

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1807

 By: Bennett

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Sections 199.1, as last
10 amended by Section 1, Chapter 62, O.S.L. 2018, 199.3,
11 as last amended by Section 2, Chapter 62, O.S.L.
12 2018, 199.4, as amended by Section 88, Chapter 229,
13 O.S.L. 2013, 199.6, as last amended by Section 4,
14 Chapter 260, O.S.L. 2014, 199.7, as last amended by
15 Section 5, Chapter 260, O.S.L. 2014, 199.8, as last
16 amended by Section 6, Chapter 260, O.S.L. 2014,
17 199.9, as last amended by Section 7, Chapter 260,
18 O.S.L. 2014, 199.10, as last amended by Section 1,
19 Chapter 265, O.S.L. 2016, 199.11, as last amended by
20 Section 9, Chapter 363, O.S.L. 2019 and 199.14, as
21 last amended by Section 4, Chapter 62, O.S.L. 2018
22 (59 O.S. Supp. 2020, Sections 199.1, 199.3, 199.4
23 199.6, 199.7, 199.8, 199.9, 199.10, 199.11 and
24 199.14), which relate to the Oklahoma Cosmetology and
 Barbering Act; modifying and adding definitions,
 powers of board, executive director, penalties,
 apprentices, inspections and renewal of license;
 modifying definitions; providing for certificates;
 making certain information confidential; allowing
 evidence information to be public; exempting
 information for report inspection; providing for
 fines; setting maximum fine amount; making each day
 of violation a separate offense; providing for
 regional accreditation recognized by the Department
 of Education; increasing number of apprentices;
 modifying and adding fees; and providing an effective
 date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as
3 last amended by Section 1, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
4 2020, Section 199.1), is amended to read as follows:

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

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

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

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

24

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

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

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

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

10 8. "~~Cosmetician~~ Cosmetician/stylist" means a person licensed by
11 the Board to perform patron services limited to hair arranging and
12 application of makeup, including, but not limited to, using
13 hairstyling tools and products. Services must be performed in a
14 licensed establishment;

15 9. "Cosmetology" means any one or a combination of practices
16 generally and usually performed by and known as the occupation of
17 beauticians, beauty culturists, beauty operators, cosmeticians,
18 cosmetologists or hairdressers, or of any other person holding
19 himself or herself out as practicing cosmetology by whatever
20 designation and within the meaning of the Oklahoma Cosmetology and
21 Barbering Act and in or upon whatever place or premises.

22 Cosmetology shall include, but not be limited to, any one or
23 combination of the following practices: bleaching, cleansing,
24 curling, cutting, coloring, dressing, removing, singeing, styling,

1 waving, or similar work, upon the hair of any person by any means
2 ~~whether,~~ and with hands or mechanical or electrical apparatus or
3 appliances. Nothing in the Oklahoma Cosmetology and Barbering Act
4 shall be construed to prohibit the use of ~~hands or mechanical or~~
5 ~~electrical apparatus or appliances~~ any of the devices for the non-
6 permanent removal of hair from the human body without puncturing the
7 skin, or by the use of cosmetic preparations, antiseptics, tonics,
8 lotions, or creams, massaging, cleansing, stimulating, exercising,
9 beautifying, or similarly working, the scalp, face, neck, arms,
10 bust, upper part of the body or ~~the~~ manicuring ~~of~~ the nails of any
11 person, exclusive of such of the foregoing practices as come within
12 the scope of the practice of the healing arts as provided by the
13 laws of this state;

14 10. "Cosmetology establishment" means an establishment or place
15 of business where one or more persons are engaged in the practices
16 of cosmetology but shall not include cosmetology schools or
17 colleges;

18 11. "Cosmetology or barber school/college" means any place or
19 premises where instruction in any or all the practices of
20 cosmetology or barbering is given. Any person, firm, institution or
21 corporation, who holds himself, herself or itself out as a school to
22 teach and train, or any person, firm, institution or corporation who
23 shall teach and train any other person or persons in any of the
24 practices of cosmetology or barbering is hereby declared to be

1 engaged in operating a cosmetology and/or barber school, and shall
2 be subject to the provisions of the Oklahoma Cosmetology and
3 Barbering Act. Licensed cosmetology and/or barber schools may offer
4 education to secondary and post secondary students in the state;

5 12. "Demonstrator" means a person who is not otherwise licensed
6 ~~in this state as an operator or instructor~~ pursuant to the Oklahoma
7 Cosmetology and Barbering Act and who demonstrates any cosmetic
8 preparation. The person shall be required to obtain a Demonstrator
9 license and pass a state written exam relating to general safety and
10 sanitation from the Board before making any such demonstrations;

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

14 ~~14.~~ "Facialist/Esthetician" means any person who gives facials
15 for compensation;

16 ~~15.~~ 14. "Hairbraiding technician" means a person certified by
17 the Board to perform hairbraiding techniques, and hair extensions in
18 a licensed cosmetology establishment;

19 ~~16.~~ 15. "Hybrid learning" means courses that combine face-to-
20 face classroom instruction with on-line, computer-based learning;

21 ~~17.~~ 16. "Manicurist/Nail technician" means a person who gives
22 manicures, gives pedicures, or applies artificial nails;

23
24

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

4 ~~19.~~ 17. "Master ~~barber~~ instructor" means a person ~~who gives~~
5 ~~instruction in barbering or any practices thereof~~ licensed by the
6 Board as a qualified teacher of the art and science of one of the
7 following disciplines: cosmetology, barbering, facial and esthetics
8 or nail technology theory and practice;

9 ~~20. Master cosmetology instructor" means a person who gives~~
10 ~~instruction in cosmetology or any practices thereof;~~

11 ~~21.~~ 18. "~~Post-secondary~~ Postsecondary institution" means a
12 school licensed to teach students according to prescribed curriculum
13 as in paragraph 1 of subsection ~~F~~ G of Section 199.7 of this title
14 and in Board rule 175:10-3-34(a);

15 ~~22.~~ 19. "Public school" means any state-supported institution
16 conducting a cosmetology program;

17 ~~23.~~ 20. "Salon suites" are "mini-salons" in a large commercial
18 space. These are independent rooms with a lockable door which
19 allows for an independent salon/shop/establishment business address.
20 Salon suites require an establishment license issued by the Oklahoma
21 State Board of Cosmetology and Barbering for each individually
22 operated room;

23 21. "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 ~~F~~ G of Section
2 199.7 of this title and in Board rule 175:10-3-34(b); and

3 ~~24.~~ 22. "Student" means a person who is enrolled in and
4 attending a cosmetology school for the purpose of learning the
5 practice of cosmetology or barbering.

6 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.3, as
7 last amended by Section 2, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
8 2020, Section 199.3), is amended to read as follows:

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

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

16 1. Promulgate rules pursuant to the Administrative Procedures
17 Act relating to standards of sanitation which must be observed and
18 practiced by all cosmetology and barber establishments, cosmetology
19 ~~or~~ and barber schools, ~~master cosmetology instructors, master barber~~
20 ~~instructors, barbers,~~ apprentices, students, and ~~board licensees~~
21 persons licensed or certified by the Board. The Board shall furnish
22 copies of the rules to the owner or manager of each cosmetology
23 school, barber school and cosmetology and barber establishment
24 operating in this state. It shall be the duty of each owner or

1 manager to post a copy of the rules in a conspicuous place in each
2 of the establishments or schools;

3 2. Conduct examinations of applicants for ~~certificates of~~
4 ~~registration~~ licensure or certification as ~~manicurist~~
5 manicurist/nail technicians, cosmetologists, ~~facial operators~~
6 facial/estheticians, hairbraiding ~~technician~~ technicians,
7 ~~manicurist/nail technician instructor, facial/esthetics instructor,~~
8 ~~master cosmetology instructor, cosmetician~~ cosmetician/stylists,
9 ~~barber, barbers or barber instructor~~ master instructors at such
10 times and places determined by the Board. Applications for all
11 examinations shall be made on forms approved by the Board;

12 3. Keep a record of all its proceedings. The Board shall keep
13 a record of all applicants for certificates, licenses and permits,
14 showing the name of the applicant, the name and location of the
15 place of occupation or business, if any, and the residence address
16 of the applicant, and whether the applicant was granted or refused a
17 certificate, license~~7~~ or permit. The records of the Board shall be
18 valid and sufficient evidence of matters contained therein~~7~~ and
19 shall constitute public records. Records shall be open to public
20 inspection at all reasonable times and subject to the Oklahoma Open
21 Records Act. Notwithstanding any other provision of law to the
22 contrary, records and information obtained in connection with an
23 investigation of alleged violations, including complaints, identity
24 of a complainant, investigative reports, and documentation or images

1 generated or received during the course of an investigation, shall
2 be confidential and shall not be subject to disclosure. However,
3 the Board may provide such information to law enforcement and other
4 public agencies as necessary and appropriate for the discharge of
5 that agency's duties;

6 4. Issue all certificates ~~of registration~~, licenses, permits,
7 notices and orders;

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

17 6. Make regular inspections of all cosmetology and ~~barber~~
18 barbering schools and cosmetology and ~~barber~~ barbering
19 establishments licensed to operate in this state, and reports
20 thereof shall be kept and maintained in the office of the Board;

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

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

4 9. ~~Refuse, revoke,~~ Revoke or suspend licenses, certificates ~~of~~
5 ~~registration~~ or permits after notice and an opportunity for a full
6 hearing, pursuant to Article II of the Administrative Procedures
7 Act, on proof of violation of any ~~of these~~ provisions of the
8 Oklahoma Cosmetology and Barbering Act or the rules established by
9 the Board;

10 10. Enter into ~~any~~ contracts necessary to implement or enforce
11 the provisions of the Oklahoma Cosmetology and Barbering Act or
12 rules promulgated thereto; and

13 11. Apply to a court of competent jurisdiction for an order
14 enjoining ~~an unlicensed~~ a person not licensed or certified by the
15 Board from practicing cosmetology or barbering or holding himself or
16 herself out as a practitioner of cosmetology or barbering.
17 Injunctive relief granted by the court shall be without bond.

18 C. 1. Any person whose license, certificate ~~of registration,~~
19 or permit has been suspended or revoked may, after the expiration of
20 thirty (30) days, make application to the Board for reinstatement
21 thereof.

22 2. Reinstatement of any such license, certificate ~~of~~
23 ~~registration,~~ or permit shall rest in the sound discretion of the
24 Board.

1 3. Any action of the Board in ~~refusing~~, ~~revoking~~, or suspending
2 a license, certificate ~~of registration~~, or permit may be appealed to
3 the district court of the county of the appellant's residence
4 pursuant to the Administration Procedures Act.

5 D. 1. In any case where a licensee person licensed or
6 certified by the Board becomes a member of the Armed Forces of the
7 United States, such license or certificate shall not lapse by reason
8 thereof but shall be considered and held in force and effect without
9 further payment of license or certificate fees during the period of
10 service in the Armed Forces of the United States and for six (6)
11 months after honorable release from the Armed Forces of the United
12 States the licensee person may resume practice pursuant to a license
13 or certificate without other or further examination by notifying the
14 Board in writing.

15 2. The period of time in which the licensee person licensed or
16 certified by the Board shall have been a member of the Armed Forces
17 of the United States shall not be computed in arriving at the amount
18 of fee or fees due or to become due by such licensee person.

19 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.4, as
20 amended by Section 88, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2020,
21 Section 199.4), is amended to read as follows:

22 Section 199.4 The State Board of Cosmetology and Barbering
23 shall employ an executive director who shall be in charge of the
24 office of the Board. The executive director shall have such

1 qualifications as shall be established by rules of the Board;
2 provided, the executive director shall not be actively engaged in
3 the practice of cosmetology or barbering while serving as executive
4 director. The executive director shall:

5 1. Devote his or her entire time to the duties of the office;

6 2. Receive salary and benefits as provided by law;

7 3. Keep and preserve all books and records pertaining to the
8 Board;

9 4. Have authority, in the name of and in behalf of the Board,
10 to issue all licenses, certificates ~~of registration~~, permits,
11 registrations, orders, and notices;

12 5. Have authority to collect all fees and penalties provided
13 for by the Oklahoma Cosmetology and Barbering Act;

14 6. Make quarterly reports to the Board of all monies collected
15 and the sources from which derived;

16 7. Have authority to approve payrolls and all claims for the
17 Board;

18 8. Have authority to employ staff;

19 9. Keep a continuous inventory of all properties, excluding
20 supplies, belonging to the Board; and

21 10. Perform such other duties as may be directed by the Board.

22 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as
23 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
24 2020, Section 199.6), is amended to read as follows:

1 Section 199.6 A. The State Board of Cosmetology and Barbering
2 is hereby authorized to promulgate rules ~~for~~ governing the
3 examination and licensure or certification of cosmetologists,
4 ~~manicurists, nail technicians~~ manicurist/nail technicians,
5 ~~estheticians~~ facial/estheticians, ~~cosmeticians~~ cosmetician/stylists,
6 hair braiding technicians, ~~master cosmetology instructors,~~
7 ~~manicurist instructors, esthetics instructors,~~ barbers, and master
8 ~~barber~~ instructors. The Board is hereby authorized to promulgate
9 rules to govern the sanitary operation of cosmetology and barbering
10 establishments and to administer fines not to exceed Fifty Dollars
11 (\$50.00) for those licensed and not to exceed Five Hundred Dollars
12 (\$500.00) for those not licensed. Each day a violation continues
13 shall be construed as a separate offense.

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

20 C. It shall be unlawful and constitute a misdemeanor,
21 punishable upon conviction by a fine of not less than Fifty Dollars
22 (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by
23 imprisonment in the county jail for not more than thirty (30) days,
24

1 or both such fine and imprisonment, for any person, firm, or
2 corporation in this state to:

3 1. Operate or attempt to operate a cosmetology school/college,
4 cosmetology or barber establishment, cosmetology or barber school or
5 college that offers cosmetology, barbering or both without having
6 obtained a license therefor from the State Board of Cosmetology and
7 Barbering;

8 2. Give or attempt to give instruction in cosmetology or
9 barbering, without having obtained an instructor's license from the
10 State Board of Cosmetology and Barbering;

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

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

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

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

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

24

1 8. Violate any of the provisions of the Oklahoma Cosmetology
2 and Barbering Act.

3 D. The State Board of Cosmetology and Barbering shall have the
4 authority to levy administrative fines not to exceed Five Hundred
5 Dollars (\$500.00) for persons practicing cosmetology or barbering
6 without a license or certificate, ~~and~~ for owners of licensed
7 establishments who allow ~~unlicensed individuals~~ persons who are not
8 licensed or certified by the Board to practice cosmetology or
9 barbering ~~without a license~~ in their establishment, and for persons
10 who violate any provision of the Oklahoma Cosmetology and Barbering
11 Act or rules of the Board. Each day a violation continues shall be
12 a separate offense. ~~The administrative fine shall not exceed a~~
13 ~~total of Five Hundred Dollars (\$500.00).~~

14 E. No person shall place a barber pole in a location, or use a
15 barber pole in its advertising or signage, that would create or tend
16 to create the impression to the public that the business offers
17 barbering services unless the business is licensed as a barbering
18 establishment or is licensed as a cosmetology establishment that
19 employs licensed barbers. For the purpose of this subsection,
20 "barber pole" means a pole or cylinder with alternating stripes of
21 any combination including but not limited to red and white, or red,
22 white and blue, or any object of a similar nature, regardless of its
23 actual shape or coloring.

1 F. 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.

11 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as
12 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
13 2020, Section 199.7), is amended to read as follows:

14 Section 199.7 A. Each cosmetology and barber school shall be
15 licensed annually by the State Board of Cosmetology and Barbering.
16 Application for the first year's license for a cosmetology and
17 barber school shall be accompanied by a fee of Four Hundred Dollars
18 (\$400.00), which shall be retained by the Board if the application
19 is approved and a license is issued. The annual renewal license fee
20 for cosmetology or barber schools shall be One Hundred Twenty-five
21 Dollars (\$125.00).

22 B. 1. No license or renewal thereof for a cosmetology or
23 barber school shall be issued unless the owner thereof furnishes to
24 the Board a good and sufficient surety bond in the principal sum of

1 Two Thousand Dollars (\$2,000.00) for the first instructor and an
2 additional One Thousand Dollars (\$1,000.00) for each additional
3 instructor, executed by a surety company authorized to do business
4 in this state, and conditioned on the faithful performance of the
5 terms and conditions of all contracts entered into between the owner
6 of the cosmetology or barber school and all persons enrolling
7 therein.

8 2. The surety bond shall be in a form approved by the Attorney
9 General and filed in the Office of the Secretary of State. Suit may
10 be brought on the bond by any person injured by reason of the breach
11 of the conditions thereof.

12 C. It shall be the duty of the owner or manager of a
13 cosmetology or barber school to enter into a written contract with
14 all students before permitting students to attend any classes.
15 Contracts shall be made out in triplicate, the original copy to be
16 retained by the school, the duplicate to be given to the student,
17 and the triplicate to be filed with the executive director of the
18 Board.

19 D. A school licensed or applying for licensure shall maintain
20 recognition as an institution of postsecondary study by meeting the
21 following conditions:

22 1. The school shall admit as a regular student only an
23 individual who has earned a recognized high school diploma, or who
24 is beyond the age of compulsory high school attendance;

1 2. The school shall be licensed by name, or in the case of an
2 applicant, shall apply for licensure by name, to offer one or more
3 training programs beyond the secondary level.

4 E. No license for a cosmetology or barber school shall be
5 issued unless the owner thereof presents evidence satisfactory to
6 the Board that the school has satisfactory facilities and equipment
7 and has instructors qualified to give a course of study as provided
8 in the Oklahoma Cosmetology and Barbering Act.

9 F. There shall be included in the curriculum for cosmetology
10 and barber schools, courses of study in the theory of cosmetology
11 and barbering related theory, studies in manipulative practices,
12 sterilization and sanitation, shop management, and such other
13 related subjects as may be approved by the Board.

14 G. 1. The Board shall adopt a curriculum of required courses
15 of instruction in theory and training of either one thousand five
16 hundred (1,500) clock hours or an equivalent number of credit hours
17 as recognized by the United States Department of Education or a
18 regional or national accreditation entity recognized by the United
19 States Department of Education in a basic course to be taught in all
20 cosmetology or barbering schools in the state. The basic
21 cosmetology or barbering course shall be designed to qualify
22 students completing the course to take the examination for a
23 license.

1 2. Cosmetology and barber students in vocational, trade, and
2 industrial cosmetology and barbering classes in public schools,
3 parochial, private schools or home schools shall qualify by
4 completing one thousand (1,000) hours in a basic course of
5 cosmetology or barbering and five hundred (500) hours of approved
6 related subjects to be selected from, but not limited to, the
7 following high school courses in a public school, parochial, private
8 or home school: psychology, biology, general science, American
9 history, art, typing I, typing II, business arithmetic,
10 salesmanship, bookkeeping I, bookkeeping II, related mathematics,
11 English II, English III and English IV.

12 H. 1. No person shall be eligible to give instruction in
13 cosmetology or barbering unless the person is the holder of a
14 current unrevoked instructor's license issued by the Board.

15 2. Each cosmetology or barber school shall employ at least one
16 instructor for the first fifteen students registered therein, and at
17 least one additional instructor shall be employed for each
18 additional group of fifteen students, or major fraction thereof.

19 3. Students utilizing hybrid learning programs are included in
20 the total student number as referenced in the ratio in paragraph 2
21 of subsection G of this section.

22 I. A cosmetology or barbering school may be operated in and as
23 part of an accredited high school.

24

1 J. No cosmetology or barber school owner or an establishment
2 owner shall charge students or apprentices for cosmetic materials,
3 supplies, apparatus~~7~~ or machines used by them in practice work. A
4 reasonable charge may be made by a cosmetology or barber school for
5 clinical work performed by students upon persons who are not
6 students therein. No instructor shall be permitted to do
7 professional or clinical work in a cosmetology or barber school at
8 any time.

9 K. No cosmetology or barber establishment shall ever be
10 operated in or as a part of a cosmetology school.

11 L. 1. Students shall:

12 a. have an eighth-grade education or the equivalent
13 thereof, and

14 b. be at least sixteen (16) years of age unless they are
15 public or private school students who will be sixteen
16 (16) years of age by November 1 of the year in which
17 cosmetology or barbering instruction begins.

18 2. Credit shall not be given to any person by the Board or by a
19 cosmetology or barber school for hours spent in attending a
20 cosmetology or barber school unless the person has registered with
21 the Board as a student prior to the attendance, except that a
22 student who has attended a cosmetology or barber school out of state
23 may receive credit for such attendance for transfer upon proper
24 certification as provided by rule of the Board.

1 3. No student shall be credited with more than eight (8) hours'
2 attendance in a cosmetology or barber school in any one (1) day.

3 4. No person shall be eligible to take the Board-issued
4 examination for a license unless such person is at least seventeen
5 (17) years of age or a high school graduate.

6 M. 1. No student shall be eligible to take the examination for
7 a Board-issued license without furnishing to the Board the affidavit
8 of the owner of the cosmetology or barber school that the student
9 has satisfactorily completed the requirements specified in paragraph
10 1 of subsection F G of this section, except public and private
11 school students who will complete the requirements specified in
12 paragraph 2 of subsection F G of this section by the close of the
13 current school year may take the examination next preceding the end
14 of the school year.

15 2. Students who are eligible to take the examination shall be
16 given an oral examination if requested by their instructor and proof
17 of qualifying disability is proven.

18 N. No person shall be eligible to register for the examination
19 for an instructor's license unless such person is a high school
20 graduate, or has obtained a General Equivalency Diploma (GED) as to
21 which the applicant shall qualify by tests to be prescribed by the
22 Board and conducted by qualified examiners selected by the Board,
23 and has:

24

1 1. Satisfactorily completed all hours required for the
2 appropriate specialty course and an additional one thousand (1,000)
3 instructor training hours or equivalent number of credit hours as
4 recognized by the United States Department of Education or as
5 recognized by a regional or national accreditation entity ~~prescribed~~
6 ~~by the Board~~ recognized by the United States Department of Education
7 in a cosmetology school in this state; or

8 2. Completed all hours required for the appropriate specialty
9 course, three hundred (300) instructor training hours, prescribed by
10 the Board in a cosmetology school in this state and has been engaged
11 in the practice of cosmetology for at least the preceding two (2)
12 years.

13 O. The Board shall have the power to conduct examinations
14 around the state at public locations including, but not limited to,
15 technology center schools.

16 P. Each cosmetology or barber school shall prominently display
17 in a conspicuous place above or to the side of the entrance thereto
18 a sign identifying it as an institute of learning. Wording on sign
19 shall be in plain letters at least three (3) inches high and at
20 least one (1) inch wide.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as
22 last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
23 2020, Section 199.8), is amended to read as follows:

24

1 Section 199.8 A. Each person training as an apprentice shall
2 be required to have the same qualifications as a student for
3 admission into a cosmetology or barber school, and shall be
4 registered with the State Board of Cosmetology and Barbering before
5 commencing the training.

6 B. No apprentice shall engage in any of the practices of
7 cosmetology or barbering except under the immediate supervision of a
8 licensed instructor in a cosmetology or barber establishment
9 approved by the Board for apprentice training.

10 C. All apprentices must wear a badge which designates them as
11 an apprentice and is furnished by the Board with the apprentice
12 registration receipt.

13 D. Only ~~one apprentice~~ two apprentices may be registered to
14 receive training in ~~any~~ a cosmetology or barber establishment at any
15 one time.

16 E. Completion of three thousand (3,000) hours of apprentice
17 training in a cosmetology or barbering establishment is the
18 equivalent of one thousand five hundred (1,500) hours' training in a
19 cosmetology or barber school and shall entitle the apprentice to
20 take the examination.

21 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as
22 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.
23 2020, Section 199.9), is amended to read as follows:

24

1 Section 199.9 A. The State Board of Cosmetology and Barbering
2 shall not issue a license for a cosmetology or barber establishment
3 until an inspection has been made of the ~~salon~~ establishment and
4 equipment, including the sanitary facilities thereof. Temporary
5 approval pending inspection may be made upon sworn affidavit by the
6 license applicant that all requirements have been met. No license
7 shall be issued for a cosmetology or barber establishment to be
8 operated in a private home or residence unless the ~~salon~~
9 establishment is located in a room or rooms not used or occupied for
10 residential purposes.

11 B. 1. Except as otherwise provided in the Oklahoma Cosmetology
12 and Barbering Act, it shall be unlawful for any person to practice
13 cosmetology or barbering in any place other than a licensed
14 establishment or school licensed by the Board.

15 2. In an emergency such as illness, invalidism, or death, a
16 practitioner licensed operator or certified by the Board may perform
17 cosmetology or barbering services for a person by appointment in a
18 place other than a licensed cosmetology or barber establishment or
19 cosmetology or barber school.

20 C. A person licensed as a cosmetologist may perform cosmetology
21 services in a barber establishment. A person licensed as a barber
22 may perform barbering services in a cosmetology establishment. Any
23 salon which provides both cosmetology and barbering services must
24 obtain a license from the Board.

1 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.10, as
2 last amended by Section 1, Chapter 265, O.S.L. 2016 (59 O.S. Supp.
3 2020, Section 199.10), is amended to read as follows:

4 Section 199.10 A. All licenses and certificates issued under
5 the provisions of the Oklahoma Cosmetology and Barbering Act shall
6 be issued for a period of one (1) year. The expiration date of the
7 license shall be the last day of the month in which the applicant's
8 birthday falls. The public display of a licensee's personal
9 residential address on the face of any license issued pursuant to
10 the provisions of the Oklahoma Cosmetology and Barbering Act shall
11 be prohibited on and after July 1, 2016, and such personal address
12 information, if publically displayed on a valid license, may be
13 redacted by the licensee until the license is renewed and no longer
14 bears his or her personal residential address.

15 B. Applications for renewal must be made on or before the last
16 day of the month in which the applicant's birthday falls, and shall
17 be accompanied by the appropriate fees.

18 C. Any person who fails to renew the license or certificate
19 within the required time, may make application for renewal at any
20 time within five (5) years from the expiration date of the license
21 or certificate by paying the regular renewal ~~license~~ fee and a late
22 fee of Ten Dollars (\$10.00), which becomes due two (2) months after
23 the expiration date.

24

1 D. Any person who fails to renew within ~~the required time~~ may
 2 ~~make application with subsequent~~ five (5) years shall not be
 3 eligible for licensure or certification until the person submits
 4 payment for all cumulative renewal and penalty fees and successfully
 5 passes the Board's safety and sanitation exam.

6 ~~E. Before a person may take an examination to renew an expired~~
 7 ~~license after a period of five (5) years, such person shall register~~
 8 ~~in a cosmetology or barber school for the given number of review~~
 9 ~~hours in accordance with the following timetable and schedule based~~
 10 ~~upon the type of license held.~~

License Type	Expired Five Years or More	Review Hours Required
Basic Cosmetologist		250 hours
Barber		250 hours
Master Cosmetology		
Instructor		100 hours
Master Barber		
Instructor		100 hours
Facial/Esthetics		
Instructor		100 hours
Manicurist/Nail		
Technician		
Instructor		100 hours
Manicurist		100 hours

1	Facial Operator	100 hours
2	Cosmetician	100 hours
3	Hairbraiding	
4	Technician	100 hours

5 F. ~~Each person holding a license shall notify the Board of any~~
6 ~~change in the mailing address of such person within thirty (30) days~~
7 ~~after any change.~~

8 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as
9 last amended by Section 9, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
10 2020, Section 199.11), is amended to read as follows:

11 Section 199.11 A. The State Board of Cosmetology and Barbering
12 is hereby authorized to deny, revoke, suspend, or refuse to renew
13 any license, certificate or registration that it is authorized to
14 issue under the Oklahoma Cosmetology and Barbering Act for any of
15 the following causes:

- 16 1. Conviction of a felony crime that substantially relates to
17 the practice of cosmetology and poses a reasonable threat to public
18 safety;
- 19 2. Gross malpractice or gross incompetence;
- 20 3. Fraud practiced in obtaining a license, certificate or
21 registration;
- 22 4. A license or certificate holder's continuing to practice
23 while afflicted with an infectious, contagious, or communicable
24 disease;

- 1 5. Habitual drunkenness or addiction to use of habit-forming
2 drugs;
- 3 6. Advertising by means of statements known to be false or
4 deceptive;
- 5 7. Continued or flagrant violation of any rules of the Board,
6 or continued practice by a ~~Board licensee~~ licensed or certified
7 person in a cosmetology or barber establishment wherein violations
8 of the rules of the Board are being committed within the knowledge
9 of the ~~licensee~~ licensed or certified person;
- 10 8. Failure to display license or certificate as required by the
11 Oklahoma Cosmetology and Barbering Act;
- 12 9. Continued practice of cosmetology or barbering after
13 expiration of a license or certificate therefor;
- 14 10. Employment by a salon or barber establishment owner or
15 manager of any person to perform any of the practices of cosmetology
16 or barbering who is not duly licensed or certified to perform the
17 services;
- 18 11. Practicing cosmetology or barbering in an unprofessional
19 manner;
- 20 12. Unsanitary operating practices or unsanitary conditions of
21 a school or establishment; or
- 22 13. Unsanitary operating practices of a ~~licensee~~ practitioner
23 licensed or certified by the Board.
- 24 B. As used in this section:

1 1. "Substantially relates" means the nature of criminal conduct
2 for which the person was convicted has a direct bearing on the
3 fitness or ability to perform one or more of the duties or
4 responsibilities necessarily related to the occupation; and

5 2. "Poses a reasonable threat" means the nature of criminal
6 conduct for which the person was convicted involved an act or threat
7 of harm against another and has a bearing on the fitness or ability
8 to serve the public or work with others in the occupation.

9 SECTION 10. AMENDATORY 59 O.S. 2011, Section 199.14, as
10 last amended by Section 4, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
11 2020, Section 199.14), is amended to read as follows:

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

14	Registration as a student <u>Student registration.....</u>	\$ 5.00
15	<u>Apprentice registration.....</u>	10.00
16	Examination for license <u>or certificate.....</u>	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	Manicurist/Nail Technician Instructor license (annual).	30.00
4	<u>School license (initial).....</u>	<u>400.00</u>
5	<u>School license (renewal).....</u>	<u>125.00</u>
6	<u>Annual license or certificate renewal.....</u>	<u>25.00</u>
7	<u>Annual master instructor license renewal.....</u>	<u>50.00</u>
8	<u>Establishment license (initial).....</u>	<u>50.00</u>
9	<u>Establishment license (renewal).....</u>	<u>30.00</u>
10	Demonstrator license (annual).....	20.00
11	Master Cosmetology Instructor license (annual)	50.00
12	Master Barber Instructor license (annual).....	50.00
13	Cosmetology establishment license (initial).....	45.00
14	Cosmetology establishment license (renewal).....	30.00
15	Barber establishment license (initial).....	45.00
16	Barber establishment license (renewal).....	30.00
17	Cosmetic Studio license (initial).....	50.00
18	Cosmetic Studio license (renewal)	30.00
19	Nail Salon (initial)	45.00
20	Nail Salon (renewal)	30.00
21	Reciprocity license (initial).....	30.00
22	Reciprocity processing fee.....	30.00
23	Duplicate license (in case of loss or	
24	destruction of original).....	5.00

1	Notary fee.....	1.00
2	<u>7.00</u>
3	Certification of Records.....	10.00
4	<u>Duplicate license (in case of loss or destruction</u>	
5	<u>of original).....</u>	<u>5.00</u>

6 B. In addition to the fees specified in subsection A of this
7 section, the Board shall charge a total penalty of Ten Dollars
8 (\$10.00), as provided for in Section 199.10 of this title.

9 C. Any person licensed as an advanced operator prior to July 1,
10 1985, may renew ~~the advanced cosmetologist~~ that license annually by
11 payment of the fee required by this section and by being in
12 compliance with the rules promulgated by the State Board of
13 Cosmetology and Barbering.

14 SECTION 11. This act shall become effective November 1, 2021.

16 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND
17 EFFICIENCY, dated 02/10/2021 - DO PASS.