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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 189

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 4713.091, 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 4713.091, 4713.70, and 4713.71 of the Revised Code 19



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be enacted to read as follows: 20

Sec. 2925.01. As used in this chapter: 21

(A) "Administer," "controlled substance," "controlled
substance analog," "dispense," "distribute," "hypodermic,"
"manufacturer," "official written order," "person,"
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"
"schedule III," "schedule IV," "schedule V," and "wholesaler"
have the same meanings as in section 3719.01 of the Revised
Code. 22
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(B) "Drug dependent person" and "drug of abuse" have the
same meanings as in section 3719.011 of the Revised Code. 29
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(C) "Drug," "dangerous drug," "licensed health
professional authorized to prescribe drugs," and "prescription"
have the same meanings as in section 4729.01 of the Revised
Code. 31
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(D) "Bulk amount" of a controlled substance means any of
the following: 35
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(1) For any compound, mixture, preparation, or substance
included in schedule I, schedule II, or schedule III, with the
exception of any controlled substance analog, marihuana,
cocaine, L.S.D., heroin, any fentanyl-related compound, and
hashish and except as provided in division (D) (2), (5), or (6)
of this section, whichever of the following is applicable: 37
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(a) An amount equal to or exceeding ten grams or twenty-
five unit doses of a compound, mixture, preparation, or
substance that is or contains any amount of a schedule I opiate
or opium derivative; 43
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(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

(6) For any compound, mixture, preparation, or substance 100
that is a combination of a fentanyl-related compound and any 101
other compound, mixture, preparation, or substance included in 102
schedule III, schedule IV, or schedule V, if the defendant is 103
charged with a violation of section 2925.11 of the Revised Code 104
and the sentencing provisions set forth in divisions (C) (10) (b) 105

and (C) (11) of that section will not apply regarding the 106
defendant and the violation, the bulk amount of the controlled 107
substance for purposes of the violation is the amount specified 108
in division (D) (1), (2), (3), (4), or (5) of this section for 109
the other schedule III, IV, or V controlled substance that is 110
combined with the fentanyl-related compound. 111

(E) "Unit dose" means an amount or unit of a compound, 112
mixture, or preparation containing a controlled substance that 113
is separately identifiable and in a form that indicates that it 114
is the amount or unit by which the controlled substance is 115
separately administered to or taken by an individual. 116

(F) "Cultivate" includes planting, watering, fertilizing, 117
or tilling. 118

(G) "Drug abuse offense" means any of the following: 119

(1) A violation of division (A) of section 2913.02 that 120
constitutes theft of drugs, or a violation of section 2925.02, 121
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 122
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 123
or 2925.37 of the Revised Code; 124

(2) A violation of an existing or former law of this or 125
any other state or of the United States that is substantially 126
equivalent to any section listed in division (G) (1) of this 127
section; 128

(3) An offense under an existing or former law of this or 129
any other state, or of the United States, of which planting, 130
cultivating, harvesting, processing, making, manufacturing, 131
producing, shipping, transporting, delivering, acquiring, 132
possessing, storing, distributing, dispensing, selling, inducing 133
another to use, administering to another, using, or otherwise 134

dealing with a controlled substance is an element;	135
(4) A conspiracy to commit, attempt to commit, or	136
complicity in committing or attempting to commit any offense	137
under division (G) (1), (2), or (3) of this section.	138
(H) "Felony drug abuse offense" means any drug abuse	139
offense that would constitute a felony under the laws of this	140
state, any other state, or the United States.	141
(I) "Harmful intoxicant" does not include beer or	142
intoxicating liquor but means any of the following:	143
(1) Any compound, mixture, preparation, or substance the	144
gas, fumes, or vapor of which when inhaled can induce	145
intoxication, excitement, giddiness, irrational behavior,	146
depression, stupefaction, paralysis, unconsciousness,	147
asphyxiation, or other harmful physiological effects, and	148
includes, but is not limited to, any of the following:	149
(a) Any volatile organic solvent, plastic cement, model	150
cement, fingernail polish remover, lacquer thinner, cleaning	151
fluid, gasoline, or other preparation containing a volatile	152
organic solvent;	153
(b) Any aerosol propellant;	154
(c) Any fluorocarbon refrigerant;	155
(d) Any anesthetic gas.	156
(2) Gamma Butyrolactone;	157
(3) 1,4 Butanediol.	158
(J) "Manufacture" means to plant, cultivate, harvest,	159
process, make, prepare, or otherwise engage in any part of the	160
production of a drug, by propagation, extraction, chemical	161

synthesis, or compounding, or any combination of the same, and 162
includes packaging, repackaging, labeling, and other activities 163
incident to production. 164

(K) "Possess" or "possession" means having control over a 165
thing or substance, but may not be inferred solely from mere 166
access to the thing or substance through ownership or occupation 167
of the premises upon which the thing or substance is found. 168

(L) "Sample drug" means a drug or pharmaceutical 169
preparation that would be hazardous to health or safety if used 170
without the supervision of a licensed health professional 171
authorized to prescribe drugs, or a drug of abuse, and that, at 172
one time, had been placed in a container plainly marked as a 173
sample by a manufacturer. 174

(M) "Standard pharmaceutical reference manual" means the 175
current edition, with cumulative changes if any, of references 176
that are approved by the state board of pharmacy. 177

(N) "Juvenile" means a person under eighteen years of age. 178

(O) "Counterfeit controlled substance" means any of the 179
following: 180

(1) Any drug that bears, or whose container or label 181
bears, a trademark, trade name, or other identifying mark used 182
without authorization of the owner of rights to that trademark, 183
trade name, or identifying mark; 184

(2) Any unmarked or unlabeled substance that is 185
represented to be a controlled substance manufactured, 186
processed, packed, or distributed by a person other than the 187
person that manufactured, processed, packed, or distributed it; 188

(3) Any substance that is represented to be a controlled 189

substance but is not a controlled substance or is a different 190
controlled substance; 191

(4) Any substance other than a controlled substance that a 192
reasonable person would believe to be a controlled substance 193
because of its similarity in shape, size, and color, or its 194
markings, labeling, packaging, distribution, or the price for 195
which it is sold or offered for sale. 196

(P) An offense is "committed in the vicinity of a school" 197
if the offender commits the offense on school premises, in a 198
school building, or within one thousand feet of the boundaries 199
of any school premises, regardless of whether the offender knows 200
the offense is being committed on school premises, in a school 201
building, or within one thousand feet of the boundaries of any 202
school premises. 203

(Q) "School" means any school operated by a board of 204
education, any community school established under Chapter 3314. 205
of the Revised Code, or any nonpublic school for which the state 206
board of education prescribes minimum standards under section 207
3301.07 of the Revised Code, whether or not any instruction, 208
extracurricular activities, or training provided by the school 209
is being conducted at the time a criminal offense is committed. 210

(R) "School premises" means either of the following: 211

(1) The parcel of real property on which any school is 212
situated, whether or not any instruction, extracurricular 213
activities, or training provided by the school is being 214
conducted on the premises at the time a criminal offense is 215
committed; 216

(2) Any other parcel of real property that is owned or 217
leased by a board of education of a school, the governing 218

authority of a community school established under Chapter 3314. 219
of the Revised Code, or the governing body of a nonpublic school 220
for which the state board of education prescribes minimum 221
standards under section 3301.07 of the Revised Code and on which 222
some of the instruction, extracurricular activities, or training 223
of the school is conducted, whether or not any instruction, 224
extracurricular activities, or training provided by the school 225
is being conducted on the parcel of real property at the time a 226
criminal offense is committed. 227

(S) "School building" means any building in which any of 228
the instruction, extracurricular activities, or training 229
provided by a school is conducted, whether or not any 230
instruction, extracurricular activities, or training provided by 231
the school is being conducted in the school building at the time 232
a criminal offense is committed. 233

(T) "Disciplinary counsel" means the disciplinary counsel 234
appointed by the board of commissioners on grievances and 235
discipline of the supreme court under the Rules for the 236
Government of the Bar of Ohio. 237

(U) "Certified grievance committee" means a duly 238
constituted and organized committee of the Ohio state bar 239
association or of one or more local bar associations of the 240
state of Ohio that complies with the criteria set forth in Rule 241
V, section 6 of the Rules for the Government of the Bar of Ohio. 242

(V) "Professional license" means any license, permit, 243
certificate, registration, qualification, admission, temporary 244
license, temporary permit, temporary certificate, or temporary 245
registration that is described in divisions (W)(1) to (36) of 246
this section and that qualifies a person as a professionally 247
licensed person. 248

(W) "Professionally licensed person" means any of the following:	249 250
(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;	251 252 253
(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	254 255 256 257 258
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	259 260 261
(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;	262 263 264
(5) A person licensed under Chapter 4707. of the Revised Code;	265 266
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	267 268 269
(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;	270 271 272
(8) A person who has been issued a cosmetologist's license, hair designer's <u>hair stylist's</u> license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's	273 274 275 276

~~license, advanced manicurist's license, advanced esthetician's~~ 277
~~license, advanced natural hair stylist's license, cosmetology~~ 278
~~instructor's license, hair design instructor's license,~~ 279
~~manicurist instructor's license, esthetics instructor's license,~~ 280
~~natural hair style instructor's license, independent~~ 281
~~contractor's license, or tanning facility permit under Chapter~~ 282
4713. of the Revised Code; 283

(9) A person who has been issued a license to practice 284
dentistry, a general anesthesia permit, a conscious intravenous 285
sedation permit, a limited resident's license, a limited 286
teaching license, a dental hygienist's license, or a dental 287
hygienist's teacher's certificate under Chapter 4715. of the 288
Revised Code; 289

(10) A person who has been issued an embalmer's license, a 290
funeral director's license, a funeral home license, or a 291
crematory license, or who has been registered for an embalmer's 292
or funeral director's apprenticeship under Chapter 4717. of the 293
Revised Code; 294

(11) A person who has been licensed as a registered nurse 295
or practical nurse, or who has been issued a certificate for the 296
practice of nurse-midwifery under Chapter 4723. of the Revised 297
Code; 298

(12) A person who has been licensed to practice optometry 299
or to engage in optical dispensing under Chapter 4725. of the 300
Revised Code; 301

(13) A person licensed to act as a pawnbroker under 302
Chapter 4727. of the Revised Code; 303

(14) A person licensed to act as a precious metals dealer 304
under Chapter 4728. of the Revised Code; 305

(15) A person licensed as a pharmacist, a pharmacy intern,	306
a wholesale distributor of dangerous drugs, or a terminal	307
distributor of dangerous drugs under Chapter 4729. of the	308
Revised Code;	309
(16) A person who is authorized to practice as a physician	310
assistant under Chapter 4730. of the Revised Code;	311
(17) A person who has been issued a license to practice	312
medicine and surgery, osteopathic medicine and surgery, or	313
podiatric medicine and surgery under Chapter 4731. of the	314
Revised Code or has been issued a certificate to practice a	315
limited branch of medicine under that chapter;	316
(18) A person licensed as a psychologist or school	317
psychologist under Chapter 4732. of the Revised Code;	318
(19) A person registered to practice the profession of	319
engineering or surveying under Chapter 4733. of the Revised	320
Code;	321
(20) A person who has been issued a license to practice	322
chiropractic under Chapter 4734. of the Revised Code;	323
(21) A person licensed to act as a real estate broker or	324
real estate salesperson under Chapter 4735. of the Revised Code;	325
(22) A person registered as a registered sanitarian under	326
Chapter 4736. of the Revised Code;	327
(23) A person licensed to operate or maintain a junkyard	328
under Chapter 4737. of the Revised Code;	329
(24) A person who has been issued a motor vehicle salvage	330
dealer's license under Chapter 4738. of the Revised Code;	331
(25) A person who has been licensed to act as a steam	332

engineer under Chapter 4739. of the Revised Code;	333
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	334 335 336 337
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	338 339 340
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	341 342 343
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	344 345 346
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	347 348 349
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	350 351 352
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	353 354 355 356 357 358
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	359 360

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(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;

(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.

(Y) "L.S.D." means lysergic acid diethylamide.

(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.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(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.

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

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

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

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

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

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

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

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 417

(II) "Methamphetamine" means methamphetamine, any salt, 418
isomer, or salt of an isomer of methamphetamine, or any 419
compound, mixture, preparation, or substance containing 420
methamphetamine or any salt, isomer, or salt of an isomer of 421
methamphetamine. 422

(JJ) "Lawful prescription" means a prescription that is 423
issued for a legitimate medical purpose by a licensed health 424
professional authorized to prescribe drugs, that is not altered 425
or forged, and that was not obtained by means of deception or by 426
the commission of any theft offense. 427

(KK) "Deception" and "theft offense" have the same 428
meanings as in section 2913.01 of the Revised Code. 429

(LL) "Fentanyl-related compound" means any of the 430
following: 431

(1) Fentanyl; 432

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 433
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 434
phenylethyl)-4-(N-propanilido) piperidine); 435

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 436
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 437

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 438
piperidinyl]-N-phenylpropanamide); 439

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 440
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 441
phenylpropanamide); 442

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 443

piperidyl]-N- phenylpropanamide);	444
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	445 446
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	447 448
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	449 450
(10) Alfentanil;	451
(11) Carfentanil;	452
(12) Remifentanil;	453
(13) Sufentanil;	454
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	455 456
(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	457 458 459 460 461 462
Sec. 4709.03. The following persons are exempt from this chapter while in the proper discharge of their professional duties:	463 464 465
(A) Persons licensed by this state to practice medicine and surgery;	466 467
(B) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;	468 469

(C) Nurses registered under Chapter 4723. of the Revised Code; 470
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(D) Cosmetologists and ~~hair designers~~ hairstylists licensed under Chapter 4713. of the Revised Code, insofar as their usual and ordinary vocation and profession is concerned as described in section 4713.01 of the Revised Code, including shaving with a disposable safety razor, as defined in section 4713.01 of the Revised Code; 472
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(E) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code. 478
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Sec. 4713.01. As used in this chapter: 480

"Apprentice instructor" means an individual holding a practicing license issued by the state cosmetology and barber board who is engaged in learning or acquiring knowledge of the occupation of an instructor of cosmetology or a branch of cosmetology at a school of cosmetology. 481
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"Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology. 486
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"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year. 488
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"Boutique salon" means a salon in which an individual engages in the practice of boutique services and no other branch of cosmetology. 492
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~~"Boutique services" means braiding, threading, and shampooing.~~ 495
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"Braiding" means intertwining the hair in a systematic 497

motion to create patterns in a three-dimensional form, ~~inverting~~ 498
~~the hair including patterns that are inverted, upright, or~~ 499
singled against the scalp that follow along part of a straight 500
or curved ~~row of intertwined hair, or partings.~~ It may include 501
twisting, locking, beading, crocheting, wrapping, or similarly 502
manipulating the hair in a systematic motion, and includes 503
extending the hair with natural while adding bulk or length with 504
human hair, synthetic hair fibers, or both, and using simple 505
devices such as clips, combs, crochet hooks, blunt-tipped 506
needles, and hairpins. "Braiding" does not include the use of 507
chemical hair-joining agents such as synthetic tape, keratin 508
bonds, or fusion bonds to weave or fuse individual strands or 509
wefts; application of dyes, reactive chemicals, or other 510
preparations to alter the color or straighten, curl, or alter 511
the structure of hair; or embellishing or beautifying hair by 512
cutting or singeing, except as needed to finish the ends of 513
synthetic fibers used to add bulk to or lengthen hair. 514

"Branch of cosmetology" means the ~~practice of cosmetology,~~ 515
practice of esthetics, practice of ~~hair design~~ hairstyling, 516
practice of manicuring, practice of natural hair styling, or 517
practice of boutique services. 518

"Clean" or "cleaning" means the act of preparing nonporous 519
items for disinfection by removing surface and visible debris 520
and washing with soap and water, detergent, or chemical cleaners 521
to slow the growth of pathogens. "Cleaning" does not make multi- 522
use items safe for subsequent use. 523

"Cosmetic therapy" has the same meaning as in section 524
4731.15 of the Revised Code. 525

"Cosmetologist" means an individual authorized to engage 526
in all branches of cosmetology in a licensed facility. 527

"Cosmetology" means the art or practice of ~~embellishment,~~ 528
~~cleansing, beautification, and styling~~ providing services 529
described under the branches of hair, wigs, postiches, face, 530
~~body, or nails~~ cosmetology. 531

"Cosmetology instructor" means an individual authorized to 532
teach the theory and practice of all branches of cosmetology at 533
a school of cosmetology. 534

"Disinfect" or "disinfection" means the process of making 535
a nonporous item safe for use through the use of a chemical 536
intended to kill or denature bacteria, viruses, or fungi. 537
Disinfection is done after cleaning. "Disinfect" does not 538
include the use of ultraviolet light. 539

"Disposable safety razor" means a shaving implement 540
designed with a protective device that is intended to prevent 541
the razor from cutting too deeply and reduce the risk of 542
accidental cuts. A "disposable safety razor" can be a razor with 543
the handle and blade joined together, or a razor with a blade 544
attachment that can be detached from a handle. The cutting edge 545
of the razor is to be used on an individual one time and then 546
thrown away and not used for any other purpose. 547

"Distance education" means courses in which instruction is 548
accomplished through use of correspondence, internet, or other 549
interactive, electronic media and where the teacher and student 550
are separated by distance, time, or both. 551

"Esthetician" means an individual who engages in the 552
practice of esthetics but no other branch of cosmetology in a 553
licensed facility. 554

"Esthetics instructor" means an individual who teaches the 555
theory and practice of esthetics, but no other branch of 556

cosmetology, at a school of cosmetology.	557
"Esthetics salon" means a salon in which an individual engages in the practice of esthetics but no other branch of cosmetology.	558 559 560
"Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes.	561 562 563
"Hair designer" <u>"Hairstylist"</u> means an individual who engages in the practice of hair design <u>hairstyling</u> but no other branch of cosmetology in a licensed facility.	564 565 566
"Hair design <u>Hairstyling instructor</u> " means an individual who teaches the theory and practice of hair design <u>hairstyling</u> , but no other branch of cosmetology, at a school of cosmetology.	567 568 569
"Hair design <u>Hairstyling salon</u> " means a salon in which an individual engages in the practice of hair design <u>hairstyling</u> but no other branch of cosmetology.	570 571 572
"Hair removal" includes tweezing, waxing, sugaring, <u>shaving</u> , and threading. "Hair removal" does not include electrolysis.	573 574 575
"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology, <u>other than the practice of boutique services</u> , within a salon in a licensed facility.	576 577 578 579
<u>"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</u>	580 581 582 583 584

or preparing the service area for a patron. 585

"Instructor license" means a license to teach the theory 586
and practice of a branch of cosmetology at a school of 587
cosmetology. 588

"Licensed facility" means any premises, building, or part 589
of a building licensed under section 4713.41 of the Revised 590
Code, or any other temporary location identified in rule by the 591
state cosmetology and barber board in which cosmetology services 592
are authorized by the ~~state cosmetology and barber board~~ to be 593
performed. 594

~~"Advanced cosmetologist" means an individual authorized to~~ 595
~~work in a beauty salon and engage in all branches of~~ 596
~~cosmetology.~~ 597

~~"Advanced esthetician" means an individual authorized to~~ 598
~~work in an esthetics salon, but no other type of salon, and~~ 599
~~engage in the practice of esthetics, but no other branch of~~ 600
~~cosmetology.~~ 601

~~"Advanced hair designer" means an individual authorized to~~ 602
~~work in a hair design salon, but no other type of salon, and~~ 603
~~engage in the practice of hair design, but no other branch of~~ 604
~~cosmetology.~~ 605

~~"Advanced license" means a license to work in a salon and~~ 606
~~practice the branch of cosmetology practiced at the salon.~~ 607

~~"Advanced manicurist" means an individual authorized to~~ 608
~~work in a nail salon, but no other type of salon, and engage in~~ 609
~~the practice of manicuring, but no other branch of cosmetology.~~ 610

~~"Advanced natural hair stylist" means an individual~~ 611
~~authorized to work in a natural hair style salon, but no other~~ 612

~~type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.~~ 613
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"Manicurist" means an individual who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility. 615
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"Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology. 618
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"Mobile salon" means either a self-contained facility that can be moved, towed, or transported from one location to another and in which a branch of cosmetology is practiced, or a business that provides services in a branch of cosmetology at a special event venue, residential home, or nursing home or residential care facility as those terms are defined in section 5701.13 of the Revised Code. 621
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"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology. 628
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"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. 631
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"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. 634
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"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. 637
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~~"Practice of braiding" means utilizing the technique of~~ 640

~~intertwining hair in a systematic motion to create patterns in a~~ 641
~~three-dimensional form, including patterns that are inverted,~~ 642
~~upright, or singled against the scalp that follow along straight~~ 643
~~or curved partings. It may include twisting or locking the hair~~ 644
~~while adding bulk or length with human hair, synthetic hair, or~~ 645
~~both and using simple devices such as clips, combs, and~~ 646
~~hairpins. "Practice of braiding" does not include application of~~ 647
~~weaving, bonding, and fusion of individual strands or wefts;~~ 648
~~application of dyes, reactive chemicals, or other preparations~~ 649
~~to alter the color or straighten, curl, or alter the structure~~ 650
~~of hair; embellishing or beautifying hair by cutting or~~ 651
~~singeing, except as needed to finish the ends of synthetic~~ 652
~~fibers used to add bulk to or lengthen hair. "Nonporous" means~~ 653
~~material that does not have any minute openings or holes and~~ 654
~~that does not allow liquids to pass through or be absorbed.~~ 655
~~"Nonporous" includes, but is not limited to, glass, metal, and~~ 656
~~plastic.~~ 657

"Porous" means material that has minute openings or holes 658
through which liquid or air may pass. "Porous" includes, but is 659
not limited to, nail files, pumice, and buffers. 660

"Practice of boutique services" means braiding, threading, 661
and shampooing, eye lash extension services, and wig styling and 662
application. 663

"Practice of cosmetology" means the practice of all 664
branches of cosmetology. 665

"Practice of esthetics" means the application of 666
cosmetics, tonics, antiseptics, creams, lotions, or other 667
preparations for the purpose of skin beautification and includes 668
preparation of the skin by manual massage techniques or by use 669
of electrical, mechanical, or other apparatus; enhancement of 670

the skin by skin care, facials, body treatments, hair removal, 671
and other treatments; and eye lash extension services. 672

"Practice of ~~hair design~~ hairstyling" means embellishing 673
or beautifying hair, wigs, or hairpieces by arranging, dressing, 674
pressing, curling, waving, permanent waving, cleansing, cutting, 675
singeing, bleaching, coloring, braiding, weaving, bonding and 676
fusion of individual strands or wefts, or similar work. 677

"Practice of ~~hair design~~ hairstyling" includes utilizing 678
techniques performed by hand that result in tension on hair 679
roots such as twisting, wrapping, weaving, extending, locking, 680
or braiding of the hair; the art or practice of cleansing, 681
stimulating, or massaging a person's scalp, face, neck, and 682
arms; embellishment, cleansing, beautification, and styling of 683
hair, wigs, or postiches; and treating a person's mustache or 684
beard by arranging, beautifying, coloring, processing, styling, 685
or trimming or shaving with a disposable safety razor. 686

"Practice of manicuring" means cleaning, trimming, shaping 687
the free edge of, or applying polish to the nails of any 688
individual; applying nail enhancements and embellishments to any 689
individual; massaging the hands and lower arms up to the elbow 690
of any individual; massaging the feet and lower legs up to the 691
knee of any individual; using lotions or softeners on the hands 692
and feet of any individual; or any combination of these types of 693
services. 694

"Practice of natural hair styling" means utilizing 695
techniques performed by hand that result in tension on hair 696
roots such as twisting, wrapping, weaving, extending, locking, 697
or braiding of the hair. "Practice of natural hair styling" does 698
not include the application of dyes, reactive chemicals, or 699
other preparations to alter the color or to straighten, curl, or 700

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 located in a salon.

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

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

"Student" means an individual, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of

the practice of a branch of cosmetology at a school of 730
cosmetology. 731

"Tanning facility" means any premises, building, or part 732
of a building that contains one or more rooms or booths with any 733
of the following: 734

(A) Equipment or beds used for tanning human skin by the 735
use of fluorescent sun lamps using ultraviolet or other 736
artificial radiation; 737

(B) Equipment or booths that use chemicals applied to 738
human skin, including chemical applications commonly referred to 739
as spray-on, mist-on, or sunless tans; 740

(C) Equipment or beds that use visible light for cosmetic 741
purposes. 742

"Threading" includes a service that results in the removal 743
of hair from its follicle from around the eyebrows and from 744
other parts of the face with the use of a single strand of 745
thread and an astringent, if the service does not use chemicals 746
of any kind, wax, or any implements, instruments, or tools to 747
remove hair. 748

Sec. 4713.02. (A) There is hereby created the state 749
cosmetology and barber board, consisting of all of the following 750
members appointed by the governor, with the advice and consent 751
of the senate: 752

(1) One individual holding a current, valid cosmetologist 753
or cosmetology instructor license at the time of appointment; 754

(2) Two individuals holding current, valid cosmetologist 755
licenses and actively engaged in managing beauty salons for a 756
period of not less than five years at the time of appointment; 757

- (3) One individual who ~~holds a current, valid~~ is an independent contractor ~~license~~ registered in accordance with section 4713.39 of the Revised Code at the time of appointment and practices a branch of cosmetology; 758
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- (4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 762
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- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 765
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- (6) One owner of at least five licensed salons; 767
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 768
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- (8) One individual representing the general public; 775
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 776
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- (10) One individual who holds a current, valid esthetician or cosmetologist license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 780
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- (11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been 784
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licensed as barbers in this state for at least five years 786
immediately preceding their appointment. 787

(B) The superintendent of public instruction shall 788
nominate three individuals for the governor to choose from when 789
making an appointment under division (A) (4) of this section. 790

(C) All members shall be at least twenty-five years of 791
age, residents of the state, and citizens of the United States. 792
No more than two members, at any time, shall be graduates of the 793
same school of cosmetology. Not more than one member shall have 794
a common financial connection with any school of cosmetology, 795
salon, barber school, or barber shop. 796

Terms of office are for five years. Terms shall commence 797
on the first day of November and end on the thirty-first day of 798
October. Each member shall hold office from the date of 799
appointment until the end of the term for which appointed. In 800
case of a vacancy occurring on the board, the governor shall, in 801
the same manner prescribed for the regular appointment to the 802
board, fill the vacancy by appointing a member. Any member 803
appointed to fill a vacancy occurring prior to the expiration of 804
the term for which the member's predecessor was appointed shall 805
hold office for the remainder of such term. Any member shall 806
continue in office subsequent to the expiration date of the 807
member's term until the member's successor takes office, or 808
until a period of sixty days has elapsed, whichever occurs 809
first. Before entering upon the discharge of the duties of the 810
office of member, each member shall take, and file with the 811
secretary of state, the oath of office required by Section 7 of 812
Article XV, Ohio Constitution. 813

The members of the board shall receive an amount fixed 814
pursuant to Chapter 124. of the Revised Code per diem for every 815

meeting of the board which they attend, together with their 816
necessary expenses, and mileage for each mile necessarily 817
traveled. 818

The members of the board shall annually elect, from among 819
their number, a chairperson and a vice-chairperson. The 820
executive director appointed pursuant to section 4713.06 of the 821
Revised Code shall serve as the board's secretary. 822

(D) The board shall prescribe the duties of its officers 823
and establish an office within Franklin county. The board shall 824
keep all records and files at the office and have the records 825
and files at all reasonable hours open to public inspection in 826
accordance with section 149.43 of the Revised Code and any rules 827
adopted by the board in compliance with this state's record 828
retention policy. The board also shall adopt a seal for the 829
authentication of its orders, communications, and records. 830

(E) The governor may remove any member for cause prior to 831
the expiration of the member's term of office. 832

(F) Whenever the term "state board of cosmetology" is 833
used, referred to, or designated in statute, rule, contract, 834
grant, or other document, the use, reference, or designation 835
shall be deemed to mean the "state cosmetology and barber board" 836
or the executive director of the state cosmetology and barber 837
board, whichever is appropriate in context. Whenever the term 838
"barber board" is used, referred to, or designated in statute, 839
rule, contract, grant, or other document, the use, reference, or 840
designation shall be deemed to mean the "state cosmetology and 841
barber board" or the executive director of the state cosmetology 842
and barber board, whichever is appropriate in context. 843

Sec. 4713.07. (A) The state cosmetology and barber board 844

shall do all of the following: 845

(1) Regulate the practice of cosmetology and all of its 846
branches in this state; 847

(2) Investigate or inspect, when evidence appears to 848
demonstrate that an individual has violated any provision of 849
this chapter or any rule adopted pursuant to it, the activities 850
or premises of a license holder or unlicensed individual; 851

(3) Adopt rules in accordance with section 4713.08 of the 852
Revised Code; 853

(4) Prescribe and make available application forms to be 854
used by individuals seeking admission to an examination 855
conducted under section 4713.24 of the Revised Code or a license 856
or registration issued under this chapter; 857

(5) Prescribe and make available application forms to be 858
used by individuals seeking renewal of a license or registration 859
issued under this chapter; 860

(6) Provide a toll-free number and an online service to 861
receive complaints alleging violations of this chapter or 862
Chapter 4709. of the Revised Code; 863

(7) Report to the proper prosecuting officer violations of 864
section 4713.14 of the Revised Code ~~of which the board is aware~~ 865
at the board's discretion; 866

(8) Submit a written report annually to the governor that 867
provides all of the following: 868

(a) A discussion of the conditions in this state of the 869
branches of cosmetology; 870

(b) An evaluation of board activities intended to aid or 871

protect consumers;	872
(c) A brief summary of the board's proceedings during the year the report covers;	873 874
(d) A statement of all money that the board received and expended during the year the report covers.	875 876
(9) Keep a record of all of the following:	877
(a) The board's proceedings;	878
(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;	879 880 881
(c) The date and number of each license, permit, and registration that the board issues.	882 883
(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;	884 885 886
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the	887 888 889 890 891 892 893 894 895 896 897 898 899

board pursuant to Chapter 4709. of the Revised Code. In the 900
absence of bad faith, any individual who reports information of 901
that nature or who testifies before the board in any 902
adjudication conducted under Chapter 119. of the Revised Code 903
shall not be liable for damages in a civil action as a result of 904
the report or testimony. For the purpose of inspections, an 905
independent contractor shall be added to the board's records as 906
an individual salon. 907

(12) Supply a copy of the poster created pursuant to 908
division (B) of section 5502.63 of the Revised Code to each 909
person authorized to operate a salon, school of cosmetology, 910
tanning facility, or other type of facility under this chapter; 911

(13) Process applications to open a new salon under 912
section 4713.41 of the Revised Code within five days from 913
receipt of the application; 914

(14) Prescribe and provide to each school of cosmetology 915
in this state, for each type of license, an acknowledgment form 916
that states the minimum required number of hours of instruction 917
for that license under this chapter. When a student enrolls at a 918
school of cosmetology, the school shall provide the appropriate 919
acknowledgment form to the student, the student shall sign the 920
form, and the school shall provide the form to the board when 921
the school notifies the board of the student's enrollment under 922
division (A)(4) of section 4713.44 of the Revised Code. 923

(15) All other duties that this chapter imposes on the 924
board. 925

(B) The board may delegate any of the duties listed in 926
division (A) of this section to the executive director of the 927
board or to an individual designated by the executive director. 928

Sec. 4713.071. (A) The <u>Before the first day of September</u>	929
<u>of each year, the</u> state cosmetology and barber board shall	930
annually submit a written report to the governor, president of	931
the senate, and speaker of the house of representatives. The	932
report shall list all of the following, <u>compiled separately for</u>	933
<u>public and private schools of cosmetology,</u> for the preceding	934
twelve month period <u>fiscal year:</u>	935
(1) The number of students enrolled in courses at licensed	936
public and private schools of cosmetology and barbering;	937
(2) The number of students graduating from licensed public	938
and private schools of cosmetology and barbering;	939
(3) The annual cost for students to attend each licensed	940
public or private school of cosmetology and barbering;	941
(4) The loan default rates for licensed public and private	942
schools of cosmetology and barbering;	943
(5) The first-time licensure passage rate for graduates of	944
all public and private schools of cosmetology and barbering;	945
(6) The total number of new and renewal licenses in each	946
profession;	947
(7) The total number of complaint-driven inspections	948
conducted by the board;	949
(8) The total number and type of violations, including a	950
list of the top ten violations, which shall aid in the	951
identification of focus areas for continuing education purposes;	952
(9) The twenty salons and individuals cited with the most	953
violations for unlicensed workers;	954
(10) The number of adjudications or other disciplinary	955

action taken by the board; 956

(11) The number of individuals participating in the 957
apprentice program described in section 4713.71 of the Revised 958
Code and, for each school of cosmetology and salon sponsor 959
participating in the program, a description and the amount of 960
any fees charged to apprentices. 961

(B) The board shall include in the final report under 962
division (A) of this section any recommendations it has for 963
changes to this chapter or Chapter 4709. of the Revised Code. 964

Sec. 4713.08. (A) The state cosmetology and barber board 965
shall adopt rules in accordance with Chapter 119. of the Revised 966
Code as necessary to implement this chapter. The rules shall do 967
all of the following: 968

(1) Govern the practice of the branches of cosmetology; 969

(2) Specify conditions an individual must satisfy to 970
qualify for a temporary pre-examination work permit under 971
section 4713.22 of the Revised Code and the conditions and 972
method of renewing a temporary pre-examination work permit under 973
that section; 974

(3) Provide for the conduct of examinations under section 975
4713.24 of the Revised Code; 976

(4) Specify conditions under which the board will take 977
into account, under section 4713.32 of the Revised Code, 978
instruction an applicant for a license under section 4713.28~~7~~ 979
~~4713.30~~, or 4713.31 of the Revised Code received more than five 980
years before the date of application for the license; 981

(5) Provide for the granting of waivers under section 982
4713.29 of the Revised Code; 983

- (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 conducted under section 4713.24 of the Revised Code;~~ 984
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- ~~(7)~~ Specify locations in which glamour photography 988
services in which a branch of cosmetology is practiced may be 989
provided; 990
- ~~(8)~~ (7) Establish conditions and the fee for a temporary 991
special occasion work permit under section 4713.37 of the 992
Revised Code and specify the amount of time such a permit is 993
valid; 994
- (8) Specify conditions an applicant must satisfy for the 995
board to issue the applicant an instructor license under section 996
4713.31 of the Revised Code; 997
- (9) Specify conditions an applicant must satisfy for the 998
board to ~~issue permit~~ the applicant to register as an 999
independent contractor ~~license~~ under section 4713.39 of the 1000
Revised Code ~~and the fee for issuance and renewal of the~~ 1001
~~license;~~ 1002
- (10) Establish conditions under which food may be sold at 1003
a salon; 1004
- (11) Specify which professions regulated by a professional 1005
regulatory board of this state may be practiced in a salon under 1006
section 4713.42 of the Revised Code; 1007
- (12) Establish standards for the provision of cosmetic 1008
therapy, massage therapy, or other professional service in a 1009
salon pursuant to section 4713.42 of the Revised Code; 1010
- (13) Establish standards for board approval of, and the 1011

granting of credits for, training in branches of cosmetology ~~at~~ 1012
by schools of cosmetology licensed in this or another state 1013
offered through classroom instruction or distance education; 1014

(14) Establish the manner in which a school of cosmetology 1015
licensed under section 4713.44 of the Revised Code may offer 1016
post-secondary ~~and advanced practice~~ programs, including 1017
classroom instruction or distance education; 1018

(15) Establish safety and sanitary standards for the 1019
practice of the branches of cosmetology, salons, and schools of 1020
cosmetology~~+~~. The board shall review the standards on an annual 1021
basis to ensure that they incorporate industry best practices 1022
and update the standards as necessary to reflect those 1023
practices. The standards must require porous instruments and 1024
supplies that cannot be disinfected to be disposed of 1025
immediately after a single use. 1026

(16) Establish the application process for obtaining a 1027
tanning facility permit under section 4713.48 of the Revised 1028
Code, including the amount of the fee for an initial or renewed 1029
permit; 1030

(17) Establish standards for installing and operating a 1031
tanning facility in a manner that ensures the health and safety 1032
of consumers, including standards that do all of the following: 1033

(a) Establish a maximum safe time of exposure to radiation 1034
and a maximum safe temperature at which sun lamps may be 1035
operated; 1036

(b) Require consumers to wear protective eyeglasses; 1037

(c) Require consumers to be supervised as to the length of 1038
time consumers use the facility's sun lamps; 1039

(d) Require the operator to prohibit consumers from 1040
standing too close to sun lamps and to post signs warning 1041
consumers of the potential effects of radiation on individuals 1042
taking certain medications and of the possible relationship of 1043
the radiation to skin cancer; 1044

(e) Require the installation of protective shielding for 1045
sun lamps and handrails for consumers; 1046

(f) Require floors to be dry during operation of lamps; 1047

(g) Establish procedures an operator must follow in making 1048
reasonable efforts in compliance with section 4713.50 of the 1049
Revised Code to determine the age of an individual seeking to 1050
use sun lamp tanning services. 1051

(18) (a) If the board, under section 4713.61 of the Revised 1052
Code, develops a procedure for classifying licenses inactive, do 1053
both of the following: 1054

(i) Establish a fee for having a license classified 1055
inactive that reflects the cost to the board of providing the 1056
inactive license service. ~~If one or more renewal periods have~~ 1057
~~elapsed since the license was valid, the fee shall not include~~ 1058
~~lapsed renewal fees for more than three of those renewal~~ 1059
~~periods;~~ 1060

(ii) Specify the continuing education that an individual 1061
whose license has been classified inactive must complete to have 1062
the license restored. The continuing education shall be 1063
sufficient to ensure the minimum competency in the use or 1064
administration of a new procedure or product required by a 1065
licensee necessary to protect public health and safety. The 1066
requirement shall not exceed the cumulative number of hours of 1067
continuing education that the individual would have been 1068

required to complete had the individual retained an active 1069
license. 1070

(b) In addition, the board may specify the conditions and 1071
method for granting a temporary work permit to practice a branch 1072
of cosmetology to an individual whose license has been 1073
classified inactive. 1074

(19) Establish a fee for approval of a continuing 1075
education program under section 4713.62 of the Revised Code that 1076
is adequate to cover any expense the board incurs in the 1077
approval process; 1078

(20) (a) Establish conditions under which a cosmetology 1079
student seeking a practicing license may take the examination 1080
required by section 4713.24 of the Revised Code before the 1081
student has completed the minimum number of hours of training 1082
required under section 4713.28 of the Revised Code for the 1083
license; 1084

(b) The rules shall do all of the following: 1085

(i) Permit the student to take the examination required by 1086
section 4713.24 of the Revised Code after the student has 1087
completed the minimum hours of training for that license 1088
described in division (G) of section 4713.24 of the Revised 1089
Code; 1090

(ii) Require the student to complete the remainder of the 1091
required training prior to licensure; 1092

(iii) Require the board to grant the student a license 1093
upon successful completion of the requirements established in 1094
the rules, unless the individual is subject to potential 1095
disciplinary action under section 4713.64 of the Revised Code. 1096

(21) Specify conditions and the fee for a special event permit under section 4713.70 of the Revised Code, and specify the amount of time such a permit is valid; 1097
1098
1099

(22) Require each mobile salon to hold a license in accordance with this chapter and specify the requirements that must be met for the board to issue a mobile salon license; 1100
1101
1102

(23) Establish requirements regarding the apprenticeship program established in section 4713.71 of the Revised Code; 1103
1104

(24) Anything else necessary to implement this chapter. 1105

(B) (1) The rules adopted under division (A) (2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country. 1106
1107
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(2) The rules adopted under division (A) (18) (b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state. 1111
1112
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~~(C) The conditions specified in rules adopted under division (A) (6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.~~ 1115
1116
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1118

~~(D)~~ The rules adopted under division (A) (11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession. 1119
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~~(E)~~ (D) The sanitary standards established under division (A) (15) of this section shall focus in particular on precautions 1123
1124

to be employed to prevent infectious or contagious diseases 1125
being created or spread. ~~The board shall consult with the Ohio~~ 1126
~~department of health when establishing the sanitary standards.~~ 1127

~~(F)~~ (E) The fee established by rules adopted under 1128
division (A) (16) of this section shall cover the cost the board 1129
incurs in inspecting tanning facilities and enforcing the 1130
board's rules but may not exceed one hundred dollars per 1131
location of such facilities. 1132

Sec. 4713.081. The state cosmetology and barber board 1133
shall furnish a copy of the sanitary standards established by 1134
rules adopted under section 4713.08 of the Revised Code to each 1135
individual to whom the board issues a practicing license, 1136
~~advanced license,~~ license to operate a salon or school of 1137
cosmetology, or ~~boutique services~~ registration. The board also 1138
shall furnish a copy of the sanitary standards to each 1139
individual providing cosmetic therapy, massage therapy, or other 1140
professional service in a salon under section 4713.42 of the 1141
Revised Code. A salon or school of cosmetology provided a copy 1142
of the sanitary standards shall post the standards in a public 1143
and conspicuous place in the salon or school. 1144

Sec. 4713.09. (A) The state cosmetology and barber board 1145
may adopt rules in accordance with section 4713.08 of the 1146
Revised Code to establish a continuing education requirement, 1147
not to exceed eight hours in a biennial licensing period, as a 1148
condition of renewal for a practicing license, ~~advanced~~ 1149
intermediate license, instructor license, ~~or~~ boutique services, 1150
or independent contractor registration. These hours may include 1151
training in identifying and addressing the crime of trafficking 1152
in persons as described in section 2905.32 of the Revised Code. 1153
At least two of the eight hours of the continuing education 1154

requirement must be achieved in courses concerning safety and 1155
~~sanitation infection control~~, and at least one hour of the eight 1156
hours of the continuing education requirement must be achieved 1157
in courses concerning law and rule updates. 1158

(B) The rules adopted in accordance with division (A) of 1159
this section shall permit the continuing education requirement 1160
to be satisfied by either classroom instruction or distance 1161
education. 1162

Sec. 4713.091. An intermediate cosmetology license is a 1163
cosmetology license for the purposes of this chapter and an 1164
intermediate cosmetology license holder shall comply with the 1165
requirements of this chapter and rules adopted under this 1166
chapter that apply to a cosmetology license. An intermediate 1167
cosmetology license may be renewed indefinitely. An intermediate 1168
license may only be issued to an individual who has completed a 1169
one-thousand-five-hundred-hour cosmetology program on or before 1170
December 31, 2019. 1171

Sec. 4713.10. (A) The state cosmetology and barber board 1172
shall charge and collect the following nonrefundable fees: 1173

(1) For a temporary pre-examination work permit under 1174
section 4713.22 of the Revised Code, not more than fifteen 1175
dollars; 1176

(2) For initial application to take an examination under 1177
section 4713.24 of the Revised Code, not more than forty 1178
dollars; 1179

(3) For application to take an examination under section 1180
4713.24 of the Revised Code by an applicant who has previously 1181
applied to take, but failed to appear for, the examination, not 1182
more than fifty-five dollars; 1183

- (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;
- (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;
- (6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;
- (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;
- (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~~+. 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;	1213 1214
(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;	1215 1216 1217
(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.	1218 1219 1220
(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.	1221 1222 1223
(C) The board may establish an installment plan for the payment of fines and fees and may reduce <u>fines and fees</u> as considered appropriate by the board.	1224 1225 1226
(D) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.	1227 1228 1229 1230 1231 1232 1233 1234 1235
Sec. 4713.14. No individual shall do any of the following:	1236
(A) Use fraud or deceit in making application for a license, permit, or registration;	1237 1238
(B) Aid or abet any individual or entity in any of the following:	1239 1240

(1) Violating this chapter or a rule adopted under it;	1241
(2) Obtaining a license, permit, or registration fraudulently;	1242 1243
(3) Falsely pretending to hold a current, valid license or permit.	1244 1245
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	1246 1247 1248
(1) A current, valid license under section 4713.28 7 — 4713.30 , or 4713.34 of the Revised Code;	1249 1250
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1251 1252
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	1253 1254
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	1255 1256 1257
(5) A current, valid registration under section <u>4713.39</u> or 4713.69 of the Revised Code.	1258 1259
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	1260 1261 1262
(1) A current, valid license under section 4713.28 7 — 4713.30 , or 4713.34 of the Revised Code;	1263 1264
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1265 1266
(3) A current, valid temporary special occasion work	1267

permit issued under section 4713.37 of the Revised Code; 1268

(4) A current, valid temporary work permit issued under 1269
rules adopted by the board pursuant to section 4713.08 of the 1270
Revised Code; 1271

(5) A current, valid registration under section 4713.39 or 1272
4713.69 of the Revised Code. 1273

(E) Except for apprentice instructors and as provided in 1274
section 4713.45 of the Revised Code, teach the theory or 1275
practice of a branch of cosmetology at a school of cosmetology 1276
without either of the following authorizing the teaching of that 1277
branch of cosmetology: 1278

(1) A current, valid license under section 4713.31 or 1279
4713.34 of the Revised Code; 1280

(2) A current, valid temporary special occasion work 1281
permit issued under section 4713.37 of the Revised Code. 1282

(F) Advertise or operate a glamour photography service in 1283
which a branch of cosmetology is practiced unless the individual 1284
practicing the branch of cosmetology holds either of the 1285
following authorizing the practice of that branch of 1286
cosmetology: 1287

(1) A current, valid license under section 4713.28~~,~~ 1288
~~4713.30,~~ or 4713.34 of the Revised Code; 1289

(2) A current, valid temporary special occasion work 1290
permit issued under section 4713.37 of the Revised Code. 1291

(G) Advertise or operate a glamour photography service in 1292
which a branch of cosmetology is practiced at a location not 1293
specified by rules adopted under section 4713.08 of the Revised 1294
Code; 1295

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

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

(J) Provide cosmetic therapy or massage therapy at a salon for pay, free, or otherwise without a current, valid certificate 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 1324
restriction established by the United States food and drug 1325
administration by regulation; 1326

(3) Use or possess a liquid nail monomer containing any 1327
trace of methyl methacrylate (MMA). 1328

~~(N)~~ (M) While in charge of a salon or school of 1329
cosmetology, permit any individual to sleep in, or use for 1330
residential purposes, any room used wholly or in part as the 1331
salon or school of cosmetology; 1332

~~(O)~~ (N) Maintain, as an established place of business for 1333
the practice of one or more of the branches of cosmetology, a 1334
room used wholly or in part for sleeping or residential 1335
purposes; 1336

~~(P)~~ (O) Operate a tanning facility that is offered to the 1337
public for a fee or other compensation without a current, valid 1338
permit under section 4713.48 of the Revised Code; 1339

~~(Q)~~ (P) Practice a branch of cosmetology in a location 1340
other than a licensed facility unless otherwise exempted under 1341
section 4713.16 or 4713.17 of the Revised Code; 1342

~~(R)~~ (Q) Use any of the services or arts that are part of 1343
cosmetology to treat or attempt to cure a physical or mental 1344
disease or ailment; 1345

(R) Use the title "registered" if the person does not have 1346
a current, valid registration under section 4713.39 or 4713.69 1347
of the Revised Code. 1348

Sec. 4713.141. An inspector employed by the state 1349
cosmetology and barber board may take a sample of a product used 1350
or sold in a salon or school of cosmetology for the purpose of 1351

examining the sample, or causing an examination of the sample to 1352
be made, to determine whether division ~~(M)~~(L) of section 1353
4713.14 of the Revised Code has been violated. 1354

Should the results of the test prove that division ~~(M)~~(L) 1355
of section 4713.14 of the Revised Code has been violated, the 1356
board shall take action in accordance with section 4713.64 of 1357
the Revised Code. A fine imposed under that section shall 1358
include the cost of the test. The person's license may be 1359
suspended or revoked. 1360

Sec. 4713.16. (A) This chapter does not prohibit any of 1361
the following: 1362

(1) Practicing a branch of cosmetology without a license 1363
or registration if the individual does so for free at the 1364
individual's home for a family member who resides in the same 1365
household as the individual; 1366

(2) The retail sale, or trial demonstration by application 1367
to the skin for purposes of retail sale, of cosmetics, 1368
preparations, tonics, antiseptics, creams, lotions, wigs, or 1369
hairpieces without a practicing license or registration; 1370

(3) The retailing, at a salon, of cosmetics, preparations, 1371
tonics, antiseptics, creams, lotions, wigs, hairpieces, 1372
clothing, or any other items that pose no risk of creating 1373
unsanitary conditions at the salon; 1374

(4) The provision of glamour photography services at a 1375
licensed salon if either of the following is the case: 1376

(a) A branch of cosmetology is not practiced as part of 1377
the services. 1378

(b) If a branch of cosmetology is practiced as part of the 1379

services, the part of the services that is a branch of 1380
cosmetology is performed by an individual who holds ~~either one~~ 1381
of the following authorizing the individual to practice that 1382
branch of cosmetology: 1383

(i) A current, valid license under section 4713.28~~7~~ 1384
~~4713.30~~, or 4713.34 of the Revised Code; 1385

(ii) A current, valid registration under section 4713.69 1386
of the Revised Code; 1387

(iii) A current, valid temporary special occasion work 1388
permit issued under section 4713.37 of the Revised Code. 1389

(5) A student engaging, as a student, in work connected 1390
with a branch of cosmetology taught at the school of cosmetology 1391
at which the student is enrolled; 1392

(B) A student in a career-technical program learning a 1393
branch of cosmetology may continue developing skills in the 1394
respective branch of cosmetology after completing the required 1395
coursework or obtaining a license in the respective branch of 1396
cosmetology by working in the licensed career-technical school 1397
clinic if the student does not receive any compensation. This 1398
allowance terminates upon the graduation of the student from the 1399
career-technical school. 1400

Sec. 4713.17. (A) The following persons are exempt from 1401
the provisions of this chapter, except, as applicable, section 1402
4713.42 of the Revised Code: 1403

(1) All individuals authorized to practice medicine, 1404
surgery, dentistry, and nursing or any of its branches in this 1405
state; 1406

(2) Commissioned surgical and medical officers of the 1407

United States army, navy, air force, or marine hospital service 1408
when engaged in the actual performance of their official duties, 1409
and attendants attached to same; 1410

(3) Funeral directors, embalmers, and apprentices licensed 1411
or registered under Chapter 4717. of the Revised Code; 1412

(4) Persons who are engaged in the retail sale, cleaning, 1413
or beautification of wigs and hairpieces but who do not engage 1414
in any other act constituting the practice of a branch of 1415
cosmetology; 1416

(5) Volunteers of hospitals, and homes as defined in 1417
section 3721.01 of the Revised Code, who render service to 1418
registered patients and inpatients who reside in such hospitals 1419
or homes. Such volunteers shall not use or work with any 1420
chemical products such as permanent wave, hair dye, or chemical 1421
hair relaxer, which without proper training would pose a health 1422
or safety problem to the patient. 1423

(6) Nurse aides and other employees of hospitals and homes 1424
as defined in section 3721.01 of the Revised Code, who practice 1425
a branch of cosmetology on registered patients only as part of 1426
general patient care services and who do not charge patients 1427
directly on a fee for service basis; 1428

(7) Cosmetic therapists and massage therapists who hold 1429
current, valid certificates to practice cosmetic or massage 1430
therapy issued by the state medical board under section 4731.15 1431
of the Revised Code, to the extent their actions are authorized 1432
by their certificates to practice; 1433

(8) Inmates who provide services related to a branch of 1434
cosmetology to other inmates, except when those services are 1435
provided in a licensed school of cosmetology within a state 1436

correctional institution for females. 1437

(B) The director of rehabilitation and correction shall 1438
oversee the services described in division (A)(8) of this 1439
section with respect to ~~sanitation~~infection control and adopt 1440
rules governing those types of services provided by inmates. 1441

Sec. 4713.24. (A) The state cosmetology and barber board 1442
shall conduct an examination for each individual who satisfies 1443
the requirements established by section 4713.20 of the Revised 1444
Code for admission to the examination. Examinations for 1445
licensure for any branch of cosmetology shall assess the ability 1446
of a prospective cosmetology professional to maintain a safe and 1447
sanitary place of service delivery. ~~The board may develop and~~ 1448
~~administer the appropriate examination or enter into an~~ 1449
~~agreement with a national testing service to develop the~~ 1450
~~examination, administer the examination, or both.~~ The 1451
examination shall be a national, standardized examination that 1452
is specific to the type of license the individual seeks, and 1453
shall satisfy all of the following conditions: 1454

(1) Include both practical demonstrations and written or 1455
oral tests related to the type of license the individual seeks, ~~—~~ 1456
. The written portion of the examination shall include both 1457
theoretical and procedural skill questions as prescribed by the 1458
board in rules adopted in accordance with section 4713.08 of the 1459
Revised Code. 1460

(2) Relate only to a branch of cosmetology, but not be 1461
confined to any special system or method; 1462

(3) Be consistent in both practical and technical 1463
requirements for the type of license the individual seeks; 1464

(4) Be of sufficient thoroughness to satisfy the board as 1465

to the individual's skill in and knowledge of the branch of 1466
cosmetology for which the examination is conducted. 1467

(B) Not later than ~~two years after~~ September 13, ~~2016~~2018, 1468
the board shall create a curriculum and an examination for 1469
individuals seeking licensure to become an instructor and shall 1470
conduct an examination for each individual who satisfies the 1471
requirements established pursuant to section 4713.31 of the 1472
Revised Code for admission to the examination. 1473

(C) The board shall adopt rules regarding the equipment or 1474
supplies an individual is required to bring to an examination 1475
described in this section. 1476

(D) The board shall not release the questions developed 1477
for the examinations and the practical demonstrations used in 1478
the testing process, except for the following purposes: 1479

(1) Reviewing or rewriting of any part of the examination 1480
on a periodic basis as prescribed in rules adopted under section 1481
4713.08 of the Revised Code; 1482

(2) Testing of individuals in another state for admission 1483
to the profession of cosmetology or any of its branches as 1484
required under a contract or by means of a license with that 1485
state; 1486

(3) Complying with a public records request after which 1487
the questions or the demonstrations have become a public record 1488
under division (F) of this section and otherwise may lawfully be 1489
released. 1490

(E) The examination papers and the scored results of the 1491
practical demonstrations of each individual examined by the 1492
board shall be open for inspection by the individual or the 1493
individual's attorney for at least ninety days following the 1494

announcement of the individual's grade, except for papers that 1495
under the terms of a contract with a testing service are not 1496
available for inspection. On written request of an individual or 1497
the individual's attorney made to the board not later than 1498
ninety days after announcement of the individual's grade, the 1499
board shall have the individual's practical examination papers 1500
regraded manually. 1501

(F) Test materials, examinations, or evaluation tools used 1502
in an examination for licensure under this chapter that the 1503
board develops or contracts with a private or government entity 1504
to administer shall become public records under section 149.43 1505
of the Revised Code fifteen years after the materials, 1506
examinations, or tools were first used in an assessment for 1507
licensure, unless the release of the record is otherwise 1508
prohibited by state or federal law, or the record is deemed to 1509
be the proprietary information of a private entity. 1510

(G) The board shall adopt rules in accordance with section 1511
4713.08 of the Revised Code to do both of the following: 1512

(1) To permit an individual to take the written portion of 1513
the examination required by division (A) of this section when 1514
the individual has completed the following amount of hours of 1515
instruction at a licensed school of cosmetology in this or 1516
another state: 1517

(a) For an individual seeking a cosmetology license, at 1518
least eight hundred hours; 1519

(b) For an individual seeking an esthetics license, at 1520
least three hundred hours; 1521

(c) For an individual seeking a hairstylist license, at 1522
least four hundred hours; 1523

<u>(d) For an individual seeking a natural hair stylist</u>	1524
<u>license, at least two hundred twenty-five hours;</u>	1525
<u>(e) For an individual seeking a manicurist license, at</u>	1526
<u>least one hundred hours.</u>	1527
<u>(2) To permit an individual to take the practical portion</u>	1528
<u>of the examination required by division (A) of this section at</u>	1529
<u>the individual's school of cosmetology when the individual has</u>	1530
<u>completed all required hours of instruction at a school of</u>	1531
<u>cosmetology licensed in this or another state.</u>	1532
Sec. 4713.28. (A) The state cosmetology and barber board	1533
shall issue a practicing license to an applicant who satisfies	1534
all of the following applicable conditions:	1535
(1) Is at least sixteen years of age;	1536
(2) Is of good moral character;	1537
(3) Has the equivalent of an Ohio public school tenth	1538
grade education;	1539
(4) Has submitted a written application on a form	1540
furnished by the board that contains all of the following:	1541
(a) The name of the individual and any other identifying	1542
information required by the board;	1543
(b) A recent photograph of the individual that meets the	1544
specifications established by the board;	1545
(c) A photocopy of the individual's current driver's	1546
license or other proof of legal residence;	1547
(d) <u>(c)</u> Proof that the individual is qualified to take the	1548
applicable examination as required by section 4713.20 of the	1549
Revised Code;	1550

- ~~(e)~~ (d) An oath verifying that the information in the application is true; 1551
1552
- ~~(f)~~ (e) The applicable application fee. 1553
- (5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; 1554
1555
1556
- (6) Pays to the board the applicable license fee; 1557
- (7) (a) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand ~~five hundred~~ hours of board-approved cosmetology training in a school of cosmetology licensed in this or another state, except that only ~~one thousand~~ four hundred hours of board-approved cosmetology training in a licensed school of cosmetology ~~licensed in this state~~ is required of an individual licensed as a barber under Chapter 4709. of the Revised Code; 1558
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- (b) The training required by division (A)(7)(a) of this section shall, at a minimum, include the following subjects and the hours assigned to each: 1566
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- (i) Twenty-four hours of professional requirements instruction; 1569
1570
- (ii) Twenty-six hours of safety, health, and infection control training; 1571
1572
- (iii) Fifteen hours of anatomy and physiology training; 1573
- (iv) Ten hours of hair analysis training; 1574
- (v) Ten hours of hair and scalp disorders and diseases training; 1575
1576
- (vi) Five hours of chemistry as applied to cosmetology 1577

<u>training;</u>	1578
(vii) <u>Thirty hours of shampoos, rinses, conditioners, and treatments training;</u>	1579
(viii) <u>One hundred seventy-five hours of hair cutting and shaping training;</u>	1581
(ix) <u>Two hundred forty-five hours of hair styling training;</u>	1583
(x) <u>One hundred eighty hours of chemical restructuring training;</u>	1585
(xi) <u>One hundred eighty hours of hair coloring and lightening training;</u>	1587
(xii) <u>Forty hours of nail care and procedures training;</u> <u>and</u>	1589
(xiii) <u>Sixty hours of training in skin care and procedures.</u>	1591
(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this <u>or another</u> state;	1593
(9) In the case of an applicant for an initial hair- designer-hairstylist license, has successfully completed at least one thousand two eight hundred hours of board-approved hair designer-hairstylist training in a school of cosmetology licensed in this <u>or another</u> state, except that only one thousand two hundred hours of board-approved hair designer-hairstylist training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code <u>or, for an applicant with at least</u>	1597

five years' experience as a licensed barber, a written and 1606
practical examination, administered by the board, which if 1607
passed shall serve in lieu of the hairstylist training required 1608
under this division; 1609

(10) In the case of an applicant for an initial manicurist 1610
license, has successfully completed at least two hundred hours 1611
of board-approved manicurist training in a school of cosmetology 1612
licensed in this or another state; 1613

(11) In the case of an applicant for an initial natural 1614
hair stylist license, has successfully completed at least four 1615
hundred fifty hours of instruction in subjects relating to 1616
sanitation, scalp care, anatomy, hair styling, communication 1617
skills, and laws and rules governing the practice of 1618
cosmetology. 1619

(B) A licensed career-technical school shall meet in its 1620
cosmetology curriculum the minimum hours of training required by 1621
this section for the applicable branch of cosmetology. 1622

(C) The board shall not deny a license to any applicant 1623
based on prior incarceration or conviction for any crime. If the 1624
board denies an individual a license or license renewal, the 1625
reasons for such denial shall be put in writing. 1626

Sec. 4713.31. The state cosmetology and barber board shall 1627
issue an instructor license to an applicant who satisfies all of 1628
the following applicable conditions: 1629

(A) Is at least eighteen years of age; 1630

(B) Is of good moral character; 1631

(C) Has the equivalent of an Ohio public school twelfth 1632
grade education; 1633

(D) Provides proof of sufficient relevant experience, as 1634
determined by the board; 1635

(E) Pays to the board the applicable fee; 1636

~~(E)-(F) In the case of an applicant for an initial~~ 1637
~~cosmetology instructor license, holds a current, valid advanced-~~ 1638
~~cosmetologist license issued in this state and does either of-~~ 1639
~~the following:-~~ 1640

~~(1) Has the licensed advanced cosmetologist or owner of-~~ 1641
~~the licensed beauty salon in which the applicant has been-~~ 1642
~~employed certify to the board that the applicant has engaged in-~~ 1643
~~the practice of cosmetology in a licensed beauty salon for at-~~ 1644
~~least one thousand eight hundred hours;-~~ 1645

~~(2) Has a school of cosmetology licensed in this state-~~ 1646
~~certify to the board that the applicant has successfully-~~ 1647
~~completed one thousand hours of board approved cosmetology-~~ 1648
~~instructor training as an apprentice instructor.-~~ 1649

~~(F) In the case of an applicant for an initial esthetics-~~ 1650
~~instructor license, holds a current, valid advanced esthetician-~~ 1651
~~or advanced cosmetologist license issued in this state and does-~~ 1652
~~either of the following:-~~ 1653

~~(1) Has the licensed advanced esthetician, licensed-~~ 1654
~~advanced cosmetologist, or owner of the licensed esthetics salon-~~ 1655
~~or licensed beauty salon in which the applicant has been-~~ 1656
~~employed certify to the board that the applicant has engaged in-~~ 1657
~~the practice of esthetics in a licensed esthetics salon or-~~ 1658
~~practice of cosmetology in a licensed beauty salon for at least-~~ 1659
~~one thousand eight hundred hours;-~~ 1660

~~(2) Has a school of cosmetology licensed in this state-~~ 1661
~~certify to the board that the applicant has successfully-~~ 1662

~~completed at least five hundred hours of board approved
esthetics instructor training as an apprentice instructor.~~ 1663
1664

~~(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:~~ 1665
1666
1667
1668

~~(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
the practice of hair design in a licensed hair design salon or
practice of cosmetology in a licensed beauty salon for at least
one thousand eight hundred hours;~~ 1669
1670
1671
1672
1673
1674
1675

~~(2) Has a school of cosmetology licensed in this state
certify to the board that the applicant has successfully
completed at least eight hundred hours of board approved hair
design instructor's training as an apprentice instructor.~~ 1676
1677
1678
1679

~~(H) In the case of an applicant for an initial manicurist
instructor license, holds a current, valid advanced manicurist
or advanced cosmetologist license and does either of the
following:~~ 1680
1681
1682
1683

~~(1) Has the licensed advanced manicurist, licensed
advanced cosmetologist, or owner of the licensed nail 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 manicuring in a licensed nail salon or practice of
cosmetology in a licensed beauty salon for at least one thousand
eight hundred hours;~~ 1684
1685
1686
1687
1688
1689
1690

~~(2) Has a school of cosmetology licensed in this state~~ 1691

~~certify to the board that the applicant has successfully~~ 1692
~~completed at least three hundred hours of board-approved~~ 1693
~~manicurist instructor training as an apprentice instructor.~~ 1694

~~(I) In the case of an applicant for an initial natural~~ 1695
~~hair style instructor license, holds a current, valid advanced~~ 1696
~~natural hair stylist or advanced cosmetologist license and does~~ 1697
~~either of the following:—~~ 1698

~~(1) Has the licensed advanced natural hair stylist,~~ 1699
~~licensed advanced cosmetologist, or owner of the licensed~~ 1700
~~natural hair style salon or licensed beauty salon in which the~~ 1701
~~applicant has been employed certify to the board that the~~ 1702
~~applicant has engaged in the practice of natural hair styling in~~ 1703
~~a licensed natural hair style salon or practice of cosmetology~~ 1704
~~in a licensed beauty salon for at least one thousand eight~~ 1705
~~hundred hours;—~~ 1706

~~(2) Has a school of cosmetology licensed in this state~~ 1707
~~certify to the board that the applicant has successfully~~ 1708
~~completed at least four hundred hours of board-approved natural~~ 1709
~~hair style instructor training as an apprentice instructor.~~ 1710

~~(J) meets the training and experience requirements~~ 1711
~~established in rules the board adopts in accordance with section~~ 1712
~~4713.08 of the Revised Code;~~ 1713

(G) In the case of all applicants, passes an examination 1714
conducted under division (B) of section 4713.24 of the Revised 1715
Code for the branch of cosmetology the applicant seeks to 1716
instruct. 1717

Sec. 4713.32. When determining the total hours of 1718
instruction received by an applicant for a license under section 1719
4713.28, ~~4713.30,~~ or 4713.31 of the Revised Code, the state 1720

cosmetology and barber board shall not take into account more 1721
than ten hours of instruction per day. The board shall take into 1722
account instruction received more than five years prior to the 1723
date of application for the license in accordance with rules 1724
adopted under section 4713.08 of the Revised Code. 1725

Sec. 4713.34. The state cosmetology and barber board shall 1726
issue a license by endorsement to practice a branch of 1727
cosmetology or instructor license to an applicant who is 1728
licensed or registered in another state or country to practice 1729
that branch of cosmetology or teach the theory and practice of 1730
that branch of cosmetology, as appropriate, if ~~all of the~~ 1731
~~following conditions are satisfied:~~ 1732

~~(A) The applicant satisfies all of the following~~ 1733
applicable conditions: 1734

~~(1) (A) Is not less than eighteen years of age;~~ 1735

~~(2) (B) Is of good moral character;~~ 1736

~~(3) In the case of an applicant for a practicing license,~~ 1737
~~passes an examination conducted under section 4713.24 of the~~ 1738
~~Revised Code for the license the applicant seeks, unless the~~ 1739
~~applicant satisfies conditions specified in rules adopted under~~ 1740
~~section 4713.08 of the Revised Code for the board to issue the~~ 1741
~~applicant a license without taking the examination;~~ 1742

~~(4) (C) Pays the applicable fee;~~ 1743

(D) If the person is licensed or registered in another 1744
state, the applicant submits to the board satisfactory evidence 1745
of that fact. 1746

(E) If the person is licensed or registered or was trained 1747
in another country, the applicant submits to the board 1748

satisfactory evidence of that fact and that the standards for 1749
licensure, registration, or training in that country were 1750
substantially similar to those of this state at the time the 1751
person was licensed, registered, or trained. 1752

~~(B) At the time the applicant obtained the license or~~ 1753
~~registration in the other state or country, the requirements in~~ 1754
~~this state for obtaining the license the applicant seeks were~~ 1755
~~substantially equal to the other state or country's~~ 1756
~~requirements.~~ 1757

~~(C) The jurisdiction that issued the applicant's license~~ 1758
~~or registration extends similar reciprocity to individuals~~ 1759
~~holding a license issued by the board.~~ 1760

Sec. 4713.35. An individual who holds a current, valid 1761
cosmetologist ~~or advanced cosmetologist~~ license issued by the 1762
state cosmetology and barber board may engage in the practice of 1763
one or more branches of cosmetology as the individual chooses in 1764
a licensed facility. 1765

An individual who holds a current, valid esthetician ~~or~~ 1766
~~advanced esthetician~~ license issued by the board may engage in 1767
the practice of esthetics but no other branch of cosmetology in 1768
a licensed facility. 1769

An individual who holds a current, valid ~~hair designer or~~ 1770
~~advanced hair designer~~ hairstylist license issued by the board 1771
may engage in the practice of ~~hair design~~ hairstyling but no 1772
other branch of cosmetology in a licensed facility. 1773

An individual who holds a current, valid manicurist ~~or~~ 1774
~~advanced manicurist~~ license issued by the board may engage in 1775
the practice of manicuring but no other branch of cosmetology in 1776
a licensed facility. 1777

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

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

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

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

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

An individual who holds a current, valid natural hair
style instructor license issued by the board may teach the
theory and practice of natural hair styling, but no other branch
of cosmetology, at a school of cosmetology.

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

Sec. 4713.36. A licensed manicurist ~~or licensed advanced~~
~~manicurist~~ may engage in the practice of manicuring at a nail

salon or beauty salon licensed under section 4713.41 of the 1807
Revised Code or a barber shop licensed under Chapter 4709. of 1808
the Revised Code. 1809

Sec. 4713.39. The state cosmetology and barber board shall 1810
develop rules in accordance with section 4713.08 of the Revised 1811
Code to permit an applicant to register as an independent 1812
contractor if the applicant is an independent contractor in a 1813
licensed facility and meets the conditions established by the 1814
board. 1815

Sec. 4713.41. The state cosmetology and barber board shall 1816
issue a license to operate a salon, including a boutique salon, 1817
to an applicant who pays the applicable fee and affirms that all 1818
of the following conditions will be met: 1819

(A) (1) An individual holding a current, valid 1820
cosmetologist license or boutique services registration 1821
pertaining to the branch of cosmetology services performed at 1822
the salon or boutique salon, shall have charge of and immediate 1823
supervision over the salon at all times when the salon is open 1824
for business except as permitted under division (A) (2) of this 1825
section. 1826

(2) A business establishment that is engaged primarily in 1827
retail sales but is also licensed as a salon shall have present 1828
an individual holding a current, valid license or registration 1829
to practice in that type of salon in charge of and in immediate 1830
supervision of the salon during posted or advertised service 1831
hours, if the practice of cosmetology is restricted to those 1832
posted or advertised service hours. 1833

(B) The salon is equipped to do all of the following: 1834

(1) Provide potable running hot and cold water and proper 1835

drainage; 1836

(2) ~~Sanitize~~ Clean and disinfect all nonporous instruments 1837
and supplies used in the branch of cosmetology provided at the 1838
salon; and 1839

(3) If cosmetic therapy, massage therapy, or other 1840
professional service is provided at the salon under section 1841
4713.42 of the Revised Code, sanitize all instruments and 1842
supplies used in the cosmetic therapy, massage therapy, or other 1843
professional service. 1844

(C) Except as provided in sections 4713.42 and 4713.49 of 1845
the Revised Code, only the branch of cosmetology that the salon 1846
is licensed to provide is practiced at the salon. 1847

(D) The salon is kept in a clean and sanitary condition 1848
and properly ventilated. 1849

(E) The salon, including all of its equipment, implements, 1850
and other personal property, is properly cleaned and disinfected 1851
at all times, except for the immediate period during which a 1852
licensee performs a cosmetology service or prepares the service 1853
area after a patron in preparation for the next patron. 1854

(F) No food is sold at the salon in a manner inconsistent 1855
with rules adopted under section 4713.08 of the Revised Code. 1856

~~(F)~~ (G) A notice that contains a toll-free number and 1857
online process for reporting alleged violations of this chapter, 1858
as prescribed by the board ~~of cosmetology~~, is posted at the 1859
salon in a common area for all customers of salon services. 1860

Sec. 4713.44. (A) The state cosmetology and barber board 1861
shall issue a license to operate a school of cosmetology to an 1862
applicant who pays the applicable fee and satisfies all of the 1863

following requirements: 1864

(1) Maintains a course of practical training and technical 1865
instruction for the branch or branches of cosmetology to be 1866
taught at the school equal to the requirements for admission to 1867
an examination under section 4713.24 of the Revised Code that an 1868
individual must pass to obtain a license to practice that branch 1869
or those branches of cosmetology; 1870

(2) Possesses or makes available apparatus and equipment 1871
sufficient for the ready and full teaching of all subjects of 1872
the curriculum; 1873

(3) Maintains individuals licensed under section 4713.31 1874
or 4713.34 of the Revised Code to teach the theory and practice 1875
of the branches of cosmetology; 1876

(4) Notifies the board of the enrollment of each new 1877
student, and provides to the board the student's signed 1878
acknowledgment form, as described in division (A) (14) of section 1879
4713.07 of the Revised Code; keeps a record devoted to the 1880
different practices, i establishes grades, i and holds 1881
examinations in order to certify the students' completion of the 1882
prescribed course of study before the issuance of certificates 1883
of completion; 1884

(5) In the case of a school of cosmetology that offers 1885
clock hours for the purpose of satisfying minimum hours of 1886
training and instruction, keeps a daily record of the attendance 1887
of each student; 1888

(6) On the date that an apprentice cosmetology instructor 1889
begins cosmetology instructor training at the school, certifies 1890
the name of the apprentice cosmetology instructor to the board 1891
along with the date on which the apprentice's instructor 1892

training began; 1893

(7) Instructs not more than six apprentice cosmetology 1894
instructors at any one time; 1895

(8) ~~Files~~ Except as otherwise provided in this division, 1896
files with the board a good and sufficient surety bond executed 1897
by the individual, firm, or corporation operating the school of 1898
cosmetology as principal and by a surety company ~~as surety in~~ 1899
~~the amount of ten thousand dollars; provided, that this~~ 1900
~~requirement does not apply to a vocational or career technical~~ 1901
~~school program conducted by a city, exempted village, local, or~~ 1902
~~joint vocational school district. The amount of the bond shall~~ 1903
be equal to ten per cent of the school's gross income from 1904
tuition, fees, and other required institutional charges during 1905
the preceding calendar year, provided that the required amount 1906
of the bond shall be not less than ten thousand dollars and not 1907
more than two hundred fifty thousand dollars. A private career 1908
school may obtain a bond in a greater amount. 1909

The bond shall be in the form prescribed by the board and 1910
be conditioned upon the school's continued instruction in the 1911
theory and practice of the branches of cosmetology. Every bond 1912
shall continue in effect until notice of its termination is 1913
given to the board by registered mail and every bond shall so 1914
provide. 1915

This division does not apply to a vocational or career- 1916
technical school program conducted by a city, exempted village, 1917
local, or joint vocational school district. 1918

(9) Establishes and maintains an internal procedure for 1919
processing complaints filed against the school and for providing 1920
students with instructions on how to file a complaint directly 1921

with the board pursuant to section 4713.641 of the Revised Code. 1922

(B) A school of cosmetology holding a license issued under 1923
division (A) of this section is an educational institution and 1924
is authorized to offer educational programs beyond secondary 1925
education, ~~advanced practice programs, or both~~ in accordance 1926
with rules adopted by the board pursuant to section 4713.08 of 1927
the Revised Code. 1928

(C) A school of cosmetology holding a license to operate a 1929
school of cosmetology on September 29, 2013, shall establish and 1930
maintain an internal procedure for processing complaints filed 1931
against the school and shall provide each of the school's 1932
students with instructions on how to file a complaint directly 1933
with the board pursuant to section 4713.641 of the Revised Code. 1934

Sec. 4713.45. (A) A school of cosmetology may do the 1935
following: 1936

(1) In accordance with rules adopted under section 4713.08 1937
of the Revised Code, a school of cosmetology operated by a 1938
public entity or a private person may offer clock hours, credit 1939
hours, or competency-based credits by classroom instruction or 1940
distance education for the purpose of satisfying minimum hours 1941
of training and instruction; 1942

(2) Allow an apprentice cosmetology instructor the regular 1943
quota of students prescribed by the state cosmetology and barber 1944
board if a cosmetology instructor is present; 1945

(3) Compensate an apprentice cosmetology instructor; 1946

(4) Subject to division (B) of this section, employ an 1947
individual who does not hold a current, valid instructor license 1948
to teach subjects related to a branch of cosmetology. 1949

(B) A school of cosmetology shall have a licensed 1950
cosmetology instructor present when an individual employed 1951
pursuant to division (A) (4) of this section teaches at the 1952
school, unless the individual is one of the following: 1953

(1) An individual with a current, valid teacher's 1954
certificate or educator license issued by the state board of 1955
education; 1956

(2) An individual with a bachelor's degree in the subject 1957
the person teaches at the school; 1958

(3) An individual also employed by a university or college 1959
to teach the subject the person teaches at the school. 1960

(C) A school of cosmetology shall annually review the 1961
subjects and coursework required to receive an initial 1962
cosmetology license ~~and advanced license~~ and, in doing so, shall 1963
incorporate standards adopted by the state cosmetology and 1964
barber board pursuant to division (A) (13) of section 4713.08 of 1965
the Revised Code. 1966

Sec. 4713.55. Every license issued by the state 1967
cosmetology and barber board shall be signed by the chairperson 1968
and attested by the executive director of the board, with the 1969
seal of the board attached. 1970

The board shall specify on each practicing license that 1971
the board issues the branch of cosmetology that the license 1972
entitles the holder to practice. ~~The board shall specify on each~~ 1973
~~advanced license that the board issues the type of salon in~~ 1974
~~which the license entitles the holder to work and the branch of~~ 1975
~~cosmetology that the license entitles the holder to practice.~~ 1976
The board shall specify on each instructor license that the 1977
board issues the branch of cosmetology that the license entitles 1978

the holder to teach. The board shall specify on each salon 1979
license that the board issues the branch of cosmetology that the 1980
license entitles the holder to offer. ~~The board shall specify on~~ 1981
~~each independent contractor license that the board issues the~~ 1982
~~branch of cosmetology that the license entitles the holder to~~ 1983
~~offer within a licensed salon.~~ Such licenses are prima-facie 1984
evidence of the right of the holder to practice or teach the 1985
branch of cosmetology that the license specifies. 1986

Sec. 4713.56. Every holder of a practicing license, 1987
instructor license, independent contractor ~~license,~~ registration 1988
or boutique service registration issued by the state cosmetology 1989
and barber board shall maintain the board-issued, wallet-sized 1990
license or electronically generated license certification or 1991
registration and shall produce upon inspection or request a 1992
current government-issued photo identification ~~that can be~~ 1993
~~produced upon inspection or request.~~ 1994

Every holder of a license to operate a salon issued by the 1995
board shall display the license in a public and conspicuous 1996
place in the salon. 1997

Every holder of a license to operate a school of 1998
cosmetology issued by the board shall display the license in a 1999
public and conspicuous place in the school. 2000

Every individual who provides cosmetic therapy, massage 2001
therapy, or other professional service in a salon under section 2002
4713.42 of the Revised Code shall maintain the individual's 2003
professional license or certificate or electronically generated 2004
license certification or registration and a state of Ohio issued 2005
photo identification that can be produced upon inspection or 2006
request. 2007

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

~~(1) A cosmetology instructor who has previously been
licensed as a cosmetologist or an advanced cosmetologist, is
entitled to the reissuance of a cosmetologist or advanced
cosmetologist license;—~~

~~(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;—~~

~~(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;—~~

~~(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;—~~

~~(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.~~

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

Sec. 4713.59. If the state cosmetology and barber board 2037
adopts rules under section 4713.09 of the Revised Code to 2038
establish a continuing education requirement as a condition of 2039
renewal for a practicing license, ~~advanced license,~~ or 2040
instructor license, the board shall inform each affected 2041
licensee of the continuing education requirement that applies to 2042
the next biennial licensing period by including that information 2043
in the renewal notification it sends the licensee. The 2044
notification shall state that the licensee must complete the 2045
continuing education requirement, via classroom instruction or 2046
distance education, by the fifteenth day of January of the next 2047
odd-numbered year. 2048

Hours completed in excess of the continuing education 2049
requirement may not be applied to the next biennial licensing 2050
period. 2051

Sec. 4713.60. (A) Except as provided in division (C) of 2052
this section, an individual seeking a renewal of a license to 2053
practice a branch of cosmetology, ~~advanced license,~~ instructor 2054
license, ~~or~~ boutique services, or independent contractor 2055
registration shall include in the renewal application proof 2056
satisfactory to the board of completion of any applicable 2057
continuing education requirements established by rules adopted 2058
under section 4713.09 of the Revised Code. 2059

(B) If an applicant fails to provide satisfactory proof of 2060
completion of any applicable continuing education requirements, 2061
the board shall notify the applicant that the application is 2062
incomplete. The board shall not renew the license or 2063
registration until the applicant provides satisfactory proof of 2064
completion of any applicable continuing education requirements. 2065
The board may provide the applicant with an extension of up to 2066

ninety days in which to complete the continuing education 2067
requirement. In providing for the extension, the board may 2068
charge the licensee or registrant a fine of up to one hundred 2069
dollars. 2070

(C) The board may waive, or extend the period for 2071
completing, any continuing education requirement if a licensee 2072
or registrant applies to the board and provides proof 2073
satisfactory to the board of being unable to complete the 2074
requirement within the time allowed because of any of the 2075
following: 2076

(1) An emergency; 2077

(2) An unusual or prolonged illness; 2078

(3) Active duty service in any branch of the armed forces 2079
of the United States or a reserve component of the armed forces 2080
of the United States, including the Ohio national guard or the 2081
national guard of any other state. 2082

The board shall determine the period of time during which 2083
each extension is effective and shall inform the applicant. The 2084
board shall also inform the applicant of the continuing 2085
education requirements that must be met to have the license or 2086
registration renewed. If an extension is granted for less than 2087
one year, the continuing education requirement for that year, in 2088
addition to the required continuing education for the succeeding 2089
year, must be completed in the succeeding year. In all other 2090
cases the board may waive all or part of the continuing 2091
education requirement on a case-by-case basis. Any required 2092
continuing education shall be completed and satisfactory proof 2093
of its completion submitted to the board by a date specified by 2094
the board. Every license or registration that has not been 2095

renewed in the timeframe specified in section 4713.57 of the Revised Code and for which the continuing education requirement has not been waived or extended shall be considered expired.

Sec. 4713.61. (A) If the state cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, ~~advanced license,~~ or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

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

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

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

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

Sec. 4713.62. (A) An individual holding a practicing 2125
license, ~~advanced license,~~ instructor license, ~~or~~ boutique 2126
services, or independent contractor registration may satisfy a 2127
continuing education requirement established by rules adopted 2128
under section 4713.09 of the Revised Code only by completing 2129
continuing education programs approved under division (B) of 2130
this section. 2131

(B) The state cosmetology and barber board shall approve a 2132
continuing education program if all of the following conditions 2133
are satisfied: 2134

(1) The person operating the program submits to the board 2135
a written application for approval. 2136

(2) The person operating the program pays to the board a 2137
fee established by rules adopted under section 4713.08 of the 2138
Revised Code. 2139

(3) The program is operated by an employee, officer, or 2140
director of a nonprofit professional association, college or 2141
university, proprietary continuing education institutions 2142
providing programs approved by the board, vocational school, 2143
postsecondary proprietary school of cosmetology licensed by the 2144
board, salon licensed by the board, or manufacturer of supplies 2145
or equipment used in the practice of a branch of cosmetology. 2146

(4) The program will do at least one of the following: 2147

(a) Enhance the professional competency of the affected 2148
licensees or registrants; 2149

(b) Protect the public; 2150

(c) Educate the affected licensees or registrants in the 2151
application of the laws and rules regulating the practice of a 2152

branch of cosmetology. 2153

(5) The person operating the program provides the board a 2154
tentative schedule of when the program will be available so that 2155
the board can make the schedule readily available to all 2156
licensees and registrants throughout the state. 2157

Sec. 4713.63. A practicing license, ~~advanced license,~~ or 2158
instructor license that has not been renewed for any reason 2159
other than because it has been revoked, suspended, or classified 2160
inactive, or because the license holder has been given a waiver 2161
or extension under section 4713.60 of the Revised Code, is 2162
expired. An expired license may be restored if the individual 2163
who held the license meets all of the following applicable 2164
conditions: 2165

(A) Pays to the state cosmetology and barber board the 2166
restoration fee established under section 4713.10 of the Revised 2167
Code; 2168

(B) In the case of a practicing license ~~or advanced~~ 2169
~~license~~ that has been expired for more than two consecutive 2170
license renewal periods, completes eight hours of continuing 2171
education for each license renewal period that has elapsed since 2172
the license was last issued or renewed, up to a maximum of 2173
twenty-four hours. At least four of those hours shall include a 2174
course pertaining to ~~sanitation~~ infection control and safety 2175
methods. 2176

~~The board shall deposit all fees it receives under~~ 2177
~~division (B) of this section into the general revenue fund.~~ 2178

Sec. 4713.64. (A) The state cosmetology and barber board 2179
may take disciplinary action under this chapter for any of the 2180
following: 2181

(1) Failure to comply with the safety, sanitation	2182
<u>infection control</u> , and licensing requirements of this chapter or	2183
rules adopted under it;	2184
(2) Continued practice by an individual knowingly having	2185
an infectious or contagious disease;	2186
(3) Habitual drunkenness or addiction to any habit-forming	2187
drug;	2188
(4) Willful false and fraudulent or deceptive advertising;	2189
(5) Falsification of any record or application required to	2190
be filed with the board;	2191
(6) Failure to pay a fine or abide by a suspension order	2192
issued by the board;	2193
(7) Failure to cooperate with an investigation or	2194
inspection;	2195
(8) Failure to respond to a subpoena;	2196
(9) Conviction of or plea of guilty to a violation of	2197
section 2905.32 of the Revised Code;	2198
(10) In the case of a salon, any individual's conviction	2199
of or plea of guilty to a violation of section 2905.32 of the	2200
Revised Code for an activity that took place on the premises of	2201
the salon.	2202
(B) On determining that there is cause for disciplinary	2203
action, the board may do one or more of the following:	2204
(1) Deny, revoke, or suspend a license, permit, or	2205
registration issued by the board under this chapter;	2206
(2) Impose a fine;	2207

(3) Require the holder of a license, permit, or 2208
registration issued under this chapter to take corrective action 2209
courses. 2210

(C) (1) Except as provided in divisions (C) (2) and (3) of 2211
this section, the board shall take disciplinary action pursuant 2212
to an adjudication under Chapter 119. of the Revised Code. 2213

(2) The board may take disciplinary action without 2214
conducting an adjudication under Chapter 119. of the Revised 2215
Code against an individual or salon who violates division (A) (9) 2216
or (10) of this section. After the board takes such disciplinary 2217
action, the board shall give written notice to the subject of 2218
the disciplinary action of the right to request a hearing under 2219
Chapter 119. of the Revised Code. 2220

(3) In lieu of an adjudication, the board may enter into a 2221
consent agreement with the holder of a license, permit, or 2222
registration issued under this chapter. A consent agreement that 2223
is ratified by a majority vote of a quorum of the board members 2224
is considered to constitute the findings and orders of the board 2225
with respect to the matter addressed in the agreement. If the 2226
board does not ratify a consent agreement, the admissions and 2227
findings contained in the agreement are of no effect, and the 2228
case shall be scheduled for adjudication under Chapter 119. of 2229
the Revised Code. 2230

(D) The amount and content of corrective action courses 2231
and other relevant criteria shall be established by the board in 2232
rules adopted under section 4713.08 of the Revised Code. 2233

(E) (1) The board may impose a separate fine for each 2234
offense listed in division (A) of this section. The amount of 2235
the first fine issued for a violation as the result of an 2236

inspection shall be not more than two hundred fifty dollars if 2237
the violator has not previously been fined for that offense. Any 2238
fines issued for additional violations during such an inspection 2239
shall not be more than one hundred dollars for each additional 2240
violation. The fine shall be not more than five hundred dollars 2241
if the violator has been fined for the same offense once before. 2242
Any fines issued for additional violations during a second 2243
inspection shall not be more than two hundred dollars for each 2244
additional violation. The fine shall be not more than one 2245
thousand dollars if the violator has been fined for the same 2246
offense two or more times before. Any fines issued for 2247
additional violations during a third inspection shall not be 2248
more than three hundred dollars for each additional violation. 2249

(2) The board shall issue an order notifying a violator of 2250
a fine imposed under division (E)(1) of this section. The notice 2251
shall specify the date by which the fine is to be paid. The date 2252
shall be less than forty-five days after the board issues the 2253
order. 2254

(3) At the request of a violator who is temporarily unable 2255
to pay a fine, or upon its own motion, the board may extend the 2256
time period within which the violator shall pay the fine up to 2257
~~ninety one hundred eighty~~ days after the date the board issues 2258
the order. 2259

(4) If a violator fails to pay a fine by the date 2260
specified in the board's order and does not request an extension 2261
within ten days after the date the board issues the order, or if 2262
the violator fails to pay the fine within the extended time 2263
period as described in division (E)(3) of this section, the 2264
board shall add to the fine an additional penalty equal to ten 2265
per cent of the fine. 2266

(5) If a violator fails to pay a fine within ninety days 2267
after the board issues the order, the board shall add to the 2268
fine interest at a rate specified by the board in rules adopted 2269
under section 4713.08 of the Revised Code. 2270

(6) If the fine, including any interest or additional 2271
penalty, remains unpaid on the ninety-first day after the board 2272
issues an order under division (E)(2) of this section, the 2273
amount of the fine and any interest or additional penalty shall 2274
be certified to the attorney general for collection in the form 2275
and manner prescribed by the attorney general. The attorney 2276
general may assess the collection cost to the amount certified 2277
in such a manner and amount as prescribed by the attorney 2278
general. 2279

(F) In the case of an offense of failure to comply with 2280
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 2281
Code, the board shall impose a fine of five hundred dollars if 2282
the violator has not previously been fined for that offense. If 2283
the violator has previously been fined for the offense, the 2284
board may impose a fine in accordance with this division or take 2285
another action in accordance with division (B) of this section. 2286

(G) The board shall notify a licensee or registrant who is 2287
in violation of division (A) of this section and the owner of 2288
the salon in which the conditions constituting the violation 2289
were found. The individual receiving the notice of violation and 2290
the owner of the salon may request a hearing pursuant to section 2291
119.07 of the Revised Code. If the individual or owner fails to 2292
request a hearing or enter into a consent agreement thirty days 2293
after the date the board, in accordance with section 119.07 of 2294
the Revised Code and division (J) of this section, notifies the 2295
individual or owner of the board's intent to act against the 2296

individual or owner under division (A) of this section, the 2297
board by a majority vote of a quorum of the board members may 2298
take the action against the individual or owner without holding 2299
an adjudication hearing. 2300

(H) The board, after a hearing in accordance with Chapter 2301
119. of the Revised Code or pursuant to a consent agreement, may 2302
suspend a license, permit, or registration if the licensee, 2303
permit holder, or registrant fails to correct an unsafe 2304
condition that exists in violation of the board's rules or fails 2305
to cooperate in an inspection. If a violation of this chapter or 2306
rules adopted under it has resulted in a condition reasonably 2307
believed by an inspector to create an immediate danger to the 2308
health and safety of any individual using the facility, the 2309
inspector may suspend the license or permit of the facility or 2310
the individual responsible for the violation without a prior 2311
hearing until the condition is corrected or until a hearing in 2312
accordance with Chapter 119. of the Revised Code is held or a 2313
consent agreement is entered into and the board either upholds 2314
the suspension or reinstates the license, permit, or 2315
registration. 2316

(I) The board shall not take disciplinary action against 2317
an individual licensed to operate a salon or school of 2318
cosmetology for a violation of this chapter that was committed 2319
by an individual licensed to practice a branch of cosmetology, 2320
while practicing within the salon or school, when the 2321
individual's actions were beyond the control of the salon owner 2322
or school. 2323

(J) In addition to the methods of notification required 2324
under section 119.07 of the Revised Code, the board may send the 2325
notices required under divisions (C) (2), (E) (2), and (G) of this 2326

section by any delivery method that is traceable and requires 2327
that the delivery person obtain a signature to verify that the 2328
notice has been delivered. The board also may send the notices 2329
by electronic mail, provided that the electronic mail delivery 2330
system certifies that a notice has been received. 2331

Sec. 4713.69. (A) The state cosmetology and barber board 2332
shall issue a boutique services registration to an applicant who 2333
satisfies all of the following applicable conditions: 2334

(1) Is at least sixteen years of age; 2335

(2) Is of good moral character; 2336

(3) ~~Has the equivalent of an Ohio public school tenth-~~ 2337
~~grade education;~~ 2338

~~(4)~~ Has submitted a written application on a form 2339
prescribed by the board containing all of the following: 2340

(a) The applicant's name and home address; 2341

(b) The applicant's home telephone number and cellular 2342
telephone number, if any; 2343

(c) The applicant's electronic mail address, if any; 2344

(d) The applicant's date of birth; 2345

(e) The address and telephone number where boutique 2346
services will be performed. The address shall not contain a post 2347
office box number. 2348

(f) Whether the applicant has an occupational license, 2349
certification, or registration to provide beauty services in 2350
another state, and if so, what type of license and in what 2351
state; 2352

(g) Whether the applicant has ever had an occupational 2353

license, certification, or registration suspended, revoked, or 2354
denied in any state; 2355

(h) An affidavit providing proof of formal training or 2356
apprenticeship under an individual providing such services. 2357

(B) The place of business where boutique services are 2358
performed must comply with the safety and ~~sanitation~~infection 2359
control requirements for licensed salon facilities as described 2360
in section 4713.41 of the Revised Code. 2361

(C) The board shall specify the manner by which boutique 2362
services registrants shall fulfill the continuing education 2363
requirements set forth in section 4713.09 of the Revised Code. 2364

(D) A person may use "registered" as a designated title 2365
after receiving a boutique services registration. 2366

(E) A boutique services registration is not transferable 2367
to a person other than the person to whom the registration was 2368
issued. 2369

Sec. 4713.70. (A) The state cosmetology and barber board 2370
shall issue a special event permit to an applicant who satisfies 2371
all of the requirements established by the board in rules 2372
adopted pursuant to section 4713.08 of the Revised Code. 2373

(B) A special event permit issued under division (A) of 2374
this section shall permit a licensee or registrant to practice 2375
the branch of cosmetology for which the individual is licensed 2376
or registered on a limited and temporary basis in a place that 2377
is not licensed as a salon or school of cosmetology. 2378

(C) The board may inspect special events without notice. 2379

Sec. 4713.71. (A) The state cosmetology and barber board 2380
shall adopt rules, in accordance with section 4713.08 of the 2381

Revised Code, to establish an apprentice program. The program 2382
shall allow apprentices to train in the practice of cosmetology, 2383
hairstyling, esthetics, or manicuring in a licensed salon under 2384
a person holding an applicable practicing or instructor license 2385
under this chapter. 2386

(B) To participate in the apprentice program, applicants 2387
must be enrolled in a cosmetology program through an approved 2388
and licensed post-secondary school of cosmetology. The post- 2389
secondary school of cosmetology shall provide oversight over the 2390
sponsoring salon's training and instruction, and may be a point 2391
of contact for the apprentice. If there is no school of 2392
cosmetology located near the salon, or there is no school of 2393
cosmetology offering an apprentice program willing to work with 2394
the salon, a salon may develop an apprentice program without the 2395
assistance of a licensed school of cosmetology. The post- 2396
secondary school of cosmetology and salon sponsor may charge 2397
fees for each apprentice that enrolls in these services and 2398
shall provide the board with a description and the amount of any 2399
fees to be charged to apprentices. 2400

(C) The rules shall require an applicant to the program to 2401
meet all of the following conditions: 2402

(1) Be at least eighteen years of age; 2403

(2) Be of good moral character; 2404

(3) Have the equivalent of an Ohio public school tenth 2405
grade education; 2406

(4) Have a valid social security number or taxpayer 2407
identification number; 2408

(5) Completed the initial hour preapprentice training 2409
course as established by the board; 2410

(6) Complete an application, as prescribed by board rules, 2411
and pay a fee of twenty-five dollars. 2412

(D) Applicants who are admitted to the apprenticeship 2413
program shall do all of the following: 2414

(1) Work a minimum of thirty-two hours in a calendar week; 2415

(2) Work under a trainer who holds a valid applicable 2416
practicing or instructor license and has at least five years of 2417
experience in the practice of cosmetology or a branch of 2418
cosmetology; 2419

(3) Complete a board-approved training program with the 2420
trainer including related instruction incorporating the best 2421
safety and infection control practices developed through 2422
curricula approved by the board. The board shall not require an 2423
apprentice to complete a training program with mandated formal 2424
training that exceeds the number of hours that is one hundred 2425
fifty per cent of the number of hours of instruction required to 2426
obtain an initial license of the type the apprentice seeks under 2427
section 4713.28 of the Revised Code. An approved and licensed 2428
post-secondary school of cosmetology shall assist in providing 2429
and coordinating the related instruction and ongoing reporting 2430
on the progress of an apprentice during instruction in the 2431
salon, unless a salon developed its own apprentice program 2432
without the assistance of a licensed school of cosmetology as 2433
permitted under the circumstances described in division (B) of 2434
this section. 2435

(E) Apprentices shall receive compensation from the 2436
licensed salon for participating in the training program and 2437
related instruction that is, at minimum, equal to the minimum 2438
wage range applicable under sections 4111.01 to 4111.17 of the 2439

Revised Code. 2440

(F) At the conclusion of the program, an apprentice may 2441
take the examination required under section 4713.24 of the 2442
Revised Code. 2443

Section 2. That existing sections 2925.01, 4709.03, 2444
4713.01, 4713.02, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 2445
4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.24, 4713.28, 2446
4713.31, 4713.32, 4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 2447
4713.45, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 2448
4713.62, 4713.63, 4713.64, and 4713.69 and sections 4713.25, 2449
4713.30, and 4713.39 of the Revised Code are hereby repealed. 2450

Section 3. An individual who holds a valid advanced 2451
license in a branch of cosmetology as of the effective date of 2452
this act may do either of the following: 2453

(A) Convert the individual's advanced license to a 2454
cosmetology instructor license or an instructor license in a 2455
branch of cosmetology, as applicable. Not later than two years 2456
after the effective date of this act, the State Cosmetology and 2457
Barber Board shall issue a cosmetology instructor license or an 2458
instructor license in a branch of cosmetology, as applicable, to 2459
each individual who holds a valid advanced license as of the 2460
effective date of this act and who notifies the Board not later 2461
than a date determined by the Board that the individual wishes 2462
to convert the individual's license. 2463

(B) Maintain and renew the individual's advanced license 2464
indefinitely. A valid advanced license shall be deemed to be a 2465
cosmetology instructor license or an instructor license in a 2466
branch of cosmetology, as applicable, for purposes of Chapter 2467
4713. of the Revised Code. If the individual fails to timely 2468

renew the individual's license, the individual may not renew the 2469
license as an advanced license and instead may apply to renew 2470
the license as though it were a cosmetology instructor license 2471
or an instructor license in a branch of cosmetology, as 2472
applicable. 2473

Section 4. Not later than two years after the effective 2474
date of this act and in accordance with division (A) (20) of 2475
section 4713.08 of the Revised Code, the State Cosmetology and 2476
Barber Board shall adopt rules under Chapter 119. of the Revised 2477
Code to specify the circumstances under which an applicant for a 2478
licensure examination may take the examination required by 2479
section 4713.24 of the Revised Code before having successfully 2480
completed the minimum number of hours required for the license 2481
under section 4713.28 of the Revised Code. 2482

Section 5. Notwithstanding the amendment of sections in 2483
Chapter 4713. of the Revised Code in this act, which no longer 2484
provides for independent contractor licenses, the member of the 2485
State Cosmetology and Barber Board who holds a seat pursuant to 2486
division (A) (3) of section 4713.02 of the Revised Code as it 2487
appeared immediately before the effective date of this act shall 2488
retain that seat until the current term of the seat expires, at 2489
which point the seat is to be filled with a person who is an 2490
independent contractor registered in accordance with section 2491
4713.39 of the Revised Code. 2492

Section 6. Notwithstanding the amendment of sections in 2493
Chapter 4713. of the Revised Code in this act, which no longer 2494
provides for independent contractor licenses, a valid 2495
independent contractor license held by a person on or after the 2496
effective date of this act is valid for the duration of that 2497
license term. For the duration of the license, the license shall 2498

be deemed to be the appropriate registration for the purposes of 2499
this act. Upon the expiration of that license, the licensee 2500
shall register in accordance with this act. 2501

Section 7. The State Cosmetology and Barber Board shall 2502
issue an intermediate cosmetology license to an individual who 2503
has completed one thousand five hundred hours of Board-approved 2504
cosmetology training and has passed the cosmetology exam 2505
conducted under section 4713.24 of the Revised Code on or before 2506
December 31, 2019. A valid intermediate cosmetology license 2507
shall be deemed to be a valid cosmetology license for the 2508
purposes of Chapter 4713. of the Revised Code and as provided in 2509
section 4713.091 of the Revised Code. 2510

Section 8. Section 2925.01 of the Revised Code is 2511
presented in this act as a composite of the section as amended 2512
by both Am. Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd 2513
General Assembly. The General Assembly, applying the principle 2514
stated in division (B) of section 1.52 of the Revised Code that 2515
amendments are to be harmonized if reasonably capable of 2516
simultaneous operation, finds that the composite is the 2517
resulting version of the section in effect prior to the 2518
effective date of the section as presented in this act. 2519