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February 13, 2020

AS AMENDED

SENATE BILL NO. 1540

By: Pugh

An Act relating to cosmetology; amending 59 O.S. 2011, Sections 199.1, as last amended by Section 1, Chapter 62, O.S.L. 2018 and 199.6, as last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2019, Sections 199.1 and 199.6), which relate to the Oklahoma Cosmetology and Barbering Act; modifying certain definition; adding certain defined terms; adding certain exception to application of the Oklahoma Cosmetology and Barbering Act; providing an effective date; **and declaring an emergency.**

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

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. "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;
24

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

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

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

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

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

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

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

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

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

23 23. "Secondary institution" means a school licensed to teach
24 students eligible for credit of five hundred (500) hours of related

1 subjects as prescribed in paragraph 2 of subsection G of Section
2 199.7 of this title and in Board rule 175:10-3-34(b); ~~and~~

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

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

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

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

13 b. tweezers and scissors incidental to threading.

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

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

1 administer fines not to exceed Fifty Dollars (\$50.00) for those
2 licensed and not to exceed Five Hundred Dollars (\$500.00) for those
3 not licensed. Each day a violation continues shall be construed as
4 a separate offense.

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

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

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

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

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

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

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

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

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

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

16 D. The State Board of Cosmetology and Barbering shall have the
17 authority to levy administrative fines not to exceed Five Hundred
18 Dollars (\$500.00) for persons practicing cosmetology or barbering
19 without a license, and for owners of licensed establishments who
20 allow unlicensed individuals to practice cosmetology or barbering
21 without a license in their establishment. Each day a violation
22 continues shall be a separate offense. The administrative fine
23 shall not exceed a total of Five Hundred Dollars (\$500.00).
24

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

4 1. Funeral directors;

5 2. Persons in the Armed Services;

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

7 ~~or~~

8 4. Regularly employed sales people working in retail
9 establishments engaged in the business of selling cosmetics in
10 sealed packages; or

11 5. Threaders.

12 SECTION 3. This act shall become effective **July 1, 2020.**

13 **SECTION 4. It being immediately necessary for the preservation**
14 **of the public peace, health or safety, an emergency is hereby**
15 **declared to exist, by reason whereof this act shall take effect and**
16 **be in full force from and after its passage and approval.**

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18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
19 February 13, 2020 - DO PASS AS AMENDED
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