

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1540, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Pugh

Pugh-MD-FS-Req#3968
3/4/2020 3:22 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1540

By: Pugh of the Senate

and

Munson of the House

7
8
9 FLOOR SUBSTITUTE

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

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

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

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

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

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

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

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

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

23 6. "Board" means the State Board of Cosmetology and Barbering;
24

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

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

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

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

1 or massaging, cleansing, stimulating, exercising, beautifying, or
2 similarly working the scalp, face, neck, arms, or the manicuring of
3 the nails of any person, exclusive of such of the foregoing
4 practices as are within the scope of practice of the healing arts as
5 provided by law;

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

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

21 12. "Demonstrator" means a person who is not licensed in this
22 state as an operator or instructor and who demonstrates any cosmetic
23 preparation. The person shall be required to obtain a Demonstrator
24

1 license and pass a state written exam relating to general safety and
2 sanitation from the Board before making any such demonstrations;

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

6 14. "Facialist/Esthetician" means any person who gives facials
7 for compensation;

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

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

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

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

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

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

23 21. "Postsecondary institution" means a school licensed to
24 teach students according to prescribed curriculum as in paragraph 1

1 of subsection G of Section 199.7 of this title and in Board rule
2 175:10-3-34(a);

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

5 23. "Secondary institution" means a school licensed to teach
6 students eligible for credit of five hundred (500) hours of related
7 subjects as prescribed in paragraph 2 of subsection G of Section
8 199.7 of this title and in Board rule 175:10-3-34(b); ~~and~~

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

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

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

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

19 b. tweezers and scissors incidental to threading.

20 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.6, as
21 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
22 2019, Section 199.6), is amended to read as follows:

23 Section 199.6. A. The State Board of Cosmetology and Barbering
24 is hereby authorized to promulgate rules for governing the

1 examination and licensure of cosmetologists, manicurists, nail
2 technicians, estheticians, cosmeticians, hair braiding technicians,
3 master cosmetology instructors, manicurist instructors, esthetics
4 instructors, barbers, and master barber instructors. The Board is
5 hereby authorized to promulgate rules to govern the sanitary
6 operation of cosmetology and barbering establishments and to
7 administer fines not to exceed Fifty Dollars (\$50.00) for those
8 licensed and not to exceed Five Hundred Dollars (\$500.00) for those
9 not licensed. Each day a violation continues shall be construed as
10 a separate offense.

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

17 C. It shall be unlawful and constitute a misdemeanor,
18 punishable upon conviction by a fine of not less than Fifty Dollars
19 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
20 imprisonment in the county jail for not more than thirty (30) days,
21 or both such fine and imprisonment, for any person, firm, or
22 corporation in this state to:

23 1. Operate or attempt to operate a cosmetology school/college,
24 cosmetology or barber establishment, cosmetology or barber school or

1 college that offers cosmetology, barbering or both without having
2 obtained a license therefor from the State Board of Cosmetology and
3 Barbering;

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

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

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

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

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

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

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

22 D. The State Board of Cosmetology and Barbering shall have the
23 authority to levy administrative fines not to exceed Five Hundred
24 Dollars (\$500.00) for persons practicing cosmetology or barbering

1 without a license, and for owners of licensed establishments who
2 allow unlicensed individuals to practice cosmetology or barbering
3 without a license in their establishment. Each day a violation
4 continues shall be a separate offense. The administrative fine
5 shall not exceed a total of Five Hundred Dollars (\$500.00).

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

- 9 1. Funeral directors;
- 10 2. Persons in the Armed Services;
- 11 3. Persons authorized to practice the healing arts or nursing;
- 12 ~~or~~
- 13 4. Regularly employed ~~sales people~~ salespeople working in
14 retail establishments engaged in the business of selling cosmetics
15 in sealed packages; or
- 16 5. Threaders.

17 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.14, as
18 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
19 2019, Section 199.14), is amended to read as follows:

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

22	Registration as a student.....	\$ 5.00
23	Examination for license	35.00
24	Cosmetology and Barber school license (initial).....	400.00

1	Cosmetology and Barber school license (renewal).....	125.00
2	Apprentice Registration.....	10.00
3	Renewal Advanced Operator license (annual).....	25.00
4	Facial Operator license (annual).....	25.00
5	Cosmetology license (annual).....	25.00
6	Barber license (annual).....	25.00
7	Manicurist license (annual).....	25.00
8	Facial/Esthetics Instructor license (annual).....	30.00
9	Cosmetician license (annual).....	25.00
10	Manicurist/Nail Technician Instructor license (annual).....	30.00
11	Demonstrator license (annual).....	20.00
12	Master Cosmetology Instructor license (annual)	50.00
13	Master Barber Instructor license (annual).....	50.00
14	Cosmetology establishment license (initial).....	45.00
15	Cosmetology establishment license (renewal).....	30.00
16	Barber establishment license (initial).....	45.00
17	Barber establishment license (renewal).....	30.00
18	Cosmetic Studio license (initial).....	50.00
19	Cosmetic Studio license (renewal)	30.00
20	Nail Salon (initial)	45.00
21	Nail Salon (renewal)	30.00
22	Reciprocity license (initial).....	30.00
23	Reciprocity processing fee.....	30.00
24		

Duplicate license (in case of loss or
destruction of original).....5.00
Notary fee.....1.00
Certification of Records.....10.00
Safety and sanitation test (annual).....25.00

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.

SECTION 4. This act shall become effective July 1, 2020.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

57-2-3968 MD 3/4/2020 3:22:06 PM