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

~~20. "Operator" means any person who engages in, follows or performs any of the practices of cosmetology;~~

21. "Post secondary institution" means a school licensed to teach students according to prescribed curriculum as in paragraph 1 of subsection F of Section 199.7 of this title and in Board rule 175:10-3-34(a);

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

~~22.~~ 23. "Secondary institution" means a school licensed to teach students eligible for credit of five hundred (500) hours of related subjects as prescribed in paragraph 2 of subsection F of Section 199.7 of this title and in Board rule 175:10-3-34 (b); and

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.2, as last amended by Section 16 of Enrolled Senate Bill No. 2122 of the 2nd Session of the 54th Oklahoma Legislature, is amended to read as follows:

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Section 199.2 A. 1. There is hereby re-created, to continue until July 1, 2017, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology and Barbering which shall be composed of eleven (11) members to be appointed by the Governor and to serve at the pleasure of the Governor.

2. One member shall be appointed from each congressional district and the additional members shall be appointed at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. One member shall be a barber appointed at-large.

3. At the time of appointment, the members shall be citizens of this state, at least twenty-five (25) years of age, and shall be high school graduates. ~~Eight~~ Six members shall, at the time of appointment, have had at least five (5) years' continuous practical experience in the practice of cosmetology ~~or barbering~~ in this state~~,~~; one member shall be appointed at large and, at the time of the appointment, have had at least five (5) years' continuous

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practical experience in the practice of barbering in this state; one member shall be a lay person~~,~~; one member shall be an administrator of a licensed private cosmetology school~~,~~; one member shall be an administrator of a licensed barber school~~,~~; and one member shall be an administrator of a public school licensed to teach cosmetology or barbering.

4. No two members shall be graduates of the same cosmetology school, nor shall they be organizers of or promote the organization of any cosmetic, beauty, or hairdressers' association. Each of the eight cosmetology appointees shall continue to be actively engaged in the profession of cosmetology while serving. No two members engaged in the profession of barbering shall be organizers of or promote the organization of any barbering association. Each of the ~~four~~ two barbering appointees shall continue to be actively engaged in the profession of barbering while serving.

5. If any member retires or ceases to practice his or her profession during the term of membership on the Board, such terms shall automatically cease 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 a successor is appointed and qualified.

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

Members shall be 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 the Board deems expedient.

H. The Board may expend funds for suitable office space for the transaction of its business. The Board shall adopt a common seal for the use of the executive director in authenticating 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,

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March, May, July, September, and November and at such other times as it may deem advisable.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.3, as amended by Section 87, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, 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 and Barbering 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 and Barbering Act.

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

1. Promulgate rules pursuant to the Administrative Procedures Act relating to standards of sanitation which must be observed and practiced by all cosmetology ~~schools, cosmetology salons, barbers, barber instructors, barber apprentices, or barber colleges~~ and barber establishments, cosmetology or barber schools, master cosmetology instructors, master barber instructors, barbers, apprentices, students, and board licensees. The Board shall furnish copies of the rules to the owner or manager of each cosmetology school ~~or~~, barber school and cosmetology ~~salon~~ and barber establishment operating in this state. It shall be the duty of each owner or manager to post a copy of the rules in a conspicuous place in each of the establishments or schools;

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

3. Keep a record of all its proceedings. The Board shall keep a record of all applicants for certificates, licenses and permits, showing the name of the applicant, the name and location of the place of occupation or business, if any, and 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 valid and sufficient evidence of matters contained therein, shall constitute public records. Records shall be open to public inspection at all reasonable times and subject to the Oklahoma Open Records Act. Notwithstanding any other provision of law to the contrary, records and information obtained in connection with an investigation of alleged violations, including complaints, identity of a complainant, investigative reports, and documentation or images generated or received during the course of an investigation, shall be confidential and shall not be subject to disclosure;

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

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5. Establish limited specialty licenses for cosmetician, facial/esthetics instructor, hairbraiding technician, manicurist/nail technician instructor, ~~barber,~~ master barber instructor, or ~~barber apprentice~~ master cosmetology instructor within the practice of cosmetology or barbering. The Board shall also promulgate rules for 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 and Barbering Act;

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

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

8. 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;

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

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

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

C. 1. 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.

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

3. 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 the appellant's residence pursuant to the Administrative Procedures Act.

D. 1. In any case where a licensee becomes a member of the Armed Forces of the United States, 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)

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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 pursuant to a license without other or further examination by notifying the Board in writing.

2. 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 4. AMENDATORY 59 O.S. 2011, Section 199.6, as amended by Section 90, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.6), is amended to read as follows:

Section 199.6 A. The State Board of Cosmetology and Barbering is hereby authorized to promulgate rules for governing the examination and licensure of cosmetologists, manicurists, nail technicians, estheticians, cosmeticians, hair braiding technicians, master cosmetology instructors, manicurist instructors, esthetics instructors, barbers, and master barber instructors. The Board is hereby authorized to promulgate rules to govern the sanitary operation of cosmetology and barbering establishments and to administer fines not to exceed Fifty Dollars ($50.00) for those licensed and not to exceed Five Hundred Dollars ($500.00) for those not licensed. Each day a violation continues shall be construed as a separate offense.

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B. The State Board of Cosmetology and Barbering shall have the power and duty to implement rules of the Board, to issue and renew licenses, to inspect cosmetology and barbering establishments and schools, and to inspect the sanitary operating practices of cosmetology and barbering licensees, including sanitary conditions of cosmetology and barbering establishments and schools.

C. 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:

1. Operate or attempt to operate a cosmetology ~~school~~ school/college, cosmetology ~~salon~~ or barber establishment, cosmetology or barber school or college that offers cosmetology, barbering or both without having obtained a license therefor from the State Board of Cosmetology and Barbering;

2. Give or attempt to give instruction in cosmetology or barbering, without having obtained an instructor's license from the Board;

3. Practice or offer to practice barbering, cosmetology or manicuring without having obtained a license therefor from the Board;

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4. Operate a cosmetic studio without having obtained a license therefor from the Board;

5. Demonstrate a cosmetic preparation without having obtained a demonstrator's license from the Board;

6. Permit any person in one's employ, supervision, or control to practice cosmetology or barbering unless that person has obtained an appropriate license from the Board;

7. Willfully violate any rule promulgated by the Board for the sanitary management and operation of a cosmetology or barber ~~shop~~ establishment, cosmetology school or ~~cosmetology salon~~ barber college; or

8. Violate any of the provisions of the Oklahoma Cosmetology and Barbering Act.

D. The State Board of Cosmetology and Barbering shall have the authority to levy administrative fines not to exceed Five Hundred Dollars ($500.00) for persons practicing cosmetology or barbering without a license, and for owners of licensed establishments who allow unlicensed individuals to practice cosmetology or barbering without a license in their establishment. Each day a violation continues shall be a separate offense. The administrative fine shall not exceed a total of Five Hundred Dollars ($500.00).

E. The provisions of the Oklahoma Cosmetology and Barbering Act shall not apply to the following persons while such persons are engaged in the proper discharge of their professional duties:

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1. Funeral directors;

2. Persons in the Armed Services;

3. Persons authorized to practice the healing arts or nursing; or

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as amended by Section 91, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.7), is amended to read as follows:

Section 199.7 A. Each cosmetology and barber school shall be licensed annually by the State Board of Cosmetology and Barbering. Application for the first year's license for a cosmetology <u>and barber</u> 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 cosmetology or barber schools shall be One Hundred Twenty-five Dollars ($125.00).

B. 1. No license or renewal thereof for a cosmetology <u>or barber</u> school shall be issued unless the owner thereof furnishes 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

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in this state, and conditioned on the faithful performance of the terms and conditions of all contracts entered into between the owner of the cosmetology or barber school and all persons enrolling therein.

2. The surety bond shall be in a form approved by the Attorney General and filed in the Office of the Secretary of State. Suit may be brought on the 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 cosmetology or barber 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. A school licensed or applying for licensure shall maintain recognition as an institution of postsecondary study by meeting the following conditions:

1. The school shall admit as a regular student only an individual who has earned a recognized high school diploma, or who is beyond the age of compulsory high school attendance;

2. The school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, to offer one or more training programs beyond the secondary level.

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E. No license for a cosmetology or barber school shall be issued unless the owner thereof presents 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 the Oklahoma Cosmetology and Barbering Act.

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

~~F.~~ G. 1. The Board shall adopt a curriculum of required courses of instruction in theory and training of either one thousand five hundred (1,500) clock hours or an equivalent number of credit hours as recognized by the United States Department of Education or a regional or national accreditation entity recognized by the United States Department of Education in a basic course ~~of cosmetology~~ to be taught in all cosmetology or barbering schools in the state. The basic cosmetology or barbering course shall be designed to qualify students completing the course to take the examination for ~~an operator's~~ a license.

2. Cosmetology and barber students in vocational, trade, and industrial cosmetology and barbering classes in public schools, parochial, private schools or home schools shall qualify by completing one thousand (1,000) hours in a basic course of

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cosmetology or barbering 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, parochial, private or home 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.

~~G.~~ H. 1. No person shall be eligible to give instruction in cosmetology or barbering unless the person is the holder of a current unrevoked instructor's license issued by the Board.

2. Each cosmetology or barber 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.

3. Students utilizing hybrid learning programs are included in the total student number as referenced in the ratio in paragraph 2 of subsection G of this section.

~~H.~~ I. A cosmetology or barbering school may be operated in and as part of an accredited high school.

~~I.~~ J. No cosmetology or barber school owner or ~~cosmetology salon or barber~~ an establishment owner shall charge students or apprentices 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

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charge may be made by a cosmetology or barber 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 cosmetology or barber school at any time.

~~J.~~ K. No cosmetology ~~salon~~ or barber establishment shall ever be operated in or as a part of a cosmetology school.

~~K.~~ L. 1. Students shall:

a. have an eighth-grade education or the equivalent thereof, and

b. be at least sixteen (16) years of age unless they are public or private school students who will be sixteen (16) years of age by November 1 of the year in which cosmetology or barbering instruction begins~~, and~~

~~c. be of good moral and ethical character~~.

2. Credit shall not be given to any person by the Board or by a cosmetology or barber school for hours spent in attending a cosmetology or barber school unless the person has registered with the Board as a student prior to the attendance, except that a student who has attended a cosmetology or barber school out of state may receive credit for such attendance for transfer upon proper certification as provided by rule of the Board.

3. No student shall be credited with more than eight (8) hours' attendance in a cosmetology or barber school in any one (1) day.

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4. No person shall be eligible to take the Board-issued examination for ~~an operator's~~ a license unless such person is at least seventeen (17) years of age or a high school graduate.

~~L.~~ M. 1. No student shall be eligible to take the examination for a Board-issued license without furnishing to the Board the affidavit of the owner of the cosmetology or barber school that the student has satisfactorily completed the requirements specified in paragraph 1 of subsection F of this section, except public and private school students who will complete the requirements specified in paragraph 2 of subsection F of this section by the close of the current school year may take the examination next preceding the end of the school year.

2. Students who are eligible to take the examination shall be given an oral examination if requested by their instructor and proof of qualifying disability is proven.

~~M.~~ N. No person shall be eligible to register for the examination for an instructor's license unless such person is a high school graduate, or has obtained a General Equivalency Diploma (GED) as to which the applicant shall qualify by tests to be prescribed by the Board and conducted by qualified examiners selected by the Board, and has:

1. Satisfactorily completed all hours required for the appropriate specialty course and an additional one thousand (1,000) instructor training hours or ~~thirty-three (33) credit hours~~

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equivalent number of credit hours as recognized by the United States Department of Education or as recognized by a national accreditation entity prescribed by the Board in a cosmetology school in this state; or

2. Completed all hours required for the appropriate specialty course, ~~five~~ three hundred ~~(500)~~ (300) instructor training hours, prescribed by the Board in a cosmetology school in this state and has been engaged in the practice of cosmetology for at least the preceding two (2) years.

~~N.~~ O. The Board shall have the power to conduct examinations around the state at public locations including, but not limited to, technology center schools.

~~O.~~ P. Each cosmetology or barber school shall prominently display in a conspicuous place above or to the side of the entrance thereto a sign ~~bearing the words "BEAUTY SCHOOL" or "BARBER SCHOOL", which words~~ identifying it as an institute of learning. Wording on sign shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as amended by Section 92, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, 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 cosmetology or barber school, and shall be

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registered with the State Board of Cosmetology and Barbering before commencing the training.

B. No apprentice shall engage in any of the practices of cosmetology or barbering except under the immediate supervision of a licensed instructor in a cosmetology or barber establishment approved by the 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 registration receipt.

D. Only one apprentice may be registered to receive training in any cosmetology or barber establishment at any one time.

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

SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as amended by Section 93, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.9), is amended to read as follows:

Section 199.9 A. The State Board of Cosmetology and Barbering shall not issue a license for a cosmetology or barber establishment 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

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applicant that all requirements have been met. No license shall be issued for a cosmetology or barber establishment 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 and Barbering Act, it shall be unlawful for any person to practice cosmetology or barbering in any place other than a licensed ~~barber establishment or a cosmetology~~ establishment~~,~~ or ~~a cosmetology or barber~~ school licensed by the Board.

2. In an emergency such as illness, invalidism, or death, a licensed operator may perform cosmetology or barbering services for a person by appointment in a place other than a licensed cosmetology or barber establishment or cosmetology or barber school.

C. A person licensed as ~~an operator~~ a cosmetologist may perform cosmetology services in a ~~barbershop~~ barber establishment. A person licensed as a barber may perform barbering services in a cosmetology ~~salon~~ establishment. Any salon which provides both cosmetology and barbering services must obtain a license from the Board.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.10, as amended by Section 94, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.10), is amended to read as follows:

Section 199.10 A. All licenses issued under the provisions of the Oklahoma Cosmetology and Barbering Act shall be issued for a

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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 fails to renew the license within the required time may make application for renewal at any time within five (5) years from the expiration date of the license by paying the regular renewal license fee and a late fee of Ten Dollars ($10.00), which becomes due two (2) months after the expiration date.

D. Any person who fails to renew within the required time may make application with subsequent renewal and penalty fees.

E. 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 <u>or barber</u> 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.

~~License Type~~	~~Number of Years License Expired~~	~~Review Hours Required~~
~~Basic Cosmetologist~~	~~5 years~~	~~250 hours~~
	~~10 years~~	~~500 hours~~
	~~15 years or more~~	~~1,000 hours~~
~~Cosmetician~~	~~5 years~~	~~120 hours~~

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	~~10 years~~	~~200 hours~~
	~~15 years or more~~	~~250 hours~~
~~Manicurist~~	~~5 years~~	~~120 hours~~
	~~10 years~~	~~200 hours~~
	~~15 years or more~~	~~250 hours~~
~~Facial Operator~~	~~5 years~~	~~120 hours~~
	~~10 years~~	~~200 hours~~
	~~15 years or more~~	~~250 hours~~
~~Hairbraiding Technician~~	~~5 years~~	~~120 hours~~
	~~10 years~~	~~200 hours~~
	~~15 years or more~~	~~250 hours~~
~~Master Instructor~~	~~5 years~~	~~200 hours~~
	~~10 years~~	~~300 hours~~
	~~15 years or more~~	~~400 hours~~
~~Facial/Esthetics Instructor~~	~~5 years~~	~~200 hours~~
	~~10 years~~	~~300 hours~~
	~~15 years or more~~	~~400 hours~~
~~Manicurist/Nail Technician Instructor~~	~~5 years~~	~~200 hours~~
	~~10 years~~	~~300 hours~~
	~~15 years or more~~	~~400 hours~~
	Expired Five	Review

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License Type	Years or More	Hours Required
Basic Cosmetologist		250 hours
Barber		250 hours
Master Cosmetology		
Instructor		100 hours
Master Barber		
Instructor		100 hours
Facial/Esthetics		
Instructor		100 hours
Manicurist/Nail		
Technician		
Instructor		100 hours
Manicurist		100 hours
Facial Operator		100 hours
Cosmetician		100 hours
Hairbraiding		
Technician		100 hours

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

SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as amended by Section 95, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.11), is amended to read as follows:

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Section 199.11 The State Board of Cosmetology and Barbering 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 and Barbering Act for any of the following causes:

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

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 a Board licensee in a cosmetology ~~salon or barber shop~~ <u>or barber establishment</u> wherein violations of the rules of the Board are being committed within the knowledge of the ~~operator~~ <u>licensee</u>;

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

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

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

11. Practicing cosmetology or barbering in an immoral or unprofessional manner;

12. Unsanitary operating practices or unsanitary conditions of a school or establishment; or

13. Unsanitary operating practices of a licensee.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 199.13, as amended by Section 96, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Section 199.13), is amended to read as follows:

Section 199.13 A. The State Board of Cosmetology and Barbering may issue a reciprocity license ~~without examination~~ to an ~~otherwise qualified~~ applicant if:

1. The applicant has complied with the requirements of another state, territory or ~~foreign country or~~ province and applicant holds a current license as verified by certification; and

2. The applicant ~~holds a current license from a state, territory, or foreign country or province whose requirements for registration are substantially equal to those in force in this state at the time of filing application for a reciprocity license; and~~

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~~3. The applicant has continuously engaged in the practices or occupation for which a reciprocity license is applied for at least three (3) years immediately prior to such application~~ successfully passes Oklahoma's state rules, regulations and law test administered by the Board.

B. The Board may issue a license without examination to an ~~otherwise qualified~~ applicant from a ~~state, territory or~~ foreign country ~~or province that does not license practitioners if the applicant can show adequate proof of having engaged in the practice or occupation for which a license is applied for at least three (3) years immediately prior to such application~~ or territory if:

1. The applicant is otherwise qualified and possesses a current license issued in that foreign country or territory; or

2. The applicant is otherwise qualified and does not possess a current license issued in that foreign country or territory, but can show he or she has continuously engaged in the practices or occupation for which a reciprocity license is applied for at least (3) years immediately prior to such application.

The applicant from a foreign country or territory applying for a cosmetology, manicurist, facialist, hairbraiding technician or barber license shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board and shall possess the equivalent of at least an eighth grade education.

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The applicant from a foreign country or territory applying for a master instructor's license shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board and shall possess the equivalent of a high school education.

The applicant from a foreign country may be required to provide evidence that documents have been verified as valid by a creditable agency as recognized by the Board.

C. ~~An applicant for an instructor's license without examination shall possess the equivalent of a high school education~~ The applicant from a foreign country or territory who is otherwise qualified, but who possesses a current license issued in that foreign country or territory must take examinations, both practical and written, to be issued a license if the applicant cannot show that he or she has been continuously engaged in the practices or occupation for which a reciprocity license is applied for at least three (3) years immediately prior to such application and shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board.

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

E. The Board may establish by rule any administrative or other fees associated with processing reciprocity applications for licensure without examination.

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SECTION 11. AMENDATORY 59 O.S. 2011, Section 199.14, as amended by Section 97, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, 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 and Barbering:

Registration as ~~an apprentice or~~ a student..... $ 5.00

Examination for ~~Manicurist, Operator,~~

~~Instructor, or Facial Operator~~ license.....~~15.00~~

35.00

Cosmetology and Barber school license (initial).....400.00

Cosmetology and Barber school license (renewal).....125.00

Apprentice Registration.....10.00

Renewal Advanced Operator license (annual).....25.00

Facial Operator license (annual).....25.00

~~Operator~~ Cosmetology license (annual).....25.00

Barber license (annual).....25.00

Manicurist license (annual).....25.00

Facial/Esthetics Instructor license (annual).....30.00

Cosmetician license (annual).....25.00

Hairbraiding Technician license (annual).....25.00

Manicurist/Nail Technician Instructor license (annual).30.00

Demonstrator license (annual).....20.00

Master Cosmetology Instructor license (annual) .....~~30.00~~

50.00

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Master Barber Instructor license (annual).....50.00

Cosmetology ~~Salon~~ establishment license (initial).....45.00

Cosmetology ~~Salon~~ establishment license (renewal).....30.00

Barber establishment license (initial).....45.00

Barber establishment license (renewal).....30.00

Cosmetic Studio license (initial).....50.00

Cosmetic Studio license (renewal) 30.00

Nail Salon (initial) 45.00

Nail Salon (renewal) 30.00

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 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 and Barbering.

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SECTION 12. REPEALER 59 O.S. 2011, Sections 61.1, as amended by Section 81, Chapter 229, O.S.L. 2013, 61.2, as amended by Section 82, Chapter 229, O.S.L. 2013, and 61.3, as amended by Section 83, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2013, Sections 61.1, 61.2 and 61.3), are hereby repealed.

SECTION 13. This act shall become effective November 1, 2014.

COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL SERVICES, dated 04/10/2014 - DO PASS, As Amended.

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