

### Cosmetology Board Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Cosmetologist	Eighth-grade education or equivalent 1,500 hours of training in an approved beauty school or an apprenticeship of 3,000 hours Possible areas of study include theory and practical training in hairstyling (cutting), finger waving, thermal, perms, and chemical hair relaxing; manicuring and pedicuring; scalp treatments; skin care, makeup; personality; shop management; beard grooming; and Oklahoma cosmetology law and board rules and regulations.	16 years of age	59 O.S. §§ 199	Application/Initial fee - \$25 Renewal fee - \$25
Cosmetology Instructor	Hold a High School Diploma or a General education Development Certificate 1,000 hours of instructor courses at licensed school of cosmetology or 500 hours if 2 years of recent licensed experience is verified (or equivalent number of credit hours) Possible areas of study include cosmetology training curricula; introduction to teaching; course outlining and development; lesson planning; teaching techniques; aids and developing, administering and scoring of examinations; cosmetology law, board rules and regulations; and practice teaching in both theory and practical	Is over the age of sixteen (16) Hold a current cosmetologist license at time of application	59 O.S. §§ 199	Application/Initial fee - \$50 Renewal fee - \$50

Facialist	Eighth-grade education or equivalent Complete 600 hours of study or equivalent number of credit hours. Possible knowledge areas include structure of skin and diseases; theory and practical training in skin care, makeup, and massage; hygiene, personality, salesmanship, and poise; sanitation and safety; electrical; chemistry and light therapy (pertaining	Is over the age of sixteen (16)	59 O.S. §§ 199	Application/Initial fee - \$25 Renewal fee - \$25
Manicurist	Has completed the eighth grade 600 hours at an approved beauty school or equivalent number of credit hours Possible areas of study include nail structure, composition and diseases, hygiene, personality, salesmanship, poise, and sanitation and safety procedures specific to manicuring and pedicuring. Theory and clinic practice includes artificial nail application and	Is over the age of sixteen (16)	59 O.S. §§ 199	Application/Initial fee - \$25 Renewal fee - \$25

### **State Comparison**

Facialist - all states license but 1

Manicurist - all states license but 1; training hours vary from 12 to 750 with an average of 363 training hours required

Cosmotologist - all states license, no major training differences

Cosmotology Instructor - requirements vary by state; some states require years of experience as a cosmetologist while others require additional training

# Occupational Licensing Blueprint

## Roadmap for Occupational Licensing

- Is there a compelling public interest that needs to be protected?
  - If yes, then continue
  - If no, then no regulation is required
  - Types public interests
    - ✓▪ Public health
    - ✓▪ Public safety
      - Fundamental rights
      - Substantial fiduciary interest
- Is the least restrictive means that would sufficiently protect the public interest used?
  - If yes, then continue
  - If no, then use a less restrictive means
  - Regulation options from least restrictive to most restrictive
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
    - Deceptive trade practice act
    - ✓▪ Regulation of the process of providing specific goods or services to consumers
    - ✓▪ Public inspection
      - Mandatory bonding or insurance
      - Registration
      - Government certification
    - ✓▪ Business License
      - Specialty occupational license for medial reimbursement
      - ✓▪ Occupational license
- If occupational licensing is used, does the board in charge of such licensure have a controlling number of board members as market participants?
  - If yes, continue (board does not have antitrust immunity yet)
  - If no, stop (board has antitrust immunity)
- Is there active supervision of the board's actions by the state?
  - If yes, then board has antitrust immunity
  - If no, then board is subject to antitrust litigation

**Occupational Regulation Blueprint**

License Details

What is the license? Cosmetology, Barber, Manicurist, Esthetician

What does the license cover? All cosmetology and barber related services

What Board regulates the license? Oklahoma State Board of Cosmetology and Barbering

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Health and Safety

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? yes

Least Restrictive Means

What means is used to protect the public interest? Examination, licensure, Public inspection

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? Eleven (11)

How many of them are active market participants (see Annex, item 5)? 10

Is the board controlled by these active market participants (see Annex, item 6)? yes

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? yes

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.





Oklahoma State Board of Cosmetology and Barbering  
Advisory Board on Massage Therapy  
OCCUPATIONAL LICENSING BLUEPRINT

Additional questions:

1. Fees collected: All agency revenue is generated from licensing fees. The agency operates solely on this revenue. We also contract with other agencies for services such as the AG's office for legal assistance, fleet for vehicles for inspectors, ABS and OMES for various financial services, etc. (approximately 16% of our revenue go toward these services). We are a non-appropriated agency and receive no funding from the state or federal governments. We give 10% of our revenue back to the state's general fund (approximately \$665,000.00 over the past 5 years). The fiscal impact on the agency: Our revenue is our survival. We are good stewards of our revenue and we are able to keep our license fee at a minimum of \$25.00 for a basic license (we have the lowest license fee in the nation).
2. This agency has had rules in place for years for felony convictions and military members. Military member/spouse: all reciprocity fees are waived for reciprocity to Oklahoma, also if someone has been stationed elsewhere and OK. license has expired for years, the back fees and penalties are waived as well as any review hour requirements or testing requirements. For felony convictions we use two rules (is the individual a threat to the public, or is the felony directly related to the industry). We are one of the few agencies that have issued license to felons for many years. We have also approved a Cosmetology School that was established at Mable Bassett Correctional Center for Women two years ago and are in the process of getting one established at Eddie Warrior Correctional Center. We have been approached by a private company to put in a barber program at a men's correctional facility in Lawton, OK. Myself and one of my examiners go to the facility to conduct exams when the offenders have completed their training so they have their license in hand upon release so they can get into the workforce immediately and most have a job waiting when they are released. (several of our chain salon companies have committed to hire as many as they can).
3. Low income individuals: Rule: 175:10-11-2 (d) stipulates the requirements to comply with HB2933. **(d) Waiver of fee for low-income individuals.** Pursuant to the provisions of 59 O.S. 4003A, upon presentation of satisfactory evidence that an applicant for initial licensure or certification, or that a licensee or certificate-holder seeking renewal, is a low-income individual, the Board shall grant a one-time one-year waiver of the fee for the licensure, certification or renewal. A low-income individual is a person who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line. An applicant for licensure must provide documentation showing participation in one of the afore-mentioned

Sherry G. Lewelling  
Executive Director

J. Kevin Stitt  
Governor



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programs or submit income tax returns showing income below the established threshold. The documentation must be current and must be issued by the federal or state entity administering the program. Copies of income tax returns must be from the most recent tax year prior to the date of licensure application.

2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107  
(405) 521-2441 Fax (405) 521-2440  
[www.cosmo.ok.gov](http://www.cosmo.ok.gov)