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SUMMARY

Cosmetology and Barber Licensing Laws

- Merges the Barber Law into the Cosmetology Licensing Law.

License elimination and creation

- Eliminates the current law licensing requirements for barber instructors, barber shops, and barber schools and instead requires applicants to meet the requirements for licensure for cosmetology instructors, salons, and schools of cosmetology, respectively.
- Eliminates the assistant barber teacher license, and instead requires the State Cosmetology and Barber Board to adopt rules establishing requirements for an assistant barber instructor.
- Eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists, and allows an individual holding an advanced license to either convert the license to an instructor license or maintain and renew the advanced license indefinitely.
- Eliminates the independent contractor license and instead requires independent contractors to register with the Board, and comply with rules adopted by the Board establishing registration standards.
- Eliminates separate licenses for boutique, esthetics, hair design, nail, and natural hair stylist salons and instead requires only salons to be licensed.
- Creates an intermediate cosmetology license to be issued to an individual who will complete 1,500 hours of cosmetology training by the bill's effective date, or is a student on that date who elects to complete that training, and satisfies specified requirements.

- Requires the Board to create a special event permit that allows an individual to practice barbering or cosmetology on a limited and temporary basis in a place that is not licensed as a salon, barber shop, cosmetology school, or barber school.
- Eliminates the temporary work permit allowing an individual holding an inactive license to practice a branch of cosmetology.
- Changes the term “practice of hair design” to “practice of hair styling” and expands what constitutes that practice, and thus changes “hair designer” and “hair design instructor” licenses to “hair stylist” and “hair stylist instructor” licenses.
- Requires the Board to adopt rules for issuing licenses to mobile salons and barber shops, including criteria for a mobile salon or barber shop to obtain a license.

License requirements

- Reduces the required hours of initial instruction for a cosmetology, hair stylist, or barber license and allows a licensed barber who has been practicing for five years to test out of the required training for an initial hair stylist license.
- Establishes hours of minimum instruction in specific subjects for an individual to obtain an initial cosmetology license.
- Creates a process under which a cosmetology student may take the written portion of the licensing examination before the student has completed the training hours required for a license.
- Requires a cosmetology or barber licensing examination to be a national, standardized examination.
- Removes certain requirements for a cosmetology instructor’s license and instead requires the Board to adopt standards in rules for issuing the licenses.
- Modifies the requirements that must be met for the Board to issue a license by endorsement to an applicant who is licensed or registered in another state or country.

Licensing procedures

- Removes, for purposes of renewing a license or registration, the Board’s authority to extend the period for a licensee to complete continuing education requirements and charge a fine for that extension.
- Changes the amount of the surety bond a cosmetology school or barber school seeking licensure must file with the Board.
- Eliminates the requirement that a boutique services registrant complete any continuing education requirements the Board establishes.
- Limits the Board’s ability to restore an inactive license or registration until the Board receives satisfactory proof of completion of continuing education requirements.

- Allows distance education to be used to meet certain education and continuing education requirements and requires the Board to adopt rules establishing standards for distance education.
- Requires the Board to process applications to open a new salon or barber shop within five days after receiving the application.
- Eliminates the current law requirement that a salon or cosmetology school license holder display the license in a public and conspicuous place in the salon or school.

Fees and fines

- Makes changes to the amount of the fees charged by the Board for the issuance of licenses and allows the Board to reduce fines and fees as it considers appropriate.
- Extends, from 90 to 180 days, the length of time in which a fine for a violation of the law must be paid and removes the Board's authority to charge interest or an additional penalty on the fine.

Apprenticeship program

- Requires the Board to establish an apprenticeship program for apprentice cosmetologists and barbers who are not licensed but are training under a license holder.
- Eliminates the current law prohibition on teaching cosmetology at a salon to an individual who is not licensed and does not have a special permit granted by the Board.

Complaints

- Permits any individual to file a confidential complaint with the Board alleging that an individual, salon, barber shop, barber school, cosmetology school, or tanning facility has violated the law or rules adopted under it.

State Cosmetology and Barber Board

- Converts the licensed independent contractor member of the Board to a registered independent contractor member and allows the esthetician member to be licensed in esthetics or cosmetology.
- Requires the Board to adhere to a set agenda when conducting its duties.
- Makes changes to the due date and contents of the written report the Board must prepare under current law.

Infection control

- Replaces "sanitary," "sanitation," and "sanitize" with the terms "disinfect" or "disinfection" and "infection control" and defines those terms.
- Requires the Board to annually review the sanitation standards and to prepare a summary of the standards written at a sixth grade reading level.

Boutique services

- Changes the term “boutique services” to the “practice of boutique services” and expands that practice to include both eye lash extension services and wig styling and application and removes make-up artistry from boutique services.

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DETAILED ANALYSIS

Cosmetology and Barber Licensing Laws

The Ohio Barber Board and the State Board of Cosmetology were combined into the State Cosmetology and Barber Board by H.B. 49 of the 132nd General Assembly (the main appropriations act), regulating the practices of barbering and the branches of cosmetology. The bill merges the contents of the Barber Law into the Cosmetology Licensing Law.¹

License elimination and creation

Instructor licenses

The bill eliminates the requirements under current law for barber teachers to satisfy to obtain a barber teacher license and instead requires the Board to adopt standards in rule for issuing barber instructor and cosmetology licenses. Under current law, an applicant for a barber teacher license must have 18 months of work experience in a barber shop or one year as an assistant barber teacher. The bill instead requires an applicant for a barber instructor's license to meet the same requirements one must satisfy to be a cosmetology instructor. With respect to cosmetology instructor licenses, the bill eliminates the requirement to complete a specific number of hours of practice with a licensed professional or training at a cosmetology school as an apprentice instructor. Instead, for both barber and cosmetology instructors, the bill requires an applicant to provide proof of sufficient relevant experience as determined by the Board and to meet the standards set by the Board in the new rules.

¹ R.C. Chapter 4709, repealed; with conforming changes in R.C. 2925.01, 3333.26, 4743.05, 4745.01, and 4776.20 and R.C. Chapter 4713.

Under continuing law for cosmetology instructors, and under the bill for barber instructors, an applicant also must be at least 18 years old, of good moral character, possess the equivalent of a 12th grade education, pay an application and a license fee (as added by the bill for cosmetology instructors), have a photograph taken by the Board, meet the training and experience requirements established by the Board, and pass an examination.²

Assistant barber instructors

The bill eliminates the assistant barber teacher license issued by the Board, and instead requires the Board to adopt rules establishing requirements for an assistant barber instructor. An “assistant barber instructor” is an individual holding a barber license who is engaged in learning or acquiring knowledge at a barber school to become a barber instructor.³ An assistant barber instructor may teach the theory or practice of barbering at a barber school without a barber instructor license or temporary special occasion work permit.⁴

Advanced licenses

The bill eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists. Currently, an applicant who meets the requirements for a practicing license in cosmetology or a branch of cosmetology may apply for an advanced license in the applicant’s respective branch of cosmetology. If the individual meets an experience requirement, completes the required hours of advanced training, and passes an advanced examination in that branch of cosmetology, the individual may be issued the advanced license.⁵

An individual who, on the bill’s effective date, holds an advanced license in a branch of cosmetology may do either of the following:

- Convert the advanced license to a cosmetology instructor license or instructor license in a branch of cosmetology, as applicable.
- Maintain and renew the individual’s advanced license.

If the individual wishes to convert the advanced license, the individual must notify the Board by a date determined by the Board. The Board must issue an instructor license to an individual who decides to convert the individual’s advanced license within two years after the bill’s effective date. An advanced license maintained by the individual is considered a cosmetology instructor license or an instructor license in a branch of cosmetology for purposes

² R.C. 4713.08(A)(8) and 4713.31, and R.C. 4709.10, repealed; with conforming changes throughout the bill.

³ R.C. 4713.01(D) and 4713.08(A)(20), and R.C. 4709.10, repealed.

⁴ R.C. 4713.14(E).

⁵ R.C. 4713.01 and 4713.25, and R.C. 4713.30, repealed; with conforming changes throughout the bill.

of the law. If the individual fails to timely renew the advanced license, the individual must apply to renew the license as if it were an instructor license.⁶

Independent contractor registrations

The bill eliminates the independent contractor licenses issued under current law and instead requires the Board to develop rules to allow an applicant to register as an independent contractor if the applicant is an independent contractor in a licensed facility and meets the conditions established by the Board. An independent contractor is not an employee of a salon or barber shop but practices a branch of cosmetology (other than boutique services) or barbering within the salon or barber shop. For cosmetologists, current law requires the Board to issue an independent contractor license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee, holds a license for the type of salon in which the applicant will practice that branch of cosmetology, and meets the conditions established by the Board. Under current law, a licensed barber who leases space in a barber shop is considered to be operating a separate and distinct shop and must obtain a barber shop license.⁷

Under the bill, an individual cannot practice a branch of cosmetology or barbering in a salon or barber shop as an independent contractor without registering with the Board.⁸ Registered independent contractors must satisfy any continuing education requirements established by the Board. Any individual holding a valid independent contractor's license on the bill's effective date is considered to be registered as an independent contractor until the license expires, at which point the individual must register with the Board.⁹ Additionally, a registered independent contractor is not subject to Ohio law regarding revocation or suspension of a license due to a drug offense, unlike licensed independent contractors under current law.¹⁰

Salon licenses

Under current law, the Board issues licenses to salons where an individual is authorized to engage in either all of the branches of cosmetology (a beauty salon) or one of the branches of cosmetology (an esthetics, hair design, nail, natural hair style, or boutique salon). The bill eliminates the separate licenses and instead requires only salons to be licensed where one or more branches of cosmetology and barbering, as added by the bill, may be practiced or taught. Currently, barbering cannot be practiced in a salon.¹¹

⁶ R.C. 4713.311.

⁷ R.C. 4713.01(Y), 4713.08(A)(9), 4713.39, repealed and reenacted; and 4709.09, repealed; with conforming changes in R.C. 4713.55.

⁸ R.C. 4713.14(C) and (H).

⁹ R.C. 4713.59, 4713.60, and 4713.62 and Section 6.

¹⁰ R.C. 2925.01.

¹¹ R.C. 4713.01, with conforming changes throughout the bill.

Intermediate cosmetology licenses

The bill creates an intermediate cosmetology license. The Board is required to issue an intermediate cosmetology license to either of the following:

- An individual who has completed 1,500 hours of Board-approved cosmetology training and qualifies to take and passes the cosmetology licensing examination on or before the bill's effective date.
- An individual who is enrolled as a student at a cosmetology school on or before the bill's effective date who chooses to complete 1,500 hours of training in accordance with current law requirements for a cosmetologist license and otherwise qualifies to take and passes the cosmetology licensing examination.

An intermediate cosmetology license under the bill is a cosmetology license for purposes of the law. An intermediate cosmetology license holder must comply with the law and any rules adopted under it that apply to a cosmetology license, and may renew the license in accordance with the law.¹²

Special event permits

The bill creates a special event permit that allows an individual to practice barbering or the branch of cosmetology for which the individual is licensed or registered on a limited and temporary basis in a place that is not licensed as a salon, barber shop, cosmetology school, or barber school. The Board must adopt rules that specify the conditions and the fee for a permit and the amount of time the permit is valid. If an applicant satisfies the requirements the Board establishes by rule, the Board must issue a special event permit. The Board may inspect special events without notice.¹³

Temporary work permits

The bill eliminates the temporary work permit allowing an individual holding an inactive license to practice a branch of cosmetology or an instructor license to practice or teach that branch of cosmetology. Under continuing law, an individual holding a license who is not currently practicing or teaching a branch of cosmetology but wishes to do so in the future may apply to the Board to have the individual's license classified inactive.¹⁴

Hair stylists

The bill changes the term "practice of hair designing" to the practice of "hair styling," and expands what constitutes "hair styling." Hair styling, under the bill, includes, in addition to those activities listed in continuing law, the art or practice of cleansing, stimulating, or massaging a person's scalp, face, neck, and arms; embellishment, cleansing, beautification, and

¹² R.C. 4713.091.

¹³ R.C. 4713.08(A)(23) and 4713.70.

¹⁴ R.C. 4713.08(A)(18) and (B)(2), 4713.14, and 4713.61.

styling of hair, wigs, postiches, face, body, or nails; and treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming or shaving with a disposable safety razor. The bill changes the "hair designer" and "hair design instructor" licenses issued under current law to "hair stylist" and "hair stylist instructor" licenses.¹⁵

Mobile salons and barber shops

Under the bill, the Board must adopt rules that require a mobile salon or barber shop to hold a license and specify the requirements that must be met for the Board to issue a license. A mobile salon or barber shop means either (1) a self-contained facility that can be moved, towed, or transported from one location to another and in which barbering or cosmetology is practiced, or (2) a business that provides services in barbering or cosmetology at a special event venue, residential home, or residential care facility.¹⁶

License requirements

Barber shops and barber schools

The bill eliminates the requirements for barber shops and barber schools to satisfy to receive a license, and instead requires applicants to meet the requirements salons and cosmetology schools, respectively, must satisfy to be licensed.

Barber shops

Under the bill, the Board is required to issue a barber shop license to an applicant who affirms that the following conditions will be met:

1. An individual holding a current, valid barber license has charge of and immediate supervision over the barber shop (similar to current law);
2. A licensed barber is in charge of and in immediate supervision of an establishment engaged primarily in retail and also licensed as a barber shop during posted or advertised hours (added by the bill);
3. The barber shop has potable water and proper drainage, all instruments and supplies used are cleaned and disinfected, and is kept in a clean and sanitary condition (current law also requires towels and linens to be kept clean and sanitary);
4. No food is sold in a manner inconsistent with rules adopted by the Board (added by bill);
5. A notice with the number and process for reporting violations is posted in the common area of the barber shop (added by the bill).¹⁷

¹⁵ R.C. 4713.01, with conforming changes throughout the bill.

¹⁶ R.C. 4713.01(EE) and 4713.08(A)(24), by reference to R.C. 5701.13, not in the bill.

¹⁷ R.C. 4713.41 and R.C. 4709.09, repealed; with conforming changes throughout the bill.

Barber schools

Under the bill, the Board must issue a barber school license to an applicant who satisfies the following requirements:

1. Maintains a course of training equal to the requirements under the law for an individual to be granted a barber license (similar to current law);
2. Has sufficient equipment to teach all subjects in the curriculum (similar to current law);
3. Maintains licensed barber instructors to teach at the school (current law requires the school to meet the minimum pupil-teacher ratio established by the Board);
4. Notifies the Board of each new student, provides the student's signed acknowledgement form as added by the bill, and keeps records related to the student's progress (similar to current law);
5. Keeps a record of attendance if the school offers clock hours (added by the bill);
6. Certifies when an assistant barber instructor begins training (added by the bill);
7. Allows a maximum of six assistant barber instructors at any time (current law allows a maximum of two assistant barber teachers for each licensed barber teacher);
8. Files a surety bond with the Board (similar to current law; see "**School surety bonds**," below);
9. Establishes an internal procedure for processing complaints (added by the bill).

The bill eliminates the requirement for an applicant to provide the Board proof it meets the requirements for licensure, establish minimum standards for accepting students to the school and submitting student applications to the Board for review, and operate in a manner reflecting credit on the barbering profession.¹⁸

Cosmetology and hair stylist licenses

The bill reduces the hours of Board-approved training required to obtain an initial practicing cosmetology or hair stylist license. The hours for an initial esthetician or manicurist license are not reduced. The law requires an applicant to have 1,000 hours of cosmetology training under the bill, reduced from 1,500 hours under current law. A licensed barber wishing to obtain a cosmetologist license needs 400 hours of cosmetology training under the bill, rather than 1,000 hours as under current law. An applicant for a hair stylist license must have 800 hours of training under the bill, rather than 1,200 hours under current law, to be eligible for the license. The bill also allows an applicant who holds a barber license to have 200 hours of hair stylist training, rather than 1,000 hours under current law, to receive the license. It also permits an applicant with five years of experience as a licensed barber to take and pass a written and practical examination administered by the Board in lieu of meeting the training hours

¹⁸ R.C. 4713.44 and R.C. 4709.10, repealed; with conforming changes throughout the bill.

requirement. For all practicing license types, the bill allows the training to be in Ohio or another state (current law only allows training in Ohio). Licensed career-technical schools offering cosmetology must include the minimum hours of required training for the applicable branch of cosmetology in their curricula.

The bill also establishes the following hours of required minimum instruction in specific subjects for an individual training to become a cosmetologist:

- 24 hours of professional requirements instruction;
- 26 hours of safety, health, and infection control training;
- 15 hours of anatomy and physiology training;
- 10 hours of hair analysis training;
- 10 hours of hair and scalp disorders and diseases training;
- 5 hours of chemistry as applied to cosmetology training;
- 30 hours of shampoos, rinses, conditioners, and treatments training;
- 175 hours of hair cutting and shaping training;
- 245 hours of hair styling training;
- 180 hours of chemical restructuring training;
- 180 hours of hair coloring and lightening training;
- 40 hours of nail care and procedures training;
- 60 hours of training in skin care and procedures.¹⁹

The bill also eliminates the requirement that an applicant submit a photograph that meets specifications established by the Board and instead requires the applicant to submit to a photograph taken by the Board.

Barber license requirements

The bill expands the requirements an applicant must meet to be issued a barber license and reduces the hours of training required for a license. The bill retains the current law requirements that an applicant for a barber license must be at least 18, of good moral character, and have an 8th grade or equivalent education. The bill requires the applicant to have 1,000 hours of training, reduced from 1,800 under current law (or 400 hours if the applicant holds a cosmetology or hair stylist license, reduced from 1,000 hours under current law). The applicant, under the bill, also must submit a photocopy of the applicant's driver's license or

¹⁹ R.C. 4713.28(A) and (B).

other proof of residence, an oath verifying the information is true, and to having a photograph taken by the Board.²⁰

Examinations

The bill requires the Board to adopt rules establishing the conditions under which an individual may take the written portion of the licensing examination before the individual has completed the required hours of cosmetology school to receive a license.²¹ Students may take the written portion of the examination after completing, at a licensed school in Ohio or another state, the following hours of instruction:

- For a cosmetology student, at least 750 hours;
- For an esthetics student, at least 450 hours;
- For a hair stylist student, at least 600 hours;
- For a natural hair stylist student, at least 337.5 hours;
- For a manicurist student, at least 150 hours.²²

Students that pass the examination before completing their training requirements will not receive a license from the Board until they have completed the remaining hours of training required for their particular license. The Board is required to issue a license to a student who has passed the examination and completes the required training, unless the student is subject to potential disciplinary action by the Board.²³ The bill requires the Board to adopt rules establishing the criteria under which a student may take the licensure examination early within two years after the bill's effective date.²⁴

Under continuing law, an applicant for a license to practice cosmetology or a branch of cosmetology or a barber license must pass an examination to be granted the license. The bill removes the Board's authority to develop and conduct the examinations and instead requires that the examination be a national, standardized examination. The bill also specifies that the examination's written portion must include both theoretical and procedural skill questions as the Board determines in rule.²⁵

Licensure by endorsement

The bill modifies the requirements that must be met for the Board to issue a license to an applicant who is licensed or registered in another state or country. An applicant seeking a

²⁰ R.C. 4713.281 and R.C. 4709.07, repealed.

²¹ R.C. 4713.08(A)(22).

²² R.C. 4713.24(G).

²³ R.C. 4713.08(F).

²⁴ Section 4.

²⁵ R.C. 4713.24 and R.C. 4709.05 and 4709.07, repealed.

license by endorsement under the bill to practice cosmetology or barbering or an instructor or barber instructor license must, in addition to other continuing law requirements, submit satisfactory evidence that the applicant is licensed or registered in another state or country. If licensed, registered, or trained in another country, the applicant also must submit evidence that the standards in that country were substantially similar to those in Ohio at that time. The bill eliminates a similar current law requirement for an applicant licensed in another state.

If the applicant is seeking a license to practice barbering, the bill authorizes the Board to waive any of the bill's requirements regarding licensure by endorsement or require that the applicant pass an examination, which is similar to current law.

The bill eliminates current law requirements regarding examinations for an applicant seeking a license by endorsement to practice cosmetology. It also removes the requirement under current law that the jurisdiction that issued the applicant's license or registration extends similar reciprocity to individuals holding a license the Board issues.²⁶

Licensing procedures

License or registration renewal

The bill requires that an applicant seeking license or registration renewal to attest to completion of continuing education requirements in the renewal application, rather than include proof in the application as under current law. The bill eliminates requirements that, if the applicant fails to provide satisfactory proof, the Board must notify the applicant that the application is incomplete and refuse to renew the license or registration. It also eliminates the Board's authority to extend the time for the applicant to complete those requirements and charge a fine of up to \$100 for that extension.²⁷

If the Board adopts rules establishing continuing education requirements as a condition of renewal, the bill requires the Board to notify holders of barber licenses, barber instructor licenses, and independent contractor registrations to practice barbering with information regarding those requirements by August 15 of the next even-numbered year. Continuing law requires the Board to notify holders of cosmetology practicing licenses, instructor licenses, or independent contractor registrations to practice a branch of cosmetology by January 15 of the next odd-numbered year. The bill eliminates the requirement that an individual holding a boutique services registration complete any continuing education requirements the Board adopts to renew that registration.²⁸

School surety bonds

Under continuing law, a cosmetology school or barber school must file with the Board a good and sufficient surety bond as a condition for being granted a license. The bill requires the

²⁶ R.C. 4713.08(A)(6) and (C), repealed; and 4713.34, and R.C. 4709.08, repealed.

²⁷ R.C. 4713.60.

²⁸ R.C. 4713.59 and 4713.60.

amount of the bond to be 10% of the school's gross income from tuition, fees, and other required institutional charges during the prior calendar year, except that the bond cannot be less than \$10,000 or more than \$250,000. A private career school may obtain a larger bond. Under current law, a school must obtain a \$10,000 bond to be granted a license. The bond requirement does not apply to a vocational or career-technical school program.²⁹

Inactive license guidelines and restoration

The bill expands the Board's authority to develop procedures to classify as inactive a barber license, barber instructor license, or independent contractor registration in addition to a practicing license and cosmetology instructor license as under current law. The bill eliminates the Board's ability to restore an inactive license or registration until January 31 of the next odd-numbered year after the license was classified inactive, thus allowing the Board to restore it only when the Board receives satisfactory proof regarding completion of continuing education requirements set by the Board in rule as under continuing law. Current law allows restoration only on the later of those two events.

As mentioned above, the bill eliminates the temporary work permit, which allows an individual holding an inactive license in a branch of cosmetology to practice that branch while remaining inactive.³⁰

Restoration of an expired license

The bill requires, for a barber license that has been expired for more than two consecutive renewal periods, that the holder complete any outstanding continuing education requirements for each license renewal period that has lapsed since the license was issued or renewed, up to 24 hours. This is in addition to paying a fee. Currently, a holder must pay a restoration fee and if the license is not restored within six years, must take the barber examination.³¹

The bill also eliminates the requirement that all fees collected by the Board relating to the restoration of a license be deposited into the GRF, which would mean they are deposited into the Occupational Licensing and Regulatory Fund.³²

Distance education

The bill requires the Board to adopt rules establishing standards for distance education by a cosmetology school or barber school in Ohio or another state, and as part of post-secondary education offered by a cosmetology school or barber school.³³ The bill permits

²⁹ R.C. 4713.44(A)(8) and R.C. 4709.10, repealed.

³⁰ R.C. 4713.61.

³¹ R.C. 4713.63 and R.C. 4709.11, repealed.

³² R.C. 4713.63 and 4743.05.

³³ R.C. 4713.08(A)(13) and (14).

cosmetology schools and barber schools to offer distance education to fulfill minimum training and instruction hours.³⁴

If the Board adopts rules establishing a continuing education requirement, the bill requires that the rules permit those requirements to be fulfilled by either classroom instruction or distance education. The bill also requires that the notification sent to license holders notifying them of continuing education requirements (see “**License or registration renewal,**” above) state that those requirements may be fulfilled via classroom instruction or distance education.³⁵

Application processing

The bill requires the Board to process applications to open a salon or barber shop within five days after receiving the application.³⁶

License display

The bill eliminates the current law requirement that a salon or cosmetology school license holder display the license in a public and conspicuous place in the salon or school.³⁷

Fees and fines

Fees

Continuing law requires the Board to charge and collect fees for the issuance, renewal, and restoration of licenses, application to take examinations, and other fees. The bill makes these fees nonrefundable, makes changes to the amount of the fees, and eliminates a number of fees currently charged under the Barber Law. In addition to continuing law fees, the following table describes fees the Board must charge and that are changed by the bill.

Nonrefundable fees charged by the Board			
	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
Temporary preexamination work permit	Not more than \$15	N/A	Not more than \$15
Initial application to take an examination	Not more than \$40	\$90	Not more than \$90

³⁴ R.C. 4713.45(A).

³⁵ R.C. 4713.09(B) and 4713.59.

³⁶ R.C. 4713.07(A)(13).

³⁷ R.C. 4713.56.

Nonrefundable fees charged by the Board			
	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
Application to take an examination if the applicant failed to appear	Not more than \$55	\$45 ³⁸	Not more than \$100
Application to retake an examination the applicant failed	Not more than \$40	\$45	Not more than \$40
Issuance of a practicing, barber, instructor, or barber instructor license	Not more than \$75 for a practicing or instructor license	--\$30 for a barber license --\$185 for a barber teacher license, including examination	Not more than \$185
Issuance of license by reciprocity or endorsement	Not more than \$70	\$300 for a barber license	Not more than \$300
Renewal of a practicing, barber, instructor, or barber instructor license	Not more than \$70 for a practicing or instructor license	--\$110 for a barber license --\$150 for a barber teacher license	Not more than \$150
Issuance, renewal, or change of name or ownership of a cosmetology or barber school license	Not more than \$250 for issuance or renewal	\$1,000 for issuance or renewal	Not more than \$1,000
Inspection for a new location or a relocation of a barber school	N/A	\$750	N/A
Issuance or change of name or ownership of a salon or barber shop license	Not more than \$100	\$110	Not more than \$110

³⁸ The Barber Law does not distinguish between an application to retake an examination because of the applicant's failure to appear for the examination or because the applicant failed the examination.

Nonrefundable fees charged by the Board			
	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
Renewal of a salon or barber shop license	Not more than \$90	\$75	Not more than \$90
Restoration of an expired license or registration	An amount equal to the sum of the current renewal fee plus not more than \$45 per lapsed renewal period for a practicing or instructor license	--\$100 plus \$75 for each lapsed year, not to exceed \$690 for a barber license --\$225 plus \$60 for each lapsed year, not to exceed \$450 for a barber teacher license --\$110 for a barber shop license --\$1,000 for a barber school license	Not more than \$225, and not more than \$75 per lapsed renewal period for up to 3 renewal periods
Issuance of a barber student registration	N/A	\$40	N/A
Issuance of a duplicate license	Not more than \$30	\$45	Not more than \$45
Preparation and mailing of an individual's records to another state for a reciprocity license	Not more than \$50	\$40	Not more than \$50
Processing of fees related to a check returned for insufficient funds	\$30	N/A	\$30

The bill allows the Board to reduce fines, in addition to fees as under current law, as the Board considers appropriate. It also removes the Board's ability to establish an installment plan for paying fines and fees.³⁹

³⁹ R.C. 4713.10 and R.C. 4709.12, repealed.

Fines for violations

Continuing law allows the Board to impose a fine for a violation of the Cosmetology Law. The bill allows the Board to extend the time period within which a fine must be paid from 90 to 180 days. It also removes the Board's authority to charge an additional 10% penalty or interest at a rate specified by the Board in rule on a fine not paid on time. The Board does not have authority under current law to impose a fine for a violation of the Barber Law but, due to the merger, can impose a fine under the bill.⁴⁰

Additionally, with respect to violations, the bill requires the Board to report to the proper prosecuting officer violations of the law governing unauthorized practice at the Board's discretion rather than of which the Board is aware as under current law.⁴¹

Apprenticeship program

The bill requires the Board to adopt rules to establish an apprenticeship program for apprentice cosmetologists and barbers and eliminates the current law prohibition on teaching cosmetology at a salon to an individual who is not licensed and does not have a special permit granted by the Board.⁴² An "apprentice barber" is an individual who does not hold a barber license and is training in barbering, and an "apprentice cosmetologist" is an individual who does not hold a practicing license and is training in cosmetology, hair styling, esthetics, manicuring, or natural hair styling. Apprentice cosmetologists may train in a licensed salon under an individual holding an applicable practicing or instructor license for that branch of cosmetology. Apprentice barbers may train in the practice of barbering in a licensed barber shop under an individual holding a barber or barber instructor license.⁴³

A program applicant must be at least age 18, of good moral character, have the equivalent of a 10th grade education, have a valid Social Security number or taxpayer identification number, complete an initial hour preapprentice training course established by the Board in rules, complete an application, and pay a \$25 application fee. Apprentices admitted to the program must work at least 32 hours per week, work under a trainer with a valid license and at least five years of experience in the practice of cosmetology, barbering, or a branch of cosmetology, and complete a Board-approved training program with the trainer including related instruction incorporating the best safety and infection control practices developed through Board-approved curricula. Apprentices must be paid at least minimum wage by the licensed salon or barber shop in which they are an apprentice for participating in the program and related instruction. After completing the program, an apprentice may take the examination required to obtain the relevant license.

⁴⁰ R.C. 4713.64 and R.C. 4709.13, repealed.

⁴¹ R.C. 4713.07.

⁴² R.C. 4713.08(A)(25) and 4713.14(K).

⁴³ R.C. 4713.01(A) and (B) and 4713.71(A).

An approved apprenticeship program cannot require an apprentice cosmetologist or barber to complete more than 150% of the number of hours of instruction required for an individual to obtain an initial license of the type the apprentice is seeking. A post-secondary cosmetology school or barber school and salon or barber shop sponsor cannot charge fees for an apprentice who enrolls in a program.⁴⁴

Complaints

The bill modifies the complaint process by expanding who may file a complaint with the Board, against whom the complaint may be filed, and the purposes for which the complaint may be filed. Under the bill, any individual may file a complaint with the Board alleging that an individual, salon, barber shop, barber school, cosmetology school, or tanning facility has violated the law or rules adopted under it (currently, only a student may file a complaint against the school). A complaint filed under the bill is confidential and not a public record, and the bill eliminates the requirement that the complaint be signed and in writing. If the Board determines it is probable that a violation was committed, the bill allows the Board, rather than requires as under current law, to proceed against the violator.⁴⁵ If the Board proceeds, continuing law requires the Board to comply with notice and hearing requirements under the Administrative Procedures Act.⁴⁶ The bill eliminates certain other notice, hearing, and transcription requirements if the Board determines there is reasonable cause to believe a violation occurred, although the Board may continue to be required to comply with those requirements under the Administrative Procedure Act.⁴⁷

State Cosmetology and Barber Board

Revised Board membership

The bill alters the membership of the Board by requiring the independent contractor member to be registered, rather than licensed (see “**Independent contractor registrations**,” above), and allowing that member to be an independent contractor barber. The bill also allows the licensed esthetician member of the Board to be licensed in cosmetology or esthetics, so long as the member has been practicing esthetics for at least the past five years. The bill allows the licensed independent contractor who is a current member of the Board and who would no longer be eligible to serve on the Board to retain the seat until the current term expires.⁴⁸

Under current law, the Board consists of one licensed cosmetologist or cosmetology instructor, two licensed cosmetologists who have actively managed salons for at least five

⁴⁴ R.C. 4713.71(B) to (G).

⁴⁵ R.C. 4713.641 and 4713.66(A), by reference to R.C. 149.43, not in the bill.

⁴⁶ R.C. 4713.641, by reference to R.C. Chapter 119, not in the bill.

⁴⁷ R.C. 4713.66(B) and (C).

⁴⁸ R.C. 4713.02 and Section 5.

years, one licensed independent contractor practicing a branch of cosmetology, one individual representing cosmetology instructors at vocational and technical schools, one owner or executive actively engaged in daily operations of a licensed cosmetology school, one owner of at least five salons, one nurse or doctor, one member representing the general public, one individual holding a valid tanning permit who has owned or managed a tanning facility for at least the last five years, one licensed esthetician who has been actively practicing esthetics for at least the past five years, and two barbers who have been licensed for at least the past five years of which one is an employer and the other is employed as a barber.⁴⁹

Meeting agenda

The bill requires the Board to adhere to the following agenda items as the Board conducts its duties under the law:

1. Call meeting to order;
2. Approval of previous meeting minutes;
3. Officer and staff reports;
4. Committee reports;
5. Unfinished business;
6. Old business;
7. New business;
8. Executive session;
9. Adjournment.⁵⁰

Annual report

The bill requires the written report the Board must prepare under current law to be submitted by September 1 of each year and address the previous fiscal year, rather than the previous 12-month period. It also requires the Board to compile the statistics included in the report separately for public and private schools of cosmetology and barber schools and include in the report the number of individuals participating in the apprenticeship program created under the bill (see “**Apprenticeship program**,” above).⁵¹

Disinfect, disinfection, and infection control

The bill replaces the terms “sanitary,” “sanitation,” and “sanitize” with “disinfect” or “disinfection” and “infection control.” It defines “disinfect” or “disinfection” as the process of making a nonporous item safe for use through the use of a chemical intended to kill or

⁴⁹ R.C. 4713.02.

⁵⁰ R.C. 4713.03.

⁵¹ R.C. 4713.071.

denature bacteria, viruses, or fungi, but does not include the use of ultraviolet light. It defines “infection control” as the practice of ensuring that a salon, barber shop, cosmetology school, barber school, or mobile salon or barber shop, including all equipment, implements, and other personal property in those places, are properly cleaned and disinfected at all times, except for the immediate period during which a licensed cosmetologist or barber is performing a service or preparing the service area for a patron. Current law does not define “sanitary,” though, similar to the bill with respect to infection control, the Board adopts rules to establish sanitary standards. The Board, under the bill, also must establish safety standards.

The Board must annually review the infection control standards to ensure the standards incorporate industry best practices and update the standards as necessary. The Board also must prepare a summary of those standards, written at no higher than a sixth grade reading level, to license and registration holders under the law and cosmetic and massage therapists. Current law requires the Board to provide a copy of the sanitary standards.

In addition to disinfection, the bill also specifies requirements for cleaning as it relates to a salon, barber shop, or cosmetology or barber school. Cleaning is the act of preparing nonporous items for disinfection by removing surface and visible debris and washing with soap and water, detergent, or chemical cleaners to slow the growth of pathogens.⁵²

Practice of boutique services

The bill replaces the defined term “boutique services” with the “practice of boutique services” and revises the services that a boutique services registrant may practice to include both eye lash extension services and wig styling and application. Under current law, “boutique services” means braiding, threading, and shampooing hair, and make-up artistry. “Wig styling” is currently considered part of “cosmetology” and, under the bill, is considered the practice of hair styling. The bill eliminates make-up artistry from the practice of boutique services.

Continuing law also keeps “eye lash extension services” as part of the “practice of esthetics.”⁵³ To provide eye lash extension services, it is unclear under the bill whether an individual must obtain a boutique services registration, an esthetician or cosmetologist license, or both. This is because the Board must issue a boutique services registration to an individual who has completed formal training or apprenticeship under an individual providing boutique services and satisfies other requirements. But under current law retained by the bill, “eye lash extension services” may only be practiced by a licensed esthetician or cosmetologist. To be issued an esthetician or cosmetologist license, an individual must complete a minimum number of hours of instruction and pass a licensing examination.⁵⁴

⁵² R.C. 4713.01(M), (Q), and (Z), 4713.08(A)(15) and (17) and (D), 4713.081, 4713.09, 4713.17, 4713.28, 4713.41, 4713.63, and 4713.64.

⁵³ R.C. 4713.01.

⁵⁴ R.C. 4713.01, 4713.28, and 4713.69.

Braiding and the practice of braiding

The bill consolidates the definitions of “braiding” and the “practice of braiding,” and adds further detail to the definition. Under current law, the term “practice of braiding,” although defined, is not used, and the bill eliminates the definition.

The bill’s consolidated definition of “braiding” means “intertwining the hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting, locking, beading, crocheting, wrapping, or similarly manipulating the hair while adding bulk or length with human hair, synthetic hair, or both, and using simple devices such as clips, combs, crochet hooks, blunt-tipped needles, and hairpins. “Braiding” does not include the use of chemical hair-joining agents such as synthetic tape, keratin bonds, or fusion bonds to weave or fuse individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; or embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair.”⁵⁵

HISTORY

Action	Date
Introduced	11-06-19

H0399-I-133/ec

⁵⁵ R.C. 4713.01(K).