

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1312

By: Dahm

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to cosmetology and barbering;  
9 amending 59 O.S. 2011, Sections 61.6 and 199.6, as  
10 last amended by Section 4, Chapter 260, O.S.L. 2014  
11 (59 O.S. Supp. 2017, Section 199.6), which relate to  
the Oklahoma Cosmetology and Barbering Act; deleting  
where certain funds are paid; deleting certain jail  
penalty; and providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 61.6, is  
15 amended to read as follows:

16 Section 61.6. Any person practicing the trade of barber, barber  
17 instructor, or apprentice barber, without having at the time a  
18 valid, unrevoked certificate, as provided in this act, or any person  
19 who as owner, lessee, manager, or in any other supervisory capacity,  
20 employs a person practicing the trade of barber, barber instructor,  
21 or apprentice barber without such person having a valid, unrevoked  
22 certificate as a barber, barber instructor, or apprentice barber,  
23 shall be deemed guilty of a misdemeanor, and shall, upon conviction,  
24 be fined not to exceed One Hundred Dollars (\$100.00), and each day

1 of such practice, or each day such unlicensed person is so employed,  
2 shall constitute a separate offense. ~~All fines under the provisions~~  
3 ~~of this section shall be paid into the common school fund of the~~  
4 ~~county wherein the conviction is had.~~

5 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.6, as  
6 amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2017,  
7 Section 199.6), is amended to read as follows:

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

20 B. The State Board of Cosmetology and Barbering shall have the  
21 power and duty to implement rules of the Board, to issue and renew  
22 licenses, to inspect cosmetology and barbering establishments and  
23 schools, and to inspect the sanitary operating practices of  
24

1 cosmetology and barbering licensees, including sanitary conditions  
2 of cosmetology and barbering establishments and schools.

3 C. It shall be unlawful and constitute a misdemeanor,  
4 punishable upon conviction by a fine of not less than Fifty Dollars  
5 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), ~~or by~~  
6 ~~imprisonment in the county jail for not more than thirty (30) days,~~  
7 ~~or both such fine and imprisonment,~~ for any person, firm, or  
8 corporation in this state to:

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

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

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

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

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

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

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

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

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

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

20       1. Funeral directors;

21       2. Persons in the Armed Services;

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

23 or  
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1        4. Regularly employed sales people working in retail  
2 establishments engaged in the business of selling cosmetics in  
3 sealed packages.

4        SECTION 3. This act shall become effective November 1, 2018.

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