

1 ENGROSSED HOUSE
2 BILL NO. 2772

By: Osburn (Mike) of the House

3 and

4 Pugh of the Senate
5
6

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 199.1, as last
9 amended by Section 1, Chapter 260, O.S.L. 2014,
10 199.3, as last amended by Section 3, Chapter 260,
11 O.S.L. 2014, 199.13, as last amended by Section 10,
12 Chapter 260, O.S.L. 2014 and 199.14, as last amended
13 by Section 11, Chapter 260, O.S.L. 2014 (59 O.S.
14 Supp. 2017, Sections 199.1, 199.3, 199.13 and
15 199.14), which relate to the Oklahoma Cosmetology and
16 Barbering Act; modifying definition; modifying powers
17 and duties of the State Board of Cosmetology and
18 Barbering; modifying reciprocity licenses; removing
19 fee for certain license; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
23 last amended by Section 1, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
24 2017, Section 199.1), is amended to read as follows:

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

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

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

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

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

18 5. "Barber school" or "barber college" means an establishment
19 operated for the purpose of teaching barbering;

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

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

1 8. "Cosmetician" means a person licensed by the Board to
2 perform patron services limited to hair arranging and application of
3 makeup, including, but not limited to, using hairstyling tools and
4 products. Services must be performed in a licensed establishment;

5 9. "Cosmetology" means any one or combination of practices
6 generally and usually performed by and known as the occupation of
7 beauticians, beauty culturists, beauty operators, cosmeticians,
8 cosmetologists, or hairdressers or of any other person holding
9 himself or herself out as practicing cosmetology by whatever
10 designation and within the meaning of the Oklahoma Cosmetology and
11 Barbering Act and in or upon whatever place or premises.

12 Cosmetology shall include, but not be limited to, any one or
13 combination of the following practices: bleaching, cleansing,
14 curling, cutting, coloring, dressing, removing, singeing, styling,
15 waving, or similar work upon the hair of any person by any means,
16 whether with hands or mechanical or electrical apparatus or
17 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
18 shall be construed to prohibit the use of hands or mechanical or
19 electrical apparatus or appliances for the nonpermanent removal of
20 hair from the human body without puncturing of the skin or the use
21 of cosmetic preparations, antiseptics, tonics, lotions, or creams,
22 or massaging, cleansing, stimulating, exercising, beautifying, or
23 similarly working the scalp, face, neck, arms, or the manicuring of
24 the nails of any person, exclusive of such of the foregoing

1 practices as are within the scope of practice of the healing arts as
2 provided by law;

3 10. "Cosmetology establishment" means an establishment or place
4 of business where one or more persons are engaged in the practices
5 of cosmetology but shall not include cosmetology schools or
6 colleges;

7 11. "Cosmetology or barber school/college" means any place or
8 premises where instruction in any or all the practices of
9 cosmetology or barbering is given. Any person, firm, institution or
10 corporation, who holds himself, herself or itself out as a school to
11 teach and train, or any person, firm, institution or corporation who
12 shall teach and train any other person or persons in any of the
13 practices of cosmetology or barbering is hereby declared to be
14 engaged in operating a cosmetology and/or barber school, and shall
15 be subject to the provisions of the Oklahoma Cosmetology and
16 Barbering Act. Licensed cosmetology and/or barber schools may offer
17 education to secondary and postsecondary students in this state;

18 12. "Demonstrator" means a person who is not licensed in this
19 state as an operator or instructor and who demonstrates any cosmetic
20 preparation. The person shall be required to obtain a Demonstrator
21 license and pass a state written exam relating to general safety and
22 sanitation from the Board before making any such demonstrations;

1 13. "Facial/Esthetics instructor" means a person licensed by
2 the Board as a qualified teacher of the art and science of facial
3 and esthetics theory and practice;

4 14. "Facialist/Esthetician" means any person who gives facials
5 for compensation;

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

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

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

13 18. "Manicurist/Nail technician instructor" means a person
14 licensed by the Board as a qualified teacher of the art and science
15 of nail technology theory and practice;

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

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

20 21. "~~Post-secondary~~ Postsecondary institution" means a school
21 licensed to teach students according to prescribed curriculum as in
22 paragraph 1 of subsection ~~F~~ G of Section 199.7 of this title and in
23 Board rule 175:10-3-34(a);
24

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

3 23. "Secondary institution" means a school licensed to teach
4 students eligible for credit of five hundred (500) hours of related
5 subjects as prescribed in paragraph 2 of subsection ~~F~~ G of Section
6 199.7 of this title and in Board rule 175:10-3-34(b); and

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

10 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.3, as
11 last amended by Section 3, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
12 2017, Section 199.3), is amended to read as follows:

13 Section 199.3 A. In order to safeguard and protect the health
14 and general welfare of the people of the State of Oklahoma, the
15 State Board of Cosmetology and Barbering is hereby vested with the
16 powers and duties necessary and proper to enable it to fully and
17 effectively carry out the provisions of the Oklahoma Cosmetology and
18 Barbering Act.

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

20 1. Promulgate rules pursuant to the Administrative Procedures
21 Act relating to standards of sanitation which must be observed and
22 practiced by all cosmetology and barber establishments, cosmetology
23 or barber schools, master cosmetology instructors, master barber
24 instructors, barbers, apprentices, students, and board licensees.

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

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

13 3. Keep a record of all its proceedings. The Board shall keep
14 a record of all applicants for certificates, licenses and permits,
15 showing the name of the applicant, the name and location of the
16 place of occupation or business, if any, and the residence address
17 of the applicant, and whether the applicant was granted or refused a
18 certificate, license or permit. The records of the Board shall be
19 valid and sufficient evidence of matters contained therein, shall
20 constitute public records. Records shall be open to public
21 inspection at all reasonable times and subject to the Oklahoma Open
22 Records Act. Notwithstanding any other provision of law to the
23 contrary, records and information obtained in connection with an
24 investigation of alleged violations, including complaints, identity

1 of a complainant, investigative reports, and documentation or images
2 generated or received during the course of an investigation, shall
3 be confidential and shall not be subject to disclosure;

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

6 5. Establish limited specialty licenses for cosmetician,
7 facial/esthetics instructor, ~~hairbraiding technician,~~
8 manicurist/nail technician instructor, master barber instructor, or
9 master cosmetology instructor within the practice of cosmetology or
10 barbering. The Board shall also promulgate rules for special
11 licenses, including but not limited to reduced curriculum
12 requirements, as the Board may deem appropriate and necessary to
13 further the purposes of the Oklahoma Cosmetology and Barbering Act;

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

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

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

23 9. Refuse, revoke, or suspend licenses, certificates of
24 registration or permits after notice and an opportunity for a full

1 hearing, pursuant to Article II of the Administrative Procedures
2 Act, on proof of violation of any of these provisions or the rules
3 established by the Board;

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

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

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

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

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

23 D. 1. In any case where a licensee becomes a member of the
24 Armed Forces of the United States, such license shall not lapse by

1 reason thereof but shall be considered and held in full force and
2 effect without further payment of license fees during the period of
3 service in the Armed Forces of the United States and for six (6)
4 months after honorable release therefrom. At any time within six
5 (6) months after honorable release from the Armed Forces of the
6 United States the licensee may resume practice pursuant to a license
7 without other or further examination by notifying the Board in
8 writing.

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

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.13, as
14 last amended by Section 10, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
15 2017, Section 199.13), is amended to read as follows:

16 Section 199.13 A. The State Board of Cosmetology and Barbering
17 may issue a reciprocity license to an applicant if:

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

21 2. The applicant successfully passes Oklahoma's state rules,
22 regulations and law test administered by the Board.

23 B. The Board may issue a license without examination to an
24 applicant from a foreign country or territory if:

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

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

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

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

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

20 C. The applicant from a foreign country or territory who is
21 otherwise qualified, but who possesses a current license issued in
22 that foreign country or territory must take examinations, both
23 practical and written, to be issued a license if the applicant
24 cannot show that he or she has been continuously engaged in the

1 practices or occupation for which a reciprocity license is applied
2 for at least three (3) years immediately prior to such application
3 and shall successfully pass Oklahoma's state rules, regulations and
4 law test administered by the Board.

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

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

10 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.14, as
11 last amended by Section 11, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
12 2017, Section 199.14), is amended to read as follows:

13 Section 199.14 A. The following fees shall be charged by the
14 State Board of Cosmetology and Barbering:

15	Registration as a student.....	\$ 5.00
16	Examination for license	35.00
17	Cosmetology and Barber school license (initial).....	400.00
18	Cosmetology and Barber school license (renewal).....	125.00
19	Apprentice Registration.....	10.00
20	Renewal Advanced Operator license (annual).....	25.00
21	Facial Operator license (annual).....	25.00
22	Cosmetology license (annual).....	25.00
23	Barber license (annual).....	25.00
24	Manicurist license (annual).....	25.00

1	Facial/Esthetics Instructor license (annual).....	30.00
2	Cosmetician license (annual).....	25.00
3	Hairbraiding Technician license (annual).....	25.00
4	Manicurist/Nail Technician Instructor license (annual).	30.00
5	Demonstrator license (annual).....	20.00
6	Master Cosmetology Instructor license (annual)	50.00
7	Master Barber Instructor license (annual).....	50.00
8	Cosmetology establishment license (initial).....	45.00
9	Cosmetology establishment license (renewal).....	30.00
10	Barber establishment license (initial).....	45.00
11	Barber establishment license (renewal).....	30.00
12	Cosmetic Studio license (initial).....	50.00
13	Cosmetic Studio license (renewal)	30.00
14	Nail Salon (initial)	45.00
15	Nail Salon (renewal)	30.00
16	Reciprocity license (initial).....	30.00
17	Reciprocity processing fee.....	30.00
18	Duplicate license (in case of loss or	
19	destruction of original).....	5.00
20	Notary fee.....	1.00
21	Certification of Records.....	10.00
22	B. In addition to the fees specified in subsection A of this	
23	section, the Board shall charge a total penalty of Ten Dollars	
24	(\$10.00), as provided for in Section 199.10 of this title.	

1 C. Any person licensed as an advanced operator prior to July 1,
2 1985, may renew the advanced cosmetologist license annually by
3 payment of the fee required by this section and by being in
4 compliance with the rules promulgated by the State Board of
5 Cosmetology and Barbering.

6 SECTION 5. This act shall become effective November 1, 2018.

7 Passed the House of Representatives the 12th day of March, 2018.

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9
10 Presiding Officer of the House
of Representatives

11 Passed the Senate the ____ day of _____, 2018.

12
13
14 Presiding Officer of the Senate