

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

175:1-1-2 Definitions [MODIFY]

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.

“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.

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SUBCHAPTER 5. RULES OF PRACTICE

175:1-5-4. Board sanctions

(a) If it is proven that violations of the Oklahoma Cosmetology Act and Board rules and regulations have occurred, sanctions available to the Board are:

- (1) Revocation of license; or
- (2) Suspension of license; or
- (3) Refusal to issue license; or
- (4) Placing licensee on probation.

(5) Fines for citations for violations of the Cosmetology and Barber Act or Board rules as in Rule 175:1-5-15. Citations may be issued by the Executive Director or an inspector on forms approved by the Board. The citation shall be served personally or by certified mail return receipt requested. The citation shall state the nature of the violation and the fine assessed. The person or establishment receiving the citation may pay the fine or contest it in a hearing before the Board conducted in accordance with the Oklahoma Administrative Procedures Act. The citation shall state the date and location of the hearing. The citation shall serve as sufficient notice of the hearing. If the fine is paid prior to the date of the hearing then the matter shall be deemed final and not subject to further review. Failure to pay a citation that has been upheld by the Board shall constitute a continued or flagrant violation of these rules, such that the Board may refuse to renew the related license or issue an original license where the individual cited is unlicensed unless and until the citation is paid.

(b) Such matters of violation may be referred to the District Attorney or to the Attorney General for injunctive or other relief.

175:1-5-15. Schedule of fines

(a) The fine schedule for citations or final orders issued by the Board for violations of the Cosmetology and Barber Act or rules promulgated there under shall be subject to the fines as follows providing each day a violation continues shall be a separate offense:

- (1) Engaging in cosmetology or barbering in any of the licensed practices without a license
 - (A) First: \$250
 - (B) Subsequent: \$500
- (2) Employing an unlicensed person to perform cosmetology or barbering (per person):
 - (A) First: \$250
 - (B) Subsequent: \$500
- (3) Failure to comply with a specific provision of the Cosmetology and Barber Act or rules by an individual not licensed under the Act:
 - (A) First: \$250
 - (B) Subsequent: \$500
- (4) Operate a cosmetology or barber school without first obtaining a license from the Board:

- (A) First: \$250
- (B) Subsequent: \$500
- (5) Failure to comply with sanitation standards established by the Board.
 - (A) First violation: Warning
 - (B) Second violation of the same standard: \$50
- (b) If the citation is paid prior to hearing date, the citation is still considered part of the licensee's permanent record but dismissed. After three fines, the Board may consider suspension or revocation of license, or other disciplinary action, after full Board hearing.
- (c) Failure to pay a citation that has been upheld by the Board shall constitute a continued or flagrant violation of these rules, such that the Board may refuse to renew the related license or issue an original license where the individual cited is unlicensed unless and until the citation is paid.

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS
SUBCHAPTER 3. LICENSURE OF SCHOOLS
PART 5. EQUIPMENT AND CURRICULUM REQUIREMENTS

175:10-3-37. Master cosmetology instructor course entrance and curriculum requirements

(a) Entrance requirements.

(1) Student registered in the master cosmetology instructor course must:

(A) hold an Oklahoma Cosmetologist license or be registered for the Basic Cosmetologist examination. If any person enrolled prior to examination shall fail to appear or fail to pass Basic Cosmetologist, he/she shall immediately cease master cosmetology instructor training until such time as he shall again register for and show proof of achieving a passing score on the cosmetologist examination.

(B) hold a High School Diploma or General Education Development Certificate

(C) file registration application for master cosmetology instructor course including fee of \$5.00 with the Board.

(2) Each student shall be provided with an approved textbook or manual before commencing training.

(b) Curriculum requirements. The 1000 clock hour Master Cosmetology Instructor course curriculum is prescribed as follow: (Note: Hours may be measured in credits and ratio as recognized by the United States Department of Education or by a regional or national accreditation entity recognized by the United States Department of Education.)

(1) Orientation 60 clock hours

(2) Introduction to teaching and curriculum 120 clock hours

(3) Course outlining and development; lesson planning; teaching techniques; teaching aids; developing and administering and grading examinations 330 clock hours

(4) Cosmetology Law, cosmetology school management and record keeping 90 clock hours

(5) Teaching - assisting in the classroom and clinic 150 clock hours

(6) Practice teaching - classroom and clinic 250 clock hours

(7) Total hours 1000 hours

(c) Master Cosmetology Instructor students are assigned practice in classes actually scheduled by the school. Practice teaching by master cosmetology instructor students will be in the Basic, Manicurist/Nail Technician, Cosmetician, and/or Esthetician/Facialist/Facial Operator course. Practice teaching must be supervised by a licensed master cosmetology instructor.

(d) A master cosmetology instructor student is not allowed to perform patron services. The master cosmetology instructor student shall only demonstrate for or otherwise assist student under his supervision.

(e) **Minimum training supplies.** A master cosmetology instructor shall be provided the following:

- (1) textbook or manual
- (2) workbook
- (3) Board Statute, Rules and Regulations Book.

(f) Any lapse in licensure will not be credited towards work experience as outlined in 199.7(n)(1)(2)

175:10-3-46. Master Barber instructor course, entrance and curriculum requirements.

(a) Entrance requirements.

(1) Student registered in the barber instructor course must:

(A) hold an Oklahoma Barber license or be registered for the Barber examination. If any person enrolled prior to examination shall fail to appear or fail to pass the Barber exam, he/she shall immediately cease instructor training until such time as he shall again register for and show proof of achieving a passing score on the barber examination.

(B) hold a High School Diploma or General Education Development Certificate.

(C) file registration application for barber instructor course including fee of \$5.00 with the Board.

(2) Each student shall be provided with an approved textbook or manual before commencing training.

(b) Curriculum requirements. The 1000 clock hour Master Barber Instructor course curriculum is prescribed as follows: (Note: Hours may be measured in credits and ratio as recognized by the United States Department of Education or by a regional or national accreditation entity recognized by the United States Department of Education.)

- (1) Orientation 60 clock hours
- (2) Introduction to teaching and curriculum 120 clock hours
- (3) Course outlining and development; lesson planning; teaching techniques; teaching aids; developing and administering and grading examinations 330 clock hours
- (4) Board rules, regulations and statutes, school management and record keeping 90 clock hours
- (5) Teaching - assisting in the classroom and clinic 150 clock hours
- (6) Practice teaching - classroom and clinic 250 clock hours
- (7) Total hours 1000 clock hours

(c) Master Barber Instructor students are assigned practice in classes actually scheduled by the school. Practice teaching by barber instructor students will be in the barber course. Practice teaching must be supervised by a licensed Barber instructor.

(d) A master barber instructor student is not allowed to perform patron services. The master barber instructor student shall only demonstrate for or otherwise assist students under his supervision.

(e) Minimum student training supplies. A master barber instructor minimum kit equipment is required as follows:

- (1) textbook or manual
- (2) workbook
- (3) Board Statute, Rules and Regulations Book

(f) Any lapse in licensure will not be credited towards work experience as outlined in 199.7(n)(1)(2)

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ESTABLISHMENTS
PART 7. GENERAL OPERATIONS AND LICENSING REQUIREMENTS
SUBCHAPTER 7. SANITATION, DISINFECTION AND SAFETY STANDARDS FOR ESTABLISHMENTS
AND SCHOOLS

175:10-7-18. Disinfection precautions before and after each patron service [MODIFY]

(a) The hands of the licensee, student or apprentice shall be washed and the integrity of the skin carefully examined before and after performing a service for any person. If any abrasion, cut, scratch, open lesion or infection is evidenced, protective or disposable gloves shall be worn while performing services in order to reduce risk or transmission of infectious bacteria/virus/disease.

(b) All licensees are required to wash hands prior to any service, following eating, smoking or the use of the restroom. Hands must be washed with running water and soap and then dried with a disposable towel. Antibacterial soap is not recommended.

(c) Styptic pencils and lump alum are prohibited. Liquid or powdered astringent shall be used to check bleeding and shall be applied with separate, clean, sterile gauze or cotton which shall be disposed of immediately after use.

(d) Any licensee who can reasonably anticipate, as the result of performing any cosmetology or barbering service, contact with blood and other potentially infectious material, shall use universal precautions, and shall wear protective disposable gloves while performing the services. Gloves shall not be re-used and shall be disposed of properly immediately after use.

(e) Implements and tools that cannot be disinfected must be disposed of after one use.

(f) At no time should any tool or material that will be in contact with the patron be placed in the mouth or other mucous membranes of the licensee.

175:10-7-28. Product use, knowledge and procedures

(a) All licensees shall be held individually liable for product knowledge. Maximum precautionary, safe, disinfection and appropriate preparation prior to service and application, as required by product label, shall be practiced at all times upon the public. For products that contain a requirement for a patch test, licensees may provide a consumer advisory that is clearly visible in the area of the application, or provide the client with a printed fact sheet with information that describes the label requirement for the patch test, or utilize a signed statement of release of liability regarding the patch test warning.

(b) All products removed from a multi-use container such as a tub or tube, must be done so in a manner that the remaining product in the container is not contaminated.

(c) Products such as pomades, waxes and gels must be removed with either a single use spatula that is disposed of immediately after a single use or a disinfected multi use spatula. Fingers may not be used to remove product.

(d) Powders and lotions may be dispensed from a shaker or pump ensuring that the licensee's or client's hands never touch the dispensing portion of the container.

(e) Only professional products allowed in schools to meet educational requirements OR Only professional products can be used for training

175:10-9-32. Failure to pass examination; re-taking failed portion; review hours

(a) An applicant who fails either the practical portion or the written theory examination may be rescheduled for examination by submitting the appropriate registration application and fee to the Board. Applicant shall be scheduled to take only that portion of the examination failed.

(b) An applicant who has failed either the practical practice or the written theory examination four (4) times must first show proof of having completed 120 clock or equivalent number of credit review hours in an approved Oklahoma school before being eligible to re-register for the practical and written examination.

175:10-9-33. Review of hours required after failure to timely register for examination or to apply for license.

(a) After one (1) year and up to five (5) years from date of the completion of a course of training, any applicant who fails to register for the examination or who fails to apply for a license after notice to apply, shall be required to show proof of no less than the following review hours in an approved Oklahoma cosmetology or barber school before being eligible to sit for the practical and written examination (Note: Hours may be measured in credits and ratio is as recognized by the United States Department of Education as recognized by a national accreditation entity recognized by the United States Department of Education):

- (1) Cosmetologist 120 clock hours
- (2) Manicurist 40 clock hours
- (3) Facialist 40 clock hours
- (4) Cosmetician 40 clock hours
- (5) Barber 120 clock hours
- (6) Master Cosmetologist Instructor 120 clock hours
- (7) Manicurist/Nail Technician Instructor 120 clock hours
- (8) Facial/Esthetics Instructor 120 clock hours
- (9) Master Barber Instructor 120 clock hours

(b) After five (5) years from date of the completion of a course or training, any applicant who shall fail to register for the examination or who shall fail to apply for a license after notice to apply, shall be required to first register for the appropriate practical and written examination. He shall be required to show proof of a specific number of current review hours, the same as is required for the renewal of an expired license which is expired for the same length of time as required in Title 59 O.S. Section 199.10 (D).

175:10-9-36. Examination for hairbraiding technician certification

In order to be eligible for a hairbraiding technician certificate, a person shall:

- (1) be at least seventeen (17) years of age;
- (2) submit a completed application;
- (3) submit 2" X 2" current full-face photograph of the applicant as requested on registration form. A current photograph is one taken within the last six months. No embellishments or filters of any kind that alter the face of the applicant;
- (4) complete a closed book safety and sanitation examination with a passing score of at least seventy-five percent (75%).

(5) An applicant declaring a disability as defined by the American Disabilities Act (ADA) shall submit a written statement when requesting an oral examination or other special testing accommodation.

175:10-9-37. Examination for threading technician license [NEW]

In order to be eligible for a threading technician license, a person shall:

(1) be at least seventeen (17) years of age or a high school diploma or General Education Development Certificate.;

(2) submit a completed application;

(3) submit 2" X 2" current full-face photograph of the applicant as requested on registration form. A current photograph is one taken within the last six months. No embellishments or filters of any kind that alter the face of the applicant;

(4) complete a closed book safety and sanitation examination with a passing score of at least seventy-five percent (75%).

(5) An applicant declaring a disability as defined by the American Disabilities Act (ADA) shall submit a written statement when requesting an oral examination or other special testing accommodation

175:10-9-55. Practices of cosmetology and barbering [MODIFY]

(a) Only licensed Facialist/Esthetician, Cosmetologist, Threading Technician or Barber may perform threading

(b) Only a licensed Facialist/Esthetician or Cosmetologist may perform eyelash extensions.

(c) Only licensed Facialist/~~Estheticians~~ Esthetician, ~~Cosmetologists~~ Cosmetologist or ~~Barbers~~ Barber may perform body sugaring