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Committee**

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Sub. H. B. No. 189

Representatives Roegner, Reece

**Cosponsors: Representatives Antani, Becker, Brenner, Carfagna, Dean,
Goodman, Green, Henne, Howse, Smith, K., Lepore-Hagan, Merrin, Miller, Riedel,
Stein, Strahorn, Thompson, Vitale, West, Wiggam, Young**

A BILL

To amend sections 2925.01, 4709.03, 4713.01, 1
4713.02, 4713.07, 4713.071, 4713.08, 4713.081, 2
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 3
4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 4
4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 5
4713.45, 4713.55, 4713.56, 4713.58, 4713.59, 6
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, and 7
4713.69, to enact new section 4713.39 and 8
sections 4713.341, 4713.70, and 4713.71, and to 9
repeal sections 4713.25, 4713.30, and 4713.39 of 10
the Revised Code to make changes to the 11
Cosmetology Licensing Law. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2925.01, 4709.03, 4713.01, 13
4713.02, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 14
4713.14, 4713.141, 4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 15
4713.32, 4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 16
4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 17

4713.63, 4713.64, and 4713.69 be amended and new section 4713.39 18
and sections 4713.341, 4713.70, and 4713.71 of the Revised Code 19
be enacted to read as follows: 20

Sec. 2925.01. As used in this chapter: 21

(A) "Administer," "controlled substance," "controlled 22
substance analog," "dispense," "distribute," "hypodermic," 23
"manufacturer," "official written order," "person," 24
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 25
"schedule III," "schedule IV," "schedule V," and "wholesaler" 26
have the same meanings as in section 3719.01 of the Revised 27
Code. 28

(B) "Drug dependent person" and "drug of abuse" have the 29
same meanings as in section 3719.011 of the Revised Code. 30

(C) "Drug," "dangerous drug," "licensed health 31
professional authorized to prescribe drugs," and "prescription" 32
have the same meanings as in section 4729.01 of the Revised 33
Code. 34

(D) "Bulk amount" of a controlled substance means any of 35
the following: 36

(1) For any compound, mixture, preparation, or substance 37
included in schedule I, schedule II, or schedule III, with the 38
exception of controlled substance analogs, marihuana, cocaine, 39
L.S.D., heroin, and hashish and except as provided in division 40
(D)(2) or (5) of this section, whichever of the following is 41
applicable: 42

(a) An amount equal to or exceeding ten grams or twenty- 43
five unit doses of a compound, mixture, preparation, or 44
substance that is or contains any amount of a schedule I opiate 45
or opium derivative; 46

(b) An amount equal to or exceeding ten grams of a 47
compound, mixture, preparation, or substance that is or contains 48
any amount of raw or gum opium; 49

(c) An amount equal to or exceeding thirty grams or ten 50
unit doses of a compound, mixture, preparation, or substance 51
that is or contains any amount of a schedule I hallucinogen 52
other than tetrahydrocannabinol or lysergic acid amide, or a 53
schedule I stimulant or depressant; 54

(d) An amount equal to or exceeding twenty grams or five 55
times the maximum daily dose in the usual dose range specified 56
in a standard pharmaceutical reference manual of a compound, 57
mixture, preparation, or substance that is or contains any 58
amount of a schedule II opiate or opium derivative; 59

(e) An amount equal to or exceeding five grams or ten unit 60
doses of a compound, mixture, preparation, or substance that is 61
or contains any amount of phencyclidine; 62

(f) An amount equal to or exceeding one hundred twenty 63
grams or thirty times the maximum daily dose in the usual dose 64
range specified in a standard pharmaceutical reference manual of 65
a compound, mixture, preparation, or substance that is or 66
contains any amount of a schedule II stimulant that is in a 67
final dosage form manufactured by a person authorized by the 68
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 69
U.S.C.A. 301, as amended, and the federal drug abuse control 70
laws, as defined in section 3719.01 of the Revised Code, that is 71
or contains any amount of a schedule II depressant substance or 72
a schedule II hallucinogenic substance; 73

(g) An amount equal to or exceeding three grams of a 74
compound, mixture, preparation, or substance that is or contains 75

any amount of a schedule II stimulant, or any of its salts or 76
isomers, that is not in a final dosage form manufactured by a 77
person authorized by the Federal Food, Drug, and Cosmetic Act 78
and the federal drug abuse control laws. 79

(2) An amount equal to or exceeding one hundred twenty 80
grams or thirty times the maximum daily dose in the usual dose 81
range specified in a standard pharmaceutical reference manual of 82
a compound, mixture, preparation, or substance that is or 83
contains any amount of a schedule III or IV substance other than 84
an anabolic steroid or a schedule III opiate or opium 85
derivative; 86

(3) An amount equal to or exceeding twenty grams or five 87
times the maximum daily dose in the usual dose range specified 88
in a standard pharmaceutical reference manual of a compound, 89
mixture, preparation, or substance that is or contains any 90
amount of a schedule III opiate or opium derivative; 91

(4) An amount equal to or exceeding two hundred fifty 92
milliliters or two hundred fifty grams of a compound, mixture, 93
preparation, or substance that is or contains any amount of a 94
schedule V substance; 95

(5) An amount equal to or exceeding two hundred solid 96
dosage units, sixteen grams, or sixteen milliliters of a 97
compound, mixture, preparation, or substance that is or contains 98
any amount of a schedule III anabolic steroid. 99

(E) "Unit dose" means an amount or unit of a compound, 100
mixture, or preparation containing a controlled substance that 101
is separately identifiable and in a form that indicates that it 102
is the amount or unit by which the controlled substance is 103
separately administered to or taken by an individual. 104

(F) "Cultivate" includes planting, watering, fertilizing,	105
or tilling.	106
(G) "Drug abuse offense" means any of the following:	107
(1) A violation of division (A) of section 2913.02 that	108
constitutes theft of drugs, or a violation of section 2925.02,	109
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	110
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	111
or 2925.37 of the Revised Code;	112
(2) A violation of an existing or former law of this or	113
any other state or of the United States that is substantially	114
equivalent to any section listed in division (G) (1) of this	115
section;	116
(3) An offense under an existing or former law of this or	117
any other state, or of the United States, of which planting,	118
cultivating, harvesting, processing, making, manufacturing,	119
producing, shipping, transporting, delivering, acquiring,	120
possessing, storing, distributing, dispensing, selling, inducing	121
another to use, administering to another, using, or otherwise	122
dealing with a controlled substance is an element;	123
(4) A conspiracy to commit, attempt to commit, or	124
complicity in committing or attempting to commit any offense	125
under division (G) (1), (2), or (3) of this section.	126
(H) "Felony drug abuse offense" means any drug abuse	127
offense that would constitute a felony under the laws of this	128
state, any other state, or the United States.	129
(I) "Harmful intoxicant" does not include beer or	130
intoxicating liquor but means any of the following:	131
(1) Any compound, mixture, preparation, or substance the	132

gas, fumes, or vapor of which when inhaled can induce 133
intoxication, excitement, giddiness, irrational behavior, 134
depression, stupefaction, paralysis, unconsciousness, 135
asphyxiation, or other harmful physiological effects, and 136
includes, but is not limited to, any of the following: 137

(a) Any volatile organic solvent, plastic cement, model 138
cement, fingernail polish remover, lacquer thinner, cleaning 139
fluid, gasoline, or other preparation containing a volatile 140
organic solvent; 141

(b) Any aerosol propellant; 142

(c) Any fluorocarbon refrigerant; 143

(d) Any anesthetic gas. 144

(2) Gamma Butyrolactone; 145

(3) 1,4 Butanediol. 146

(J) "Manufacture" means to plant, cultivate, harvest, 147
process, make, prepare, or otherwise engage in any part of the 148
production of a drug, by propagation, extraction, chemical 149
synthesis, or compounding, or any combination of the same, and 150
includes packaging, repackaging, labeling, and other activities 151
incident to production. 152

(K) "Possess" or "possession" means having control over a 153
thing or substance, but may not be inferred solely from mere 154
access to the thing or substance through ownership or occupation 155
of the premises upon which the thing or substance is found. 156

(L) "Sample drug" means a drug or pharmaceutical 157
preparation that would be hazardous to health or safety if used 158
without the supervision of a licensed health professional 159
authorized to prescribe drugs, or a drug of abuse, and that, at 160

one time, had been placed in a container plainly marked as a 161
sample by a manufacturer. 162

(M) "Standard pharmaceutical reference manual" means the 163
current edition, with cumulative changes if any, of references 164
that are approved by the state board of pharmacy. 165

(N) "Juvenile" means a person under eighteen years of age. 166

(O) "Counterfeit controlled substance" means any of the 167
following: 168

(1) Any drug that bears, or whose container or label 169
bears, a trademark, trade name, or other identifying mark used 170
without authorization of the owner of rights to that trademark, 171
trade name, or identifying mark; 172

(2) Any unmarked or unlabeled substance that is 173
represented to be a controlled substance manufactured, 174
processed, packed, or distributed by a person other than the 175
person that manufactured, processed, packed, or distributed it; 176

(3) Any substance that is represented to be a controlled 177
substance but is not a controlled substance or is a different 178
controlled substance; 179

(4) Any substance other than a controlled substance that a 180
reasonable person would believe to be a controlled substance 181
because of its similarity in shape, size, and color, or its 182
markings, labeling, packaging, distribution, or the price for 183
which it is sold or offered for sale. 184

(P) An offense is "committed in the vicinity of a school" 185
if the offender commits the offense on school premises, in a 186
school building, or within one thousand feet of the boundaries 187
of any school premises, regardless of whether the offender knows 188

the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training

provided by a school is conducted, whether or not any 218
instruction, extracurricular activities, or training provided by 219
the school is being conducted in the school building at the time 220
a criminal offense is committed. 221

(T) "Disciplinary counsel" means the disciplinary counsel 222
appointed by the board of commissioners on grievances and 223
discipline of the supreme court under the Rules for the 224
Government of the Bar of Ohio. 225

(U) "Certified grievance committee" means a duly 226
constituted and organized committee of the Ohio state bar 227
association or of one or more local bar associations of the 228
state of Ohio that complies with the criteria set forth in Rule 229
V, section 6 of the Rules for the Government of the Bar of Ohio. 230

(V) "Professional license" means any license, permit, 231
certificate, registration, qualification, admission, temporary 232
license, temporary permit, temporary certificate, or temporary 233
registration that is described in divisions (W)(1) to (36) of 234
this section and that qualifies a person as a professionally 235
licensed person. 236

(W) "Professionally licensed person" means any of the 237
following: 238

(1) A person who has obtained a license as a manufacturer 239
of controlled substances or a wholesaler of controlled 240
substances under Chapter 3719. of the Revised Code; 241

(2) A person who has received a certificate or temporary 242
certificate as a certified public accountant or who has 243
registered as a public accountant under Chapter 4701. of the 244
Revised Code and who holds an Ohio permit issued under that 245
chapter; 246

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	247 248 249
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	250 251 252
(5) A person licensed under Chapter 4707. of the Revised Code;	253 254
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	255 256 257
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	258 259 260
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	261 262 263 264 265 266 267 268 269 270 271
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental	272 273 274 275

hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	276 277
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	278 279 280 281 282
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	283 284 285 286
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	287 288 289
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	290 291
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	292 293
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	294 295 296 297
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	298 299
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a	300 301 302 303

limited branch of medicine under that chapter;	304
(18) A person licensed as a psychologist or school	305
psychologist under Chapter 4732. of the Revised Code;	306
(19) A person registered to practice the profession of	307
engineering or surveying under Chapter 4733. of the Revised	308
Code;	309
(20) A person who has been issued a license to practice	310
chiropractic under Chapter 4734. of the Revised Code;	311
(21) A person licensed to act as a real estate broker or	312
real estate salesperson under Chapter 4735. of the Revised Code;	313
(22) A person registered as a registered sanitarian under	314
Chapter 4736. of the Revised Code;	315
(23) A person licensed to operate or maintain a junkyard	316
under Chapter 4737. of the Revised Code;	317
(24) A person who has been issued a motor vehicle salvage	318
dealer's license under Chapter 4738. of the Revised Code;	319
(25) A person who has been licensed to act as a steam	320
engineer under Chapter 4739. of the Revised Code;	321
(26) A person who has been issued a license or temporary	322
permit to practice veterinary medicine or any of its branches,	323
or who is registered as a graduate animal technician under	324
Chapter 4741. of the Revised Code;	325
(27) A person who has been issued a hearing aid dealer's	326
or fitter's license or trainee permit under Chapter 4747. of the	327
Revised Code;	328
(28) A person who has been issued a class A, class B, or	329
class C license or who has been registered as an investigator or	330

security guard employee under Chapter 4749. of the Revised Code;	331
(29) A person licensed and registered to practice as a	332
nursing home administrator under Chapter 4751. of the Revised	333
Code;	334
(30) A person licensed to practice as a speech-language	335
pathologist or audiologist under Chapter 4753. of the Revised	336
Code;	337
(31) A person issued a license as an occupational	338
therapist or physical therapist under Chapter 4755. of the	339
Revised Code;	340
(32) A person who is licensed as a licensed professional	341
clinical counselor, licensed professional counselor, social	342
worker, independent social worker, independent marriage and	343
family therapist, or marriage and family therapist, or	344
registered as a social work assistant under Chapter 4757. of the	345
Revised Code;	346
(33) A person issued a license to practice dietetics under	347
Chapter 4759. of the Revised Code;	348
(34) A person who has been issued a license or limited	349
permit to practice respiratory therapy under Chapter 4761. of	350
the Revised Code;	351
(35) A person who has been issued a real estate appraiser	352
certificate under Chapter 4763. of the Revised Code;	353
(36) A person who has been admitted to the bar by order of	354
the supreme court in compliance with its prescribed and	355
published rules.	356
(X) "Cocaine" means any of the following:	357

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	358 359
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	360 361 362 363
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	364 365 366 367 368 369
(Y) "L.S.D." means lysergic acid diethylamide.	370
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	371 372 373
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	374 375 376
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	377 378 379 380 381 382 383
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised	384 385 386

Code, that a prison term is a necessary sanction for a felony in 387
order to comply with the purposes and principles of sentencing 388
under section 2929.11 of the Revised Code. 389

(DD) "Major drug offender" has the same meaning as in 390
section 2929.01 of the Revised Code. 391

(EE) "Minor drug possession offense" means either of the 392
following: 393

(1) A violation of section 2925.11 of the Revised Code as 394
it existed prior to July 1, 1996; 395

(2) A violation of section 2925.11 of the Revised Code as 396
it exists on and after July 1, 1996, that is a misdemeanor or a 397
felony of the fifth degree. 398

(FF) "Mandatory prison term" has the same meaning as in 399
section 2929.01 of the Revised Code. 400

(GG) "Adulterate" means to cause a drug to be adulterated 401
as described in section 3715.63 of the Revised Code. 402

(HH) "Public premises" means any hotel, restaurant, 403
tavern, store, arena, hall, or other place of public 404
accommodation, business, amusement, or resort. 405

(II) "Methamphetamine" means methamphetamine, any salt, 406
isomer, or salt of an isomer of methamphetamine, or any 407
compound, mixture, preparation, or substance containing 408
methamphetamine or any salt, isomer, or salt of an isomer of 409
methamphetamine. 410

(JJ) "Lawful prescription" means a prescription that is 411
issued for a legitimate medical purpose by a licensed health 412
professional authorized to prescribe drugs, that is not altered 413
or forged, and that was not obtained by means of deception or by 414

the commission of any theft offense.	415
(KK) "Deception" and "theft offense" have the same	416
meanings as in section 2913.01 of the Revised Code.	417
Sec. 4709.03. The following persons are exempt from this	418
chapter while in the proper discharge of their professional	419
duties:	420
(A) Persons licensed by this state to practice medicine	421
and surgery;	422
(B) Commissioned medical or surgical officers of the	423
United States army, navy, or marine hospital service;	424
(C) Nurses registered under Chapter 4723. of the Revised	425
Code;	426
(D) Cosmetologists and hair designers licensed under	427
Chapter 4713. of the Revised Code, insofar as their usual and	428
ordinary vocation and profession is concerned as described in	429
section 4713.01 of the Revised Code, <u>including shaving with a</u>	430
<u>disposable safety razor, as defined in section 4713.01 of the</u>	431
<u>Revised Code;</u>	432
(E) Funeral directors, embalmers, and apprentices licensed	433
or registered under Chapter 4717. of the Revised Code.	434
Sec. 4713.01. As used in this chapter:	435
"Apprentice instructor" means an individual holding a	436
practicing license issued by the state cosmetology and barber	437
board who is engaged in learning or acquiring knowledge of the	438
occupation of an instructor of a branch of cosmetology at a	439
school of cosmetology.	440
<u>"Apprentice cosmetologist" means an individual who does</u>	441

not hold a license under this chapter and is engaged in learning 442
or acquiring knowledge of the practice of cosmetology. 443

"Beauty salon" means a salon in which an individual is 444
authorized to engage in all branches of cosmetology. 445

"Biennial licensing period" means the two-year period 446
beginning on the first day of February of an odd-numbered year 447
and ending on the last day of January of the next odd-numbered 448
year. 449

"Boutique salon" means a salon in which an individual 450
engages in the practice of boutique services and no other branch 451
of cosmetology. 452

~~"Boutique services" means braiding, threading, and~~ 453
~~shampooing.~~ 454

"Braiding" means intertwining the hair in a systematic 455
motion to create patterns in a three-dimensional form, ~~inverting~~ 456
~~the hair including patterns that are inverted, upright, or~~ 457
singled against the scalp that follow along part of a straight 458
or curved ~~row of intertwined hair, or partings.~~ It may include 459
twisting, locking, beading, crocheting, wrapping, or similarly 460
manipulating the hair in a systematic motion, and includes 461
extending the hair with natural while adding bulk or length with 462
human hair, synthetic hair fibers, or both, and using simple 463
devices such as clips, combs, crochet hooks, blunt-tipped 464
needles, and hairpins. "Braiding" does not include the use of 465
chemical hair-joining agents such as synthetic tape, keratin 466
bonds, or fusion bonds to weave or fuse individual strands or 467
wefts; application of dyes, reactive chemicals, or other 468
preparations to alter the color or straighten, curl, or alter 469
the structure of hair; or embellishing or beautifying hair by 470

cutting or singeing, except as needed to finish the ends of 471
synthetic fibers used to add bulk to or lengthen hair. 472

"Branch of cosmetology" means the ~~practice of cosmetology,~~ 473
practice of esthetics, practice of hair design, practice of 474
manicuring, ~~practice of natural hair styling,~~ or practice of 475
boutique services. 476

"Clean" or "cleaning" means the act of preparing nonporous 477
items for disinfection by removing surface and visible debris 478
and washing with soap and water, detergent, or chemical cleaners 479
to slow the growth of pathogens. "Cleaning" does not make multi- 480
use items safe for subsequent use. 481

"Cosmetic therapy" has the same meaning as in section 482
4731.15 of the Revised Code. 483

"Cosmetologist" means an individual authorized to engage 484
in all branches of cosmetology in a licensed facility. 485

"Cosmetology" means the art or practice of ~~embellishment,~~ 486
~~cleansing, beautification, and styling providing services~~ 487
described under the branches of hair, wigs, postiches, face, 488
body, or nails cosmetology. 489

"Cosmetology instructor" means an individual authorized to 490
teach the theory and practice of all branches of cosmetology at 491
a school of cosmetology. 492

"Disinfect" or "disinfection" means the process of making 493
a nonporous item safe for use through the use of a chemical 494
intended to kill or denature bacteria, viruses, or fungi. 495
Disinfection is done after cleaning. "Disinfect" does not 496
include the use of ultraviolet light. 497

"Disposable safety razor" means a shaving implement 498

designed with a protective device that is intended to prevent 499
the razor from cutting too deeply and reduce the risk of 500
accidental cuts. A "disposable safety razor" can be a razor with 501
the handle and blade joined together, or a razor with a blade 502
attachment that can be detached from a handle. The cutting edge 503
of the razor is to be used on an individual one time and then 504
thrown away and not used for any other purpose. 505

"Distance education" means courses in which instruction is 506
accomplished through use of correspondence, internet, or other 507
interactive, electronic media and where the teacher and student 508
are separated by distance, time, or both. 509

"Esthetician" means an individual who engages in the 510
practice of esthetics but no other branch of cosmetology in a 511
licensed facility. 512

"Esthetics instructor" means an individual who teaches the 513
theory and practice of esthetics, but no other branch of 514
cosmetology, at a school of cosmetology. 515

"Esthetics salon" means a salon in which an individual 516
engages in the practice of esthetics but no other branch of 517
cosmetology. 518

"Eye lash extensions" include temporary and semi-permanent 519
enhancements designed to add length, thickness, and fullness to 520
natural eyelashes. 521

"Hair designer" means an individual who engages in the 522
practice of hair design but no other branch of cosmetology in a 523
licensed facility. 524

"Hair design instructor" means an individual who teaches 525
the theory and practice of hair design, but no other branch of 526
cosmetology, at a school of cosmetology. 527

"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology.

"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.

"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology, other than the practice of boutique services, within a salon in a licensed facility.

"Infection control" means the practice of ensuring that a salon, including all equipment, implements, and other personal property in the salon, is properly cleaned and disinfected at all times, except for the immediate period during which a person licensed under this chapter is performing a cosmetology service or preparing the service area for a patron.

"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.

"Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code, or any other temporary location identified in rule by the state cosmetology and barber board in which cosmetology services are authorized by the ~~state cosmetology and barber board~~ to be performed.

~~"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.~~

~~"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and~~

engage in the practice of esthetics, but no other branch of	557
cosmetology.	558
"Advanced hair designer" means an individual authorized to	559
work in a hair design salon, but no other type of salon, and	560
engage in the practice of hair design, but no other branch of	561
cosmetology.	562
"Advanced license" means a license to work in a salon and	563
practice the branch of cosmetology practiced at the salon.	564
"Advanced manicurist" means an individual authorized to	565
work in a nail salon, but no other type of salon, and engage in	566
the practice of manicuring, but no other branch of cosmetology.	567
"Advanced natural hair stylist" means an individual	568
authorized to work in a natural hair style salon, but no other	569
type of salon, and engage in the practice of natural hair	570
styling, but no other branch of cosmetology.	571
"Manicurist" means an individual who engages in the	572
practice of manicuring but no other branch of cosmetology in a	573
licensed facility.	574
"Manicurist instructor" means an individual who teaches	575
the theory and practice of manicuring, but no other branch of	576
cosmetology, at a school of cosmetology.	577
<u>"Mobile salon" means either a self-contained facility that</u>	578
<u>can be moved, towed, or transported from one location to another</u>	579
<u>and in which a branch of cosmetology is practiced, or a business</u>	580
<u>that provides services in a branch of cosmetology at a special</u>	581
<u>event venue, residential home, or nursing home or residential</u>	582
<u>care facility as those terms are defined in section 5701.13 of</u>	583
<u>the Revised Code.</u>	584

"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology.

~~"Natural hair stylist" means an individual who engages in the practice of natural hair styling but no other branch of cosmetology in a licensed facility.~~

~~"Natural hair style instructor" means an individual who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.~~

~~"Natural hair style salon" means a salon in which an individual engages in the practice of natural hair styling but no other branch of cosmetology.~~

~~"Practice of braiding" means utilizing the technique of intertwining hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or both and using simple devices such as clips, combs, and hairpins. "Practice of braiding" does not include application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair. "Nonporous" means material that does not have any minute openings or holes and that does not allow liquids to pass through or be absorbed. "Nonporous" includes, but is not limited to, glass, metal, and plastic.~~

"Porous" means material that has minute openings or holes 615
through which liquid or air may pass. "Porous" includes, but is 616
not limited to, nail files, pumice, and buffers. 617

"Practice of boutique services" means braiding, threading, 618
and shampooing, eye lash extension services, and wig styling and 619
application. 620

"Practice of cosmetology" means the practice of all 621
branches of cosmetology. 622

"Practice of esthetics" means the application of 623
cosmetics, tonics, antiseptics, creams, lotions, or other 624
preparations for the purpose of skin beautification and includes 625
preparation of the skin by manual massage techniques or by use 626
of electrical, mechanical, or other apparatus; enhancement of 627
the skin by skin care, facials, body treatments, hair removal, 628
and other treatments; and eye lash extension services. 629

"Practice of hair design" means embellishing or 630
beautifying hair, wigs, or hairpieces by arranging, dressing, 631
pressing, curling, waving, permanent waving, cleansing, cutting, 632
singeing, bleaching, coloring, braiding, weaving, bonding and 633
fusion of individual strands or wefts, or similar work. 634

"Practice of hair design" includes utilizing techniques 635
performed by hand that result in tension on hair roots such as 636
twisting, wrapping, weaving, extending, locking, or braiding of 637
the hair; the art or practice of cleansing, stimulating, or 638
massaging a person's scalp, face, neck, and arms; embellishment, 639
cleansing, beautification, and styling of hair, wigs, postiches, 640
face, body, or nails; and treating a person's mustache or beard 641
by arranging, beautifying, coloring, processing, styling, or 642
trimming or shaving with a disposable safety razor. 643

"Practice of manicuring" means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any individual; applying nail enhancements and embellishments to any individual; massaging the hands and lower arms up to the elbow of any individual; massaging the feet and lower legs up to the knee of any individual; using lotions or softeners on the hands and feet of any individual; or any combination of these types of services.

~~"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.~~

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Register" or "registration" means a requirement that an individual provide notice to the state of the individual's intent to provide certain services in a branch of cosmetology for compensation.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice, instruction, or learning of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does

not mean a tanning facility, although a tanning facility may be 674
located in a salon. 675

"School of cosmetology" means any premises, building, or 676
part of a building, licensed as a school by the state 677
cosmetology and barber board, in which students are instructed 678
in the theories and practices of one or more branches of 679
cosmetology. 680

"Shampooing" means the act of cleansing and conditioning 681
an individual's hair under the supervision of an individual 682
licensed under this chapter and in preparation to immediately 683
receive a service from a licensee. 684

"Student" means an individual, other than an apprentice 685
instructor, who is engaged in learning or acquiring knowledge of 686
the practice of a branch of cosmetology at a school of 687
cosmetology. 688

"Tanning facility" means any premises, building, or part 689
of a building that contains one or more rooms or booths with any 690
of the following: 691

(A) Equipment or beds used for tanning human skin by the 692
use of fluorescent sun lamps using ultraviolet or other 693
artificial radiation; 694

(B) Equipment or booths that use chemicals applied to 695
human skin, including chemical applications commonly referred to 696
as spray-on, mist-on, or sunless tans; 697

(C) Equipment or beds that use visible light for cosmetic 698
purposes. 699

"Threading" includes a service that results in the removal 700
of hair from its follicle from around the eyebrows and from 701

other parts of the face with the use of a single strand of 702
thread and an astringent, if the service does not use chemicals 703
of any kind, wax, or any implements, instruments, or tools to 704
remove hair. 705

Sec. 4713.02. (A) There is hereby created the state 706
cosmetology and barber board, consisting of all of the following 707
members appointed by the governor, with the advice and consent 708
of the senate: 709

(1) One individual holding a current, valid cosmetologist 710
or cosmetology instructor license at the time of appointment; 711

(2) Two individuals holding current, valid cosmetologist 712
licenses and actively engaged in managing beauty salons for a 713
period of not less than five years at the time of appointment; 714

(3) One individual who ~~holds a current, valid~~ is an 715
independent contractor license registered in accordance with 716
section 4713.39 of the Revised Code at the time of appointment 717
and practices a branch of cosmetology; 718

(4) One individual who represents individuals who teach 719
the theory and practice of a branch of cosmetology at a 720
vocational or career-technical school; 721

(5) One owner or executive actively engaged in the daily 722
operations of a licensed school of cosmetology; 723

(6) One owner of at least five licensed salons; 724

(7) One individual who is either a certified nurse 725
practitioner or clinical nurse specialist holding a current, 726
valid license to practice nursing as an advanced practice 727
registered nurse issued under Chapter 4723. of the Revised Code 728
or a physician authorized under Chapter 4731. of the Revised 729

Code to practice medicine and surgery or osteopathic medicine	730
and surgery;	731
(8) One individual representing the general public;	732
(9) One individual who holds a current, valid tanning	733
permit and who has owned or managed a tanning facility for at	734
least five years immediately preceding the individual's	735
appointment;	736
(10) One individual who holds a current, valid esthetician	737
<u>or cosmetologist</u> license and who has been actively practicing	738
esthetics for a period of not less than five years immediately	739
preceding the individual's appointment;	740
(11) Two barbers, one of whom is an employer barber and	741
one of whom is employed as a barber, both of whom have been	742
licensed as barbers in this state for at least five years	743
immediately preceding their appointment.	744
(B) The superintendent of public instruction shall	745
nominate three individuals for the governor to choose from when	746
making an appointment under division (A) (4) of this section.	747
(C) All members shall be at least twenty-five years of	748
age, residents of the state, and citizens of the United States.	749
No more than two members, at any time, shall be graduates of the	750
same school of cosmetology. Not more than one member shall have	751
a common financial connection with any school of cosmetology,	752
salon, barber school, or barber shop.	753
Terms of office are for five years. Terms shall commence	754
on the first day of November and end on the thirty-first day of	755
October. Each member shall hold office from the date of	756
appointment until the end of the term for which appointed. In	757
case of a vacancy occurring on the board, the governor shall, in	758

the same manner prescribed for the regular appointment to the 759
board, fill the vacancy by appointing a member. Any member 760
appointed to fill a vacancy occurring prior to the expiration of 761
the term for which the member's predecessor was appointed shall 762
hold office for the remainder of such term. Any member shall 763
continue in office subsequent to the expiration date of the 764
member's term until the member's successor takes office, or 765
until a period of sixty days has elapsed, whichever occurs 766
first. Before entering upon the discharge of the duties of the 767
office of member, each member shall take, and file with the 768
secretary of state, the oath of office required by Section 7 of 769
Article XV, Ohio Constitution. 770

The members of the board shall receive an amount fixed 771
pursuant to Chapter 124. of the Revised Code per diem for every 772
meeting of the board which they attend, together with their 773
necessary expenses, and mileage for each mile necessarily 774
traveled. 775

The members of the board shall annually elect, from among 776
their number, a chairperson and a vice-chairperson. The 777
executive director appointed pursuant to section 4713.06 of the 778
Revised Code shall serve as the board's secretary. 779

(D) The board shall prescribe the duties of its officers 780
and establish an office within Franklin county. The board shall 781
keep all records and files at the office and have the records 782
and files at all reasonable hours open to public inspection in 783
accordance with section 149.43 of the Revised Code and any rules 784
adopted by the board in compliance with this state's record 785
retention policy. The board also shall adopt a seal for the 786
authentication of its orders, communications, and records. 787

(E) The governor may remove any member for cause prior to 788

the expiration of the member's term of office. 789

(F) Whenever the term "state board of cosmetology" is 790
used, referred to, or designated in statute, rule, contract, 791
grant, or other document, the use, reference, or designation 792
shall be deemed to mean the "state cosmetology and barber board" 793
or the executive director of the state cosmetology and barber 794
board, whichever is appropriate in context. Whenever the term 795
"barber board" is used, referred to, or designated in statute, 796
rule, contract, grant, or other document, the use, reference, or 797
designation shall be deemed to mean the "state cosmetology and 798
barber board" or the executive director of the state cosmetology 799
and barber board, whichever is appropriate in context. 800

Sec. 4713.07. (A) The state cosmetology and barber board 801
shall do all of the following: 802

(1) Regulate the practice of cosmetology and all of its 803
branches in this state; 804

(2) Investigate or inspect, when evidence appears to 805
demonstrate that an individual has violated any provision of 806
this chapter or any rule adopted pursuant to it, the activities 807
or premises of a license holder or unlicensed individual; 808

(3) Adopt rules in accordance with section 4713.08 of the 809
Revised Code; 810

(4) Prescribe and make available application forms to be 811
used by individuals seeking admission to an examination 812
conducted under section 4713.24 of the Revised Code or a license 813
or registration issued under this chapter; 814

(5) Prescribe and make available application forms to be 815
used by individuals seeking renewal of a license or registration 816
issued under this chapter; 817

(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;	818 819 820
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware <u>at the board's discretion</u> ;	821 822 823
(8) Submit a written report annually to the governor that provides all of the following:	824 825
(a) A discussion of the conditions in this state of the branches of cosmetology;	826 827
(b) An evaluation of board activities intended to aid or protect consumers;	828 829
(c) A brief summary of the board's proceedings during the year the report covers;	830 831
(d) A statement of all money that the board received and expended during the year the report covers.	832 833
(9) Keep a record of all of the following:	834
(a) The board's proceedings;	835
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	836 837 838
(c) The date and number of each license, permit, and registration that the board issues.	839 840
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	841 842 843
(11) Require inspectors appointed pursuant to section	844

4713.06 of the Revised Code to conduct inspections of licensed 845
or permitted facilities, including salons and boutique salons, 846
schools of cosmetology, barber schools, barber shops, and 847
tanning facilities, within ninety days of the opening for 848
business of a licensed facility, upon complaints reported to the 849
board, within ninety days after a violation was documented at a 850
facility, and at least once every two years. Any individual, 851
after providing the individual's name and contact information, 852
may report to the board any information the individual may have 853
that appears to show a violation of any provision of this 854
chapter or rule adopted under it or a violation of any provision 855
of Chapter 4709. of the Revised Code or rule adopted by the 856
board pursuant to Chapter 4709. of the Revised Code. In the 857
absence of bad faith, any individual who reports information of 858
that nature or who testifies before the board in any 859
adjudication conducted under Chapter 119. of the Revised Code 860
shall not be liable for damages in a civil action as a result of 861
the report or testimony. For the purpose of inspections, an 862
independent contractor shall be added to the board's records as 863
an individual salon. 864

(12) Supply a copy of the poster created pursuant to 865
division (B) of section 5502.63 of the Revised Code to each 866
person authorized to operate a salon, school of cosmetology, 867
tanning facility, or other type of facility under this chapter; 868

(13) Process applications to open a new salon under 869
section 4713.41 of the Revised Code within five days from 870
receipt of the application; 871

(14) All other duties that this chapter imposes on the 872
board. 873

(B) The board may delegate any of the duties listed in 874

division (A) of this section to the executive director of the 875
board or to an individual designated by the executive director. 876

Sec. 4713.071. (A) ~~The~~ Before the first day of September 877
of each year, the state cosmetology and barber board shall 878
annually submit a written report to the governor, president of 879
the senate, and speaker of the house of representatives. The 880
report shall list all of the following, compiled separately for 881
public and private schools of cosmetology, for the preceding 882
~~twelve month period~~ fiscal year: 883

(1) The number of students enrolled in courses at licensed 884
public and private schools of cosmetology and barbering; 885

(2) The number of students graduating from licensed public 886
and private schools of cosmetology and barbering; 887

(3) The annual cost for students to attend each licensed 888
public or private school of cosmetology and barbering; 889

(4) The loan default rates for licensed public and private 890
schools of cosmetology and barbering; 891

(5) The first-time licensure passage rate for graduates of 892
all public and private schools of cosmetology and barbering; 893

(6) The total number of new and renewal licenses in each 894
profession; 895

(7) The total number of complaint-driven inspections 896
conducted by the board; 897

(8) The total number and type of violations, including a 898
list of the top ten violations, which shall aid in the 899
identification of focus areas for continuing education purposes; 900

(9) The twenty salons and individuals cited with the most 901

violations for unlicensed workers;	902
(10) The number of adjudications or other disciplinary action taken by the board.	903 904
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	905 906 907
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	908 909 910 911
(1) Govern the practice of the branches of cosmetology;	912
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	913 914 915 916 917
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	918 919
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	920 921 922 923 924
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	925 926
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination	927 928 929

conducted under section 4713.24 of the Revised Code;	930
(7) Specify locations in which glamour photography	931
services in which a branch of cosmetology is practiced may be	932
provided;	933
(8) (7) Establish conditions and the fee for a temporary	934
special occasion work permit under section 4713.37 of the	935
Revised Code and specify the amount of time such a permit is	936
valid;	937
<u>(8) Specify conditions an applicant must satisfy for the</u>	938
<u>board to issue the applicant an instructor license under section</u>	939
<u>4713.31 of the Revised Code;</u>	940
(9) Specify conditions an applicant must satisfy for the	941
board to issue permit the applicant <u>to register as an</u>	942
independent contractor license under section 4713.39 of the	943
Revised Code and the fee for issuance and renewal of the	944
license;	945
(10) Establish conditions under which food may be sold at	946
a salon;	947
(11) Specify which professions regulated by a professional	948
regulatory board of this state may be practiced in a salon under	949
section 4713.42 of the Revised Code;	950
(12) Establish standards for the provision of cosmetic	951
therapy, massage therapy, or other professional service in a	952
salon pursuant to section 4713.42 of the Revised Code;	953
(13) Establish standards for board approval of, and the	954
granting of credits for, training in branches of cosmetology at	955
<u>by schools of cosmetology licensed in this or another state</u>	956
<u>offered through classroom instruction or distance education;</u>	957

(14) Establish the manner in which a school of cosmetology 958
licensed under section 4713.44 of the Revised Code may offer 959
post-secondary ~~and advanced practice programs, including~~ 960
classroom instruction or distance education; 961

(15) Establish safety and sanitary standards for the 962
practice of the branches of cosmetology, salons, and schools of 963
cosmetology~~†~~. The board shall review the standards on an annual 964
basis to ensure that they incorporate industry best practices 965
and update the standards as necessary to reflect those 966
practices. The standards must require porous instruments and 967
supplies that cannot be disinfected to be disposed of 968
immediately after a single use. 969

(16) Establish the application process for obtaining a 970
tanning facility permit under section 4713.48 of the Revised 971
Code, including the amount of the fee for an initial or renewed 972
permit; 973

(17) Establish standards for installing and operating a 974
tanning facility in a manner that ensures the health and safety 975
of consumers, including standards that do all of the following: 976

(a) Establish a maximum safe time of exposure to radiation 977
and a maximum safe temperature at which sun lamps may be 978
operated; 979

(b) Require consumers to wear protective eyeglasses; 980

(c) Require consumers to be supervised as to the length of 981
time consumers use the facility's sun lamps; 982

(d) Require the operator to prohibit consumers from 983
standing too close to sun lamps and to post signs warning 984
consumers of the potential effects of radiation on individuals 985
taking certain medications and of the possible relationship of 986

the radiation to skin cancer;	987
(e) Require the installation of protective shielding for sun lamps and handrails for consumers;	988 989
(f) Require floors to be dry during operation of lamps;	990
(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.	991 992 993 994
(18) (a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	995 996 997
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;	998 999 1000 1001 1002 1003
(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.	1004 1005 1006 1007 1008 1009 1010 1011 1012 1013
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch	1014 1015

of cosmetology to an individual whose license has been 1016
classified inactive. 1017

(19) Establish a fee for approval of a continuing 1018
education program under section 4713.62 of the Revised Code that 1019
is adequate to cover any expense the board incurs in the 1020
approval process; 1021

(20) (a) Establish conditions under which a cosmetology 1022
student seeking a practicing license may take the examination 1023
required by section 4713.24 of the Revised Code before the 1024
student has completed the minimum number of hours of training 1025
required under section 4713.28 of the Revised Code for the 1026
license; 1027

(b) The rules shall do all of the following: 1028

(i) Permit the student to take the examination required by 1029
section 4713.24 of the Revised Code after the student has 1030
completed the minimum hours of training for that license 1031
described in division (G) of section 4713.24 of the Revised 1032
Code; 1033

(ii) Require the student to complete the remainder of the 1034
required training prior to licensure; 1035

(iii) Require the board to grant the student a license 1036
upon successful completion of the requirements established in 1037
the rules, unless the individual is subject to potential 1038
disciplinary action under section 4713.64 of the Revised Code. 1039

(21) Specify conditions and the fee for a special event 1040
permit under section 4713.70 of the Revised Code, and specify 1041
the amount of time such a permit is valid; 1042

(22) Require each mobile salon to hold a license in 1043

<u>accordance with this chapter and specify the requirements that</u>	1044
<u>must be met for the board to issue a mobile salon license;</u>	1045
<u>(23) Establish requirements regarding the apprenticeship</u>	1046
<u>program established in section 4713.71 of the Revised Code;</u>	1047
<u>(24) Anything else necessary to implement this chapter.</u>	1048
(B) (1) The rules adopted under division (A) (2) of this	1049
section may establish additional conditions for a temporary pre-	1050
examination work permit under section 4713.22 of the Revised	1051
Code that are applicable to individuals who practice a branch of	1052
cosmetology in another state or country.	1053
(2) The rules adopted under division (A) (18) (b) of this	1054
section may establish additional conditions for a temporary work	1055
permit that are applicable to individuals who practice a branch	1056
of cosmetology in another state.	1057
(C) The conditions specified in rules adopted under	1058
division (A) (6) of this section may include that an applicant is	1059
applying for a license to practice a branch of cosmetology for	1060
which the board determines an examination is unnecessary.	1061
(D) The rules adopted under division (A) (11) of this	1062
section shall not include a profession if practice of the	1063
profession in a salon is a violation of a statute or rule	1064
governing the profession.	1065
(E) (D) The sanitary standards established under division	1066
(A) (15) of this section shall focus in particular on precautions	1067
to be employed to prevent infectious or contagious diseases	1068
being created or spread. The board shall consult with the Ohio	1069
department of health when establishing the sanitary standards.	1070
(F) (E) The fee established by rules adopted under	1071

division (A) (16) of this section shall cover the cost the board 1072
incurs in inspecting tanning facilities and enforcing the 1073
board's rules but may not exceed one hundred dollars per 1074
location of such facilities. 1075

Sec. 4713.081. The state cosmetology and barber board 1076
shall furnish a copy of the sanitary standards established by 1077
rules adopted under section 4713.08 of the Revised Code to each 1078
individual to whom the board issues a practicing license, 1079
~~advanced license,~~ license to operate a salon or school of 1080
cosmetology, or ~~boutique services~~ registration. The board also 1081
shall furnish a copy of the sanitary standards to each 1082
individual providing cosmetic therapy, massage therapy, or other 1083
professional service in a salon under section 4713.42 of the 1084
Revised Code. A salon or school of cosmetology provided a copy 1085
of the sanitary standards shall post the standards in a public 1086
and conspicuous place in the salon or school. 1087

Sec. 4713.09. (A) The state cosmetology and barber board 1088
may adopt rules in accordance with section 4713.08 of the 1089
Revised Code to establish a continuing education requirement, 1090
not to exceed eight hours in a biennial licensing period, as a 1091
condition of renewal for a practicing license, ~~advanced license,~~ 1092
instructor license, or ~~boutique services~~ independent contractor 1093
registration. These hours may include training in identifying 1094
and addressing the crime of trafficking in persons as described 1095
in section 2905.32 of the Revised Code. At least two of the 1096
eight hours of the continuing education requirement must be 1097
achieved in courses concerning safety and ~~sanitation~~ infection 1098
control, and at least one hour of the eight hours of the 1099
continuing education requirement must be achieved in courses 1100
concerning law and rule updates. 1101

(B) The rules adopted in accordance with division (A) of this section shall permit the continuing education requirement to be satisfied by either classroom instruction or distance education. 1102
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Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following nonrefundable fees: 1106
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(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars; 1108
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(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars; 1111
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(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars; 1114
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(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars; 1118
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1120
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(5) For the issuance of a license under section 4713.28, ~~4713.30,~~ or 4713.31 of the Revised Code, not more than seventy-five dollars; 1122
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1124

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 1125
1126

(7) For renewal of a license issued under section 4713.28, ~~4713.30,~~ 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars; 1127
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1129

(8) For the issuance ~~or~~, renewal, or change of name or
ownership of a cosmetology school license, not more than two
hundred fifty dollars;

(9) For the issuance of a new salon license or the change
of name or ownership of a salon license under section 4713.41 of
the Revised Code, not more than one hundred dollars;

(10) For the renewal of a salon license under section
4713.41 of the Revised Code, not more than ninety dollars;

(11) For the restoration of an expired license that may be
restored pursuant to section 4713.63 of the Revised Code, an
amount equal to the sum of the current license renewal fee and a
lapsed renewal fee of not more than forty-five dollars per
license renewal period that has elapsed since the license was
last issued or renewed~~7~~. If one or more renewal periods have
elapsed since the license was valid, the board shall not impose
lapsed renewal fees for more than three of those renewal
periods.

(12) For the issuance of a duplicate of any license, not
more than thirty dollars;

(13) For the preparation and mailing of a licensee's
records to another state for a reciprocity license, not more
than fifty dollars;

(14) For the processing of any fees related to a check
from a licensee returned to the board for insufficient funds, an
additional thirty dollars;

(15) For the issuance of a license under section 4713.341
of the Revised Code, forty-five dollars.

(B) The board shall adjust the fees biennially, by rule,

within the limits established by division (A) of this section, 1158
to provide sufficient revenues to meet its expenses. 1159

(C) The board may establish an installment plan for the 1160
payment of fines and fees and may reduce fines and fees as 1161
considered appropriate by the board. 1162

(D) At the request of a person who is temporarily unable 1163
to pay a fee imposed under division (A) of this section, or on 1164
its own motion, the board may extend the date payment is due by 1165
up to ninety days. If the fee remains unpaid after the date 1166
payment is due, the amount of the fee shall be certified to the 1167
attorney general for collection in the form and manner 1168
prescribed by the attorney general. The attorney general may 1169
assess the collection cost to the amount certified in such a 1170
manner and amount as prescribed by the attorney general. 1171

Sec. 4713.14. No individual shall do any of the following: 1172

(A) Use fraud or deceit in making application for a 1173
license, permit, or registration; 1174

(B) Aid or abet any individual or entity in any of the 1175
following: 1176

(1) Violating this chapter or a rule adopted under it; 1177

(2) Obtaining a license, permit, or registration 1178
fraudulently; 1179

(3) Falsely pretending to hold a current, valid license or 1180
permit. 1181

(C) Practice a branch of cosmetology, for pay, free, or 1182
otherwise, without one of the following authorizing the practice 1183
of that branch of cosmetology: 1184

(1) A current, valid license under section 4713.28 7	1185
4713.30 , or 4713.34 of the Revised Code;	1186
(2) A current, valid temporary pre-examination work permit	1187
issued under section 4713.22 of the Revised Code;	1188
(3) A current, valid temporary special occasion work	1189
permit issued under section 4713.37 of the Revised Code;	1190
(4) A current, valid temporary work permit issued under	1191
rules adopted by the board pursuant to section 4713.08 of the	1192
Revised Code;	1193
(5) A current, valid registration under section <u>4713.39 or</u>	1194
4713.69 of the Revised Code.	1195
(D) Employ an individual to practice a branch of	1196
cosmetology if the individual does not hold one of the following	1197
authorizing the practice of that branch of cosmetology:	1198
(1) A current, valid license under section 4713.28 7	1199
4713.30 , or 4713.34 of the Revised Code;	1200
(2) A current, valid temporary pre-examination work permit	1201
issued under section 4713.22 of the Revised Code;	1202
(3) A current, valid temporary special occasion work	1203
permit issued under section 4713.37 of the Revised Code;	1204
(4) A current, valid temporary work permit issued under	1205
rules adopted by the board pursuant to section 4713.08 of the	1206
Revised Code;	1207
(5) A current, valid registration under section <u>4713.39 or</u>	1208
4713.69 of the Revised Code.	1209
(E) Except for apprentice instructors and as provided in	1210
section 4713.45 of the Revised Code, teach the theory or	1211

practice of a branch of cosmetology at a school of cosmetology 1212
without either of the following authorizing the teaching of that 1213
branch of cosmetology: 1214

(1) A current, valid license under section 4713.31 or 1215
4713.34 of the Revised Code; 1216

(2) A current, valid temporary special occasion work 1217
permit issued under section 4713.37 of the Revised Code. 1218

(F) Advertise or operate a glamour photography service in 1219
which a branch of cosmetology is practiced unless the individual 1220
practicing the branch of cosmetology holds either of the 1221
following authorizing the practice of that branch of 1222
cosmetology: 1223

(1) A current, valid license under section 4713.28, ~~or~~ 1224
~~4713.30,~~ or 4713.34 of the Revised Code; 1225

(2) A current, valid temporary special occasion work 1226
permit issued under section 4713.37 of the Revised Code. 1227

(G) Advertise or operate a glamour photography service in 1228
which a branch of cosmetology is practiced at a location not 1229
specified by rules adopted under section 4713.08 of the Revised 1230
Code; 1231

(H) Practice a branch of cosmetology at a salon as an 1232
independent contractor without ~~a current, valid registering as~~ 1233
~~an independent contractor license issued~~ under section 4713.39 1234
of the Revised Code; 1235

(I) Operate a salon without a current, valid license under 1236
section 4713.41 of the Revised Code; 1237

(J) Provide cosmetic therapy or massage therapy at a salon 1238
for pay, free, or otherwise without a current, valid certificate 1239

issued by the state medical board under section 4731.15 of the Revised Code or provide any other professional service at a salon for pay, free, or otherwise without a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;

~~(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:~~

~~(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;~~

~~(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.~~

~~(L)~~ Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;

~~(M)~~ (L) At a salon or school of cosmetology, do any of the following:

(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;

(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;

(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).

~~(N)~~ (M) While in charge of a salon or school of cosmetology, permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the

salon or school of cosmetology; 1268

~~(O)~~ (N) Maintain, as an established place of business for 1269
the practice of one or more of the branches of cosmetology, a 1270
room used wholly or in part for sleeping or residential 1271
purposes; 1272

~~(P)~~ (O) Operate a tanning facility that is offered to the 1273
public for a fee or other compensation without a current, valid 1274
permit under section 4713.48 of the Revised Code; 1275

~~(Q)~~ (P) Practice a branch of cosmetology in a location 1276
other than a licensed facility unless otherwise exempted under 1277
section 4713.16 or 4713.17 of the Revised Code; 1278

~~(R)~~ (Q) Use any of the services or arts that are part of 1279
cosmetology to treat or attempt to cure a physical or mental 1280
disease or ailment; 1281

(R) Use the title "registered" if the person does not have 1282
a current, valid registration under section 4713.39 or 4713.69 1283
of the Revised Code. 1284

Sec. 4713.141. An inspector employed by the state 1285
cosmetology and barber board may take a sample of a product used 1286
or sold in a salon or school of cosmetology for the purpose of 1287
examining the sample, or causing an examination of the sample to 1288
be made, to determine whether division ~~(M)~~ (L) of section 1289
4713.14 of the Revised Code has been violated. 1290

Should the results of the test prove that division ~~(M)~~ (L) 1291
of section 4713.14 of the Revised Code has been violated, the 1292
board shall take action in accordance with section 4713.64 of 1293
the Revised Code. A fine imposed under that section shall 1294
include the cost of the test. The person's license may be 1295
suspended or revoked. 1296

Sec. 4713.16. (A) This chapter does not prohibit any of	1297
the following:	1298
(1) Practicing a branch of cosmetology without a license	1299
or registration if the individual does so for free at the	1300
individual's home for a family member who resides in the same	1301
household as the individual;	1302
(2) The retail sale, or trial demonstration by application	1303
to the skin for purposes of retail sale, of cosmetics,	1304
preparations, tonics, antiseptics, creams, lotions, wigs, or	1305
hairpieces without a practicing license or registration;	1306
(3) The retailing, at a salon, of cosmetics, preparations,	1307
tonics, antiseptics, creams, lotions, wigs, hairpieces,	1308
clothing, or any other items that pose no risk of creating	1309
unsanitary conditions at the salon;	1310
(4) The provision of glamour photography services at a	1311
licensed salon if either of the following is the case:	1312
(a) A branch of cosmetology is not practiced as part of	1313
the services.	1314
(b) If a branch of cosmetology is practiced as part of the	1315
services, the part of the services that is a branch of	1316
cosmetology is performed by an individual who holds either one	1317
of the following authorizing the individual to practice that	1318
branch of cosmetology:	1319
(i) A current, valid license under section 4713.28 7	1320
4713.307 , or 4713.34 of the Revised Code;	1321
(ii) <u>A current, valid registration under section 4713.69</u>	1322
<u>of the Revised Code;</u>	1323
(iii) <u>A current, valid temporary special occasion work</u>	1324

permit issued under section 4713.37 of the Revised Code. 1325

(5) A student engaging, as a student, in work connected 1326
with a branch of cosmetology taught at the school of cosmetology 1327
at which the student is enrolled; 1328

(B) A student in a career-technical program learning a 1329
branch of cosmetology may continue developing skills in the 1330
respective branch of cosmetology after completing the required 1331
coursework or obtaining a license in the respective branch of 1332
cosmetology by working in the licensed career-technical school 1333
clinic if the student does not receive any compensation. This 1334
allowance terminates upon the graduation of the student from the 1335
career-technical school. 1336

Sec. 4713.17. (A) The following persons are exempt from 1337
the provisions of this chapter, except, as applicable, section 1338
4713.42 of the Revised Code: 1339

(1) All individuals authorized to practice medicine, 1340
surgery, dentistry, and nursing or any of its branches in this 1341
state; 1342

(2) Commissioned surgical and medical officers of the 1343
United States army, navy, air force, or marine hospital service 1344
when engaged in the actual performance of their official duties, 1345
and attendants attached to same; 1346

(3) Funeral directors, embalmers, and apprentices licensed 1347
or registered under Chapter 4717. of the Revised Code; 1348

(4) Persons who are engaged in the retail sale, cleaning, 1349
or beautification of wigs and hairpieces but who do not engage 1350
in any other act constituting the practice of a branch of 1351
cosmetology; 1352

(5) Volunteers of hospitals, and homes as defined in 1353
section 3721.01 of the Revised Code, who render service to 1354
registered patients and inpatients who reside in such hospitals 1355
or homes. Such volunteers shall not use or work with any 1356
chemical products such as permanent wave, hair dye, or chemical 1357
hair relaxer, which without proper training would pose a health 1358
or safety problem to the patient. 1359

(6) Nurse aides and other employees of hospitals and homes 1360
as defined in section 3721.01 of the Revised Code, who practice 1361
a branch of cosmetology on registered patients only as part of 1362
general patient care services and who do not charge patients 1363
directly on a fee for service basis; 1364

(7) Cosmetic therapists and massage therapists who hold 1365
current, valid certificates to practice cosmetic or massage 1366
therapy issued by the state medical board under section 4731.15 1367
of the Revised Code, to the extent their actions are authorized 1368
by their certificates to practice; 1369

(8) Inmates who provide services related to a branch of 1370
cosmetology to other inmates, except when those services are 1371
provided in a licensed school of cosmetology within a state 1372
correctional institution for females. 1373

(B) The director of rehabilitation and correction shall 1374
oversee the services described in division (A) (8) of this 1375
section with respect to ~~sanitation~~infection control and adopt 1376
rules governing those types of services provided by inmates. 1377

Sec. 4713.24. (A) The state cosmetology and barber board 1378
shall conduct an examination for each individual who satisfies 1379
the requirements established by section 4713.20 of the Revised 1380
Code for admission to the examination. Examinations for 1381

licensure for any branch of cosmetology shall assess the ability 1382
of a prospective cosmetology professional to maintain a safe and 1383
sanitary place of service delivery. ~~The board may develop and~~ 1384
~~administer the appropriate examination or enter into an~~ 1385
~~agreement with a national testing service to develop the~~ 1386
~~examination, administer the examination, or both.~~ The 1387
examination shall be a national, standardized examination that 1388
is specific to the type of license the individual seeks, and 1389
shall satisfy all of the following conditions: 1390

(1) Include both practical demonstrations and written or 1391
oral tests related to the type of license the individual seeks, ~~—~~ 1392
. The written portion of the examination shall include both 1393
theoretical and procedural skill questions as prescribed by the 1394
board in rules adopted in accordance with section 4713.08 of the 1395
Revised Code. 1396

(2) Relate only to a branch of cosmetology, but not be 1397
confined to any special system or method; 1398

(3) Be consistent in both practical and technical 1399
requirements for the type of license the individual seeks; 1400

(4) Be of sufficient thoroughness to satisfy the board as 1401
to the individual's skill in and knowledge of the branch of 1402
cosmetology for which the examination is conducted. 1403

(B) Not later than ~~two years after~~ September 13, ~~2016~~2018, 1404
the board shall create a curriculum and an examination for 1405
individuals seeking licensure to become an instructor and shall 1406
conduct an examination for each individual who satisfies the 1407
requirements established pursuant to section 4713.31 of the 1408
Revised Code for admission to the examination. 1409

(C) The board shall adopt rules regarding the equipment or 1410

supplies an individual is required to bring to an examination 1411
described in this section. 1412

(D) The board shall not release the questions developed 1413
for the examinations and the practical demonstrations used in 1414
the testing process, except for the following purposes: 1415

(1) Reviewing or rewriting of any part of the examination 1416
on a periodic basis as prescribed in rules adopted under section 1417
4713.08 of the Revised Code; 1418

(2) Testing of individuals in another state for admission 1419
to the profession of cosmetology or any of its branches as 1420
required under a contract or by means of a license with that 1421
state; 1422

(3) Complying with a public records request after which 1423
the questions or the demonstrations have become a public record 1424
under division (F) of this section and otherwise may lawfully be 1425
released. 1426

(E) The examination papers and the scored results of the 1427
practical demonstrations of each individual examined by the 1428
board shall be open for inspection by the individual or the 1429
individual's attorney for at least ninety days following the 1430
announcement of the individual's grade, except for papers that 1431
under the terms of a contract with a testing service are not 1432
available for inspection. On written request of an individual or 1433
the individual's attorney made to the board not later than 1434
ninety days after announcement of the individual's grade, the 1435
board shall have the individual's practical examination papers 1436
regraded manually. 1437

(F) Test materials, examinations, or evaluation tools used 1438
in an examination for licensure under this chapter that the 1439

board develops or contracts with a private or government entity 1440
to administer shall become public records under section 149.43 1441
of the Revised Code fifteen years after the materials, 1442
examinations, or tools were first used in an assessment for 1443
licensure, unless the release of the record is otherwise 1444
prohibited by state or federal law, or the record is deemed to 1445
be the proprietary information of a private entity. 1446

(G) The board shall adopt rules in accordance with section 1447
4713.08 of the Revised Code to do both of the following: 1448

(1) To permit an individual to take the written portion of 1449
the examination required by division (A) of this section when 1450
the individual has completed the following amount of hours of 1451
instruction at a licensed school of cosmetology in this or 1452
another state: 1453

(a) For an individual seeking a cosmetology license, at 1454
least eight hundred hours; 1455

(b) For an individual seeking an esthetics license, at 1456
least three hundred hours; 1457

(c) For an individual seeking a hair design license, at 1458
least four hundred hours; 1459

(d) For an individual seeking a manicurist license, at 1460
least one hundred hours. 1461

(2) To permit an individual to take the practical portion 1462
of the examination required by division (A) of this section at 1463
the individual's school of cosmetology when the individual has 1464
completed all required hours of instruction at a school of 1465
cosmetology licensed in this or another state. 1466

Sec. 4713.28. (A) The state cosmetology and barber board 1467

shall issue a practicing license to an applicant who satisfies 1468
all of the following applicable conditions: 1469

(1) Is at least sixteen years of age; 1470

(2) Is of good moral character; 1471

(3) Has the equivalent of an Ohio public school tenth 1472
grade education; 1473

(4) Has submitted a written application on a form 1474
furnished by the board that contains all of the following: 1475

(a) The name of the individual and any other identifying 1476
information required by the board; 1477

~~(b) A recent photograph of the individual that meets the 1478
specifications established by the board; 1479~~

~~(c) A photocopy of the individual's current driver's 1480
license or other proof of legal residence; 1481~~

~~(d) (c) Proof that the individual is qualified to take the 1482
applicable examination as required by section 4713.20 of the 1483
Revised Code; 1484~~

~~(e) (d) An oath verifying that the information in the 1485
application is true; 1486~~

~~(f) (e) The applicable application fee. 1487~~

(5) Passes an examination conducted under division (A) of 1488
section 4713.24 of the Revised Code for the branch of 1489
cosmetology the applicant seeks to practice; 1490

(6) Pays to the board the applicable license fee; 1491

(7) (a) In the case of an applicant for an initial 1492
cosmetologist license, has successfully completed at least one 1493

thousand ~~five hundred~~ hours of board-approved cosmetology 1494
training in a school of cosmetology licensed in this or another 1495
state, except that only ~~one thousand~~ four hundred hours of 1496
board-approved cosmetology training in a licensed school of 1497
cosmetology ~~licensed in this state~~ is required of an individual 1498
licensed as a barber under Chapter 4709. of the Revised Code; 1499

(b) The training required by division (A)(7)(a) of this 1500
section shall, at a minimum, include the following subjects and 1501
the hours assigned to each: 1502

(i) Twenty-four hours of professional requirements 1503
instruction; 1504

(ii) Twenty-six hours of safety, health, and infection 1505
control training; 1506

(iii) Fifteen hours of anatomy and physiology training; 1507

(iv) Ten hours of hair analysis training; 1508

(v) Ten hours of hair and scalp disorders and diseases 1509
training; 1510

(vi) Five hours of chemistry as applied to cosmetology 1511
training; 1512

(vii) Thirty hours of shampoos, rinses, conditioners, and 1513
treatments training; 1514

(viii) One hundred seventy-five hours of hair cutting and 1515
shaping training; 1516

(ix) Two hundred forty-five hours of hair styling 1517
training; 1518

(x) One hundred eighty hours of chemical restructuring 1519
training; 1520

- (xi) One hundred eighty hours of hair coloring and 1521
lightening training; 1522
- (xii) Forty hours of nail care and procedures training; 1523
and 1524
- (xiii) Sixty hours of training in skin care and 1525
procedures. 1526
- (8) In the case of an applicant for an initial esthetician 1527
license, has successfully completed at least six hundred hours 1528
of board-approved esthetics training in a school of cosmetology 1529
licensed in this or another state; 1530
- (9) In the case of an applicant for an initial hair 1531
designer license, has successfully completed at least ~~one~~ 1532
~~thousand two~~ eight hundred hours of board-approved hair designer 1533
training in a school of cosmetology licensed in this or another 1534
state, except that only ~~one thousand two~~ hundred hours of board- 1535
approved hair designer training in a school of cosmetology 1536
licensed in this state is required of an individual licensed as 1537
a barber under Chapter 4709. of the Revised Code or, for an 1538
applicant with at least five years' experience as a licensed 1539
barber, a written and practical examination, administered by the 1540
board, which if passed shall serve in lieu of the hair designer 1541
training required under this division; 1542
- (10) In the case of an applicant for an initial manicurist 1543
license, has successfully completed at least two hundred hours 1544
of board-approved manicurist training in a school of cosmetology 1545
licensed in this or another state;— 1546
- ~~(11) In the case of an applicant for an initial natural-~~ 1547
~~hair stylist license, has successfully completed at least four-~~ 1548
~~hundred fifty hours of instruction in subjects relating to-~~ 1549

~~sanitation, scalp care, anatomy, hair styling, communication- 1550
skills, and laws and rules governing the practice of- 1551
cosmetology. 1552~~

(B) A licensed career-technical school shall meet in its 1553
cosmetology curriculum the minimum hours of training required by 1554
this section for the applicable branch of cosmetology. 1555

(C) The board shall not deny a license to any applicant 1556
based on prior incarceration or conviction for any crime. If the 1557
board denies an individual a license or license renewal, the 1558
reasons for such denial shall be put in writing. 1559

Sec. 4713.31. The state cosmetology and barber board shall 1560
issue an instructor license to an applicant who satisfies all of 1561
the following applicable conditions: 1562

(A) Is at least eighteen years of age; 1563

(B) Is of good moral character; 1564

(C) Has the equivalent of an Ohio public school twelfth 1565
grade education; 1566

(D) Provides proof of sufficient relevant experience, as 1567
determined by the board; 1568

(E) Pays to the board the applicable fee; 1569

~~(E)-(F) In the case of an applicant for an initial 1570
cosmetology instructor license, holds a current, valid advanced- 1571
cosmetologist license issued in this state and does either of- 1572
the following: 1573~~

~~(1) Has the licensed advanced cosmetologist or owner of- 1574
the licensed beauty salon in which the applicant has been- 1575
employed certify to the board that the applicant has engaged in- 1576~~

~~the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;~~ 1577
1578

~~(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board approved cosmetology instructor training as an apprentice instructor.~~ 1579
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~~(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:~~ 1583
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~~(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;~~ 1587
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~~(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board approved esthetics instructor training as an apprentice instructor.~~ 1594
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~~(G) In the case of an applicant for an initial hair design instructor license, holds a current, valid advanced hair designer or advanced cosmetologist license and does either of the following:~~ 1598
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1601

~~(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of the licensed hair design salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in~~ 1602
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~~the practice of hair design in a licensed hair design salon or~~ 1606
~~practice of cosmetology in a licensed beauty salon for at least~~ 1607
~~one thousand eight hundred hours;~~ 1608

~~(2) Has a school of cosmetology licensed in this state~~ 1609
~~certify to the board that the applicant has successfully~~ 1610
~~completed at least eight hundred hours of board approved hair~~ 1611
~~design instructor's training as an apprentice instructor.~~ 1612

~~(H) In the case of an applicant for an initial manicurist~~ 1613
~~instructor license, holds a current, valid advanced manicurist~~ 1614
~~or advanced cosmetologist license and does either of the~~ 1615
~~following:~~ 1616

~~(1) Has the licensed advanced manicurist, licensed~~ 1617
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 1618
~~licensed beauty salon in which the applicant has been employed~~ 1619
~~certify to the board that the applicant has engaged in the~~ 1620
~~practice of manicuring in a licensed nail salon or practice of~~ 1621
~~cosmetology in a licensed beauty salon for at least one thousand~~ 1622
~~eight hundred hours;~~ 1623

~~(2) Has a school of cosmetology licensed in this state~~ 1624
~~certify to the board that the applicant has successfully~~ 1625
~~completed at least three hundred hours of board approved~~ 1626
~~manicurist instructor training as an apprentice instructor.~~ 1627

~~(I) In the case of an applicant for an initial natural~~ 1628
~~hair style instructor license, holds a current, valid advanced~~ 1629
~~natural hair stylist or advanced cosmetologist license and does~~ 1630
~~either of the following:~~ 1631

~~(1) Has the licensed advanced natural hair stylist,~~ 1632
~~licensed advanced cosmetologist, or owner of the licensed~~ 1633
~~natural hair style salon or licensed beauty salon in which the~~ 1634

~~applicant has been employed certify to the board that the~~ 1635
~~applicant has engaged in the practice of natural hair styling in~~ 1636
~~a licensed natural hair style salon or practice of cosmetology~~ 1637
~~in a licensed beauty salon for at least one thousand eight~~ 1638
~~hundred hours;~~ 1639

~~(2) Has a school of cosmetology licensed in this state~~ 1640
~~certify to the board that the applicant has successfully~~ 1641
~~completed at least four hundred hours of board approved natural~~ 1642
~~hair style instructor training as an apprentice instructor.~~ 1643

~~(J) meets the training and experience requirements~~ 1644
~~established in rules the board adopts in accordance with section~~ 1645
~~4713.08 of the Revised Code;~~ 1646

(G) In the case of all applicants, passes an examination 1647
conducted under division (B) of section 4713.24 of the Revised 1648
Code for the branch of cosmetology the applicant seeks to 1649
instruct. 1650

Sec. 4713.32. When determining the total hours of 1651
instruction received by an applicant for a license under section 1652
4713.28, ~~4713.30~~, or 4713.31 of the Revised Code, the state 1653
cosmetology and barber board shall not take into account more 1654
than ten hours of instruction per day. The board shall take into 1655
account instruction received more than five years prior to the 1656
date of application for the license in accordance with rules 1657
adopted under section 4713.08 of the Revised Code. 1658

Sec. 4713.34. The state cosmetology and barber board shall 1659
issue a license to practice a branch of cosmetology or 1660
instructor license to an applicant who is licensed or registered 1661
in another state or country to practice that branch of 1662
cosmetology or teach the theory and practice of that branch of 1663

cosmetology, as appropriate, if ~~all of the following conditions~~ 1664
~~are satisfied:~~ 1665

~~(A) The applicant satisfies all of the following~~ 1666
conditions: 1667

~~(1) (A) Is not less than eighteen years of age;~~ 1668

~~(2) (B) Is of good moral character;~~ 1669

~~(3) In the case of an applicant for a practicing license,~~ 1670
~~passes an examination conducted under section 4713.24 of the~~ 1671
~~Revised Code for the license the applicant seeks, unless the~~ 1672
~~applicant satisfies conditions specified in rules adopted under~~ 1673
~~section 4713.08 of the Revised Code for the board to issue the~~ 1674
~~applicant a license without taking the examination.~~ 1675
(C) Submits to 1675
the board satisfactory evidence that the person is licensed in 1676
another state or country; 1677

~~(4) (D) Pays the applicable fee.~~ 1678

~~(B) At the time the applicant obtained the license or~~ 1679
~~registration in the other state or country, the requirements in~~ 1680
~~this state for obtaining the license the applicant seeks were~~ 1681
~~substantially equal to the other state or country's~~ 1682
~~requirements.~~ 1683

~~(C) The jurisdiction that issued the applicant's license~~ 1684
~~or registration extends similar reciprocity to individuals~~ 1685
~~holding a license issued by the board.~~ 1686

Sec. 4713.341. The state cosmetology and barber board 1687
shall issue a license to practice cosmetology, a branch of 1688
cosmetology, or an instructor license to an applicant who is 1689
currently licensed as a cosmetologist or in a branch of 1690
cosmetology in another state or territory of the United States 1691

and who is seeking licensure in this state by endorsement if 1692
both of the following conditions are satisfied: 1693

(A) The applicant files an application, on forms 1694
prescribed by the board, that shall include all of the 1695
following: 1696

(1) An official certification of licensure from the 1697
relevant board in the applicant's jurisdiction of original 1698
licensure and the state or territory in which the applicant is 1699
currently licensed and practicing, if other than the original, 1700
stating the applicant's legal name, the cosmetologist license 1701
number, the original issuance date, the expiration date, a brief 1702
description of any licensure examination taken to qualify for 1703
the license and the grades received, and whether the applicant's 1704
file contains any record of disciplinary actions taken or 1705
pending; and 1706

(2) Proof of any name change in the form of a marriage 1707
license, divorce decree, affidavit, court order, or other 1708
similar document, if the applicant's name is other than that 1709
shown on the documents submitted. 1710

(B) The applicant pays the applicable fee. 1711

Sec. 4713.35. An individual who holds a current, valid 1712
cosmetologist ~~or advanced cosmetologist~~ license issued by the 1713
state cosmetology and barber board may engage in the practice of 1714
one or more branches of cosmetology as the individual chooses in 1715
a licensed facility. 1716

An individual who holds a current, valid esthetician ~~or~~ 1717
~~advanced esthetician~~ license issued by the board may engage in 1718
the practice of esthetics but no other branch of cosmetology in 1719
a licensed facility. 1720

An individual who holds a current, valid hair designer ~~or~~ 1721
~~advanced hair designer~~ license issued by the board may engage in 1722
the practice of hair design but no other branch of cosmetology 1723
in a licensed facility. 1724

An individual who holds a current, valid manicurist ~~or~~ 1725
~~advanced manicurist~~ license issued by the board may engage in 1726
the practice of manicuring but no other branch of cosmetology in 1727
a licensed facility. 1728

~~An individual who holds a current, valid natural hair~~ 1729
~~stylist or advanced natural hair stylist license issued by the~~ 1730
~~board may engage in the practice of natural hair styling but no~~ 1731
~~other branch of cosmetology in a licensed facility.~~ 1732

An individual who holds a current, valid cosmetology 1733
instructor license issued by the board may teach the theory and 1734
practice of one or more branches of cosmetology at a school of 1735
cosmetology as the individual chooses. 1736

~~An individual who holds a current, valid esthetics~~ 1737
~~instructor license issued by the board may teach the theory and~~ 1738
~~practice of esthetics, but no other branch of cosmetology, at a~~ 1739
~~school of cosmetology.~~ 1740

~~An individual who holds a current, valid hair design~~ 1741
~~instructor license issued by the board may teach the theory and~~ 1742
~~practice of hair design, but no other branch of cosmetology, at~~ 1743
~~a school of cosmetology.~~ 1744

~~An individual who holds a current, valid manicurist~~ 1745
~~instructor license issued by the board may teach the theory and~~ 1746
~~practice of manicuring, but no other branch of cosmetology, at a~~ 1747
~~school of cosmetology.~~ 1748

~~An individual who holds a current, valid natural hair~~ 1749

~~style instructor license issued by the board may teach the~~ 1750
~~theory and practice of natural hair styling, but no other branch~~ 1751
~~of cosmetology, at a school of cosmetology.~~ 1752

An individual who holds a current, valid boutique 1753
registration with the board may engage in the practice of 1754
boutique services but no other branch of cosmetology. 1755

Sec. 4713.36. A licensed manicurist ~~or licensed advanced-~~ 1756
~~manicurist~~ may engage in the practice of manicuring at a nail 1757
salon or beauty salon licensed under section 4713.41 of the 1758
Revised Code or a barber shop licensed under Chapter 4709. of 1759
the Revised Code. 1760

Sec. 4713.39. The state cosmetology and barber board shall 1761
develop rules in accordance with section 4713.08 of the Revised 1762
Code to permit an applicant to register as an independent 1763
contractor if the applicant is an independent contractor in a 1764
licensed facility and meets the conditions established by the 1765
board. 1766

Sec. 4713.41. The state cosmetology and barber board shall 1767
issue a license to operate a salon, including a boutique salon, 1768
to an applicant who pays the applicable fee and affirms that all 1769
of the following conditions will be met: 1770

(A) (1) An individual holding a current, valid 1771
cosmetologist license or boutique services registration 1772
pertaining to the branch of cosmetology services performed at 1773
the salon or boutique salon, shall have charge of and immediate 1774
supervision over the salon at all times when the salon is open 1775
for business except as permitted under division (A) (2) of this 1776
section. 1777

(2) A business establishment that is engaged primarily in 1778

retail sales but is also licensed as a salon shall have present 1779
an individual holding a current, valid license or registration 1780
to practice in that type of salon in charge of and in immediate 1781
supervision of the salon during posted or advertised service 1782
hours, if the practice of cosmetology is restricted to those 1783
posted or advertised service hours. 1784

(B) The salon is equipped to do all of the following: 1785

(1) Provide potable running hot and cold water and proper 1786
drainage; 1787

(2) ~~Sanitize~~ Clean and disinfect all nonporous instruments 1788
and supplies used in the branch of cosmetology provided at the 1789
salon; and 1790

(3) If cosmetic therapy, massage therapy, or other 1791
professional service is provided at the salon under section 1792
4713.42 of the Revised Code, sanitize all instruments and 1793
supplies used in the cosmetic therapy, massage therapy, or other 1794
professional service. 1795

(C) Except as provided in sections 4713.42 and 4713.49 of 1796
the Revised Code, only the branch of cosmetology that the salon 1797
is licensed to provide is practiced at the salon. 1798

(D) The salon is kept in a clean and sanitary condition 1799
and properly ventilated. 1800

(E) The salon, including all of its equipment, implements, 1801
and other personal property, is properly cleaned and disinfected 1802
at all times, except for the immediate period during which a 1803
licensee performs a cosmetology service or prepares the service 1804
area after a patron in preparation for the next patron. 1805

(F) No food is sold at the salon in a manner inconsistent 1806

with rules adopted under section 4713.08 of the Revised Code. 1807

~~(F)~~ (G) A notice that contains a toll-free number and 1808
online process for reporting alleged violations of this chapter, 1809
as prescribed by the board ~~of cosmetology~~, is posted at the 1810
salon in a common area for all customers of salon services. 1811

Sec. 4713.44. (A) The state cosmetology and barber board 1812
shall issue a license to operate a school of cosmetology to an 1813
applicant who pays the applicable fee and satisfies all of the 1814
following requirements: 1815

(1) Maintains a course of practical training and technical 1816
instruction for the branch or branches of cosmetology to be 1817
taught at the school equal to the requirements for admission to 1818
an examination under section 4713.24 of the Revised Code that an 1819
individual must pass to obtain a license to practice that branch 1820
or those branches of cosmetology; 1821

(2) Possesses or makes available apparatus and equipment 1822
sufficient for the ready and full teaching of all subjects of 1823
the curriculum; 1824

(3) Maintains individuals licensed under section 4713.31 1825
or 4713.34 of the Revised Code to teach the theory and practice 1826
of the branches of cosmetology; 1827

(4) Notifies the board of the enrollment of each new 1828
student, keeps a record devoted to the different practices, 1829
establishes grades, and holds examinations in order to certify 1830
the students' completion of the prescribed course of study 1831
before the issuance of certificates of completion; 1832

(5) In the case of a school of cosmetology that offers 1833
clock hours for the purpose of satisfying minimum hours of 1834
training and instruction, keeps a daily record of the attendance 1835

of each student; 1836

(6) On the date that an apprentice cosmetology instructor 1837
begins cosmetology instructor training at the school, certifies 1838
the name of the apprentice cosmetology instructor to the board 1839
along with the date on which the apprentice's instructor 1840
training began; 1841

(7) Instructs not more than six apprentice cosmetology 1842
instructors at any one time; 1843

(8) Files with the board a good and sufficient surety bond 1844
executed by the individual, firm, or corporation operating the 1845
school of cosmetology as principal and by a surety company as 1846
surety in the amount of ten thousand dollars; provided, that 1847
this requirement does not apply to a vocational or career- 1848
technical school program conducted by a city, exempted village, 1849
local, or joint vocational school district. The bond shall be in 1850
the form prescribed by the board and be conditioned upon the 1851
school's continued instruction in the theory and practice of the 1852
branches of cosmetology. Every bond shall continue in effect 1853
until notice of its termination is given to the board by 1854
registered mail and every bond shall so provide. 1855

(9) Establishes and maintains an internal procedure for 1856
processing complaints filed against the school and for providing 1857
students with instructions on how to file a complaint directly 1858
with the board pursuant to section 4713.641 of the Revised Code. 1859

(B) A school of cosmetology holding a license issued under 1860
division (A) of this section is an educational institution and 1861
is authorized to offer educational programs beyond secondary 1862
education, ~~advanced practice programs, or both~~ in accordance 1863
with rules adopted by the board pursuant to section 4713.08 of 1864

the Revised Code. 1865

(C) A school of cosmetology holding a license to operate a 1866
school of cosmetology on September 29, 2013, shall establish and 1867
maintain an internal procedure for processing complaints filed 1868
against the school and shall provide each of the school's 1869
students with instructions on how to file a complaint directly 1870
with the board pursuant to section 4713.641 of the Revised Code. 1871

Sec. 4713.45. (A) A school of cosmetology may do the 1872
following: 1873

(1) In accordance with rules adopted under section 4713.08 1874
of the Revised Code, a school of cosmetology operated by a 1875
public entity or a private person may offer clock hours, credit 1876
hours, or competency-based credits by classroom instruction or 1877
distance education for the purpose of satisfying minimum hours 1878
of training and instruction; 1879

(2) Allow an apprentice cosmetology instructor the regular 1880
quota of students prescribed by the state cosmetology and barber 1881
board if a cosmetology instructor is present; 1882

(3) Compensate an apprentice cosmetology instructor; 1883

(4) Subject to division (B) of this section, employ an 1884
individual who does not hold a current, valid instructor license 1885
to teach subjects related to a branch of cosmetology. 1886

(B) A school of cosmetology shall have a licensed 1887
cosmetology instructor present when an individual employed 1888
pursuant to division (A) (4) of this section teaches at the 1889
school, unless the individual is one of the following: 1890

(1) An individual with a current, valid teacher's 1891
certificate or educator license issued by the state board of 1892

education; 1893

(2) An individual with a bachelor's degree in the subject 1894
the person teaches at the school; 1895

(3) An individual also employed by a university or college 1896
to teach the subject the person teaches at the school. 1897

(C) A school of cosmetology shall annually review the 1898
subjects and coursework required to receive an initial 1899
cosmetology license ~~and advanced license~~ and, in doing so, shall 1900
incorporate standards adopted by the state cosmetology and 1901
barber board pursuant to division (A)(13) of section 4713.08 of 1902
the Revised Code. 1903

Sec. 4713.55. Every license issued by the state 1904
cosmetology and barber board shall be signed by the chairperson 1905
and attested by the executive director of the board, with the 1906
seal of the board attached. 1907

The board shall specify on each practicing license that 1908
the board issues the branch of cosmetology that the license 1909
entitles the holder to practice. ~~The board shall specify on each~~ 1910
~~advanced license that the board issues the type of salon in~~ 1911
~~which the license entitles the holder to work and the branch of~~ 1912
~~cosmetology that the license entitles the holder to practice.~~ 1913
The board shall specify on each instructor license that the 1914
board issues the branch of cosmetology that the license entitles 1915
the holder to teach. The board shall specify on each salon 1916
license that the board issues the branch of cosmetology that the 1917
license entitles the holder to offer. ~~The board shall specify on~~ 1918
~~each independent contractor license that the board issues the~~ 1919
~~branch of cosmetology that the license entitles the holder to~~ 1920
~~offer within a licensed salon.~~ Such licenses are prima-facie 1921

evidence of the right of the holder to practice or teach the 1922
branch of cosmetology that the license specifies. 1923

Sec. 4713.56. Every holder of a practicing license, 1924
instructor license, independent contractor ~~license~~, registration 1925
or boutique service registration issued by the state cosmetology 1926
and barber board shall maintain the board-issued, wallet-sized 1927
license or electronically generated license certification or 1928
registration and a current government-issued photo 1929
identification that can be produced upon inspection or request. 1930

Every holder of a license to operate a salon issued by the 1931
board shall display the license in a public and conspicuous 1932
place in the salon. 1933

Every holder of a license to operate a school of 1934
cosmetology issued by the board shall display the license in a 1935
public and conspicuous place in the school. 1936

Every individual who provides cosmetic therapy, massage 1937
therapy, or other professional service in a salon under section 1938
4713.42 of the Revised Code shall maintain the individual's 1939
professional license or certificate or electronically generated 1940
license certification or registration and a state of Ohio issued 1941
photo identification that can be produced upon inspection or 1942
request. 1943

Sec. 4713.58. (A) Except as provided in division (B) of 1944
this section, on payment of the renewal fee and submission of 1945
proof satisfactory to the state cosmetology and barber board 1946
that any applicable continuing education requirements have been 1947
completed, an individual currently licensed as:— 1948

~~(1) A cosmetology instructor who has previously been 1949
licensed as a cosmetologist or an advanced cosmetologist, is 1950~~

~~entitled to the reissuance of a cosmetologist or advanced
cosmetologist license;—~~ 1951
1952

~~(2) An esthetics instructor who has previously been
licensed as an esthetician or an advanced esthetician, is
entitled to the reissuance of an esthetician or advanced
esthetician license;—~~ 1953
1954
1955
1956

~~(3) A hair design an instructor who has previously been
licensed as held a hair designer or an advanced hair designer,
is entitled to the reissuance of a hair designer or advanced
hair designer practicing license;—~~ 1957
1958
1959
1960

~~(4) A manicurist instructor who has previously been
licensed as a manicurist or an advanced manicurist, is entitled
to the reissuance of a manicurist or advanced manicurist that
practicing license;—~~ 1961
1962
1963
1964

~~(5) A natural hair style instructor who has previously
been licensed as a natural hair stylist or an advanced natural
hair stylist, is entitled to the reissuance of a natural hair
stylist or advanced natural hair stylist license.~~ 1965
1966
1967
1968

(B) No individual is entitled to the reissuance of a 1969
license under division (A) of this section if the license was 1970
revoked or suspended or the individual has an outstanding unpaid 1971
fine levied under section 4713.64 of the Revised Code. 1972

Sec. 4713.59. If the state cosmetology and barber board 1973
adopts rules under section 4713.09 of the Revised Code to 1974
establish a continuing education requirement as a condition of 1975
renewal for a practicing license, ~~advanced license,~~ or 1976
instructor license, the board shall inform each affected 1977
licensee of the continuing education requirement that applies to 1978
the next biennial licensing period by including that information 1979

in the renewal notification it sends the licensee. The 1980
notification shall state that the licensee must complete the 1981
continuing education requirement, via classroom instruction or 1982
distance education, by the fifteenth day of January of the next 1983
odd-numbered year. 1984

Hours completed in excess of the continuing education 1985
requirement may not be applied to the next biennial licensing 1986
period. 1987

Sec. 4713.60. (A) Except as provided in division (C) of 1988
this section, an individual seeking a renewal of a license to 1989
practice a branch of cosmetology, ~~advanced license~~, instructor 1990
license, or ~~boutique services independent contractor~~ 1991
registration shall include in the renewal application proof 1992
satisfactory to the board of completion of any applicable 1993
continuing education requirements established by rules adopted 1994
under section 4713.09 of the Revised Code. 1995

(B) If an applicant fails to provide satisfactory proof of 1996
completion of any applicable continuing education requirements, 1997
the board shall notify the applicant that the application is 1998
incomplete. The board shall not renew the license or 1999
registration until the applicant provides satisfactory proof of 2000
completion of any applicable continuing education requirements. 2001
The board may provide the applicant with an extension of up to 2002
ninety days in which to complete the continuing education 2003
requirement. In providing for the extension, the board may 2004
charge the licensee or registrant a fine of up to one hundred 2005
dollars. 2006

(C) The board may waive, or extend the period for 2007
completing, any continuing education requirement if a licensee 2008
or registrant applies to the board and provides proof 2009

satisfactory to the board of being unable to complete the 2010
requirement within the time allowed because of any of the 2011
following: 2012

(1) An emergency; 2013

(2) An unusual or prolonged illness; 2014

(3) Active duty service in any branch of the armed forces 2015
of the United States or a reserve component of the armed forces 2016
of the United States, including the Ohio national guard or the 2017
national guard of any other state. 2018

The board shall determine the period of time during which 2019
each extension is effective and shall inform the applicant. The 2020
board shall also inform the applicant of the continuing 2021
education requirements that must be met to have the license or 2022
registration renewed. If an extension is granted for less than 2023
one year, the continuing education requirement for that year, in 2024
addition to the required continuing education for the succeeding 2025
year, must be completed in the succeeding year. In all other 2026
cases the board may waive all or part of the continuing 2027
education requirement on a case-by-case basis. Any required 2028
continuing education shall be completed and satisfactory proof 2029
of its completion submitted to the board by a date specified by 2030
the board. Every license or registration that has not been 2031
renewed in the timeframe specified in section 4713.57 of the 2032
Revised Code and for which the continuing education requirement 2033
has not been waived or extended shall be considered expired. 2034

Sec. 4713.61. (A) If the state cosmetology and barber 2035
board adopts a continuing education requirement under section 2036
4713.09 of the Revised Code, it may develop a procedure by which 2037
an individual who holds a license to practice a branch of 2038

cosmetology, ~~advanced license,~~ or instructor license and who is 2039
not currently engaged in the practice of the branch of 2040
cosmetology or teaching the theory and practice of the branch of 2041
cosmetology, but who desires to be so engaged in the future, may 2042
apply to the board to have the individual's license classified 2043
inactive. If the board develops such a procedure, an individual 2044
seeking to have the individual's license classified inactive 2045
shall apply to the board on a form provided by the board and pay 2046
the fee established by rules adopted under section 4713.08 of 2047
the Revised Code. 2048

(B) The board shall not restore an inactive license until 2049
~~the later of the following:~~ 2050

~~(1) The date that the individual holding the license 2051
submits proof satisfactory to the board that the individual has 2052
completed the continuing education that a rule adopted under 2053
section 4713.08 of the Revised Code requires;~~ 2054

~~(2) The last day of January of the next odd numbered year 2055
following the year the license is classified inactive. 2056~~

~~(C) An individual who holds an inactive license may engage 2057
in the practice of a branch of cosmetology if the individual 2058
holds a temporary work permit as specified in rules adopted by 2059
the board under section 4713.08 of the Revised Code. 2060~~

Sec. 4713.62. (A) An individual holding a practicing 2061
license, ~~advanced license,~~ instructor license, or ~~boutique~~ 2062
~~services~~ independent contractor registration may satisfy a 2063
continuing education requirement established by rules adopted 2064
under section 4713.09 of the Revised Code only by completing 2065
continuing education programs approved under division (B) of 2066
this section. 2067

(B) The state cosmetology and barber board shall approve a continuing education program if all of the following conditions are satisfied:

(1) The person operating the program submits to the board a written application for approval.

(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.

(4) The program will do at least one of the following:

(a) Enhance the professional competency of the affected licensees or registrants;

(b) Protect the public;

(c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology.

(5) The person operating the program provides the board a tentative schedule of when the program will be available so that the board can make the schedule readily available to all licensees and registrants throughout the state.

Sec. 4713.63. A practicing license, ~~advanced license,~~ or instructor license that has not been renewed for any reason

other than because it has been revoked, suspended, or classified 2096
inactive, or because the license holder has been given a waiver 2097
or extension under section 4713.60 of the Revised Code, is 2098
expired. An expired license may be restored if the individual 2099
who held the license meets all of the following applicable 2100
conditions: 2101

(A) Pays to the state cosmetology and barber board the 2102
restoration fee established under section 4713.10 of the Revised 2103
Code; 2104

(B) In the case of a practicing license ~~or advanced~~ 2105
~~license~~ that has been expired for more than two consecutive 2106
license renewal periods, completes eight hours of continuing 2107
education for each license renewal period that has elapsed since 2108
the license was last issued or renewed, up to a maximum of 2109
twenty-four hours. At least four of those hours shall include a 2110
course pertaining to ~~sanitation~~ infection control and safety 2111
methods. 2112

~~The board shall deposit all fees it receives under~~ 2113
~~division (B) of this section into the general revenue fund.~~ 2114

Sec. 4713.64. (A) The state cosmetology and barber board 2115
may take disciplinary action under this chapter for any of the 2116
following: 2117

(1) Failure to comply with the safety, ~~sanitation~~ 2118
infection control, and licensing requirements of this chapter or 2119
rules adopted under it; 2120

(2) Continued practice by an individual knowingly having 2121
an infectious or contagious disease; 2122

(3) Habitual drunkenness or addiction to any habit-forming 2123
drug; 2124

(4) Willful false and fraudulent or deceptive advertising;	2125
(5) Falsification of any record or application required to be filed with the board;	2126 2127
(6) Failure to pay a fine or abide by a suspension order issued by the board;	2128 2129
(7) Failure to cooperate with an investigation or inspection;	2130 2131
(8) Failure to respond to a subpoena;	2132
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	2133 2134
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	2135 2136 2137 2138
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	2139 2140
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	2141 2142
(2) Impose a fine;	2143
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	2144 2145 2146
(C) (1) Except as provided in divisions (C) (2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	2147 2148 2149
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised	2150 2151

Code against an individual or salon who violates division (A) (9) 2152
or (10) of this section. After the board takes such disciplinary 2153
action, the board shall give written notice to the subject of 2154
the disciplinary action of the right to request a hearing under 2155
Chapter 119. of the Revised Code. 2156

(3) In lieu of an adjudication, the board may enter into a 2157
consent agreement with the holder of a license, permit, or 2158
registration issued under this chapter. A consent agreement that 2159
is ratified by a majority vote of a quorum of the board members 2160
is considered to constitute the findings and orders of the board 2161
with respect to the matter addressed in the agreement. If the 2162
board does not ratify a consent agreement, the admissions and 2163
findings contained in the agreement are of no effect, and the 2164
case shall be scheduled for adjudication under Chapter 119. of 2165
the Revised Code. 2166

(D) The amount and content of corrective action courses 2167
and other relevant criteria shall be established by the board in 2168
rules adopted under section 4713.08 of the Revised Code. 2169

(E) (1) The board may impose a separate fine for each 2170
offense listed in division (A) of this section. The amount of 2171
the first fine issued for a violation as the result of an 2172
inspection shall be not more than two hundred fifty dollars if 2173
the violator has not previously been fined for that offense. Any 2174
fines issued for additional violations during such an inspection 2175
shall not be more than one hundred dollars for each additional 2176
violation. The fine shall be not more than five hundred dollars 2177
if the violator has been fined for the same offense once before. 2178
Any fines issued for additional violations during a second 2179
inspection shall not be more than two hundred dollars for each 2180
additional violation. The fine shall be not more than one 2181

thousand dollars if the violator has been fined for the same 2182
offense two or more times before. Any fines issued for 2183
additional violations during a third inspection shall not be 2184
more than three hundred dollars for each additional violation. 2185

(2) The board shall issue an order notifying a violator of 2186
a fine imposed under division (E)(1) of this section. The notice 2187
shall specify the date by which the fine is to be paid. The date 2188
shall be less than forty-five days after the board issues the 2189
order. 2190

(3) At the request of a violator who is temporarily unable 2191
to pay a fine, or upon its own motion, the board may extend the 2192
time period within which the violator shall pay the fine up to 2193
~~ninety~~ one hundred eighty days after the date the board issues 2194
the order. 2195

(4) If a violator fails to pay a fine by the date 2196
specified in the board's order and does not request an extension 2197
within ten days after the date the board issues the order, or if 2198
the violator fails to pay the fine within the extended time 2199
period as described in division (E)(3) of this section, the 2200
board shall add to the fine an additional penalty equal to ten 2201
per cent of the fine. 2202

(5) If a violator fails to pay a fine within ninety days 2203
after the board issues the order, the board shall add to the 2204
fine interest at a rate specified by the board in rules adopted 2205
under section 4713.08 of the Revised Code. 2206

(6) If the fine, including any interest or additional 2207
penalty, remains unpaid on the ninety-first day after the board 2208
issues an order under division (E)(2) of this section, the 2209
amount of the fine and any interest or additional penalty shall 2210

be certified to the attorney general for collection in the form 2211
and manner prescribed by the attorney general. The attorney 2212
general may assess the collection cost to the amount certified 2213
in such a manner and amount as prescribed by the attorney 2214
general. 2215

(F) In the case of an offense of failure to comply with 2216
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 2217
Code, the board shall impose a fine of five hundred dollars if 2218
the violator has not previously been fined for that offense. If 2219
the violator has previously been fined for the offense, the 2220
board may impose a fine in accordance with this division or take 2221
another action in accordance with division (B) of this section. 2222

(G) The board shall notify a licensee or registrant who is 2223
in violation of division (A) of this section and the owner of 2224
the salon in which the conditions constituting the violation 2225
were found. The individual receiving the notice of violation and 2226
the owner of the salon may request a hearing pursuant to section 2227
119.07 of the Revised Code. If the individual or owner fails to 2228
request a hearing or enter into a consent agreement thirty days 2229
after the date the board, in accordance with section 119.07 of 2230
the Revised Code and division (J) of this section, notifies the 2231
individual or owner of the board's intent to act against the 2232
individual or owner under division (A) of this section, the 2233
board by a majority vote of a quorum of the board members may 2234
take the action against the individual or owner without holding 2235
an adjudication hearing. 2236

(H) The board, after a hearing in accordance with Chapter 2237
119. of the Revised Code or pursuant to a consent agreement, may 2238
suspend a license, permit, or registration if the licensee, 2239
permit holder, or registrant fails to correct an unsafe 2240

condition that exists in violation of the board's rules or fails 2241
to cooperate in an inspection. If a violation of this chapter or 2242
rules adopted under it has resulted in a condition reasonably 2243
believed by an inspector to create an immediate danger to the 2244
health and safety of any individual using the facility, the 2245
inspector may suspend the license or permit of the facility or 2246
the individual responsible for the violation without a prior 2247
hearing until the condition is corrected or until a hearing in 2248
accordance with Chapter 119. of the Revised Code is held or a 2249
consent agreement is entered into and the board either upholds 2250
the suspension or reinstates the license, permit, or 2251
registration. 2252

(I) The board shall not take disciplinary action against 2253
an individual licensed to operate a salon or school of 2254
cosmetology for a violation of this chapter that was committed 2255
by an individual licensed to practice a branch of cosmetology, 2256
while practicing within the salon or school, when the 2257
individual's actions were beyond the control of the salon owner 2258
or school. 2259

(J) In addition to the methods of notification required 2260
under section 119.07 of the Revised Code, the board may send the 2261
notices required under divisions (C) (2), (E) (2), and (G) of this 2262
section by any delivery method that is traceable and requires 2263
that the delivery person obtain a signature to verify that the 2264
notice has been delivered. The board also may send the notices 2265
by electronic mail, provided that the electronic mail delivery 2266
system certifies that a notice has been received. 2267

Sec. 4713.69. (A) The state cosmetology and barber board 2268
shall issue a boutique services registration to an applicant who 2269
satisfies all of the following applicable conditions: 2270

(1) Is at least sixteen years of age;	2271
(2) Is of good moral character;	2272
(3) Has the equivalent of an Ohio public school tenth-grade education;	2273 2274
(4) Has submitted a written application on a form	2275
prescribed by the board containing all of the following:	2276
(a) The applicant's name and home address;	2277
(b) The applicant's home telephone number and cellular telephone number, if any;	2278 2279
(c) The applicant's electronic mail address, if any;	2280
(d) The applicant's date of birth;	2281
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	2282 2283 2284
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	2285 2286 2287 2288
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	2289 2290 2291
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	2292 2293
(B) The place of business where boutique services are performed must comply with the safety and sanitation <u>infection control</u> requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	2294 2295 2296 2297

~~(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. A person may use "registered" as a designated title after receiving a boutique services registration.~~ 2298
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(D) A boutique services registration is not transferable to a person other than the person to whom the registration was issued. 2303
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Sec. 4713.70. (A) The state cosmetology and barber board shall issue a special event permit to an applicant who satisfies all of the requirements established by the board in rules adopted pursuant to section 4713.08 of the Revised Code. 2306
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(B) A special event permit issued under division (A) of this section shall permit a licensee or registrant to practice the branch of cosmetology for which the individual is licensed or registered on a limited and temporary basis in a place that is not licensed as a salon or school of cosmetology. 2310
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(C) The board may inspect special events without notice. 2315

Sec. 4713.71. (A) The state cosmetology and barber board shall adopt rules, in accordance with section 4713.08 of the Revised Code, to establish an apprentice program for apprentice cosmetologists. The program shall allow apprentice cosmetologists to train in the practice of cosmetology in a licensed salon under a person holding a practicing or instructor license in cosmetology under this chapter. 2316
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(B) To participate in the apprentice program, applicants must be enrolled in a cosmetology program through an approved and licensed post-secondary school of cosmetology. The post-secondary school of cosmetology shall provide oversight over the 2323
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sponsoring salon's training and instruction, and may be a point 2327
of contact for the apprentice cosmetologist. If there is no 2328
school of cosmetology located near the salon, or there is no 2329
school of cosmetology offering an apprentice program willing to 2330
work with the salon, a salon may develop an apprentice program 2331
without the assistance of a licensed school of cosmetology. The 2332
post-secondary school of cosmetology and salon sponsor may 2333
charge fees for each apprentice that enrolls in these services 2334
as follows: 2335

(1) Salon sponsors of the apprentice training program 2336
described in this section may charge approved and licensed post- 2337
secondary schools of cosmetology a fee not to exceed two 2338
thousand five hundred dollars to cover the cost of training an 2339
apprentice in a salon. 2340

(2) Approved and licensed post-secondary schools of 2341
cosmetology may charge tuition to an apprentice not to exceed 2342
two thousand five hundred dollars to cover the cost of initial 2343
instruction and ongoing reporting throughout the apprentice 2344
program. If no approved and licensed post-secondary school of 2345
cosmetology is able to provide the initial instruction and 2346
ongoing reporting for a salon apprentice sponsor, the salon may 2347
charge a fee directly to an apprentice to cover all two thousand 2348
hours of related apprentice instruction. 2349

(3) The total out-of-pocket expense for an applicant shall 2350
not exceed five thousand dollars. 2351

(C) The rules shall require an applicant to the program to 2352
meet all of the following conditions: 2353

(1) Be at least eighteen years of age; 2354

(2) Be of good moral character; 2355

- (3) Have the equivalent of an Ohio public school tenth grade education; 2356
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- (4) Have a valid social security number or taxpayer identification number; 2358
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- (5) Completed the initial hour preapprentice training course as established by the board; 2360
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- (6) Complete an application, as prescribed by board rules, and pay a fee of twenty-five dollars. 2362
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- (D) Applicants who are admitted to the apprenticeship program shall do all of the following: 2364
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- (1) Work a minimum of thirty-two hours in a calendar week; 2366
- (2) Work under a trainer who holds a valid practicing or instructor license in cosmetology and has at least five years of experience in the practice of cosmetology or a branch of cosmetology; 2367
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- (3) Complete a training program with the trainer for a minimum of one thousand eight hundred hours of on-the-job training and two hundred hours of related instruction incorporating the best safety and infection control practices developed through curricula approved by the board. An approved and licensed post-secondary school of cosmetology shall assist in providing and coordinating the two hundred hours of related instruction and ongoing reporting on the progress of an apprentice during the eighteen hundred hours of instruction in the salon, unless a salon developed its own apprentice program without the assistance of a licensed school of cosmetology as permitted under the circumstances described in division (B) of this section. 2371
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(E) Apprentices shall receive compensation from the licensed salon for participating in the training program and related instruction that is, at minimum, equal to the minimum wage range applicable under sections 4111.01 to 4111.17 of the Revised Code.

(F) At the conclusion of the program, an apprentice may take the examination required under section 4713.24 of the Revised Code.

Section 2. That existing sections 2925.01, 4709.03, 4713.01, 4713.02, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, and 4713.69 and sections 4713.25, 4713.30, and 4713.39 of the Revised Code are hereby repealed.

Section 3. Not later than two years after the effective date of this act, the State Cosmetology and Barber Board shall issue a cosmetology instructor license or an instructor license in a branch of cosmetology to all individuals holding a valid managing or advanced license in that branch of cosmetology before the effective date of this act.

Section 4. Not later than two years after the effective date of this act and in accordance with division (A) (20) of section 4713.08 of the Revised Code, the State Cosmetology and Barber Board shall adopt rules under Chapter 119. of the Revised Code to specify the circumstances under which an applicant for a licensure examination may take the examination required by section 4713.24 of the Revised Code before having successfully completed the minimum number of hours required for the license under section 4713.28 of the Revised Code.

Section 5. Notwithstanding the amendment of sections in 2414
Chapter 4713. of the Revised Code in this act, which no longer 2415
provides for independent contractor licenses, the member of the 2416
State Cosmetology and Barber Board who holds a seat pursuant to 2417
division (A) (3) of section 4713.02 of the Revised Code as it 2418
appeared immediately before the effective date of this act shall 2419
retain that seat until the current term of the seat expires, at 2420
which point the seat is to be filled with a person who is an 2421
independent contractor registered in accordance with section 2422
4713.39 of the Revised Code. 2423

Section 6. Notwithstanding the amendment of sections in 2424
Chapter 4713. of the Revised Code in this act, which no longer 2425
provides for natural hair stylist licenses or independent 2426
contractor licenses, a valid natural hair stylist license or 2427
independent contractor license held by a person on or after the 2428
effective date of this act is valid for the duration of that 2429
license term. For the duration of the license, the license shall 2430
be deemed to be the appropriate registration for the purposes of 2431
this act. Upon the expiration of that license, the licensee 2432
shall register in accordance with this act. 2433