

175:1-1-2. Definitions [AMENDED]

The terms and phrases defined in the Oklahoma Cosmetology Act shall have the same meaning when applied in the rules which are herein set forth in this Chapter to substantiate the Cosmetology and Barbering Law. The following rules and terms shall have the same meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Cosmetology and Barbering Act.

"Apprentice" means a person who is engaged in learning the practice of cosmetology or barbering in a cosmetology or barber establishment. [Title 59 O.S. Section 199.1]

"Assigned practice or clinic work" means demonstrations and lesson practice in which services may be performed on patron, student or model on clinic floor in classroom for the benefit of student observation, notes, etc. The practice or demonstration shall be assigned by or with approval of the instructor in charge and materials/supplies used for the education demonstration are the responsibility of the school.

"Barber/Barber Stylist" means any person who engages in the practice of barbering.

"Barber Establishment" means an Establishment or place of business where one or more persons are engaged in the practice of barbering but shall not include barber schools or colleges.

"Barbering" means any one or combination of practices done upon the upper part of the human body for cosmetic purposes and when done for payment either directly or indirectly for the general public, constitutes the practice of barbering, to wit: shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or applying lighteners or color to the hair, applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body, but excluding the application of makeup; and removing superfluous hair from the face, neck or upper part of the body.

"Barber school or college" means an Establishment operated for the purpose of teaching barbering.

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

"Clean" means removal of surface and/or visible debris by using soap, detergent or chemical "cleaner", followed by a clean water rinse.

"Clock hour" means a measure of time determined to be sixty (60) minutes that a student spends in an educational or training activity.

"Contact time" means the amount of moist contact time required for a disinfectant to be effective against the pathogens on the label. Clean items or surfaces must remain completely immersed or visibly wet (sprays, wipes) for full contact time to be effective.

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

"Cosmetician" means a person licensed by the Board to perform patron services limited to hair arranging and application of make-up, including, but not limited to using hairstyling tools and products. Services must be performed in a licensed establishment.

"Cosmetologist" means any person who engages in, follows or performs any of the practices of cosmetology.

"Cosmetology" means any one or combination of practices generally and usually performed by and known as the occupation of beauticians, beauty culturists, beauty operators, cosmeticians, cosmetologists, or hairdressers, or any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of the Oklahoma Cosmetology and Barbering Act and in or upon whatever place or premises. Cosmetology shall include, but not limited to, any one or combination of the following practices: bleaching, cleansing, curling,

cutting, coloring, dressing, removing, singeing, styling, waving or similar work upon the hair of any person by any means, whether with hands or mechanical or electrical apparatus or appliances. Nothing in the Oklahoma Cosmetology and Barbering Act shall be construed to prohibit the use of hands or mechanical or electrical apparatus or appliances for the non-permanent removal of hair from the human body without puncturing of the skin or the use of stimulating exercising, beautifying or similarly working the scalp, face, neck, arms or the manicuring of the nails of any person, exclusive of such of the foregoing practice as are within the scope of practice of the healing arts as provided by law.

"Cosmetology Establishment" means an Establishment or place of business where one or more persons are engaged in the practice of cosmetology but shall not include barber schools and colleges.

"Cosmetology or Barber school" means a school or department that is approved by the Board to conduct and provide cosmetology and/or barber training and education in Oklahoma. It means any place or premises where instruction in any or all the practices of cosmetology and or barbering are given. Any person, firm, institution or corporation, who holds himself, firm, institution or corporation who shall teach and train any other person or persons in any of the practices of cosmetology and/or barbering is hereby declared to be engaged in operating a cosmetology and/or barbering school, and shall be operating cosmetology and/or barbering school, and shall be subject to the provisions of the Oklahoma Cosmetology and Barbering Act. Licensed cosmetology and barbering schools may offer education to secondary and post secondary students in this state.

"Credit hour" means a unit of value awarded to a student for successful completion of a program, course or course lesson and credit to clock ratio as recognized by the United States Department of Education or a regional or national accreditation entity recognized by the United States Department of Education.

"Demonstrator" means a person who is not licensed in this state as a Cosmetologist, Barber or Instructor and who demonstrates any cosmetic preparation. The person shall be required to obtain a Demonstrator license from the Board before making any such demonstrations.

"Disinfect" means the process of making a non-porous item safe for use. Requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Proper disinfection requires adherence to manufacturers label with regard to concentration and contact time. UV light is not acceptable disinfection.

"Dry sanitizer" means a clean, dry, closed (covered) cabinet, drawer, chest or other type container used in a cosmetology/barber establishment or school for the purpose of storing clean, dry disinfected combs, brushes and other implements without fumigant after the articles have been cleaned and disinfected in a wet sanitizer (or by other approved method in the case of metal implements).

"Emergency circumstances" means a serious injury, illness or death in the immediate family of applicant for registration, examination, licensure, etc.

"Establishment" means a place or premises, cosmetology salon or barber shop, cosmetic or other specialty shop/salon where any one or combination of cosmetology or barbering practices are performed on the public except that the term shall not include a cosmetology or barbering school.

"Esthetician/Facialist/Facial Operator" means a person licensed by the Board to perform skin care, make-up and hair removal services to the public provided the hair removal services shall not include electrolysis.

"Eyelash Extensions" means the application, removal, and trimming of threadlike natural or synthetic fibers to an eyelash, and includes the cleansing of the eye area and lashes, as well as tinting, laminating and lifting lashes. "Eyelash extensions" do not include any other cosmetology service, including, but not limited to, hair removal, make-up application, or skin care treatments.

"Eyelash Extension Specialist" means a person who is not a Cosmetologist or Esthetician/Facialist/Facial Operator, but who holds a limited specialty license and is authorized to perform eyelash extensions as defined by this rule.

"Facial/Esthetics Instructor" means a person licensed by the Board as a qualified teacher of the art and science of skin care theory and practice.

"Hairbraiding Technician" means a person certified by the Board to perform hairbraiding, hairweaving techniques, and hair extensions in a licensed cosmetology establishment.

"Hybrid learning" means courses that combine face-to-face classroom instruction with on-line computer based learning.

"Manicurist/Nail Technician" means a person licensed by the Board to perform nail care services to the public in a place licensed by the Board where nail care/manicuring/pedicuring services may be performed.

"Manicurist/Nail Technician Instructor" means a person licensed by the Board as a qualified teacher of the art and science of nail technology theory and practice.

"Master Barber Instructor" means a person licensed by the Board who gives instruction in barbering or any practices thereof and trained in a school after November 1, 2014.

"Master Cosmetology Instructor" means a person licensed by the Board as a qualified teacher of cosmetology theory and practice.

"Mobile Establishment" means a specialty Establishment that is operated in a self-contained, self-supporting, enclosed mobile unit.

"Non-Porous" means material that has no pores and does not allow for liquids to be absorbed or pass through. Common non-porous materials include glass, metal and plastic.

"Post secondary institution" means a school licensed to teach students according to prescribed curriculum as in Title 59 O.S. § 199.7 (F) 1 Board rule 175:10-3-34(a).

"Porous" means material that has minute spaces or holes through which liquid or air may pass.

"Secondary institution" means a school licensed to teach students eligible for credit for 500 hours of related subjects as prescribed in Title 59 O.S. § 199.7 (f)2 and in Board rule 175:10-3-34(b).

"Sterilize" means the eradication of all microbial life through the use of heat, pressure, steam or chemical sterilant.

"Student" means a person who is enrolled in a cosmetology or barber school and appropriately registered with the Board for the purpose of being educated and trained in the practice of cosmetology or barbering.

"Threading" means a form of temporary hair removal by using thread that is twisted and rolled along the surface of the skin, entwining the hair in the thread and lifting it out of the follicle.

"Threading Technician" means a person with a limited specialty cosmetology license issued by the Board to perform threading in a licensed establishment.

"Unassigned practice or clinic work" means a personal service of cosmetology or barber practice (on student on another etc.); which shall be elective practice which one student chooses to perform or to receive (routine shampoo not included); and in which school supplies may be used (i.e. bleach/color/perm, etc.); and which practice and service is not assigned by the instructor and/or performed for the benefit of a group of students who have been scheduled to observe as a classroom or clinic demonstration; and for which a reasonable cost for supplies used in the practice may be charged to the student receiving the unassigned services.

"Wet sanitizer" means a large, pan-type covered container which shall contain a liquid chemical disinfecting agent used in a school or Establishment for the purpose of disinfecting combs, brushes and other non-metal tools and implements used in training and practice.

175:1-3-1. Composition, powers and duties of Board [AMENDED]

- (a) ~~The Board is composed of eleven (11) members appointed by the Governor for four-year terms, who serve at the Governor's pleasure to four (4) year staggered terms. Six (6) cosmetologist members are appointed, one (1) from each of six (6) congressional districts of the state. One (1) member is appointed to represent public cosmetology schools, one (1) to represent privately owned cosmetology schools, one (1) to represent privately owned barber school, and one (1) is appointed as a lay/public member, one (1) barber member is appointed at large.~~ Pursuant to 59 O.S., § 199.2, One member shall be appointed from each congressional district and the additional members shall be appointed at-large. . . . Six members shall, at the time of appointment, have had at least five (5) years' continuous practical experience in the practice of cosmetology in this state; one member shall be appointed at large and, at the time of the appointment, have had at least five (5) years' continuous practical experience in the practice of barbering in this state; one member shall be a lay person; one member shall be an administrator of a licensed private cosmetology school; one member shall be an administrator of a licensed barber school; and one member shall be an administrator of a public school licensed to teach cosmetology or barbering.
- (b) The Board shall employ an Executive Director who shall be in charge of the Board office.
- (1) The Executive Director shall devote entire time to the duties of the agency.
 - (2) The Executive Director shall hold a current Oklahoma Master Instructor license.
 - (3) The Executive Director must be qualified by education and experience.
- (c) The Board elects a chair and vice chair from its membership in July each year.
- (1) The chair presides over all Board meetings.
 - (2) The chair has the authority to call meetings if the need arises.
- (d) An Assistant Attorney General is assigned to the agency as liaison and serves as the Board's legal advisor.
- (e) In order to safeguard and protect the health and general welfare of the people of the State of Oklahoma, the Board has the power and duty to carry out the provisions of the Cosmetology and Barber Act 59 O.S. Section 199.1 et. seq. and to make and enforce all reasonable and necessary rules and regulations for that purpose. In addition to the general powers, the Board shall have the following powers and duties:
- (1) The Board shall promulgate rules relating to the standards of sanitation which shall be observed and practiced by all cosmetology and barber Establishments and schools.
 - (2) Conduct examinations for licensure at such times and places determined by the Board.
- (f) The Board may exercise its official powers at any location in the State of Oklahoma.

175:1-3-2. Agency administration; description of agency [AMENDED]

- (a) The State Board of Cosmetology and Barbering shall create positions, make appointments and fix salaries of officials and employees necessary to carry out the purposes of the Cosmetology and Barbering Act [59 O.S. Sections 199.1 et. seq] and the administration thereof.
- (b) The Board's Executive Director is in charge of the office and directly supervises all employees.
- (c) The office of the State Board of Cosmetology and Barbering is located at 2401 N.W. 23rd Street, Suite 84, (Shepherd Mall Center) in Oklahoma City, Oklahoma 73107. Phone number (405) 521-2441. Fax number (405) 521-2440.
- (d) Board office hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday inclusive except legal holidays established by statute or proclamation by the Governor. With Board approval, office hours are subject to change.
- (e) All application and other forms and instructions which pertain to a permit or license, shall be available at the Board's principal office during regular business hours.

(f) All Board meetings are conducted at the Board's office location. ~~Rule making~~Rulemaking and disciplinary hearings may be held in other locations if additional space is needed or if considered necessary for other legal valid reasons.

175:1-5-13. Agency rulemaking [AMENDED]

(a) All rules shall be promulgated and submitted for gubernatorial and legislative approval in accordance with the Administrative Procedures Act and rules established for agency rulemaking. Adopted rules shall be filed with the Office of Administrative Rules in compliance with the applicable rule and law.

(b) Any person may request the Board to adopt, amend or repeal a rule in this ~~chapter~~Title. The request shall be made in writing and shall include the following:

- (1) ~~the~~The name, address and telephone number of the person making the request;
- (2) ~~the~~The name, address and telephone number of the agency or organization the person represents, if any;
- (3) ~~an~~An explanation for the reason for requesting the adoption, amendment, or repeal of a rule;
- (4) ~~the~~The number used to identify the rule if the request is to amend or repeal an existing rule; and
- (5) ~~the~~The proposed language if the request is to amend an existing rule or adopt a new rule.

(c) ~~It is the Board's policy to request made in accordance with subsection (b) within 30 calendar days~~Within thirty (30) calendar days of submission of a request, the Board shall initiate rulemaking proceedings or provide a written response explaining why rulemaking proceedings were not initiated.