

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1855

By: Treat

AS INTRODUCED

An Act relating to the Oklahoma Cosmetology and Barbering Act; amending 59 O.S. 2021, Section 199.1, which relates to definitions; defining term; amending 59 O.S. 2021, Section 199.6, as amended by Section 1, Chapter 57, O.S.L. 2022 (59 O.S. Supp. 2023, Section 199.6), which relates to rules; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, 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;

3. "Barbering" means any one or any combination of the following practices, when done upon the upper part of the human body

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

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

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

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

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

20 8. "Cosmetician" means a person licensed by the Board to
21 perform patron services limited to ~~hair arranging and the~~
22 ~~application of makeup, including, but not limited to, using~~
23 ~~hairstyling tools and products.~~ Services must be performed in a
24 licensed establishment;

1 9. "Cosmetology" means any one or combination of practices
2 generally and usually performed by and known as the occupation of
3 beauticians, beauty culturists, beauty operators, cosmeticians,
4 cosmetologists, or hairdressers or of any other person holding
5 himself or herself out as practicing cosmetology by whatever
6 designation and within the meaning of the Oklahoma Cosmetology and
7 Barbering Act and in or upon whatever place or premises.
8 Cosmetology shall include, but not be limited to, any one or
9 combination of the following practices: bleaching, cleansing,
10 curling, cutting, coloring, dressing, removing, singeing, styling,
11 waving, or similar work upon the hair of any person by any means,
12 whether with hands or mechanical or electrical apparatus or
13 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
14 shall be construed to prohibit the use of hands or mechanical or
15 electrical apparatus or appliances for the nonpermanent removal of
16 hair from the human body without puncturing of the skin or the use
17 of cosmetic preparations, antiseptics, tonics, lotions, or creams,
18 or massaging, cleansing, stimulating, exercising, beautifying, or
19 similarly working the scalp, face, neck, arms, or the manicuring of
20 the nails of any person, exclusive of such of the foregoing
21 practices as are within the scope of practice of the healing arts as
22 provided by law;

23 10. "Cosmetology establishment" means an establishment or place
24 of business where one or more persons are engaged in the practices

1 of cosmetology but shall not include cosmetology schools or
2 colleges;

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

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

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

22 14. "Facialist/Esthetician" means any person who gives facials
23 for compensation;

1 15. "Hair arranging" means the practice of shampooing,
2 conditioning, drying, arranging, curling, straightening, or styling
3 hair using mechanical devices, hairsprays, and topical agents
4 including, but not limited to, balms, oils, and serums. Hair
5 arranging shall include the use and styling of hair extensions, hair
6 pieces, and wigs. Hair arranging shall not include cutting hair or
7 application of dyes, bleach, reactive chemicals, keratin treatments,
8 or other preparations for the coloring and altering of hair
9 structure;

10 16. "Hairbraiding technician" means a person certified by the
11 Board to perform hairbraiding, hairweaving techniques, and hair
12 extensions in a licensed cosmetology establishment;

13 ~~16.~~ 17. "Hybrid learning" means courses that combine face-to-
14 face classroom instruction with on-line, computer-based learning;

15 ~~17.~~ 18. "Manicurist/Nail technician" means a person who gives
16 manicures, gives pedicures, or applies artificial nails;

17 ~~18.~~ 19. "Manicurist/Nail technician instructor" means a person
18 licensed by the Board as a qualified teacher of the art and science
19 of nail technology theory and practice;

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

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

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

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

~~23.~~ 24. "Secondary institution" means a school licensed to teach students eligible for credit of five hundred (500) hours of related subjects as prescribed in paragraph 2 of subsection G of Section 199.7 of this title and in Board rule 175:10-3-34(b); and

~~24.~~ 25. "Student" means a person who is enrolled in and attending a cosmetology or barbering school for the purpose of learning the practice of cosmetology or barbering.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 199.6, as amended by Section 1, Chapter 57, O.S.L. 2022 (59 O.S. Supp. 2023, Section 199.6), is amended to read as follows:

Section 199.6. A. The State Board of Cosmetology and Barbering is hereby authorized to promulgate rules for governing the examination and licensure of cosmetologists, manicurists, nail technicians, estheticians, cosmeticians, hair braiding technicians, master cosmetology instructors, manicurist instructors, esthetics instructors, barbers, and master barber instructors. The Board is hereby authorized to promulgate rules to govern the sanitary 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 4. Regularly employed sales people working in retail
8 establishments engaged in the business of selling cosmetics in
9 sealed packages; ~~or~~

10 5. Persons employed to render cosmetology or hairstyling
11 services in the course of and incidental to the business or
12 employers engaged in the theatrical, radio, television, or motion
13 picture production industries, modeling, or photography; or

14 6. Persons performing hair arranging services and no other
15 services requiring a license under the Oklahoma Cosmetology and
16 Barbering Act.

17 SECTION 3. This act shall become effective November 1, 2024.

18
19 59-2-2627 MR 2/9/2024 9:21:51 AM
20
21
22
23
24