

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2141

By: McDugle

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Sections 199.1, 199.6, as
9 amended by Section 1, Chapter 57, O.S.L. 2022 (59
10 O.S. Supp. 2022, Section 199.6), 199.7, 199.10 and
11 199.14, which relate to the Oklahoma Cosmetology and
12 Barbering Act; adding definition; modifying
13 penalties; modifying licensure and certification
14 fees; removing certain license; increasing fees; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2021, Section 199.1, is
18 amended to read as follows:

19 Section 199.1 1. "Apprentice" means a person who is engaged in
20 learning the practice of cosmetology or barbering in a cosmetology
21 or barbering establishment;

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

24 3. "Barbering" means any one or any combination of the
following practices, when done upon the upper part of the human body
for cosmetic purposes and when done for payment either directly or

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

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

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

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

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

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

23 9. "Cosmetology" means any one or combination of practices
24 generally and usually performed by and known as the occupation of

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

21 10. "Cosmetology establishment" means an establishment or place
22 of business where one or more persons are engaged in the practices
23 of cosmetology but shall not include cosmetology schools or
24 colleges;

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

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

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

20 14. "Facialist/Esthetician" means any person who gives facials
21 for compensation;

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

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

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

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

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

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

12 21. "Postsecondary institution" means a school licensed to
13 teach students according to prescribed curriculum as in paragraph 1
14 of subsection G of Section 199.7 of this title and in Board rule
15 175:10-3-34(a);

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

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

24

1 24. "Secondary institution" means a school licensed to teach
2 students eligible for credit of five hundred (500) hours of related
3 subjects as prescribed in paragraph 2 of subsection G of Section
4 199.7 of this title and in Board rule 175:10-3-34(b); and

5 ~~24~~ 25. "Student" means a person who is enrolled in and
6 attending a cosmetology or barbering school for the purpose of
7 learning the practice of cosmetology or barbering.

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

11 Section 199.6 A. The State Board of Cosmetology and Barbering
12 is hereby authorized to promulgate rules ~~for~~ governing the
13 examination and licensure ~~of~~ or certification of all individuals
14 regulated by the Cosmetology and Barbering Act, including, but not
15 limited to cosmetologists, manicurists, nail technicians,
16 facialists, estheticians, demonstrators, cosmeticians, hair braiding
17 technicians, master cosmetology instructors, manicurist instructors,
18 esthetics instructors, barbers, and master barber instructors. The
19 Board is hereby authorized to promulgate rules to govern the
20 sanitary operation of cosmetology, ~~and~~ barbering, and other licensed
21 establishments and to administer fines. Excluding any fines levied
22 pursuant to subsection D of this section, the fine shall not ~~to~~
23 exceed Fifty Dollars (\$50.00) ~~for~~ against those licensed and shall
24 not ~~to~~ exceed Five Hundred Dollars (\$500.00) ~~for~~ against those not

1 licensed. Each day a violation continues shall be construed as a
2 separate offense.

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

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

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

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

23

24

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 against persons who engage in any of the practices regulated by the
20 Oklahoma Cosmetology and Barbering Act without a license or
21 certification, including, but not limited to, cosmetology, manicure,
22 esthetics, demonstration, hair braiding, barbering, and master
23 instruction, and for as well as against the owners of licensed
24 establishments who ~~allow~~ employ unlicensed or uncertified

1 individuals ~~to practice cosmetology or barbering without a license~~
2 ~~in their establishment~~. Each day a violation continues shall be a
3 separate offense. The administrative fine shall not exceed a total
4 of Five Hundred Dollars (\$500.00).

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

- 8 1. Funeral directors;
- 9 2. Persons in the Armed Services;
- 10 3. Persons authorized to practice the healing arts or nursing;
- 11 4. ~~Regularly employed sales people working in retail~~

12 ~~establishments engaged in the business of selling cosmetics in~~
13 ~~sealed packages; or~~

14 ~~5.~~ Persons employed to render cosmetology or hairstyling
15 services in the course of and incidental to the business or
16 employers engaged in the theatrical, radio, television, or motion
17 picture production industries, modeling, or photography.

18 SECTION 3. AMENDATORY 59 O.S. 2021, Section 199.7, is
19 amended to read as follows:

20 Section 199.7 A. Each cosmetology and barber school shall be
21 licensed annually by the State Board of Cosmetology and Barbering.
22 Application for the first year's license for a cosmetology and
23 barber school shall be accompanied by a fee of Four Hundred and
24 Fifty Dollars ~~(\$400.00)~~ (\$450.00), which shall be retained by the

1 Board if the application is approved and a license is issued. The
2 annual renewal license fee for cosmetology or barber schools shall
3 be One Hundred ~~Twenty-five~~ Fifty Dollars ~~(\$125.00)~~ (\$150.00).

4 B. 1. No license or renewal thereof for a cosmetology or
5 barber school shall be issued unless the owner thereof furnishes to
6 the Board a good and sufficient surety bond in the principal sum of
7 Two Thousand Dollars (\$2,000.00) for the first instructor and an
8 additional One Thousand Dollars (\$1,000.00) for each additional
9 instructor, executed by a surety company authorized to do business
10 in this state, and conditioned on the faithful performance of the
11 terms and conditions of all contracts entered into between the owner
12 of the cosmetology or barber school and all persons enrolling
13 therein.

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

18 C. It shall be the duty of the owner or manager of a
19 cosmetology or barber school to enter into a written contract with
20 all students before permitting students to attend any classes.
21 Contracts shall be made out in triplicate, the original copy to be
22 retained by the school, the duplicate to be given to the student,
23 and the triplicate to be filed with the executive director of the
24 Board.

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

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

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

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

15 F. There shall be included in the curriculum for cosmetology
16 and barber schools, courses of study in the theory of cosmetology
17 and barbering related theory, studies in manipulative practices,
18 sterilization and sanitation, shop management, and such other
19 related subjects as may be approved by the Board.

20 G. 1. The Board shall adopt a curriculum of required courses
21 of instruction in theory and training of either one thousand five
22 hundred (1,500) clock hours or an equivalent number of credit hours
23 as recognized by the United States Department of Education or a
24 regional or national accreditation entity recognized by the United

1 States Department of Education in a basic course to be taught in all
2 cosmetology or barbering schools in the state. The basic
3 cosmetology or barbering course shall be designed to qualify
4 students completing the course to take the examination for a
5 license.

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

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

20 2. Each cosmetology or barber school shall employ at least one
21 instructor for the first fifteen students registered therein, and at
22 least one additional instructor shall be employed for each
23 additional group of fifteen students, or major fraction thereof.

24

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

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

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

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

16 L. 1. Students shall:

17 a. have an eighth-grade education or the equivalent
18 thereof, and

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

23 2. Credit shall not be given to any person by the Board or by a
24 cosmetology or barber school for hours spent in attending a

1 cosmetology or barber school unless the person has registered with
2 the Board as a student prior to the attendance, except that a
3 student who has attended a cosmetology or barber school out of state
4 may receive credit for such attendance for transfer upon proper
5 certification as provided by rule of the Board.

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

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

11 M. 1. No student shall be eligible to take the examination for
12 a Board-issued license without furnishing to the Board the affidavit
13 of the owner of the cosmetology or barber school that the student
14 has satisfactorily completed the requirements specified in paragraph
15 1 of subsection ~~F~~ G of this section, except public and private
16 school students who will complete the requirements specified in
17 paragraph 2 of subsection ~~F~~ G of this section by the close of the
18 current school year may take the examination next preceding the end
19 of the school year.

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

23 N. No person shall be eligible to register for the examination
24 for an instructor's license unless such person is a high school

1 graduate, or has obtained a General Equivalency Diploma (GED) as to
2 which the applicant shall qualify by tests to be prescribed by the
3 Board and conducted by qualified examiners selected by the Board,
4 and has:

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

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

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

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

24

1 SECTION 4. AMENDATORY 59 O.S. 2021, Section 199.10, is
2 amended to read as follows:

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

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

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

22 D. Any person who fails to renew within the required time may
23 make application with subsequent renewal and penalty fees.

24

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

6	Expired Five	Review
7	Years or More	Hours Required
8	Basic Cosmetologist	250 hours
9	Barber	250 hours
10	Master Cosmetology	
11	Instructor	100 hours
12	Master Barber	
13	Instructor	100 hours
14	Facial/Esthetics	
15	Instructor	100 hours
16	Manicurist/Nail	
17	Technician	
18	Instructor	100 hours
19	Manicurist	100 hours
20	Facial Operator	100 hours
21	Cosmetician	100 hours
22	Hairbraiding	
23	Technician	100 hours
24		

1 F. Each person holding a license or certification shall notify
2 the Board of any change in the mailing address of such person within
3 thirty (30) days after any change.

4 SECTION 5. AMENDATORY 59 O.S. 2021, Section 199.14, is
5 amended to read as follows:

6 A. The following fees shall be charged by the State Board of
7 Cosmetology and Barbering:

8	Registration as a student.....	\$	5.00	<u>20.00</u>
9	Examination for license		35.00	<u>50.00</u>
10	Cosmetology and Barber school license (initial).....		400.00	<u>450.00</u>
11	Cosmetology and Barber school license (renewal).....		125.00	<u>150.00</u>
12	Apprentice Registration.....		10.00	<u>25.00</u>
13	Renewal Advanced Operator license (annual).....		25.00	<u>40.00</u>
14	Facial Operator license (annual).....		25.00	<u>40.00</u>
15	Cosmetology license (annual).....		25.00	<u>40.00</u>
16	Barber license (annual).....		25.00	<u>40.00</u>
17	Manicurist license (annual).....		25.00	<u>40.00</u>
18	Facial/Esthetics Instructor license (annual).....		30.00	<u>50.00</u>
19	<u>Threading Technician License.....</u>			<u>50.00</u>
20	<u>Eyelash Extension Specialist.....</u>			<u>50.00</u>
21	Cosmetician license (annual).....		25.00	<u>40.00</u>
22	Manicurist/Nail Technician Instructor license (annual).		50.00	
23	<u>65.00</u>			
24	Demonstrator license (annual).....		20.00	<u>35.00</u>

1	Master Cosmetology Instructor license (annual)	50.00	<u>65.00</u>
2	Master Barber Instructor license (annual).....	50.00	<u>65.00</u>
3	Cosmetology establishment license (initial).....	45.00	<u>60.00</u>
4	Cosmetology establishment license (renewal).....	30.00	<u>45.00</u>
5	Barber establishment license (initial).....	45.00	<u>60.00</u>
6	Barber establishment license (renewal).....	30.00	<u>45.00</u>
7	Cosmetic Studio license (initial).....	50.00	<u>65.00</u>
8	Cosmetic Studio license (renewal)	30.00	<u>45.00</u>
9	Nail Salon (initial)	45.00	<u>60.00</u>
10	Nail Salon (renewal)	30.00	<u>45.00</u>
11	Reciprocity license (initial).....	30.00	<u>45.00</u>
12	Reciprocity processing fee.....	30.00	<u>45.00</u>
13	Duplicate license (in case of loss or		
14	destruction of original).....	5.00	
15	Notary fee.....	1.00	<u>7.00</u>
16	Certification of Records.....	10.00	<u>25.00</u>

17 B. In addition to the fees specified in subsection A of this
18 section, the Board shall charge a total penalty of Ten Dollars
19 (\$10.00), as provided for in Section 199.10 of this title.

20 C. Any person licensed as an advanced operator prior to July 1,
21 1985, may renew the advanced cosmetologist license annually by
22 payment of the fee required by this section and by being in
23 compliance with the rules promulgated by the State Board of
24 Cosmetology and Barbering.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 6. This act shall become effective November 1, 2023.

59-1-5677 LRB 01/11/23