

1 ENGROSSED SENATE
2 BILL NO. 1540

By: Pugh of the Senate

3 and

4 Munson of the House

5
6 An Act relating to cosmetology; amending 59 O.S.
7 2011, Sections 199.1, as last amended by Section 1,
8 Chapter 62, O.S.L. 2018, 199.6, as last amended by
9 Section 4, Chapter 260, O.S.L. 2014 and 199.14, as
10 last amended by Section 4, Chapter 62, O.S.L. 2018
11 (59 O.S. Supp. 2019, Sections 199.1, 199.6 and
12 199.14), which relate to the Oklahoma Cosmetology and
13 Barbering Act; modifying certain definition; adding
14 certain defined terms; adding certain exception to
15 application of the Oklahoma Cosmetology and Barbering
16 Act; adding certain fee; updating statutory language;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
21 last amended by Section 1, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
22 2019, Section 199.1), is amended to read as follows:

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

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

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

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

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

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

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

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

22 8. "Cosmetician" means a person licensed by the Board to
23 perform patron services limited to hair arranging and application of
24

1 makeup, including, but not limited to, using hairstyling tools and
2 products. Services must be performed in a licensed establishment;

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

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

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

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

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

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

1 14. "Facialist/Esthetician" means any person who gives facials
2 for compensation;

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

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

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

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

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

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

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

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

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

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

8 25. "Threader" means any person who engages in the practice of
9 threading; and

10 26. "Threading" means a method of removing hair from the
11 eyebrows, upper lip or other body parts by using cotton thread to
12 pull hair from the follicles. It does not include the use of
13 chemicals, heat or wax but may include the use of:

14 a. over-the-counter astringents, gels and powders, and

15 b. tweezers and scissors incidental to threading.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.6, as
17 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
18 2019, Section 199.6), is amended to read as follows:

19 Section 199.6. A. The State Board of Cosmetology and Barbering
20 is hereby authorized to promulgate rules for governing the
21 examination and licensure of cosmetologists, manicurists, nail
22 technicians, estheticians, cosmeticians, hair braiding technicians,
23 master cosmetology instructors, manicurist instructors, esthetics
24 instructors, barbers, and master barber instructors. The Board is

1 hereby authorized to promulgate rules to govern the sanitary
2 operation of cosmetology and barbering establishments and to
3 administer fines not to exceed Fifty Dollars (\$50.00) for those
4 licensed and not to exceed Five Hundred Dollars (\$500.00) for those
5 not licensed. Each day a violation continues shall be construed as
6 a separate offense.

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

13 C. It shall be unlawful and constitute a misdemeanor,
14 punishable upon conviction by a fine of not less than Fifty Dollars
15 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
16 imprisonment in the county jail for not more than thirty (30) days,
17 or both such fine and imprisonment, for any person, firm, or
18 corporation in this state to:

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

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

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

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

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

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

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

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

19 D. The State Board of Cosmetology and Barbering shall have the
20 authority to levy administrative fines not to exceed Five Hundred
21 Dollars (\$500.00) for persons practicing cosmetology or barbering
22 without a license, and for owners of licensed establishments who
23 allow unlicensed individuals to practice cosmetology or barbering
24 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:

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~~ salespeople working in retail establishments engaged in the business of selling cosmetics in sealed packages; or

5. Threaders.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.14, as last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp. 2019, 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 a student.....	\$ 5.00
Examination for license	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

1	Facial Operator license (annual).....	25.00
2	Cosmetology license (annual).....	25.00
3	Barber license (annual).....	25.00
4	Manicurist license (annual).....	25.00
5	Facial/Esthetics Instructor license (annual).....	30.00
6	Cosmetician license (annual).....	25.00
7	Manicurist/Nail Technician Instructor license (annual).....	30.00
8	Demonstrator license (annual).....	20.00
9	Master Cosmetology Instructor license (annual)	50.00
10	Master Barber Instructor license (annual).....	50.00
11	Cosmetology establishment license (initial).....	45.00
12	Cosmetology establishment license (renewal).....	30.00
13	Barber establishment license (initial).....	45.00
14	Barber establishment license (renewal).....	30.00
15	Cosmetic Studio license (initial).....	50.00
16	Cosmetic Studio license (renewal)	30.00
17	Nail Salon (initial)	45.00
18	Nail Salon (renewal)	30.00
19	Reciprocity license (initial).....	30.00
20	Reciprocity processing fee.....	30.00
21	Duplicate license (in case of loss or	
22	destruction of original).....	5.00
23	Notary fee.....	1.00
24	Certification of Records.....	10.00

