

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 570

By: Griffin

4  
5  
6 AS INTRODUCED

7 An Act relating to cosmetology and barbering;  
8 amending 59 O.S. 2011, Sections 199.1, as last  
9 amended by Section 1, Chapter 260, O.S.L. 2014,  
10 199.2, as last amended by Section 2, Chapter 260,  
11 O.S.L. 2014, 199.3, as last amended by Section 3,  
12 Chapter 260, O.S.L. 2014, 199.6, as last amended by  
13 Section 4, Chapter 260, O.S.L. 2014, 199.7, as last  
14 amended by Section 5, Chapter 260, O.S.L. 2014,  
15 199.8, as last amended by Section 6, Chapter 260,  
16 O.S.L. 2014, 199.9, as last amended by Section 7,  
17 Chapter 260, O.S.L. 2014, 199.11, as last amended by  
18 Section 2, Chapter 183, O.S.L. 2015, 199.14, as last  
19 amended by Section 11, Chapter 260, O.S.L. 2014 (59  
20 O.S. Supp. 2016, Sections 199.1, 199.2, 199.3, 199.6,  
21 199.7, 199.8, 199.9, 199.11 and 199.14), which relate  
22 to definitions, State Board, powers of the Board,  
23 unlawful acts, schools, courses, apprentices,  
24 inspections, grounds for denial of license, fees,  
modifying language; adding definitions; recreating  
the State Board of Cosmetology and Barbering;  
granting certain authority to Board; requiring  
license for booth rental; directing promulgation of  
rules for field citations; prohibiting booth rental  
without license; modifying requirements for schools;  
changing curriculum recognition; providing for  
imposition of administrative fines; setting certain  
license fee; and providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.1, as  
2 last amended by Section 1, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
3 2016, Section 199.1), is amended to read as follows:

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

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

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

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

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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. "Booth renter" means a licensee who leases space on the  
8 premises of a licensed establishment in order to practice  
9 cosmetology or barbering as an independent contractor or self-  
10 employed person;

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

14 ~~8.~~ 9. "Cosmetician" means a person licensed by the Board to  
15 perform patron services limited to hair arranging and application of  
16 makeup, including, but not limited to, using hairstyling tools and  
17 products. Services must be performed in a licensed establishment;

18 ~~9.~~ 10. "Cosmetology" means any one or combination of practices  
19 generally and usually performed by and known as the occupation of  
20 beauticians, beauty culturists, beauty operators, cosmeticians,  
21 cosmetologists, or hairdressers or of any other person holding  
22 himself or herself out as practicing cosmetology by whatever  
23 designation and within the meaning of the Oklahoma Cosmetology and  
24 Barbering Act and in or upon whatever place or premises.

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

16 ~~10.~~ 11. "Cosmetology establishment" means an establishment or  
17 place of business where one or more persons are engaged in the  
18 practices of cosmetology but shall not include cosmetology schools  
19 or colleges;

20 ~~11.~~ 12. "Cosmetology or barber school/college" means any place  
21 or premises where instruction in any or all the practices of  
22 cosmetology or barbering is given. Any person, firm, institution or  
23 corporation, who holds himself, herself or itself out as a school to  
24 teach and train, or any person, firm, institution or corporation who

1 shall teach and train any other person or persons in any of the  
2 practices of cosmetology or barbering is hereby declared to be  
3 engaged in operating a cosmetology and/or barber school, and shall  
4 be subject to the provisions of the Oklahoma Cosmetology and  
5 Barbering Act. Licensed cosmetology and/or barber schools may offer  
6 education to secondary and postsecondary students in this state;

7 ~~12.~~ 13. "Credit hour" means an institutionally established  
8 equivalency that reasonably approximates some minimum amount of  
9 student work reflective of the amount of the work expected in a  
10 thirty-to-one conversion;

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

16 ~~13.~~ 15. "Facial/Esthetics instructor" means a person licensed  
17 by the Board as a qualified teacher of the art and science of facial  
18 and esthetics theory and practice;

19 ~~14.—"~~ 16. "Facialist/Esthetician" means any person who gives  
20 facials for compensation;

21 ~~15.~~ 17. "Hairbraiding technician" means a person licensed by  
22 the Board to perform hairbraiding, hairweaving techniques, and hair  
23 extensions in a licensed cosmetology establishment;

1       ~~16.~~ 18. "Hybrid learning" means courses that combine face-to-  
2 face classroom instruction with on-line, computer-based learning;

3       ~~17.~~ 19. "Manicurist/Nail technician" means a person who gives  
4 manicures, gives pedicures, or applies artificial nails;

5       ~~18.~~ 20. "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.~~ 21. "Master barber instructor" means a person who gives  
9 instruction in barbering or any practices thereof;

10       ~~20.~~ 22. "Master cosmetology instructor" means a person who  
11 gives instruction in cosmetology or any practices thereof;

12       ~~21.~~ 23. "~~Post-secondary~~ Post-secondary institution" means a  
13 school licensed to teach students according to prescribed curriculum  
14 as in paragraph 1 of subsection F of Section 199.7 of this title and  
15 in Board rule 175:10-3-34(a);

16       ~~22.~~ 24. "Public school" means any state-supported institution  
17 conducting a cosmetology program;

18       ~~23.~~ 25. "Secondary institution" means a school licensed to  
19 teach students eligible for credit of five hundred (500) hours of  
20 related subjects as prescribed in paragraph 2 of subsection F of  
21 Section 199.7 of this title and in Board rule 175:10-3-34(b); and

22       ~~24.~~ 26. "Student" means a person who is enrolled in and  
23 attending a cosmetology or barbering school for the purpose of  
24 learning the practice of cosmetology or barbering.

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.2, as  
2 last amended by Section 2, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
3 2016, Section 199.2), is amended to read as follows:

4 Section 199.2. A. 1. There is hereby re-created, to continue  
5 until July 1, ~~2017~~ 2023, in accordance with the provisions of the  
6 Oklahoma Sunset Law, a State Board of Cosmetology and Barbering  
7 which shall be composed of eleven (11) members to be appointed by  
8 the Governor and to serve at the pleasure of the Governor.

9 2. One member shall be appointed from each congressional  
10 district and the additional members shall be appointed at large.  
11 However, when congressional districts are redrawn each member  
12 appointed prior to July 1 of the year in which such modification  
13 becomes effective shall complete the current term of office and  
14 appointments made after July 1 of the year in which such  
15 modification becomes effective shall be based on the redrawn  
16 districts. Appointments made after July 1 of the year in which such  
17 modification becomes effective shall be from any redrawn districts  
18 which are not represented by a board member until such time as each  
19 of the modified congressional districts are represented by a board  
20 member. One member shall be a barber appointed at-large.

21 3. At the time of appointment, the members shall be citizens of  
22 this state, at least twenty-five (25) years of age, and shall be  
23 high school graduates. Six members shall, at the time of  
24 appointment, have had at least five (5) years' continuous practical

1 experience in the practice of cosmetology in this state; one member  
2 shall be appointed at large and, at the time of the appointment,  
3 have had at least five (5) years' continuous practical experience in  
4 the practice of barbering in this state; one member shall be a lay  
5 person; one member shall be an administrator of a licensed private  
6 cosmetology school; one member shall be an administrator of a  
7 licensed barber school; and one member shall be an administrator of  
8 a public school licensed to teach cosmetology or barbering.

9 4. No two members shall be graduates of the same cosmetology  
10 school, nor shall they be organizers of or promote the organization  
11 of any cosmetic, beauty, or hairdressers' association. Each of the  
12 eight cosmetology appointees shall continue to be actively engaged  
13 in the profession of cosmetology while serving. No two members  
14 engaged in the profession of barbering shall be organizers of or  
15 promote the organization of any barbering association. Each of the  
16 two barbering appointees shall continue to be actively engaged in  
17 the profession of barbering while serving.

18 5. If any member retires or ceases to practice his or her  
19 profession during the term of membership on the Board, such terms  
20 shall automatically cease and the Governor shall appoint a like-  
21 qualified person to fulfill the remainder of the term.

22 B. The terms of office for Board members shall be four (4)  
23 years ending June 30.

24



1 C. Each member shall serve until a successor is appointed and  
2 qualified.

3 D. Six members of the Board shall constitute a quorum for the  
4 transaction of business.

5 E. The Governor may remove any member of the Board at any time  
6 at the Governor's discretion. Vacancies shall be filled by  
7 appointment by the Governor for the unexpired portion of the term.

8 F. The Board shall organize by electing from its membership a  
9 chair and vice-chair, each to serve for a period of one (1) year.  
10 The presiding officer shall not be entitled to vote upon any  
11 question except in the case of a tie vote.

12 Members shall be reimbursed for their actual and necessary  
13 traveling expenses as provided by the State Travel Reimbursement  
14 Act.

15 G. Within thirty (30) days after the end of each fiscal year,  
16 the Board shall make a full report to the Governor of all its  
17 receipts and expenditures, and also a full statement of its work  
18 during the year, together with such recommendations as the Board  
19 deems expedient.

20 H. The Board may expend funds for suitable office space for the  
21 transaction of its business. The Board shall adopt a common seal  
22 for the use of the executive director in authenticating Board  
23 documents.

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1 I. The Board shall meet at its office for the transaction of  
2 such business as may come before it on the second Monday in January,  
3 March, May, July, September, and November and at such other times as  
4 it may deem advisable.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.3, as  
6 last amended by Section 3, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
7 2016, Section 199.3), is amended to read as follows:

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

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

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

1           2. Conduct examinations of applicants for certificates of  
2 registration as manicurists, cosmetologists, facial operators,  
3 hairbraiding technician, manicurist/nail technician instructor,  
4 facial/esthetics instructor, master cosmetology instructor,  
5 cosmetician, barber, or barber instructor at such times and places  
6 determined by the Board. Applications for all examinations shall be  
7 made on forms approved by the Board;

8           3. Keep a record of all its proceedings. The Board shall keep  
9 a record of all applicants for certificates, licenses and permits,  
10 showing the name of the applicant, the name and location of the  
11 place of occupation or business, if any, and the residence address  
12 of the applicant, and whether the applicant was granted or refused a  
13 certificate, license or permit. The records of the Board shall be  
14 valid and sufficient evidence of matters contained therein, shall  
15 constitute public records. Records shall be open to public  
16 inspection at all reasonable times and subject to the Oklahoma Open  
17 Records Act. Notwithstanding any other provision of law to the  
18 contrary, records and information obtained in connection with an  
19 investigation of alleged violations, including complaints, identity  
20 of a complainant, investigative reports, and documentation or images  
21 generated or received during the course of an investigation, shall  
22 be confidential and shall not be subject to disclosure;

23           4. Issue all certificates of registration, licenses, permits,  
24 notices and orders;

1           5. Establish limited specialty licenses for cosmetician,  
2 facial/esthetics instructor, hairbraiding technician,  
3 manicurist/nail technician instructor, master barber instructor, or  
4 master cosmetology instructor within the practice of cosmetology or  
5 barbering. The Board shall also promulgate rules for special  
6 licenses, including but not limited to reduced curriculum  
7 requirements, as the Board may deem appropriate and necessary to  
8 further the purposes of the Oklahoma Cosmetology and Barbering Act;

9           6. Make regular inspections of all cosmetology and barber  
10 schools and cosmetology and barber establishments licensed to  
11 operate in this state, and reports thereof shall be kept and  
12 maintained in the office of the Board;

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

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

18           9. ~~Refuse, revoke, or~~ Revoke, suspend or place probationary  
19 conditions on licenses, certificates of registration or permits and  
20 impose administrative fines after notice and an opportunity for a  
21 full hearing, pursuant to Article II of the Administrative  
22 Procedures Act, on proof of violation of any of ~~these~~ the provisions  
23 of the Oklahoma Cosmetology and Barbering Act or the rules  
24 established by the Board;

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

4 11. Apply to a court of competent jurisdiction for an order  
5 enjoining an unlicensed person from practicing cosmetology or  
6 barbering or holding himself or herself out as a practitioner of  
7 cosmetology or barbering. Injunctive relief granted by the court  
8 shall be without bond; and

9 12. Promulgate rules for the issuance of field citations  
10 imposing administrative fines for violations of the Oklahoma  
11 Cosmetology and Barbering Act or the rules of the Board.

12 C. 1. Any person whose license, certificate of registration,  
13 or permit has been suspended or revoked may, after the expiration of  
14 thirty (30) days, make application to the Board for reinstatement  
15 thereof.

16 2. Reinstatement of any such license, certificate of  
17 registration, or permit shall rest in the sound discretion of the  
18 Board.

19 ~~3. Any action of the Board in refusing, revoking, or suspending~~  
20 ~~a license, certificate of registration, or permit may be appealed to~~  
21 ~~the district court of the county of the appellant's residence~~  
22 ~~pursuant to the Administrative Procedures Act.~~

23 D. 1. In any case where a licensee becomes a member of the  
24 Armed Forces of the United States, such license shall not lapse by

1 reason thereof but shall be considered and held in full force and  
2 effect without further payment of license fees during the period of  
3 service in the Armed Forces of the United States and for six (6)  
4 months after honorable release therefrom. At any time within six  
5 (6) months after honorable release from the Armed Forces of the  
6 United States the licensee may resume practice pursuant to a license  
7 without other or further examination by notifying the Board in  
8 writing.

9 2. The period of time in which the licensee shall have been a  
10 member of the Armed Forces of the United States shall not be  
11 computed in arriving at the amount of fee or fees due or to become  
12 due by such licensee.

13 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.6, as  
14 last amended by Section 4, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
15 2016, Section 199.6), is amended to read as follows:

16 Section 199.6. A. The State Board of Cosmetology and Barbering  
17 is hereby authorized to promulgate rules for governing the  
18 examination and licensure of cosmetologists, manicurists, nail  
19 technicians, estheticians, cosmeticians, hair braiding technicians,  
20 master cosmetology instructors, manicurist instructors, esthetics  
21 instructors, barbers, ~~and~~ master barber instructors, booth renters.  
22 The Board is hereby authorized to promulgate rules to govern the  
23 sanitary operation of ~~cosmetology and barbering~~ establishments and  
24 ~~to administer fines not to exceed Fifty Dollars (\$50.00) for those~~

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

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

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

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

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

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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; or

16           9. Operate as a booth renter without having obtained a booth  
17 renter license from the Board.

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



1 continues shall be a separate offense. ~~The administrative fine~~  
2 ~~shall not exceed a total of Five Hundred Dollars (\$500.00).~~

3 E. The Board shall have the authority to levy fines not to  
4 exceed Five Hundred Dollars (\$500.00) for any violation of the  
5 Oklahoma Cosmetology and Barbering Act, including violations listed  
6 in subsection C of this section, and any rules of the Board. Each  
7 day a violation continues shall be a separate offense.

8 F. The provisions of the Oklahoma Cosmetology and Barbering Act  
9 shall not apply to the following persons while such persons are  
10 engaged in the proper discharge of their professional duties:

- 11 1. Funeral directors;
- 12 2. Persons in the Armed Services;
- 13 3. Persons authorized to practice the healing arts or nursing;
- 14 or
- 15 4. Regularly employed sales people working in retail  
16 establishments engaged in the business of selling cosmetics in  
17 sealed packages.

18 SECTION 5. AMENDATORY 59 O.S. 2011, Section 199.7, as  
19 last amended by Section 5, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
20 2016, Section 199.7), is amended to read as follows:

21 Section 199.7. A. Each cosmetology and barber school shall be  
22 licensed annually by the State Board of Cosmetology and Barbering.  
23 Application for the first year's license for a cosmetology and  
24 barber school shall be accompanied by a fee of Four Hundred Dollars

1 (\$400.00), which shall be retained by the Board if the application  
2 is approved and a license is issued. The annual renewal license fee  
3 for cosmetology or barber schools shall be One Hundred Twenty-five  
4 Dollars (\$125.00).

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

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

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

24

1 ~~and the triplicate to be filed with the executive director of the~~  
2 ~~Board.~~

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

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

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

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

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

22 ~~G.~~ E. 1. The Board shall adopt a curriculum of required  
23 courses of instruction in theory and training of either one thousand  
24 five hundred (1,500) clock hours or an equivalent number of credit

1 hours ~~as recognized by the United States Department of Education or~~  
2 ~~a regional or national accreditation entity recognized by the United~~  
3 ~~States Department of Education~~ in a basic course to be taught in all  
4 cosmetology or barbering schools in the state. The basic  
5 cosmetology or barbering course shall be designed to qualify  
6 students completing the course to take the examination for a  
7 license.

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

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

22 2. Each cosmetology or barber school shall employ at least one  
23 instructor for the first fifteen students registered therein, and at  
24

1 least one additional instructor shall be employed for each  
2 additional group of fifteen students, or major fraction thereof.

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

6 ~~F.~~ G. A cosmetology or barbering school may be operated in and  
7 as part of an accredited high school.

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

16 ~~K.~~ I. No cosmetology or barber establishment shall ever be  
17 operated in or as a part of a cosmetology school.

18 ~~L.~~ J. 1. Students shall:

19 a. have an eighth-grade education or the equivalent  
20 thereof, and

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

1           2. Credit shall not be given to any person by the Board or by a  
2 cosmetology or barber school for hours spent in attending a  
3 cosmetology or barber school unless the person has registered with  
4 the Board as a student prior to the attendance, except that a  
5 student who has attended a cosmetology or barber school out of state  
6 may receive credit for such attendance for transfer upon proper  
7 certification as provided by rule of the Board.

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

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

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

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

1       ~~N.~~ L. No person shall be eligible to register for the  
2 examination for an instructor's license unless such person is a high  
3 school graduate, or has obtained a General Equivalency Diploma (GED)  
4 as to which the applicant shall qualify by tests to be prescribed by  
5 the Board and conducted by qualified examiners selected by the  
6 Board, and has:

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

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

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

21       ~~P.~~ N. Each cosmetology or barber school shall prominently  
22 display in a conspicuous place above or to the side of the entrance  
23 thereto a sign identifying it as an institute of learning. Wording  
24

1 on sign shall be in plain letters at least three (3) inches high and  
2 at least one (1) inch wide.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 199.8, as  
4 last amended by Section 6, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
5 2016, Section 199.8), is amended to read as follows:

6 Section 199.8. A. Each person training as an apprentice shall  
7 be required to have the same qualifications as a student for  
8 admission into a cosmetology or barber school, and shall be  
9 registered with the State Board of Cosmetology and Barbering before  
10 commencing the training.

11 B. No apprentice shall engage in any of the practices of  
12 cosmetology or barbering except under the immediate supervision of a  
13 licensed instructor in a cosmetology or barber establishment  
14 approved by the Board for apprentice training.

15 C. All apprentices must wear a badge which designates them as  
16 an apprentice and is furnished by the Board with the apprentice  
17 registration receipt.

18 D. Only one apprentice may be registered to receive training in  
19 any cosmetology or barber establishment at any one time.

20 E. Completion of three thousand (3,000) hours of apprentice  
21 training in ~~a cosmetology or barber~~ an establishment is the  
22 equivalent of one thousand five hundred (1,500) hours' training in a  
23 cosmetology or barber school and shall entitle the apprentice to  
24 take the examination.



1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 199.9, as  
2 last amended by Section 7, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
3 2016, Section 199.9), is amended to read as follows:

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

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

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

21 C. A person licensed as a cosmetologist may perform cosmetology  
22 services in a barber establishment. A person licensed as a barber  
23 may perform barbering services in a cosmetology establishment. Any  
24

1 ~~salon~~ establishment which provides both cosmetology and barbering  
2 services must obtain a license from the Board.

3 SECTION 8. AMENDATORY 59 O.S. 2011, Section 199.11, as  
4 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.  
5 2016, Section 199.11), is amended to read as follows:

6 Section 199.11. A. The State Board of Cosmetology and  
7 Barbering is hereby authorized to deny, revoke, suspend, or refuse  
8 to renew any license, certificate, or registration that it is  
9 authorized to issue under the Oklahoma Cosmetology and Barbering Act  
10 and to impose administrative fines for any of the following causes:

11 1. Conviction of a felony crime that substantially relates to  
12 the practice of cosmetology or poses a reasonable threat to public  
13 safety;

14 2. Gross malpractice or gross incompetence;

15 3. Fraud practiced in obtaining a license or registration;

16 4. A license or certificate holder's continuing to practice  
17 while afflicted with an infectious, contagious, or communicable  
18 disease;

19 5. Habitual drunkenness or addiction to use of habit forming  
20 drugs;

21 6. Advertising by means of statements known to be false or  
22 deceptive;

23 7. ~~Continued or flagrant violation~~ Violation of any provision  
24 of the Oklahoma Cosmetology and Barbering Act or rules of the Board,

1 or continued practice by a Board licensee in a cosmetology or barber  
2 establishment wherein violations of the rules of the Board are being  
3 committed within the knowledge of the licensee;

4 8. Failure to display license or certificate as required by the  
5 Oklahoma Cosmetology and Barbering Act;

6 9. Continued practice of cosmetology or barbering after  
7 expiration of a license therefor;

8 10. Employment by a salon or barber establishment owner or  
9 manager of any person to perform any of the practices of cosmetology  
10 or barbering who is not duly licensed to perform the services;

11 11. Practicing cosmetology or barbering in an immoral or  
12 unprofessional manner;

13 12. Unsanitary operating practices or unsanitary conditions of  
14 a school or establishment; or

15 13. Unsanitary operating practices of a licensee.

16 B. As used in this section:

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

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

1 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.14, as  
2 last amended by Section 11, Chapter 260, O.S.L. 2014 (59 O.S. Supp.  
3 2016, Section 199.14), is amended to read as follows:

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

6	Registration as a student.....	\$ 5.00
7	Examination for license	35.00
8	Cosmetology and Barber school license (initial).....	400.00
9	Cosmetology and Barber school license (renewal).....	125.00
10	Apprentice Registration.....	10.00
11	Renewal Advanced Operator license (annual).....	25.00
12	Facial Operator license (annual).....	25.00
13	Cosmetology license (annual).....	25.00
14	Barber license (annual).....	25.00
15	Manicurist license (annual).....	25.00
16	Facial/Esthetics Instructor license (annual).....	30.00
17	Cosmetician license (annual).....	25.00
18	Hairbraiding Technician license (annual).....	25.00
19	Manicurist/Nail Technician Instructor license (annual).	30.00
20	Demonstrator license (annual).....	20.00
21	Master Cosmetology Instructor license (annual) .....	50.00
22	Master Barber Instructor license (annual).....	50.00
23	Cosmetology establishment license (initial).....	45.00
24	Cosmetology establishment license (renewal).....	30.00

1	Barber establishment license (initial).....	45.00
2	Barber establishment license (renewal).....	30.00
3	Cosmetic Studio license (initial).....	50.00
4	Cosmetic Studio license (renewal) .....	30.00
5	<u>Booth renter license.....</u>	<u>10.00</u>
6	Nail Salon (initial) .....	45.00
7	Nail Salon (renewal) .....	30.00
8	Reciprocity license (initial).....	30.00
9	Reciprocity processing fee.....	30.00
10	Duplicate license (in case of loss or	
11	destruction of original).....	5.00
12	Notary fee.....	1.00
13	Certification of Records.....	10.00

14 B. In addition to the fees specified in subsection A of this  
15 section, the Board shall charge a total penalty of Ten Dollars  
16 (\$10.00), as provided for in Section 199.10 of this title.

17 C. Any person licensed as an advanced operator prior to July 1,  
18 1985, may renew the advanced cosmetologist license annually by  
19 payment of the fee required by this section and by being in  
20 compliance with the rules promulgated by the State Board of  
21 Cosmetology and Barbering.

22 SECTION 10. This act shall become effective November 1, 2017.