

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2013

By: Townley

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5
6 AS INTRODUCED

7 An Act relating to cosmetic procedures; creating the
8 Oklahoma Cosmetic Procedures Licensing Act; defining
9 terms; requiring license or certificate to perform
10 certain acts; providing limitations; providing
11 exception to licensure or certification; providing
12 for laser hair removal certification; directing State
13 Department of Health to promulgate rules; providing
14 requirements for certain certificates for laser hair
15 removal; providing for permanent cosmetic coloring
16 and cosmetic tattooing licensure; directing
17 Department to promulgate rules; providing certain
18 requirements; prohibiting operation of facility
19 without license; requiring separate licensure for
20 each facility; providing exceptions; providing for
21 expiration of licenses and certificates; requiring
22 certain disclosures; requiring posting of warning
23 sign; providing requirement for facility operator
24 compliance; prohibiting false or misleading material
or advertisements; providing for administrative fine
and suspension, revocation or denial of license;
amending 21 O.S. 2011, Section 842.3, which relates
to body piercing and tattooing; providing exception
for licenses or certificates issued under the
Oklahoma Cosmetic Procedures Licensing Act; repealing
63 O.S. 2011, Sections 1-1450, 1-1451, 1-1452, 1-
1453, as amended by Section 62, Chapter 229, O.S.L.
2013, 1-1454, 1-1455, as amended by Section 63,
Chapter 229, O.S.L. 2013, 1-1457 and 1-1458 (63 O.S.
Supp. 2020, Sections 1-1453 and 1-1455), which relate
to the Oklahoma Medical Micropigmentation Regulation
Act; providing for codification; and providing an
effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 200 of Title 59, unless there is
3 created a duplication in numbering, reads as follows:

4 Sections 1 through 10 of this act shall be known and may be
5 cited as the "Oklahoma Cosmetic Procedures Licensing Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 201 of Title 59, unless there is
8 created a duplication in numbering, reads as follows:

9 As used in the Oklahoma Cosmetic Procedures Licensing Act:

10 1. "Cosmetic tattooing" means the process by which the skin is
11 marked or colored to form indelible marks, figures or decorative
12 designs for cosmetic, nonmedical purposes by inserting or ingraining
13 an indelible pigment into or onto the skin, microblading or
14 microneedling;

15 2. "Laser hair removal" means the use of a laser or intense
16 pulsed light device for nonablative hair removal procedures;

17 3. "Laser hair removal facility" means a business location that
18 provides laser hair removal;

19 4. "Laser or intense pulsed light device" means a device
20 approved by the State Department of Health and the United States
21 Food and Drug Administration for laser hair removal;

22 5. "Microblading" means microblading of the eyebrow as a form
23 of cosmetic tattoo artistry where ink is deposited superficially in
24 the upper three layers of the epidermis using a handheld or machine-

1 powered tool made up of needles known as a microblade to improve or
2 create eyebrow definition, to cover gaps of lost or missing hair, to
3 extend the natural eyebrow pattern, or to create a full construction
4 if the eyebrows have little to no hair;

5 6. "Microneedling" means the minimally invasive cosmetic
6 procedure utilizing fine, sterile needles to puncture the skin for
7 the purpose of treating skin concerns through collagen production;

8 7. "Nonablative hair removal procedure" means a hair removal
9 procedure using a laser or intense pulsed light device that does not
10 remove the epidermis;

11 8. "Operator" means the owner of a laser hair removal facility,
12 an agent of an owner, or an independent contractor of a laser hair
13 removal facility; and

14 9. "Permanent cosmetic coloring" means tattooing for the
15 purpose of simulating hair or makeup, such as permanent eyeliner,
16 lip color, eyebrows and eyeshadow, and may include repigmentation of
17 areas that have been subject to reconstructive surgery or trauma.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 202 of Title 59, unless there is
20 created a duplication in numbering, reads as follows:

21 A. A person shall not perform or attempt to perform laser hair
22 removal, permanent cosmetic coloring and cosmetic tattooing unless
23 the person holds the appropriate license or certificate issued by
24 the State Department of Health.

1 B. A license or certificate under the Oklahoma Cosmetic
2 Procedures Licensing Act only authorizes a person to perform
3 nonablative cosmetic laser hair removal, permanent cosmetic coloring
4 or cosmetic tattooing. The license or certificate does not
5 authorize the person to diagnose, treat or offer to treat any client
6 for any illness, disease, injury, defect or deformity of the human
7 body. The license or certificate holder shall specifically disclose
8 this limitation in writing to all clients and prospective clients.

9 C. A health professional licensed under another law is not
10 required to hold a certificate under this act to perform laser hair
11 removal if the performance of laser hair removal is within the scope
12 of that professional's practice as determined by the professional's
13 licensing board.

14 D. This act does not apply to a physician or any person under
15 the supervision of a physician who is licensed to practice medicine
16 in this state.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 203 of Title 59, unless there is
19 created a duplication in numbering, reads as follows:

20 Certificates for laser hair removal shall be issued by the State
21 Department of Health. The Department shall promulgate rules
22 regulating laser hair removal certificates, which shall include, but
23 not be limited to, the following:

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1 1. An applicant for a laser hair removal professional
2 certificate shall:

- 3 a. be certified by a recognized certifying entity
- 4 approved by the State Department of Health,
- 5 b. meet the requirements for a senior laser hair removal
- 6 technician certificate under paragraph 2 of this
- 7 section, and
- 8 c. pass an examination required by the Department;

9 2. An applicant for a senior laser hair removal technician
10 certificate shall:

- 11 a. meet the requirements for a laser hair removal
- 12 technician certificate under paragraph 3 of this
- 13 section, and
- 14 b. have supervised at least one hundred laser hair
- 15 removal procedures, as audited by a certified laser
- 16 hair removal professional;

17 3. An applicant for a laser hair removal technician certificate
18 shall:

- 19 a. meet the requirements for a laser hair removal
- 20 apprentice-in-training certificate under paragraph 4
- 21 of this section, and
- 22 b. have performed at least one hundred laser hair removal
- 23 procedures under the direct supervision of a laser
- 24

1 hair removal technician or certified laser hair
2 removal professional;

3 4. An applicant for a laser hair removal apprentice-in-training
4 certificate shall:

5 a. have at least twenty-four (24) hours of training in
6 safety, laser physics, skin typing, skin reactions,
7 treatment protocols, burns, eye protection,
8 emergencies and posttreatment protocols,

9 b. work directly under the supervision of a senior laser
10 hair removal technician or certified laser hair
11 removal professional, and

12 c. be at least eighteen (18) years of age;

13 5. Except as provided in paragraph 6 of this section, a laser
14 hair removal facility shall have a laser hair removal professional
15 or a licensed health care professional present to supervise the
16 laser hair removal procedures performed at the facility during the
17 facility's operating hours; and

18 6. A laser hair removal facility may continue to perform laser
19 hair removal procedures after the facility's certified laser hair
20 removal professional resigns from the facility if a senior laser
21 hair removal technician is present to perform or supervise each
22 procedure. No later than forty-five (45) days after the date the
23 facility's certified laser hair removal professional leaves the
24 facility:

- a. the facility's senior laser hair removal technician must become certified as a laser hair removal professional, or
- b. the facility must hire a new certified laser hair removal professional.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 204 of Title 59, unless there is created a duplication in numbering, reads as follows:

Licenses for permanent cosmetic coloring or cosmetic tattooing shall be issued by the State Department of Health. The Department shall promulgate rules regulating cosmetic coloring and cosmetic tattooing, which shall include, but not be limited to:

- 1. Temporary and permanent licensure;
- 2. Equipment setup and requirements;
- 3. Standards for sanitary procedures;
- 4. Hand washing and general health;
- 5. Site preparation and application; and
- 6. Education and training.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person shall not operate a facility offering laser hair removal, permanent cosmetic coloring or cosmetic tattooing unless

1 the person holds a license issued under the Oklahoma Cosmetic
2 Procedures Licensing Act to operate the facility.

3 B. A separate license is required for each facility.

4 C. This section does not apply to:

5 1. A facility owned or operated by a physician for the practice
6 of medicine;

7 2. A licensed hospital; or

8 3. A clinic owned or operated by a licensed hospital.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 206 of Title 59, unless there is
11 created a duplication in numbering, reads as follows:

12 Licenses or certificates issued under the Oklahoma Cosmetic
13 Procedures Licensing Act shall expire two (2) years from the date of
14 issuance and may be renewed.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 207 of Title 59, unless there is
17 created a duplication in numbering, reads as follows:

18 A facility offering laser hair removal, permanent cosmetic
19 coloring or cosmetic tattooing shall:

20 1. Give each customer a written statement outlining the
21 relevant risks associated with each procedure and any other notices
22 required by the State Department of Health; and

23 2. Post a warning sign as prescribed by the State Department of
24 Health in a conspicuous location readily visible to a person

1 entering the facility. The sign shall provide a toll-free telephone
2 number and email address for the Department and inform the customer
3 that the customer may contact the Department.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 208 of Title 59, unless there is
6 created a duplication in numbering, reads as follows:

7 A. A facility operator offering laser hair removal, permanent
8 cosmetic coloring or cosmetic tattooing is responsible for
9 compliance with the requirements of the Oklahoma Cosmetic Procedures
10 Licensing Act and rules promulgated by the State Department of
11 Health.

12 B. A facility offering laser hair removal, permanent cosmetic
13 coloring or cosmetic tattooing shall not claim, advertise or
14 distribute false or misleading material or advertisements regarding
15 services offered at the facility.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 209 of Title 59, unless there is
18 created a duplication in numbering, reads as follows:

19 The State Department of Health may impose an administrative fine
20 not to exceed Five Thousand Dollars (\$5,000.00) per violation per
21 day, and may suspend, revoke or deny the license of the facility, or
22 may impose both such administrative fine and suspension, revocation
23 or denial for any violation of the Oklahoma Cosmetic Procedures
24 Licensing Act.

1 SECTION 11. AMENDATORY 21 O.S. 2011, Section 842.3, is
2 amended to read as follows:

3 Section 842.3 A. All body piercing operators, tattoo operators
4 and artists shall be prohibited from performing body piercing or
5 tattooing unless licensed in the appropriate category by the State
6 Department of Health. The State Board of Health shall promulgate
7 rules regulating body piercing and tattooing which shall include,
8 but not be limited to:

- 9 1. Artist temporary and permanent licensure;
- 10 2. Facility operator temporary and permanent licensure;
- 11 3. Body piercing and tattoo facility requirements;
- 12 4. Equipment setup and requirements;
- 13 5. Procedures for sanitary body piercing and tattooing;
- 14 6. Forms to be completed prior to performing body piercing and
15 tattooing including, but not limited to, applications and parental
16 consent forms;
- 17 7. Hand washing and general health;
- 18 8. Body piercing and tattoo site preparation and application;
- 19 9. Procedure following body piercing and tattoo application;
- 20 10. Limits and prohibitions concerning body piercing and
21 tattooing;
- 22 11. Facility inspection documents including, but not limited
23 to, equipment inspection;
- 24 12. Administrative fines structure;

1 13. Education and training; and

2 14. A surety bond in the principal sum of One Hundred Thousand
3 Dollars (\$100,000.00) to be in a form approved by the Attorney
4 General and filed in the Office of the Secretary of State for all
5 body piercing and tattoo operators.

6 B. A city or county may adopt any regulations that do not
7 conflict with, or are more comprehensive than, the provisions of
8 this section or with the rules promulgated by the Department. This
9 section does not limit the ability of a city or county to require an
10 applicant to obtain any further business licenses or permits that
11 the city or county deems appropriate.

12 C. 1. The State Department of Health shall not grant or issue
13 a license to a body piercing or tattoo operator if the place of
14 business of the body piercing or tattoo operator is within one
15 thousand (1,000) feet of a church, school, or playground.

16 2. The provisions of this subsection shall not apply to the
17 renewal of licenses or to new applications for locations where body
18 piercing or tattoo operators are licensed at the time the
19 application is filed with the Department.

20 3. As used in this subsection:

21 a. "church" means an establishment, other than a private
22 dwelling, where religious services are usually
23 conducted,

1 b. "school" means an establishment, other than a private
2 dwelling, where the usual processes of education are
3 usually conducted, and

4 c. "playground" means a place, other than grounds at a
5 private dwelling, that is provided by the public or
6 members of a community for recreation.

7 D. A body piercing or tattoo operator applying for license
8 renewal or for a new license to perform at an existing body piercing
9 or tattoo place of business shall pay a certification fee
10 established by the Department by rule to determine if the exemptions
11 provided for in paragraph 2 of subsection C of this section apply.

12 E. A body piercing or tattoo operator applying for license
13 renewal or for a new license under subsection C of this section
14 shall publish notice of the license application or renewal at least
15 once a week for three (3) consecutive weeks in a newspaper of
16 general circulation nearest to the proposed location of the business
17 and most likely to give notice to interested citizens of the county,
18 city, and community in which the applicant proposes to engage in
19 business. The publication shall identify the exact location at
20 which the proposed business is to be operated.

21 F. The State Department of Health may notify the district
22 attorney of any violation of Section 842.1 of this title or rules
23 promulgated pursuant thereto and, in addition to any criminal
24 penalty imposed, the Department may impose an administrative fine

1 not to exceed Five Thousand Dollars (\$5,000.00) per violation per
2 day, and may suspend, revoke or deny the license of the
3 establishment, or may impose both such administrative fine and
4 suspension, revocation or denial for any such violation.

5 G. This section shall not apply to persons licensed or
6 certified pursuant to the Oklahoma Cosmetic Procedures Licensing
7 Act.

8 SECTION 12. REPEALER 63 O.S. 2011, Sections 1-1450, 1-
9 1451, 1-1452, 1-1453, as amended by Section 62, Chapter 229, O.S.L.
10 2013, 1-1454, 1-1455, as amended by Section 63, Chapter 229, O.S.L.
11 2013, 1-1457 and 1-1458 (63 O.S. Supp. 2020, Sections 1-1453 and 1-
12 1455), are hereby repealed.

13 SECTION 13. This act shall become effective November 1, 2021.

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