

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 570

By: Griffin of the Senate

and

Biggs of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cosmetology and barbering; amending 59 O.S. 2011, Section 199.2, as last amended by Section 2, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2016, Section 199.2), which relates to the State Board; recreating the State Board of Cosmetology and Barbering; authorizing certain report be submitted electronically; amending Section 5, Chapter 292, O.S.L. 2016 (59 O.S. Supp. 2016, Section 4200.5), which relates to certain license; extending date for license application; providing additional eligibility for certain license; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.2, as last amended by Section 2, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2016, Section 199.2), is amended to read as follows:

Section 199.2. A. 1. There is hereby re-created, to continue until July 1, ~~2017~~ 2021, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology and Barbering

1 which shall be composed of eleven (11) members to be appointed by
2 the Governor and to serve at the pleasure of the Governor.

3 2. One member shall be appointed from each congressional
4 district and the additional members shall be appointed at large.

5 However, when congressional districts are redrawn each member
6 appointed prior to July 1 of the year in which such modification
7 becomes effective shall complete the current term of office and
8 appointments made after July 1 of the year in which such

9 modification becomes effective shall be based on the redrawn
10 districts. Appointments made after July 1 of the year in which such
11 modification becomes effective shall be from any redrawn districts
12 which are not represented by a board member until such time as each
13 of the modified congressional districts ~~are~~ is represented by a
14 board member. One member shall be a barber appointed at-large.

15 3. At the time of appointment, the members shall be citizens of
16 this state, at least twenty-five (25) years of age, and shall be
17 high school graduates. Six members shall, at the time of
18 appointment, have had at least five (5) years' continuous practical
19 experience in the practice of cosmetology in this state; one member
20 shall be appointed at large and, at the time of the appointment,
21 have had at least five (5) years' continuous practical experience in
22 the practice of barbering in this state; one member shall be a lay
23 person; one member shall be an administrator of a licensed private
24 cosmetology school; one member shall be an administrator of a

1 licensed barber school; and one member shall be an administrator of
2 a public school licensed to teach cosmetology or barbering.

3 4. No two members shall be graduates of the same cosmetology
4 school, nor shall they be organizers of or promote the organization
5 of any cosmetic, beauty, or hairdressers' association. Each of the
6 eight cosmetology appointees shall continue to be actively engaged
7 in the profession of cosmetology while serving. No two members
8 engaged in the profession of barbering shall be organizers of or
9 promote the organization of any barbering association. Each of the
10 two barbering appointees shall continue to be actively engaged in
11 the profession of barbering while serving.

12 5. If any member retires or ceases to practice his or her
13 profession during the term of membership on the Board, such terms
14 shall automatically cease and the Governor shall appoint a like-
15 qualified person to fulfill the remainder of the term.

16 B. The terms of office for Board members shall be four (4)
17 years ending June 30.

18 C. Each member shall serve until a successor is appointed and
19 qualified.

20 D. Six members of the Board shall constitute a quorum for the
21 transaction of business.

22 E. The Governor may remove any member of the Board at any time
23 at the Governor's discretion. Vacancies shall be filled by
24 appointment by the Governor for the unexpired portion of the term.

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

5 Members shall be reimbursed for their actual and necessary
6 traveling expenses as provided by the State Travel Reimbursement
7 Act.

8 G. Within thirty (30) days after the end of each fiscal year,
9 the Board shall make a full report to the Governor of all its
10 receipts and expenditures, and also a full statement of its work
11 during the year, together with such recommendations as the Board
12 deems expedient. The annual report statement and recommendations
13 may be submitted electronically to the Governor.

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

18 I. The Board shall meet at its office for the transaction of
19 such business as may come before it on the second Monday in January,
20 March, May, July, September, and November and at such other times as
21 it may deem advisable.

22 SECTION 2. AMENDATORY Section 5, Chapter 292, O.S.L.
23 2016 (59 O.S. Supp. 2016, Section 4200.5), is amended to read as
24 follows:

1 Section 4200.5. A. Between ~~the effective date of this act~~
2 August 16, 2016 and May 1, ~~2017~~ 2018, the State Board of Cosmetology
3 and Barbering shall issue a license to practice massage therapy to
4 any person who files a completed application, accompanied by the
5 required fees, and who submits satisfactory evidence that the
6 applicant:

7 1. Is at least eighteen (18) years of age;

8 2. Has one or more of the following:

9 a. documentation that the applicant has completed and
10 passed a nationally recognized competency examination
11 in the practice of massage therapy, or

12 b. an affidavit of at least five (5) years of massage
13 therapy work experience in the state, or

14 c. a certificate and transcript of completion from a
15 massage school with at least five hundred (500) hours
16 of education; or

17 d. an affidavit of at least one (1) year of massage
18 therapy work experience in this state, and a
19 certificate and transcript of completion from a
20 massage school recognized by the Board of Cosmetology
21 and Barbering as a massage therapy training school in
22 this state or another state;

1 3. Provides proof of documentation that the applicant currently
2 maintains liability insurance for practice as a massage therapist;
3 and

4 4. Provides full disclosure to the Board of any criminal
5 proceeding taken against the applicant including, but not limited
6 to:

7 a. pleading guilty, pleading nolo contendere or receiving
8 a conviction of a felony,

9 b. pleading guilty, pleading nolo contendere or receiving
10 a conviction of a misdemeanor involving moral
11 turpitude, or

12 c. pleading guilty, pleading nolo contendere or receiving
13 a conviction for violation of federal or state
14 controlled dangerous substance laws.

15 B. To assist in determining the entry-level competence of an
16 applicant who makes application for a license after May 1, ~~2017~~
17 2018, the Board may adopt rules establishing additional standards or
18 criteria for examination acceptance and may adopt only those
19 examinations that meet the standards outlined in Section § 4200.8 of
20 this ~~act~~ title.

21 C. 1. After May 1, ~~2017~~ 2018, except as otherwise provided in
22 the Massage Therapy Practice Act, every person desiring to practice
23 massage therapy in this state shall be required to first obtain a
24 license from the Board.

1 2. After May 1, ~~2017~~ 2018, the Board may issue a license to an
2 applicant who:

3 a. is at least eighteen (18) years of age,

4 b. provides documentation that the applicant has
5 completed the equivalent of five hundred (500) hours
6 of formal education in massage therapy from a state-
7 licensed school,

8 c. provides documentation that the applicant has passed a
9 nationally recognized competency examination approved
10 by the Board,

11 d. provides proof that the applicant currently maintains
12 liability insurance for practice as a massage
13 therapist, and

14 e. provides full disclosure to the Board of any criminal
15 proceeding taken against the applicant including, but
16 not limited to:

17 (1) pleading guilty, pleading nolo contendere or
18 receiving a conviction of a felony,

19 (2) pleading guilty, pleading nolo contendere or
20 receiving a conviction of a misdemeanor involving
21 moral turpitude, or

22 (3) pleading guilty, pleading nolo contendere or
23 receiving a conviction for violation of federal
24 or state controlled dangerous substance laws.

SECTION 3. This act shall become effective November 1, 2017.

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