

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 129**

**Senators Jordan, Tavares**

**Cosponsors: Senators Sykes, Thomas, Yuko**

---

**A BILL**

To amend sections 2925.01, 4709.03, 4713.01, 1  
4713.02, 4713.07, 4713.08, 4713.081, 4713.09, 2  
4713.10, 4713.14, 4713.16, 4713.17, 4713.24, 3  
4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 4  
4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 5  
4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 6  
4713.62, 4713.63, 4713.64, and 4713.69, to enact 7  
new section 4713.39 and sections 4713.70, 8  
4713.71, and 4713.72, and to repeal sections 9  
4713.25, 4713.30, and 4713.39 of the Revised 10  
Code to make changes to the Cosmetology 11  
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, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 14  
4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 4713.34, 15  
4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 4713.56, 16  
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 17  
and 4713.69 be amended and new section 4713.39 and sections 18  
4713.70, 4713.71, and 4713.72 of the Revised Code be enacted to 19

|   |  |
|---|--|
| read as follows:  | 20                                     |
| <b>Sec. 2925.01.</b> As used in this chapter:   | 21                                     |
| (A) "Administer," "controlled substance," "controlled<br>substance analog," "dispense," "distribute," "hypodermic,"<br>"manufacturer," "official written order," "person,"<br>"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"<br>"schedule III," "schedule IV," "schedule V," and "wholesaler"<br>have the same meanings as in section 3719.01 of the Revised<br>Code. | 22<br>23<br>24<br>25<br>26<br>27<br>28 |
| (B) "Drug dependent person" and "drug of abuse" have the<br>same meanings as in section 3719.011 of the Revised Code.   | 29<br>30                               |
| (C) "Drug," "dangerous drug," "licensed health<br>professional authorized to prescribe drugs," and "prescription"<br>have the same meanings as in section 4729.01 of the Revised<br>Code.   | 31<br>32<br>33<br>34                   |
| (D) "Bulk amount" of a controlled substance means any of<br>the following:  | 35<br>36                               |
| (1) For any compound, mixture, preparation, or substance<br>included in schedule I, schedule II, or schedule III, with the<br>exception of controlled substance analogs, marihuana, cocaine,<br>L.S.D., heroin, and hashish and except as provided in division<br>(D) (2) or (5) of this section, whichever of the following is<br>applicable:  | 37<br>38<br>39<br>40<br>41<br>42       |
| (a) An amount equal to or exceeding ten grams or twenty-<br>five unit doses of a compound, mixture, preparation, or<br>substance that is or contains any amount of a schedule I opiate<br>or opium derivative;  | 43<br>44<br>45<br>46                   |
| (b) An amount equal to or exceeding ten grams of a  | 47                                     |

compound, mixture, preparation, or substance that is or contains 48  
any amount of raw or gum opium; 49

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

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

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

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

(g) An amount equal to or exceeding three grams of a 74  
compound, mixture, preparation, or substance that is or contains 75  
any amount of a schedule II stimulant, or any of its salts or 76

isomers, that is not in a final dosage form manufactured by a 77  
person authorized by the Federal Food, Drug, and Cosmetic Act 78  
and the federal drug abuse control laws. 79

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

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

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

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

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

(F) "Cultivate" includes planting, watering, fertilizing, 105

|  |     |
|--|-----|
| or tilling.  | 106 |
| (G) "Drug abuse offense" means any of the following:             | 107 |
| (1) A violation of division (A) of section 2913.02 that          | 108 |
| constitutes theft of drugs, or a violation of section 2925.02,   | 109 |
| 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,  | 110 |
| 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,   | 111 |
| or 2925.37 of the Revised Code;                                  | 112 |
| (2) A violation of an existing or former law of this or          | 113 |
| any other state or of the United States that is substantially    | 114 |
| equivalent to any section listed in division (G) (1) of this     | 115 |
| section;   | 116 |
| (3) An offense under an existing or former law of this or        | 117 |
| any other state, or of the United States, of which planting,     | 118 |
| cultivating, harvesting, processing, making, manufacturing,      | 119 |
| producing, shipping, transporting, delivering, acquiring,        | 120 |
| possessing, storing, distributing, dispensing, selling, inducing | 121 |
| another to use, administering to another, using, or otherwise    | 122 |
| dealing with a controlled substance is an element;               | 123 |
| (4) A conspiracy to commit, attempt to commit, or                | 124 |
| complicity in committing or attempting to commit any offense     | 125 |
| under division (G) (1), (2), or (3) of this section.             | 126 |
| (H) "Felony drug abuse offense" means any drug abuse             | 127 |
| offense that would constitute a felony under the laws of this    | 128 |
| state, any other state, or the United States.                    | 129 |
| (I) "Harmful intoxicant" does not include beer or                | 130 |
| intoxicating liquor but means any of the following:              | 131 |
| (1) Any compound, mixture, preparation, or substance the         | 132 |
| gas, fumes, or vapor of which when inhaled can induce            | 133 |

intoxication, excitement, giddiness, irrational behavior, 134  
depression, stupefaction, paralysis, unconsciousness, 135  
asphyxiation, or other harmful physiological effects, and 136  
includes, but is not limited to, any of the following: 137

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

(b) Any aerosol propellant; 142

(c) Any fluorocarbon refrigerant; 143

(d) Any anesthetic gas. 144

(2) Gamma Butyrolactone; 145

(3) 1,4 Butanediol. 146

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

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

(L) "Sample drug" means a drug or pharmaceutical 157  
preparation that would be hazardous to health or safety if used 158  
without the supervision of a licensed health professional 159  
authorized to prescribe drugs, or a drug of abuse, and that, at 160  
one time, had been placed in a container plainly marked as a 161

sample by a manufacturer. 162

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

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

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

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

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

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

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

(P) An offense is "committed in the vicinity of a school" 185  
if the offender commits the offense on school premises, in a 186  
school building, or within one thousand feet of the boundaries 187  
of any school premises, regardless of whether the offender knows 188  
the offense is being committed on school premises, in a school 189

building, or within one thousand feet of the boundaries of any 190  
school premises. 191

(Q) "School" means any school operated by a board of 192  
education, any community school established under Chapter 3314. 193  
of the Revised Code, or any nonpublic school for which the state 194  
board of education prescribes minimum standards under section 195  
3301.07 of the Revised Code, whether or not any instruction, 196  
extracurricular activities, or training provided by the school 197  
is being conducted at the time a criminal offense is committed. 198

(R) "School premises" means either of the following: 199

(1) The parcel of real property on which any school is 200  
situated, whether or not any instruction, extracurricular 201  
activities, or training provided by the school is being 202  
conducted on the premises at the time a criminal offense is 203  
committed; 204

(2) Any other parcel of real property that is owned or 205  
leased by a board of education of a school, the governing 206  
authority of a community school established under Chapter 3314. 207  
of the Revised Code, or the governing body of a nonpublic school 208  
for which the state board of education prescribes minimum 209  
standards under section 3301.07 of the Revised Code and on which 210  
some of the instruction, extracurricular activities, or training 211  
of the school is conducted, whether or not any instruction, 212  
extracurricular activities, or training provided by the school 213  
is being conducted on the parcel of real property at the time a 214  
criminal offense is committed. 215

(S) "School building" means any building in which any of 216  
the instruction, extracurricular activities, or training 217  
provided by a school is conducted, whether or not any 218



instruction, extracurricular activities, or training provided by 219  
the school is being conducted in the school building at the time 220  
a criminal offense is committed. 221

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

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

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

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

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

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

(3) A person who holds a certificate of qualification to 247

|   |     |
|---|-----|
| practice architecture issued or renewed and registered under                | 248 |
| Chapter 4703. of the Revised Code;  | 249 |
| (4) A person who is registered as a landscape architect                     | 250 |
| under Chapter 4703. of the Revised Code or who holds a permit as            | 251 |
| a landscape architect issued under that chapter;                            | 252 |
| (5) A person licensed under Chapter 4707. of the Revised                    | 253 |
| Code;   | 254 |
| (6) A person who has been issued a certificate of                           | 255 |
| registration as a registered barber under Chapter 4709. of the              | 256 |
| Revised Code;   | 257 |
| (7) A person licensed and regulated to engage in the                        | 258 |
| business of a debt pooling company by a legislative authority,              | 259 |
| under authority of Chapter 4710. of the Revised Code;                       | 260 |
| (8) A person who has been issued a cosmetologist's                          | 261 |
| license, hair designer's license, manicurist's license,                     | 262 |
| esthetician's license, <del>natural hair stylist's license, advanced-</del> | 263 |
| <del>cosmetologist's license, advanced hair designer's license,</del>       | 264 |
| <del>advanced manicurist's license, advanced esthetician's license,</del>   | 265 |
| <del>advanced natural hair stylist's license, cosmetology-</del>            | 266 |
| <del>instructor's license, hair design instructor's license,</del>          | 267 |
| <del>manicurist instructor's license, esthetics instructor's license,</del> | 268 |
| <del>natural hair style-instructor's license, independent-</del>            | 269 |
| <del>contractor's license,</del> or tanning facility permit under Chapter   | 270 |
| 4713. of the Revised Code;  | 271 |
| (9) A person who has been issued a license to practice                      | 272 |
| dentistry, a general anesthesia permit, a conscious intravenous             | 273 |
| sedation permit, a limited resident's license, a limited                    | 274 |
| teaching license, a dental hygienist's license, or a dental                 | 275 |
| hygienist's teacher's certificate under Chapter 4715. of the                | 276 |

|   |                                 |
|---|---------------------------------|
| Revised Code;   | 277                             |
| (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; | 278<br>279<br>280<br>281<br>282 |
| (11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;   | 283<br>284<br>285<br>286        |
| (12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;   | 287<br>288<br>289               |
| (13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;  | 290<br>291                      |
| (14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;  | 292<br>293                      |
| (15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;  | 294<br>295<br>296<br>297        |
| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;   | 298<br>299                      |
| (17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;  | 300<br>301<br>302<br>303        |
| (18) A person licensed as a psychologist or school  | 304                             |

|   |                          |
|---|--------------------------|
| psychologist under Chapter 4732. of the Revised Code;   | 305                      |
| (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;  | 306<br>307<br>308        |
| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;   | 309<br>310               |
| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;   | 311<br>312               |
| (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;  | 313<br>314               |
| (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;   | 315<br>316               |
| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;   | 317<br>318               |
| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;   | 319<br>320               |
| (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; | 321<br>322<br>323<br>324 |
| (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;   | 325<br>326<br>327        |
| (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;                            | 328<br>329<br>330        |
| (29) A person licensed and registered to practice as a  | 331                      |

|  |  |
|--|--|
| nursing home administrator under Chapter 4751. of the Revised Code;  | 332<br>333                             |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;  | 334<br>335<br>336                      |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;   | 337<br>338<br>339                      |
| (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; | 340<br>341<br>342<br>343<br>344<br>345 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;  | 346<br>347                             |
| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;   | 348<br>349<br>350                      |
| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;   | 351<br>352                             |
| (36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.  | 353<br>354<br>355                      |
| (X) "Cocaine" means any of the following:  | 356                                    |
| (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;  | 357<br>358                             |

(2) Coca leaves or a salt, compound, derivative, or 359  
preparation of coca leaves, including ecgonine, a salt, isomer, 360  
or derivative of ecgonine, or a salt of an isomer or derivative 361  
of ecgonine; 362

(3) A salt, compound, derivative, or preparation of a 363  
substance identified in division (X)(1) or (2) of this section 364  
that is chemically equivalent to or identical with any of those 365  
substances, except that the substances shall not include 366  
decocainized coca leaves or extraction of coca leaves if the 367  
extractions do not contain cocaine or ecgonine. 368

(Y) "L.S.D." means lysergic acid diethylamide. 369

(Z) "Hashish" means the resin or a preparation of the 370  
resin contained in marihuana, whether in solid form or in a 371  
liquid concentrate, liquid extract, or liquid distillate form. 372

(AA) "Marihuana" has the same meaning as in section 373  
3719.01 of the Revised Code, except that it does not include 374  
hashish. 375

(BB) An offense is "committed in the vicinity of a 376  
juvenile" if the offender commits the offense within one hundred 377  
feet of a juvenile or within the view of a juvenile, regardless 378  
of whether the offender knows the age of the juvenile, whether 379  
the offender knows the offense is being committed within one 380  
hundred feet of or within view of the juvenile, or whether the 381  
juvenile actually views the commission of the offense. 382

(CC) "Presumption for a prison term" or "presumption that 383  
a prison term shall be imposed" means a presumption, as 384  
described in division (D) of section 2929.13 of the Revised 385  
Code, that a prison term is a necessary sanction for a felony in 386  
order to comply with the purposes and principles of sentencing 387

|  |                                 |
|--|---------------------------------|
| under section 2929.11 of the Revised Code.   | 388                             |
| (DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.   | 389<br>390                      |
| (EE) "Minor drug possession offense" means either of the following:  | 391<br>392                      |
| (1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;  | 393<br>394                      |
| (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.  | 395<br>396<br>397               |
| (FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.   | 398<br>399                      |
| (GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.   | 400<br>401                      |
| (HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.  | 402<br>403<br>404               |
| (II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.                                      | 405<br>406<br>407<br>408<br>409 |
| (JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense. | 410<br>411<br>412<br>413<br>414 |

(KK) "Deception" and "theft offense" have the same 415  
meanings as in section 2913.01 of the Revised Code. 416

**Sec. 4709.03.** The following persons are exempt from this 417  
chapter while in the proper discharge of their professional 418  
duties: 419

(A) Persons licensed by this state to practice medicine 420  
and surgery; 421

(B) Commissioned medical or surgical officers of the 422  
United States army, navy, or marine hospital service; 423

(C) Nurses registered under Chapter 4723. of the Revised 424  
Code; 425

(D) Cosmetologists and hair designers licensed under 426  
Chapter 4713. of the Revised Code, insofar as their usual and 427  
ordinary vocation and profession is concerned as described in 428  
section 4713.01 of the Revised Code, including shaving with a 429  
disposable safety razor, as defined in section 4713.01 of the 430  
Revised Code; 431

(E) Funeral directors, embalmers, and apprentices licensed 432  
or registered under Chapter 4717. of the Revised Code. 433

**Sec. 4713.01.** As used in this chapter: 434

"Apprentice instructor" means an individual holding a 435  
practicing license issued by the state board of cosmetology who 436  
is engaged in learning or acquiring knowledge of the occupation 437  
of an instructor of a branch of cosmetology at a school of 438  
cosmetology. 439

"Apprentice cosmetologist" means an individual who does 440  
not hold a license under this chapter and is engaged in learning 441  
or acquiring knowledge of the practice of cosmetology. 442



"Beauty salon" means a salon in which an individual is 443  
authorized to engage in all branches of cosmetology. 444

"Biennial licensing period" means the two-year period 445  
beginning on the first day of February of an odd-numbered year 446  
and ending on the last day of January of the next odd-numbered 447  
year. 448

"Boutique salon" means a salon in which an individual 449  
engages in boutique services and no other branch of cosmetology. 450

"Boutique services" means braiding, threading, ~~and~~ 451  
shampooing, eye lash extension services, and wig application. 452

"Braiding" means intertwining the hair in a systematic 453  
motion to create patterns in a three-dimensional form, ~~inverting~~ 454  
~~the hair including patterns that are inverted, upright, or~~ 455  
singled against the scalp that follow along part of a straight 456  
or curved row of intertwined hair, or partings. It may include 457  
twisting or locking the hair in a systematic motion, and 458  
~~includes extending the hair with natural while adding bulk or~~ 459  
length with human hair, synthetic hair fibers, or both, and 460  
using simple devices such as clips, combs, and hairpins. 461

"Braiding" does not include the application of weaving, bonding, 462  
and fusion of individual strands or wefts; application of dyes, 463  
reactive chemicals, or other preparations to alter the color or 464  
straighten, curl, or alter the structure of hair; or 465  
embellishing or beautifying hair by cutting or singeing, except 466  
as needed to finish the ends of synthetic fibers used to add 467  
bulk to or lengthen hair. 468

"Branch of cosmetology" means the practice of cosmetology, 469  
practice of esthetics, practice of hair design, practice of 470  
manicuring, practice of natural hair styling, or practice of 471

boutique services. 472

"Clean" or "cleaning" means the act of preparing non- 473  
porous items for disinfection by removing surface and visible 474  
debris and washing with soap and water, detergent, or chemical 475  
cleaners to slow the growth of pathogens. "Cleaning" does not 476  
make multi-use items safe for subsequent use. 477

"Cosmetic therapy" has the same meaning as in section 478  
4731.15 of the Revised Code. 479

"Cosmetologist" means an individual authorized to engage 480  
in all branches of cosmetology in a licensed facility. 481

"Cosmetology" means the art or practice of cleansing, 482  
stimulating or massaging a person's scalp, face, neck, or arms; 483  
embellishment, cleansing, beautification, and styling of hair, 484  
wigs, postiches, face, body, or nails; and treating a person's 485  
mustache or beard by arranging, beautifying, coloring, 486  
processing, styling, or trimming or shaving with a disposable 487  
safety razor. 488

"Cosmetology instructor" means an individual authorized to 489  
teach the theory and practice of all branches of cosmetology at 490  
a school of cosmetology. 491

"Disinfect" or "disinfection" means the process of making 492  
a non-porous item safe for use through the use of a chemical 493  
intended to kill or denature bacteria, viruses, or fungi. 494  
Disinfection is done after cleaning. "Disinfect" does not 495  
include the use of ultraviolet light. 496

"Disposable safety razor" means a razor that is fitted 497  
with a guard close to the cutting edge of the razor that is 498  
intended to prevent the razor from cutting too deeply, to reduce 499  
the risk of accidental cuts, and to be used on an individual one 500

|   |     |
|---|-----|
| <u>time and then thrown away and not used again for any other</u>     | 501 |
| <u>purpose.</u>   | 502 |
| <u>"Distance education" means courses in which instruction is</u>     | 503 |
| <u>accomplished through use of interactive, electronic media and</u>  | 504 |
| <u>where the teacher and student are separated by distance, time,</u> | 505 |
| <u>or both.</u>   | 506 |
| "Esthetician" means an individual who engages in the                  | 507 |
| practice of esthetics but no other branch of cosmetology in a         | 508 |
| licensed facility.  | 509 |
| "Esthetics instructor" means an individual who teaches the            | 510 |
| theory and practice of esthetics, but no other branch of              | 511 |
| cosmetology, at a school of cosmetology.                              | 512 |
| "Esthetics salon" means a salon in which an individual                | 513 |
| engages in the practice of esthetics but no other branch of           | 514 |
| cosmetology.  | 515 |
| "Eye lash extensions" include temporary and semi-permanent            | 516 |
| enhancements designed to add length, thickness, and fullness to       | 517 |
| natural eyelashes.  | 518 |
| "Hair designer" means an individual who engages in the                | 519 |
| practice of hair design but no other branch of cosmetology in a       | 520 |
| licensed facility.  | 521 |
| "Hair design instructor" means an individual who teaches              | 522 |
| the theory and practice of hair design, but no other branch of        | 523 |
| cosmetology, at a school of cosmetology.                              | 524 |
| "Hair design salon" means a salon in which an individual              | 525 |
| engages in the practice of hair design but no other branch of         | 526 |
| cosmetology.  | 527 |
| "Hair removal" includes tweezing, waxing, sugaring, and               | 528 |

|  |                                 |
|--|---------------------------------|
| threading. "Hair removal" does not include electrolysis.   | 529                             |
| "Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.  | 530<br>531<br>532               |
| "Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.   | 533<br>534<br>535               |
| "Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code, <u>or any other temporary location identified in rule by the state board of cosmetology</u> , in which cosmetology services are authorized by the <del>state board of cosmetology</del> to be performed. | 536<br>537<br>538<br>539<br>540 |
| <del>"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.</del>  | 541<br>542<br>543               |
| <del>"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.</del>   | 544<br>545<br>546<br>547        |
| <del>"Advanced hair designer" means an individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.</del>  | 548<br>549<br>550<br>551        |
| <del>"Advanced license" means a license to work in a salon and practice the branch of cosmetology practiced at the salon.</del>  | 552<br>553                      |
| <del>"Advanced manicurist" means an individual authorized to work in a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.</del>   | 554<br>555<br>556               |

~~"Advanced natural hair stylist" means an individual authorized to work in a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.~~ 557  
558  
559  
560

"Manicurist" means an individual who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility. 561  
562  
563

"Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology. 564  
565  
566

"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. 567  
568  
569  
570  
571  
572  
573

"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology. 574  
575  
576

"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. 577  
578  
579

~~"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.~~ 580  
581  
582

~~"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.~~ 583  
584  
585

~~"Practice of braiding" means utilizing the technique of intertwin- 586  
ing hair in a systematic motion to create patterns in a 587  
three dimensional form, including patterns that are inverted, 588  
upright, or singled against the scalp that follow along straight- 589  
or curved partings. It may include twisting or locking the hair 590  
while adding bulk or length with human hair, synthetic hair, or 591  
both and using simple devices such as clips, combs, and 592  
hairpins. "Practice of braiding" does not include application of 593  
weaving, bonding, and fusion of individual strands or wefts; 594  
application of dyes, reactive chemicals, or other preparations 595  
to alter the color or straighten, curl, or alter the structure 596  
of hair; embellishing or beautifying hair by cutting or 597  
singeing, except as needed to finish the ends of synthetic 598  
fibers used to add bulk to or lengthen hair. 599~~

"Non-porous" means material that does not have any minute 600  
openings or holes and that does not allow liquids to pass 601  
through or be absorbed. "Non-porous" includes glass, metal, and 602  
plastic. 603

"Porous" means material that has minute openings or holes 604  
through which liquid or air may pass. "Porous" includes nail 605  
files, pumice, and buffers. 606

"Practice of cosmetology" means the practice of all 607  
branches of cosmetology. 608

"Practice of esthetics" means the application of 609  
cosmetics, tonics, antiseptics, creams, lotions, or other 610  
preparations for the purpose of skin beautification and includes 611  
preparation of the skin by manual massage techniques or by use 612  
of electrical, mechanical, or other apparatus; and enhancement 613  
of the skin by skin care, facials, body treatments, hair 614  
removal, and other treatments; ~~and eye lash extension services. 615~~

"Practice of hair design" means embellishing or 616  
beautifying hair, ~~wigs,~~ or hairpieces by arranging, dressing, 617  
pressing, curling, waving, permanent waving, cleansing, cutting, 618  
singeing, bleaching, coloring, braiding, weaving, or similar 619  
work. "Practice of hair design" includes utilizing techniques 620  
performed by hand that result in tension on hair roots such as 621  
twisting, wrapping, weaving, extending, locking, or braiding of 622  
the hair. 623

"Practice of manicuring" means cleaning, trimming, shaping 624  
the free edge of, or applying polish to the nails of any 625  
individual; applying nail enhancements and embellishments to any 626  
individual; massaging the hands and lower arms up to the elbow 627  
of any individual; massaging the feet and lower legs up to the 628  
knee of any individual; using lotions or softeners on the hands 629  
and feet of any individual; or any combination of these types of 630  
services. 631

"Practice of natural hair styling" means utilizing 632  
techniques performed by hand that result in tension on hair 633  
roots such as twisting, wrapping, weaving, extending, locking, 634  
or braiding of the hair. "Practice of natural hair styling" does 635  
not include the application of dyes, reactive chemicals, or 636  
other preparations to alter the color or to straighten, curl, or 637  
alter the structure of the hair. "Practice of natural hair 638  
styling" also does not include embellishing or beautifying hair 639  
by cutting or singeing, except as needed to finish off the end 640  
of a braid, or by dressing, pressing, curling, waving, permanent 641  
waving, or similar work. 642

"Practicing license" means a license to practice a branch 643  
of cosmetology in a licensed facility. 644

"Salon" means a licensed facility on any premises, 645

building, or part of a building in which an individual engages 646  
in the practice of one or more branches of cosmetology. "Salon" 647  
does not include a barber shop licensed under Chapter 4709. of 648  
the Revised Code. "Salon" does not mean a tanning facility, 649  
although a tanning facility may be located in a salon. 650

"School of cosmetology" means any premises, building, or 651  
part of a building in which students are instructed in the 652  
theories and practices of one or more branches of cosmetology. 653

"Shampooing" means the act of cleansing and conditioning 654  
an individual's hair under the supervision of an individual 655  
licensed under this chapter and in preparation to immediately 656  
receive a service from a licensee. 657

"Student" means an individual, other than an apprentice 658  
instructor, who is engaged in learning or acquiring knowledge of 659  
the practice of a branch of cosmetology at a school of 660  
cosmetology. 661

"Tanning facility" means any premises, building, or part 662  
of a building that contains one or more rooms or booths with any 663  
of the following: 664

(A) Equipment or beds used for tanning human skin by the 665  
use of fluorescent sun lamps using ultraviolet or other 666  
artificial radiation; 667

(B) Equipment or booths that use chemicals applied to 668  
human skin, including chemical applications commonly referred to 669  
as spray-on, mist-on, or sunless tans; 670

(C) Equipment or beds that use visible light for cosmetic 671  
purposes. 672

"Threading" includes a service that results in the removal 673



of hair from its follicle from around the eyebrows and from 674  
other parts of the face with the use of a single strand of 675  
thread and an astringent, if the service does not use chemicals 676  
of any kind, wax, or any implements, instruments, or tools to 677  
remove hair. 678

**Sec. 4713.02.** (A) There is hereby created the state board 679  
of cosmetology, consisting of all of the following members 680  
appointed by the governor, with the advice and consent of the 681  
senate: 682

(1) One individual holding a current, valid cosmetologist 683  
or cosmetology instructor license at the time of appointment; 684

(2) Two individuals holding current, valid cosmetologist 685  
licenses and actively engaged in managing beauty salons for a 686  
period of not less than five years at the time of appointment; 687

(3) One individual who ~~holds a current, valid~~ is an 688  
independent contractor license registered in accordance with 689  
section 4713.39 of the Revised Code at the time of appointment 690  
and practices a branch of cosmetology; 691

(4) One individual who represents individuals who teach 692  
the theory and practice of a branch of cosmetology at a 693  
vocational or career-technical school; 694

(5) One owner or executive actively engaged in the daily 695  
operations of a licensed school of cosmetology; 696

(6) One owner of at least five licensed salons; 697

(7) ~~One individual who is either a certified nurse-~~ 698  
~~practitioner or clinical nurse specialist holding a current,~~ 699  
~~valid license to practice nursing as an advanced practice-~~ 700  
~~registered nurse issued under Chapter 4723. of the Revised Code-~~ 701

~~or a physician authorized under Chapter 4731. of the Revised- 702  
Code to practice medicine and surgery or osteopathic medicine- 703  
and surgery; 704~~

~~(8) One individual~~ Two individuals representing the 705  
general public; 706

~~(9)~~ (8) One individual who holds a current, valid tanning 707  
permit and who has owned or managed a tanning facility for at 708  
least five years immediately preceding the individual's 709  
appointment; 710

~~(10)~~ (9) One individual who holds a current, valid 711  
esthetician or cosmetologist license and who has been actively 712  
practicing esthetics for a period of not less than five years 713  
immediately preceding the individual's appointment. 714

(B) The superintendent of public instruction shall 715  
nominate three individuals for the governor to choose from when 716  
making an appointment under division (A) (4) of this section. 717

(C) All members shall be at least twenty-five years of 718  
age, residents of the state, and citizens of the United States. 719  
No more than two members, at any time, shall be graduates of the 720  
same school of cosmetology. Not more than one member shall have 721  
a common financial connection with any school of cosmetology or 722  
salon. 723

Terms of office are for five years. Terms shall commence 724  
on the first day of November and end on the thirty-first day of 725  
October. Each member shall hold office from the date of 726  
appointment until the end of the term for which appointed. In 727  
case of a vacancy occurring on the board, the governor shall, in 728  
the same manner prescribed for the regular appointment to the 729  
board, fill the vacancy by appointing a member. Any member 730

appointed to fill a vacancy occurring prior to the expiration of 731  
the term for which the member's predecessor was appointed shall 732  
hold office for the remainder of such term. Any member shall 733  
continue in office subsequent to the expiration date of the 734  
member's term until the member's successor takes office, or 735  
until a period of sixty days has elapsed, whichever occurs 736  
first. Before entering upon the discharge of the duties of the 737  
office of member, each member shall take, and file with the 738  
secretary of state, the oath of office required by Section 7 of 739  
Article XV, Ohio Constitution. 740

The members of the board shall receive an amount fixed 741  
pursuant to Chapter 124. of the Revised Code per diem for every 742  
meeting of the board which they attend, together with their 743  
necessary expenses, and mileage for each mile necessarily 744  
traveled. 745

The members of the board shall annually elect, from among 746  
their number, a chairperson and a vice-chairperson. The 747  
executive director appointed pursuant to section 4713.06 of the 748  
Revised Code shall serve as the board's secretary. 749

(D) The board shall prescribe the duties of its officers 750  
and establish an office within Franklin county. The board shall 751  
keep all records and files at the office and have the records 752  
and files at all reasonable hours open to public inspection in 753  
accordance with section 149.43 of the Revised Code and any rules 754  
adopted by the board in compliance with this state's record 755  
retention policy. The board also shall adopt a seal. 756

**Sec. 4713.07.** (A) The state board of cosmetology shall do 757  
all of the following: 758

(1) Regulate the practice of cosmetology and all of its 759

|   |                          |
|---|--------------------------|
| branches in this state;   | 760                      |
| (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; | 761<br>762<br>763<br>764 |
| (3) Adopt rules in accordance with section 4713.08 of the Revised Code;   | 765<br>766               |
| (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;                | 767<br>768<br>769<br>770 |
| (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;  | 771<br>772<br>773        |
| (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter;   | 774<br>775               |
| (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code <del>of which the board is aware</del> <u>at the board's discretion</u> ;  | 776<br>777<br>778        |
| (8) Submit a written report annually to the governor that provides all of the following:  | 779<br>780               |
| (a) A discussion of the conditions in this state of the branches of cosmetology;  | 781<br>782               |
| (b) A brief summary of the board's proceedings during the year the report covers;   | 783<br>784               |
| (c) A statement of all money that the board received and expended during the year the report covers.  | 785<br>786               |

|  |  |
|--|--|
| (9) Keep a record of all of the following:   | 787  |
| (a) The board's proceedings;   | 788  |
| (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;  | 789<br>790<br>791  |
| (c) The date and number of each license, permit, and registration that the board issues.   | 792<br>793   |
| (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;   | 794<br>795<br>796  |
| (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, 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. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon. | 797<br>798<br>799<br>800<br>801<br>802<br>803<br>804<br>805<br>806<br>807<br>808<br>809<br>810<br>811<br>812<br>813<br>814 |
| (12) Supply a copy of the poster created pursuant to   | 815  |

division (B) of section 5502.63 of the Revised Code to each 816  
person authorized to operate a salon, school of cosmetology, 817  
tanning facility, or other type of facility under this chapter; 818

(13) Process applications to open a new salon under 819  
section 4713.41 of the Revised Code within five days from 820  
receipt of the application; 821

(14) All other duties that this chapter imposes on the 822  
board. 823

(B) The board may delegate any of the duties listed in 824  
division (A) of this section to the executive director of the 825  
board or to an individual designated by the executive director. 826

**Sec. 4713.08.** (A) The state board of cosmetology shall 827  
adopt rules in accordance with Chapter 119. of the Revised Code 828  
as necessary to implement this chapter. The rules shall do all 829  
of the following: 830

(1) Govern the practice of the branches of cosmetology; 831

(2) Specify conditions an individual must satisfy to 832  
qualify for a temporary pre-examination work permit under 833  
section 4713.22 of the Revised Code and the conditions and 834  
method of renewing a temporary pre-examination work permit under 835  
that section; 836

(3) Provide for the conduct of examinations under section 837  
4713.24 of the Revised Code; 838

(4) Specify conditions under which the board will take 839  
into account, under section 4713.32 of the Revised Code, 840  
instruction an applicant for a license under section 4713.28, ~~841~~  
~~4713.30,~~ or 4713.31 of the Revised Code received more than five 842  
years before the date of application for the license; 843

- (5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 844  
845
- ~~(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;~~ 846  
847  
848  
849
- ~~(7)~~ Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 850  
851  
852
- ~~(8)~~ (7) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid; 853  
854  
855  
856
- (8) Specify conditions an applicant must satisfy for the board to issue the applicant an instructor license under section 4713.31 of the Revised Code and the fee for issuance and renewal of the license; 857  
858  
859  
860
- (9) Specify conditions an applicant must satisfy for the board to ~~issue permit~~ the applicant to register as an independent contractor ~~license~~ under section 4713.39 of the Revised Code ~~and the fee for issuance and renewal of the license;~~ 861  
862  
863  
864  
865
- (10) Establish conditions under which food may be sold at a salon; 866  
867
- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code; 868  
869  
870
- (12) Establish standards for the provision of cosmetic 871

therapy, massage therapy, or other professional service in a 872  
salon pursuant to section 4713.42 of the Revised Code; 873

(13) Establish standards for board approval of, and the 874  
granting of credits for, training in branches of cosmetology ~~at~~ 875  
by schools of cosmetology licensed in this or another state 876  
offered through classroom instruction or distance education; 877

(14) Establish the manner in which a school of cosmetology 878  
licensed under section 4713.44 of the Revised Code may offer 879  
post-secondary ~~and advanced practice programs, including~~ 880  
classroom instruction or distance education; 881

(15) Establish safety and sanitary standards for the 882  
practice of the branches of cosmetology, salons, and schools of 883  
cosmetology~~r~~. The board shall review the standards on an annual 884  
basis to ensure that they incorporate industry best practices 885  
and update the standards as necessary to reflect those 886  
practices. 887

(16) Establish the application process for obtaining a 888  
tanning facility permit under section 4713.48 of the Revised 889  
Code, including the amount of the fee for an initial or renewed 890  
permit; 891

(17) Establish standards for installing and operating a 892  
tanning facility in a manner that ensures the health and safety 893  
of consumers, including standards that do all of the following: 894

(a) Establish a maximum safe time of exposure to radiation 895  
and a maximum safe temperature at which sun lamps may be 896  
operated; 897

(b) Require consumers to wear protective eyeglasses; 898

(c) Require consumers to be supervised as to the length of 899



|   |     |
|---|-----|
| time consumers use the facility's sun lamps;                              | 900 |
| (d) Require the operator to prohibit consumers from                       | 901 |
| standing too close to sun lamps and to post signs warning                 | 902 |
| consumers of the potential effects of radiation on individuals            | 903 |
| taking certain medications and of the possible relationship of            | 904 |
| the radiation to skin cancer;   | 905 |
| (e) Require the installation of protective shielding for                  | 906 |
| sun lamps and handrails for consumers;                                    | 907 |
| (f) Require floors to be dry during operation of lamps;                   | 908 |
| (g) Establish procedures an operator must follow in making                | 909 |
| reasonable efforts in compliance with section 4713.50 of the              | 910 |
| Revised Code to determine the age of an individual seeking to             | 911 |
| use sun lamp tanning services.  | 912 |
| (18) (a) If the board, under section 4713.61 of the Revised               | 913 |
| Code, develops a procedure for classifying licenses inactive, do          | 914 |
| both of the following:  | 915 |
| (i) Establish a fee for having a license classified                       | 916 |
| inactive that reflects the cost to the board of providing the             | 917 |
| inactive license service. <del>If one or more renewal periods have</del>  | 918 |
| <del>elapsed since the license was valid, the fee shall not include</del> | 919 |
| <del>lapsed renewal fees for more than three of those renewal</del>       | 920 |
| <del>periods;</del>   | 921 |
| (ii) Specify the continuing education that an individual                  | 922 |
| whose license has been classified inactive must complete to have          | 923 |
| the license restored. The continuing education shall be                   | 924 |
| sufficient to ensure the minimum competency in the use or                 | 925 |
| administration of a new procedure or product required by a                | 926 |
| licensee necessary to protect public health and safety. The               | 927 |
| requirement shall not exceed the cumulative number of hours of            | 928 |

continuing education that the individual would have been 929  
required to complete had the individual retained an active 930  
license. 931

(b) In addition, the board may specify the conditions and 932  
method for granting a temporary work permit to practice a branch 933  
of cosmetology to an individual whose license has been 934  
classified inactive. 935

(19) Establish a fee for approval of a continuing 936  
education program under section 4713.62 of the Revised Code that 937  
is adequate to cover any expense the board incurs in the 938  
approval process; 939

(20) (a) Establish conditions under which a cosmetology 940  
student seeking a practicing license may take the examination 941  
required by section 4713.24 of the Revised Code before the 942  
student has completed the minimum number of hours of training 943  
required under section 4713.28 of the Revised Code for the 944  
license; 945

(b) The rules shall do all of the following: 946

(i) Permit the student to take the examination required by 947  
section 4713.24 of the Revised Code after the student has 948  
completed the minimum hours of training for that license 949  
described in division (G) of section 4713.24 of the Revised 950  
Code; 951

(ii) Require the student to complete the remainder of the 952  
required training prior to licensure; 953

(iii) Require the board to grant the student a license 954  
upon successful completion of the requirements established in 955  
the rules. 956

|   |     |
|---|-----|
| <u>(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;</u>  | 957 |
|   | 958 |
|   | 959 |
| <u>(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;</u>  | 960 |
|   | 961 |
|   | 962 |
| <u>(23) Establish requirements regarding the apprenticeship program established in section 4713.71 of the Revised Code;</u>   | 963 |
|   | 964 |
| <u>(24) Specify conditions an applicant must satisfy for the board to permit the applicant to register as a natural hair stylist under section 4713.72 of the Revised Code;</u>   | 965 |
|   | 966 |
|   | 967 |
| <u>(25) Anything else necessary to implement this chapter.</u>  | 968 |
| (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. | 969 |
|   | 970 |
|   | 971 |
|   | 972 |
|   | 973 |
| (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.   | 974 |
|   | 975 |
|   | 976 |
|   | 977 |
| <del>(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.</del>                                       | 978 |
|   | 979 |
|   | 980 |
|   | 981 |
| <del>(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</del>  | 982 |
|   | 983 |
|   | 984 |

governing the profession. 985

~~(E)~~ (D) The sanitary standards established under division 986  
(A) (15) of this section shall focus in particular on precautions 987  
to be employed to prevent infectious or contagious diseases 988  
being created or spread. ~~The board shall consult with the Ohio~~ 989  
~~department of health when establishing the sanitary standards.~~ 990

~~(F)~~ (E) The fee established by rules adopted under 991  
division (A) (16) of this section shall cover the cost the board 992  
incurs in inspecting tanning facilities and enforcing the 993  
board's rules but may not exceed one hundred dollars per 994  
location of such facilities. 995

**Sec. 4713.081.** The state board of cosmetology shall 996  
furnish a copy of the sanitary standards established by rules 997  
adopted under section 4713.08 of the Revised Code to each 998  
individual to whom the board issues a practicing license, 999  
~~advanced license,~~ license to operate a salon or school of 1000  
cosmetology, independent contractor registration, natural hair 1001  
stylist registration, or boutique services registration. The 1002  
board also shall furnish a copy of the sanitary standards to 1003  
each individual providing cosmetic therapy, massage therapy, or 1004  
other professional service in a salon under section 4713.42 of 1005  
the Revised Code. A salon or school of cosmetology provided a 1006  
copy of the sanitary standards shall post the standards in a 1007  
public and conspicuous place in the salon or school. 1008

**Sec. 4713.09.** (A) The state board of cosmetology may adopt 1009  
rules in accordance with section 4713.08 of the Revised Code to 1010  
establish a continuing education requirement, not to exceed 1011  
eight hours in a biennial licensing period, as a condition of 1012  
renewal for a practicing license, ~~advanced license,~~ instructor 1013  
license, independent contractor registration, natural hair 1014

stylist registration, or boutique services registration. These 1015  
hours may include training in identifying and addressing the 1016  
crime of trafficking in persons as described in section 2905.32 1017  
of the Revised Code. At least two of the eight hours of the 1018  
continuing education requirement must be achieved in courses 1019  
concerning safety and ~~sanitation~~ infection control, and at least 1020  
one hour of the eight hours of the continuing education 1021  
requirement must be achieved in courses concerning law and rule 1022  
updates. 1023

(B) The rules adopted in accordance with division (A) of 1024  
this section shall permit the continuing education requirement 1025  
to be satisfied by either classroom instruction or distance 1026  
education. 1027

**Sec. 4713.10.** (A) The state board of cosmetology shall 1028  
charge and collect the following fees: 1029

(1) For a temporary pre-examination work permit under 1030  
section 4713.22 of the Revised Code, seven dollars and fifty 1031  
cents; 1032

(2) For initial application to take an examination under 1033  
section 4713.24 of the Revised Code, thirty-one dollars and 1034  
fifty cents; 1035

(3) For application to take an examination under section 1036  
4713.24 of the Revised Code by an applicant who has previously 1037  
applied to take, but failed to appear for, the examination, 1038  
forty dollars; 1039

(4) For application to re-take an examination under 1040  
section 4713.24 of the Revised Code by an applicant who has 1041  
previously appeared for, but failed to pass, the examination, 1042  
thirty-one dollars and fifty cents; 1043

- (5) For the issuance of a license under section 4713.28~~,—~~ 1044  
~~4713.30,~~ or 4713.31 of the Revised Code, forty-five dollars; 1045
- (6) For the issuance of a license under section 4713.34 of 1046  
the Revised Code, seventy dollars; 1047
- (7) For renewal of a license issued under section 4713.28~~,—~~ 1048  
~~4713.30,~~ 4713.31, or 4713.34 of the Revised Code, forty-five 1049  
dollars; 1050
- (8) For the issuance or renewal of a cosmetology school 1051  
license, two hundred fifty dollars; 1052
- (9) For the issuance of a new salon license or the change 1053  
of name or ownership of a salon license under section 4713.41 of 1054  
the Revised Code, seventy-five dollars; 1055
- (10) For the renewal of a salon license under section 1056  
4713.41 of the Revised Code, sixty dollars; 1057
- (11) For the restoration of an expired license that may be 1058  
restored pursuant to section 4713.63 of the Revised Code, an 1059  
amount equal to the sum of the current license renewal fee and a 1060  
lapsed renewal fee of forty-five dollars per license renewal 1061  
period that has elapsed since the license was last issued or 1062  
renewed~~†~~. If one or more renewal periods have elapsed since the 1063  
license was valid, the board shall not impose lapsed renewal 1064  
fees for more than three of those renewal periods. 1065
- (12) For the issuance of a duplicate of any license, 1066  
twenty dollars; 1067
- (13) For the preparation and mailing of a licensee's 1068  
records to another state for a reciprocity license, fifty 1069  
dollars; 1070
- (14) For the processing of any fees related to a check 1071

from a licensee returned to the board for insufficient funds, an 1072  
additional thirty dollars. 1073

(B) The board may establish an installment plan for the 1074  
payment of fines and fees and may reduce fines and fees as 1075  
considered appropriate by the board. 1076

(C) At the request of a person who is temporarily unable 1077  
to pay a fee imposed under division (A) of this section, or on 1078  
its own motion, the board may extend the date payment is due by 1079  
up to ninety days. If the fee remains unpaid after the date 1080  
payment is due, the amount of the fee shall be certified to the 1081  
attorney general for collection in the form and manner 1082  
prescribed by the attorney general. The attorney general may 1083  
assess the collection cost to the amount certified in such a 1084  
manner and amount as prescribed by the attorney general. 1085

**Sec. 4713.14.** No individual shall do any of the following: 1086

(A) Use fraud or deceit in making application for a 1087  
license, permit, or registration; 1088

(B) Aid or abet any individual or entity in any of the 1089  
following: 1090

(1) Violating this chapter or a rule adopted under it; 1091

(2) Obtaining a license, permit, or registration 1092  
fraudulently; 1093

(3) Falsely pretending to hold a current, valid license or 1094  
permit. 1095

(C) Practice a branch of cosmetology, for pay, free, or 1096  
otherwise, without one of the following authorizing the practice 1097  
of that branch of cosmetology: 1098

|  |      |
|--|------|
| (1) A current, valid license under section 4713.28,                        | 1099 |
| <del>4713.30,</del> or 4713.34 of the Revised Code;                        | 1100 |
| (2) A current, valid temporary pre-examination work permit                 | 1101 |
| issued under section 4713.22 of the Revised Code;                          | 1102 |
| (3) A current, valid temporary special occasion work                       | 1103 |
| permit issued under section 4713.37 of the Revised Code;                   | 1104 |
| (4) A current, valid temporary work permit issued under                    | 1105 |
| rules adopted by the board pursuant to section 4713.08 of the              | 1106 |
| Revised Code;  | 1107 |
| (5) A current, valid registration under <del>section</del> <u>sections</u> | 1108 |
| <u>4713.39, 4713.69, and 4713.72</u> of the Revised Code.                  | 1109 |
| (D) Employ an individual to practice a branch of                           | 1110 |
| cosmetology if the individual does not hold one of the following           | 1111 |
| authorizing the practice of that branch of cosmetology:                    | 1112 |
| (1) A current, valid license under section 4713.28,                        | 1113 |
| <del>4713.30,</del> or 4713.34 of the Revised Code;                        | 1114 |
| (2) A current, valid temporary pre-examination work permit                 | 1115 |
| issued under section 4713.22 of the Revised Code;                          | 1116 |
| (3) A current, valid temporary special occasion work                       | 1117 |
| permit issued under section 4713.37 of the Revised Code;                   | 1118 |
| (4) A current, valid temporary work permit issued under                    | 1119 |
| rules adopted by the board pursuant to section 4713.08 of the              | 1120 |
| Revised Code;  | 1121 |
| (5) A current, valid registration under <del>section</del> <u>sections</u> | 1122 |
| <u>4713.39, 4713.69, and 4713.72</u> of the Revised Code.                  | 1123 |
| (E) Except for apprentice instructors and as provided in                   | 1124 |
| section 4713.45 of the Revised Code, teach the theory or                   | 1125 |



practice of a branch of cosmetology at a school of cosmetology 1126  
without either of the following authorizing the teaching of that 1127  
branch of cosmetology: 1128

(1) A current, valid license under section 4713.31 or 1129  
4713.34 of the Revised Code; 1130

(2) A current, valid temporary special occasion work 1131  
permit issued under section 4713.37 of the Revised Code. 1132

(F) Advertise or operate a glamour photography service in 1133  
which a branch of cosmetology is practiced unless the individual 1134  
practicing the branch of cosmetology holds either of the 1135  
following authorizing the practice of that branch of 1136  
cosmetology: 1137

(1) A current, valid license under section 4713.28, ~~or~~ 1138  
~~4713.30,~~ or 4713.34 of the Revised Code; 1139

(2) A current, valid temporary special occasion work 1140  
permit issued under section 4713.37 of the Revised Code. 1141

(G) Advertise or operate a glamour photography service in 1142  
which a branch of cosmetology is practiced at a location not 1143  
specified by rules adopted under section 4713.08 of the Revised 1144  
Code; 1145

(H) Practice a branch of cosmetology at a salon as an 1146  
independent contractor without ~~a current, valid registering as~~ 1147  
~~an independent contractor license issued~~ under section 4713.39 1148  
of the Revised Code; 1149

(I) Operate a salon without a current, valid license under 1150  
section 4713.41 of the Revised Code; 1151

(J) Provide cosmetic therapy or massage therapy at a salon 1152  
for pay, free, or otherwise without a current, valid certificate 1153

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) At a salon or school of cosmetology, do any of the following:

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

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

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

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

|  |      |
|--|------|
| of cosmetology;  | 1182 |
| (O) Maintain, as an established place of business for the        | 1183 |
| practice of one or more of the branches of cosmetology, a room   | 1184 |
| used wholly or in part for sleeping or residential purposes;     | 1185 |
| (P) Operate a tanning facility that is offered to the            | 1186 |
| public for a fee or other compensation without a current, valid  | 1187 |
| permit under section 4713.48 of the Revised Code;                | 1188 |
| (Q) Practice a branch of cosmetology in a location other         | 1189 |
| than a licensed facility unless otherwise exempted under section | 1190 |
| 4713.16 or 4713.17 of the Revised Code;                          | 1191 |
| (R) Use any of the services or arts that are part of             | 1192 |
| cosmetology to treat or attempt to cure a physical or mental     | 1193 |
| disease or ailment.  | 1194 |
| <b>Sec. 4713.16.</b> (A) This chapter does not prohibit any of   | 1195 |
| the following:   | 1196 |
| (1) Practicing a branch of cosmetology without a license         | 1197 |
| or registration if the individual does so for free at the        | 1198 |
| individual's home for a family member who resides in the same    | 1199 |
| household as the individual;                                     | 1200 |
| (2) The retail sale, or trial demonstration by application       | 1201 |
| to the skin for purposes of retail sale, of cosmetics,           | 1202 |
| preparations, tonics, antiseptics, creams, lotions, wigs, or     | 1203 |
| hairpieces without a practicing license or registration;         | 1204 |
| (3) The retailing, at a salon, of cosmetics, preparations,       | 1205 |
| tonics, antiseptics, creams, lotions, wigs, hairpieces,          | 1206 |
| clothing, or any other items that pose no risk of creating       | 1207 |
| unsanitary conditions at the salon;                              | 1208 |
| (4) The provision of glamour photography services at a           | 1209 |

licensed salon if either of the following is the case: 1210

(a) A branch of cosmetology is not practiced as part of 1211  
the services. 1212

(b) If a branch of cosmetology is practiced as part of the 1213  
services, the part of the services that is a branch of 1214  
cosmetology is performed by an individual who holds either of 1215  
the following authorizing the individual to practice that branch 1216  
of cosmetology: 1217

(i) A current, valid license under section 4713.28~~7~~ 1218  
~~4713.307~~ or 4713.34 of the Revised Code; 1219

(ii) A current, valid temporary special occasion work 1220  
permit issued under section 4713.37 of the Revised Code. 1221

(5) A student engaging, as a student, in work connected 1222  
with a branch of cosmetology taught at the school of cosmetology 1223  
at which the student is enrolled; 1224

(B) A student in a career-technical program learning a 1225  
branch of cosmetology may continue developing skills in the 1226  
respective branch of cosmetology after completing the required 1227  
coursework or obtaining a license in the respective branch of 1228  
cosmetology by working in the licensed career-technical school 1229  
clinic if the student does not receive any compensation. This 1230  
allowance terminates upon the graduation of the student from the 1231  
career-technical school. 1232

**Sec. 4713.17.** (A) The following persons are exempt from 1233  
the provisions of this chapter, except, as applicable, section 1234  
4713.42 of the Revised Code: 1235

(1) All individuals authorized to practice medicine, 1236  
surgery, dentistry, and nursing or any of its branches in this 1237

|  |  |
|--|--|
| state;   | 1238   |
| (2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;  | 1239<br>1240<br>1241<br>1242                         |
| (3) Barbers, insofar as their usual and ordinary vocation and profession is concerned, <u>including shaving with a disposable safety razor</u> ;   | 1243<br>1244<br>1245                                 |
| (4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;  | 1246<br>1247   |
| (5) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;  | 1248<br>1249<br>1250<br>1251                         |
| (6) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient. | 1252<br>1253<br>1254<br>1255<br>1256<br>1257<br>1258 |
| (7) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;  | 1259<br>1260<br>1261<br>1262<br>1263                 |
| (8) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15  | 1264<br>1265<br>1266                                 |

of the Revised Code, to the extent their actions are authorized 1267  
by their certificates to practice; 1268

(9) Inmates who provide services related to a branch of 1269  
cosmetology to other inmates, except when those services are 1270  
provided in a licensed school of cosmetology within a state 1271  
correctional institution for females. 1272

(B) The director of rehabilitation and correction shall 1273  
oversee the services described in division (A) (9) of this 1274  
section with respect to ~~sanitation~~ infection control and adopt 1275  
rules governing those types of services provided by inmates. 1276

**Sec. 4713.24.** (A) The state board of cosmetology shall 1277  
conduct an examination for each individual who satisfies the 1278  
requirements established by section 4713.20 of the Revised Code 1279  
for admission to the examination. Examinations for licensure for 1280  
any branch of cosmetology shall assess the ability of a 1281  
prospective cosmetology professional to maintain a safe and 1282  
sanitary place of service delivery. The board ~~may develop and~~ 1283  
~~administer the appropriate examination or shall~~ enter into an 1284  
agreement with a national testing service for the service to 1285  
develop and administer the examination, ~~administer the~~ 1286  
~~examination, or both~~. The examination shall be a national, 1287  
standardized examination that is specific to the type of license 1288  
the individual seeks and satisfy all of the following 1289  
conditions: 1290

(1) Include both practical demonstrations and written or 1291  
oral tests related to the type of license the individual seeks +. 1292  
The written or oral portion of the examination shall include 1293  
both theoretical and procedural skill questions as prescribed by 1294  
the board in rules adopted in accordance with section 4713.08 of 1295  
the Revised Code. 1296

- (2) Relate only to a branch of cosmetology, but not be confined to any special system or method; 1297  
1298
- (3) Be consistent in both practical and technical requirements for the type of license the individual seeks; 1299  
1300
- (4) Be of sufficient thoroughness to satisfy the board as to the individual's skill in and knowledge of the branch of cosmetology for which the examination is conducted. 1301  
1302  
1303
- (B) Not later than two years after ~~the effective date of this amendment~~ September 13, 2016, the board shall create a curriculum and an examination for individuals seeking licensure to become an instructor and shall conduct an examination for each individual who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination. 1304  
1305  
1306  
1307  
1308  
1309  
1310
- (C) The board shall adopt rules regarding the equipment or supplies an individual is required to bring to an examination described in this section. 1311  
1312  
1313
- (D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes: 1314  
1315  
1316
- (1) Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code; 1317  
1318  
1319
- (2) Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state; 1320  
1321  
1322  
1323
- (3) Complying with a public records request after which 1324

the questions or the demonstrations have become a public record 1325  
under division (F) of this section and otherwise may lawfully be 1326  
released. 1327

(E) The examination papers and the scored results of the 1328  
practical demonstrations of each individual examined by the 1329  
board shall be open for inspection by the individual or the 1330  
individual's attorney for at least ninety days following the 1331  
announcement of the individual's grade, except for papers that 1332  
under the terms of a contract with a testing service are not 1333  
available for inspection. On written request of an individual or 1334  
the individual's attorney made to the board not later than 1335  
ninety days after announcement of the individual's grade, the 1336  
board shall have the individual's practical examination papers 1337  
regraded manually. 1338

(F) Test materials, examinations, or evaluation tools used 1339  
in an examination for licensure under this chapter that the 1340  
board develops or contracts with a private or government entity 1341  
to administer shall become public records under section 149.43 1342  
of the Revised Code fifteen years after the materials, 1343  
examinations, or tools were first used in an assessment for 1344  
licensure, unless the release of the record is otherwise 1345  
prohibited by state or federal law, or the record is deemed to 1346  
be the proprietary information of a private entity. 1347

(G) The board shall adopt rules in accordance with section 1348  
4713.08 of the Revised Code to permit an individual to take the 1349  
written or oral portion of the examination required by division 1350  
(A) of this section when the individual has completed the 1351  
following hours of instruction at a school of cosmetology 1352  
licensed in this or another state: 1353

(1) For an individual seeking a cosmetology license, at 1354



|   |      |
|---|------|
| <u>least eight hundred hours;</u>                               | 1355 |
| <u>(2) For an individual seeking an esthetics license, at</u>   | 1356 |
| <u>least one hundred fifty hours;</u>                           | 1357 |
| <u>(3) For an individual seeking a hair design license, at</u>  | 1358 |
| <u>least four hundred hours;</u>                                | 1359 |
| <u>(4) For an individual seeking a manicurist license, at</u>   | 1360 |
| <u>least fifty hours.</u>                                       | 1361 |
| <b>Sec. 4713.28.</b> (A) The state board of cosmetology shall   | 1362 |
| issue a practicing license to an applicant who satisfies all of | 1363 |
| the following applicable conditions:                            | 1364 |
| (1) Is at least sixteen years of age;                           | 1365 |
| (2) Is of good moral character;                                 | 1366 |
| (3) Has the equivalent of an Ohio public school tenth           | 1367 |
| grade education;  | 1368 |
| (4) Has submitted a written application on a form               | 1369 |
| furnished by the board that contains all of the following:      | 1370 |
| (a) The name of the individual and any other identifying        | 1371 |
| information required by the board;                              | 1372 |
| (b) A recent photograph of the individual that meets the        | 1373 |
| specifications established by the board;                        | 1374 |
| (c) A photocopy of the individual's current driver's            | 1375 |
| license or other proof of legal residence;                      | 1376 |
| (d) Proof that the individual is qualified to take the          | 1377 |
| applicable examination as required by section 4713.20 of the    | 1378 |
| Revised Code;   | 1379 |
| (e) An oath verifying that the information in the               | 1380 |

|   |  |
|---|--|
| application is true;  | 1381   |
| (f) The applicable application fee.   | 1382   |
| (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;  | 1383<br>1384<br>1385   |
| (6) Pays to the board the applicable license fee;   | 1386   |
| (7) <u>(a)</u> In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand <del>five hundred</del> hours of board-approved cosmetology training in a school of cosmetology licensed in this <u>or another</u> state, except that only <del>one thousand</del> <u>two hundred</u> hours of board-approved cosmetology 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; | 1387<br>1388<br>1389<br>1390<br>1391<br>1392<br>1393<br>1394 |
| <u>(b) The training required by division (A) (7) (a) of this section may be completed with the following curriculum offered by a school of cosmetology:</u>   | 1395<br>1396<br>1397   |
| <u>(i) Fifty hours of professional and business development instruction;</u>  | 1398<br>1399   |
| <u>(ii) Seventy hours of general sciences instruction;</u>  | 1400   |
| <u>(iii) Seventy-five hours of shampoo, rinse, and scalp treatment training;</u>  | 1401<br>1402   |
| <u>(iv) One hundred fifty hours of texture services training;</u>   | 1403   |
| <u>(v) One hundred seventy-five hours of hair coloring training;</u>  | 1404<br>1405   |
| <u>(vi) One hundred seventy-five hours of hairstyling and design training;</u>  | 1406<br>1407   |

|  |      |
|--|------|
| <u>(vii) One hundred seventy-five hours of hair cutting</u>                      | 1408 |
| <u>instruction;</u>  | 1409 |
| <u>(viii) Sixty-five hours of nail care instruction;</u>                         | 1410 |
| <u>(ix) Sixty-five hours of skin care instruction.</u>                           | 1411 |
| (8) In the case of an applicant for an initial esthetician                       | 1412 |
| license, has successfully completed at least <del>six</del> <u>three</u> hundred | 1413 |
| hours of board-approved esthetics training in a school of                        | 1414 |
| cosmetology licensed in this <u>or another</u> state;                            | 1415 |
| (9) In the case of an applicant for an initial hair                              | 1416 |
| designer license, has successfully completed at least <del>one</del>             | 1417 |
| <del>thousand two</del> <u>six</u> hundred hours of board-approved hair designer | 1418 |
| training in a school of cosmetology licensed in this <u>or another</u>           | 1419 |
| state, except that only <del>one thousand</del> <u>four hundred</u> hours of     | 1420 |
| board-approved hair designer training in a school of cosmetology                 | 1421 |
| licensed in this state is required of an individual licensed as                  | 1422 |
| a barber under Chapter 4709. of the Revised Code;                                | 1423 |
| (10) In the case of an applicant for an initial manicurist                       | 1424 |
| license, has successfully completed at least <del>two</del> <u>one</u> hundred   | 1425 |
| hours of board-approved manicurist training in a school of                       | 1426 |
| cosmetology licensed in this <u>or another</u> state;                            | 1427 |
| <del>(11) In the case of an applicant for an initial natural</del>               | 1428 |
| <del>hair stylist license, has successfully completed at least four</del>        | 1429 |
| <del>hundred fifty hours of instruction in subjects relating to</del>            | 1430 |
| <del>sanitation, scalp care, anatomy, hair styling, communication</del>          | 1431 |
| <del>skills, and laws and rules governing the practice of</del>                  | 1432 |
| <del>cosmetology.</del>  | 1433 |
| (B) <u>A licensed career-technical school shall meet in its</u>                  | 1434 |
| <u>cosmetology curriculum the minimum hours of training required by</u>          | 1435 |
| <u>this section for the applicable branch of cosmetology.</u>                    | 1436 |

(C) The board shall not deny a license to any applicant 1437  
based on prior incarceration or conviction for any crime. If the 1438  
board denies an individual a license or license renewal, the 1439  
reasons for such denial shall be put in writing. 1440

**Sec. 4713.31.** The state board of cosmetology shall issue 1441  
an instructor license to an applicant who satisfies all of the 1442  
following applicable conditions: 1443

(A) Is at least eighteen years of age; 1444

(B) Is of good moral character; 1445

(C) Has the equivalent of an Ohio public school twelfth 1446  
grade education; 1447

(D) Has at least five years of experience in the beauty 1448  
industry; 1449

(E) Pays to the board the applicable fee; 1450

~~(E)-(F) In the case of an applicant for an initial 1451  
cosmetology instructor license, holds a current, valid advanced- 1452  
cosmetologist license issued in this state and does either of- 1453  
the following: 1454~~

~~(1) Has the licensed advanced cosmetologist or owner of- 1455  
the licensed beauty salon in which the applicant has been- 1456  
employed certify to the board that the applicant has engaged in- 1457  
the practice of cosmetology in a licensed beauty salon for at- 1458  
least one thousand eight hundred hours; 1459~~

~~(2) Has a school of cosmetology licensed in this state- 1460  
certify to the board that the applicant has successfully- 1461  
completed one thousand hours of board approved cosmetology- 1462  
instructor training as an apprentice instructor. 1463~~

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

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

~~(2) Has a school of cosmetology licensed in this state-  
certify to the board that the applicant has successfully-  
completed at least five hundred hours of board approved-  
esthetics instructor training as an apprentice instructor.~~

~~(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:~~

~~(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;~~

~~(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.~~ 1493

~~(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:~~ 1494  
1495  
1496  
1497

~~(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;~~ 1498  
1499  
1500  
1501  
1502  
1503  
1504

~~(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board approved manicurist instructor training as an apprentice instructor.~~ 1505  
1506  
1507  
1508

~~(I) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:~~ 1509  
1510  
1511  
1512

~~(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style 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 natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;~~ 1513  
1514  
1515  
1516  
1517  
1518  
1519  
1520

~~(2) Has a school of cosmetology licensed in this state~~ 1521

~~certify to the board that the applicant has successfully~~ 1522  
~~completed at least four hundred hours of board-approved natural~~ 1523  
~~hair style instructor training as an apprentice instructor.~~ 1524

~~(J) meets the training and experience requirements~~ 1525  
~~established in rules the board adopts in accordance with section~~ 1526  
~~4713.08 of the Revised Code;~~ 1527

(G) In the case of all applicants, passes an examination 1528  
conducted under division (B) of section 4713.24 of the Revised 1529  
Code for the branch of cosmetology the applicant seeks to 1530  
instruct. 1531

**Sec. 4713.32.** When determining the total hours of 1532  
instruction received by an applicant for a license under section 1533  
4713.28, ~~4713.30~~, or 4713.31 of the Revised Code, the state 1534  
board of cosmetology shall not take into account more than ten 1535  
hours of instruction per day. The board shall take into account 1536  
instruction received more than five years prior to the date of 1537  
application for the license in accordance with rules adopted 1538  
under section 4713.08 of the Revised Code. 1539

**Sec. 4713.34.** The state board of cosmetology shall issue a 1540  
license to practice a branch of cosmetology or instructor 1541  
license to an applicant who is licensed or registered in another 1542  
state or country to practice that branch of cosmetology or teach 1543  
the theory and practice of that branch of cosmetology, as 1544  
appropriate, if ~~all~~ both of the following conditions are 1545  
satisfied: 1546

(A) The applicant satisfies all of the following 1547  
conditions: 1548

(1) Is not less than eighteen years of age; 1549

(2) Is of good moral character; 1550

(3) ~~In the case of an applicant for a practicing license,~~ 1551  
~~passes an examination conducted under section 4713.24 of the~~ 1552  
~~Revised Code for the license the applicant seeks, unless the~~ 1553  
~~applicant satisfies conditions specified in rules adopted under~~ 1554  
~~section 4713.08 of the Revised Code for the board to issue the~~ 1555  
~~applicant a license without taking the examination~~ 1556  
Submits to the board satisfactory evidence that the person is licensed in 1557  
another state or country; 1558

(4) Pays the applicable fee. 1559

(B) At the time the applicant obtained the license or 1560  
registration in the other state or country, the requirements in 1561  
this state for obtaining the license the applicant seeks were 1562  
substantially equal to the other state or country's 1563  
requirements. 1564

~~(C) The jurisdiction that issued the applicant's license~~ 1565  
~~or registration extends similar reciprocity to individuals~~ 1566  
~~holding a license issued by the board.~~ 1567

**Sec. 4713.35.** An individual who holds a current, valid 1568  
cosmetologist ~~or advanced cosmetologist~~ license issued by the 1569  
state board of cosmetology may engage in the practice of one or 1570  
more branches of cosmetology as the individual chooses in a 1571  
licensed facility. 1572

An individual who holds a current, valid esthetician ~~or~~ 1573  
~~advanced esthetician~~ license issued by the board may engage in 1574  
the practice of esthetics but no other branch of cosmetology in 1575  
a licensed facility. 1576

An individual who holds a current, valid hair designer ~~or~~ 1577  
~~advanced hair designer~~ license issued by the board may engage in 1578  
the practice of hair design but no other branch of cosmetology 1579



in a licensed facility. 1580

An individual who holds a current, valid manicurist ~~or~~ 1581  
~~advanced manicurist~~ license issued by the board may engage in 1582  
the practice of manicuring but no other branch of cosmetology in 1583  
a licensed facility. 1584

An individual who holds a current, valid natural hair 1585  
~~stylist or advanced natural hair stylist~~ license issued by 1586  
registration with the board may engage in the practice of 1587  
natural hair styling but no other branch of cosmetology in a 1588  
licensed facility. 1589

An individual who holds a current, valid cosmetology 1590  
instructor license issued by the board may teach the theory and 1591  
practice of one or more branches of cosmetology at a school of 1592  
cosmetology as the individual chooses. 1593

~~An individual who holds a current, valid esthetics~~ 1594  
~~instructor license issued by the board may teach the theory and~~ 1595  
~~practice of esthetics, but no other branch of cosmetology, at a~~ 1596  
~~school of cosmetology.~~ 1597

~~An individual who holds a current, valid hair design~~ 1598  
~~instructor license issued by the board may teach the theory and~~ 1599  
~~practice of hair design, but no other branch of cosmetology, at~~ 1600  
~~a school of cosmetology.~~ 1601

~~An individual who holds a current, valid manicurist~~ 1602  
~~instructor license issued by the board may teach the theory and~~ 1603  
~~practice of manicuring, but no other branch of cosmetology, at a~~ 1604  
~~school of cosmetology.~~ 1605

~~An individual who holds a current, valid natural hair~~ 1606  
~~style instructor license issued by the board may teach the~~ 1607  
~~theory and practice of natural hair styling, but no other branch~~ 1608

~~of cosmetology, at a school of cosmetology.~~ 1609

An individual who holds a current, valid boutique 1610  
registration with the board may engage in the practice of 1611  
boutique services but no other branch of cosmetology. 1612

**Sec. 4713.36.** A licensed manicurist ~~or licensed advanced-~~ 1613  
~~manicurist~~ may engage in the practice of manicuring at a nail 1614  
salon or beauty salon licensed under section 4713.41 of the 1615  
Revised Code or a barber shop licensed under Chapter 4709. of 1616  
the Revised Code. 1617

**Sec. 4713.39.** The state board of cosmetology shall develop 1618  
rules in accordance with section 4713.08 of the Revised Code to 1619  
permit an applicant to register as an independent contractor if 1620  
the applicant is an independent contractor in a licensed 1621  
facility and meets the conditions established by the board. 1622

**Sec. 4713.41.** The state board of cosmetology shall issue a 1623  
license to operate a salon, including a boutique salon, to an 1624  
applicant who pays the applicable fee and affirms that all of 1625  
the following conditions will be met: 1626

(A) (1) An individual holding a current, valid 1627  
cosmetologist license, natural hair stylist registration, or 1628  
boutique services registration pertaining to the branch of 1629  
cosmetology services performed at the salon or boutique salon, 1630  
shall have charge of and immediate supervision over the salon at 1631  
all times when the salon is open for business except as 1632  
permitted under division (A) (2) of this section. 1633

(2) A business establishment that is engaged primarily in 1634  
retail sales but is also licensed as a salon shall have present 1635  
an individual holding a current, valid license or registration 1636  
to practice in that type of salon in charge of and in immediate 1637

supervision of the salon during posted or advertised service 1638  
hours, if the practice of cosmetology is restricted to those 1639  
posted or advertised service hours. 1640

(B) The salon is equipped to do all of the following: 1641

(1) Provide potable running hot and cold water and proper 1642  
drainage; 1643

(2) ~~Sanitize~~ Clean and disinfect all non-porous 1644  
instruments and supplies used in the branch of cosmetology 1645  
provided at the salon, prior to use on any patron. Items that 1646  
are porous and cannot be disinfected must be disposed of 1647  
immediately after a single use. 1648

(3) If cosmetic therapy, massage therapy, or other 1649  
professional service is provided at the salon under section 1650  
4713.42 of the Revised Code, sanitize all instruments and 1651  
supplies used in the cosmetic therapy, massage therapy, or other 1652  
professional service. 1653

(C) Except as provided in sections 4713.42 and 4713.49 of 1654  
the Revised Code, only the branch of cosmetology that the salon 1655  
is licensed to provide is practiced at the salon. 1656

(D) The salon is kept in a clean and sanitary condition 1657  
and properly ventilated. 1658

(E) The salon, including all of its equipment, implements, 1659  
and other personal property, is properly cleaned and disinfected 1660  
at all times, except for the immediate period during which a 1661  
licensee performs a cosmetology service or prepares the service 1662  
area after a patron in preparation for the next patron. 1663

(F) No food is sold at the salon in a manner inconsistent 1664  
with rules adopted under section 4713.08 of the Revised Code. 1665

~~(F)~~ (G) A notice that contains a toll-free number and 1666  
online process for reporting alleged violations of this chapter, 1667  
as prescribed by the board of cosmetology, is posted at the 1668  
salon in a common area for all customers of salon services. 1669

**Sec. 4713.44.** (A) The state board of cosmetology shall 1670  
issue a license to operate a school of cosmetology to an 1671  
applicant who pays the applicable fee and satisfies all of the 1672  
following requirements: 1673

(1) Maintains a course of practical training and technical 1674  
instruction for the branch or branches of cosmetology to be 1675  
taught at the school equal to the requirements for admission to 1676  
an examination under section 4713.24 of the Revised Code that an 1677  
individual must pass to obtain a license to practice that branch 1678  
or those branches of cosmetology; 1679

(2) Possesses or makes available apparatus and equipment 1680  
sufficient for the ready and full teaching of all subjects of 1681  
the curriculum; 1682

(3) Maintains individuals licensed under section 4713.31 1683  
or 4713.34 of the Revised Code to teach the theory and practice 1684  
of the branches of cosmetology; 1685

(4) Notifies the board of the enrollment of each new 1686  
student, keeps a record devoted to the different practices, 1687  
establishes grades, and holds examinations in order to certify 1688  
the students' completion of the prescribed course of study 1689  
before the issuance of certificates of completion; 1690

(5) In the case of a school of cosmetology that offers 1691  
clock hours for the purpose of satisfying minimum hours of 1692  
training and instruction, keeps a daily record of the attendance 1693  
of each student; 1694

(6) On the date that an apprentice cosmetology instructor 1695  
begins cosmetology instructor training at the school, certifies 1696  
the name of the apprentice cosmetology instructor to the board 1697  
along with the date on which the apprentice's instructor 1698  
training began; 1699

(7) Instructs not more than six apprentice cosmetology 1700  
instructors at any one time; 1701

(8) Files with the board a good and sufficient surety bond 1702  
executed by the individual, firm, or corporation operating the 1703  
school of cosmetology as principal and by a surety company as 1704  
surety in the amount of ~~ten~~one hundred thousand dollars; 1705  
provided, that this requirement does not apply to a vocational 1706  
or career-technical school program conducted by a city, exempted 1707  
village, local, or joint vocational school district. The bond 1708  
shall be in the form prescribed by the board and be conditioned 1709  
upon the school's continued instruction in the theory and 1710  
practice of the branches of cosmetology. Every bond shall 1711  
continue in effect until notice of its termination is given to 1712  
the board by registered mail and every bond shall so provide. 1713

(9) Establishes and maintains an internal procedure for 1714  
processing complaints filed against the school and for providing 1715  
students with instructions on how to file a complaint directly 1716  
with the board pursuant to section 4713.641 of the Revised Code. 1717

(B) A school of cosmetology holding a license issued under 1718  
division (A) of this section is an educational institution and 1719  
is authorized to offer educational programs beyond secondary 1720  
education, ~~advanced practice programs, or both~~ in accordance 1721  
with rules adopted by the board pursuant to section 4713.08 of 1722  
the Revised Code. 1723

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

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

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

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

(3) Compensate an apprentice cosmetology instructor;

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

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

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

(2) An individual with a bachelor's degree in the subject 1752  
the person teaches at the school; 1753

(3) An individual also employed by a university or college 1754  
to teach the subject the person teaches at the school. 1755

(C) A school of cosmetology shall annually review the 1756  
subjects and coursework required to receive an initial 1757  
cosmetology license ~~and advanced license~~ and, in doing so, shall 1758  
incorporate standards adopted by the state board of cosmetology 1759  
pursuant to division (A) (13) of section 4713.08 of the Revised 1760  
Code. 1761

**Sec. 4713.55.** Every license issued by the state board of 1762  
cosmetology shall be signed by the chairperson and attested by 1763  
the executive director of the board, with the seal of the board 1764  
attached. 1765

The board shall specify on each practicing license that 1766  
the board issues the branch of cosmetology that the license 1767  
entitles the holder to practice. ~~The board shall specify on each~~ 1768  
~~advanced license that the board issues the type of salon in~~ 1769  
~~which the license entitles the holder to work and the branch of~~ 1770  
~~cosmetology that the license entitles the holder to practice.~~ 1771  
The board shall specify on each instructor license that the 1772  
board issues the branch of cosmetology that the license entitles 1773  
the holder to teach. The board shall specify on each salon 1774  
license that the board issues the branch of cosmetology that the 1775  
license entitles the holder to offer. ~~The board shall specify on~~ 1776  
~~each independent contractor license that the board issues the~~ 1777  
~~branch of cosmetology that the license entitles the holder to~~ 1778  
~~offer within a licensed salon.~~ Such licenses are prima-facie 1779  
evidence of the right of the holder to practice or teach the 1780  
branch of cosmetology that the license specifies. 1781

**Sec. 4713.56.** Every holder of a practicing license, 1782  
instructor license, independent contractor license registration, 1783  
natural hair stylist registration, or boutique service 1784  
registration issued by the state board of cosmetology shall 1785  
maintain the board-issued, wallet-sized license or 1786  
electronically generated license certification or registration 1787  
and a current government-issued photo identification that can be 1788  
produced upon inspection or request. 1789

Every holder of a license to operate a salon issued by the 1790  
board shall display the license in a public and conspicuous 1791  
place in the salon. 1792

Every holder of a license to operate a school of 1793  
cosmetology issued by the board shall display the license in a 1794  
public and conspicuous place in the school. 1795

Every individual who provides cosmetic therapy, massage 1796  
therapy, or other professional service in a salon under section 1797  
4713.42 of the Revised Code shall maintain the individual's 1798  
professional license or certificate and a state of Ohio issued 1799  
photo identification that can be produced upon inspection or 1800  
request. 1801

**Sec. 4713.58.** (A) Except as provided in division (B) of 1802  
this section, on payment of the renewal fee and submission of 1803  
proof satisfactory to the state board of cosmetology that any 1804  
applicable continuing education requirements have been 1805  
completed, an individual currently licensed as+ 1806

~~(1) A cosmetology instructor who has previously been~~ 1807  
~~licensed as a cosmetologist or an advanced cosmetologist, is~~ 1808  
~~entitled to the reissuance of a cosmetologist or advanced~~ 1809  
~~cosmetologist license+.~~ 1810



~~(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 board of cosmetology adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, ~~advanced license,~~ or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education

requirement, via classroom instruction or distance education, by 1840  
the fifteenth day of January of the next odd-numbered year. 1841

Hours completed in excess of the continuing education 1842  
requirement may not be applied to the next biennial licensing 1843  
period. 1844

**Sec. 4713.60.** (A) Except as provided in division (C) of 1845  
this section, an individual seeking a renewal of a license to 1846  
practice a branch of cosmetology, ~~advanced license~~, instructor 1847  
license, independent contractor registration, natural hair 1848  
stylist registration, or boutique services registration shall 1849  
include in the renewal application proof satisfactory to the 1850  
board of completion of any applicable continuing education 1851  
requirements established by rules adopted under section 4713.09 1852  
of the Revised Code. 1853

(B) If an applicant fails to provide satisfactory proof of 1854  
completion of any applicable continuing education requirements, 1855  
the board shall notify the applicant that the application is 1856  
incomplete. The board shall not renew the license or 1857  
registration until the applicant provides satisfactory proof of 1858  
completion of any applicable continuing education requirements. 1859  
The board may provide the applicant with an extension of up to 1860  
ninety days in which to complete the continuing education 1861  
requirement. In providing for the extension, the board may 1862  
charge the licensee or registrant a fine of up to one hundred 1863  
dollars. 1864

(C) The board may waive, or extend the period for 1865  
completing, any continuing education requirement if a licensee 1866  
or registrant applies to the board and provides proof 1867  
satisfactory to the board of being unable to complete the 1868  
requirement within the time allowed because of any of the 1869

following: 1870

(1) An emergency; 1871

(2) An unusual or prolonged illness; 1872

(3) Active duty service in any branch of the armed forces 1873  
of the United States or a reserve component of the armed forces 1874  
of the United States, including the Ohio national guard or the 1875  
national guard of any other state. 1876

The board shall determine the period of time during which 1877  
each extension is effective and shall inform the applicant. The 1878  
board shall also inform the applicant of the continuing 1879  
education requirements that must be met to have the license or 1880  
registration renewed. If an extension is granted for less than 1881  
one year, the continuing education requirement for that year, in 1882  
addition to the required continuing education for the succeeding 1883  
year, must be completed in the succeeding year. In all other 1884  
cases the board may waive all or part of the continuing 1885  
education requirement on a case-by-case basis. Any required 1886  
continuing education shall be completed and satisfactory proof 1887  
of its completion submitted to the board by a date specified by 1888  
the board. Every license or registration that has not been 1889  
renewed in the timeframe specified in section 4713.57 of the 1890  
Revised Code and for which the continuing education requirement 1891  
has not been waived or extended shall be considered expired. 1892

**Sec. 4713.61.** (A) If the state board of cosmetology adopts 1893  
a continuing education requirement under section 4713.09 of the 1894  
Revised Code, it may develop a procedure by which an individual 1895  
who holds a license to practice a branch of cosmetology, ~~an~~ 1896  
~~advanced license,~~ or instructor license and who is not currently 1897  
engaged in the practice of the branch of cosmetology or teaching 1898

the theory and practice of the branch of cosmetology, but who 1899  
desires to be so engaged in the future, may apply to the board 1900  
to have the individual's license classified inactive. If the 1901  
board develops such a procedure, an individual seeking to have 1902  
the individual's license classified inactive shall apply to the 1903  
board on a form provided by the board and pay the fee 1904  
established by rules adopted under section 4713.08 of the 1905  
Revised Code. 1906

(B) The board shall not restore an inactive license until 1907  
~~the later of the following:~~ 1908

~~(1) The date that the individual holding the license 1909  
submits proof satisfactory to the board that the individual has 1910  
completed the continuing education that a rule adopted under 1911  
section 4713.08 of the Revised Code requires.~~ 1912

~~(2) The last day of January of the next odd numbered year 1913  
following the year the license is classified inactive.~~ 1914

(C) An individual who holds an inactive license may engage 1915  
in the practice of a branch of cosmetology if the individual 1916  
holds a temporary work permit as specified in rules adopted by 1917  
the board under section 4713.08 of the Revised Code. 1918

**Sec. 4713.62.** (A) An individual holding a practicing 1919  
license, ~~advanced license,~~ instructor license, independent 1920  
contractor registration, natural hair stylist registration, or 1921  
boutique services registration may satisfy a continuing 1922  
education requirement established by rules adopted under section 1923  
4713.09 of the Revised Code only by completing continuing 1924  
education programs approved under division (B) of this section. 1925

(B) The state board of cosmetology shall approve a 1926  
continuing education program if all of the following conditions 1927

|   |  |
|---|--|
| are satisfied:  | 1928   |
| (1) The person operating the program submits to the board a written application for approval.   | 1929<br>1930   |
| (2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.  | 1931<br>1932<br>1933                                 |
| (3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology. | 1934<br>1935<br>1936<br>1937<br>1938<br>1939<br>1940 |
| (4) The program will do at least one of the following:  | 1941   |
| (a) Enhance the professional competency of the affected licensees or registrants;   | 1942<br>1943   |
| (b) Protect the public;   | 1944   |
| (c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology.  | 1945<br>1946<br>1947                                 |
| (5) The person operating the program provides the board a tentative schedule of when the program will be available so that the board can make the schedule readily available to all licensees and registrants throughout the state.   | 1948<br>1949<br>1950<br>1951                         |
| <b>Sec. 4713.63.</b> A practicing license, <del>advanced license,</del> or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver   | 1952<br>1953<br>1954<br>1955                         |

or extension under section 4713.60 of the Revised Code, is 1956  
expired. An expired license may be restored if the individual 1957  
who held the license meets all of the following applicable 1958  
conditions: 1959

(A) Pays to the state board of cosmetology the restoration 1960  
fee established under section 4713.10 of the Revised Code; 1961

(B) In the case of a practicing license ~~or advanced-~~ 1962  
~~license~~ that has been expired for more than two consecutive 1963  
license renewal periods, completes eight hours of continuing 1964  
education for each license renewal period that has elapsed since 1965  
the license was last issued or renewed, up to a maximum of 1966  
twenty-four hours. At least four of those hours shall include a 1967  
course pertaining to ~~sanitation~~ infection control and safety 1968  
methods. 1969

~~The board shall deposit all fees it receives under~~ 1970  
~~division (B) of this section into the general revenue fund.~~ 1971

**Sec. 4713.64.** (A) The state board of cosmetology may take 1972  
disciplinary action for any of the following: 1973

(1) Failure to comply with the safety, ~~sanitation-~~ 1974  
infection control, and licensing requirements of this chapter or 1975  
rules adopted under it; 1976

(2) Continued practice by an individual knowingly having 1977  
an infectious or contagious disease; 1978

(3) Habitual drunkenness or addiction to any habit-forming 1979  
drug; 1980

(4) Willful false and fraudulent or deceptive advertising; 1981

(5) Falsification of any record or application required to 1982  
be filed with the board; 1983

|  |  |
|--|--|
| (6) Failure to pay a fine or abide by a suspension order issued by the board;  | 1984<br>1985                                 |
| (7) Failure to cooperate with an investigation or inspection;  | 1986<br>1987                                 |
| (8) Failure to respond to a subpoena;  | 1988   |
| (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;   | 1989<br>1990                                 |
| (10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.  | 1991<br>1992<br>1993<br>1994                 |
| (B) On determining that there is cause for disciplinary action, the board may do one or more of the following:   | 1995<br>1996                                 |
| (1) Deny, revoke, or suspend a license, permit, or registration issued by the board;   | 1997<br>1998                                 |
| (2) Impose a fine;   | 1999   |
| (3) Require the holder of a license, permit, or registration to take corrective action courses.  | 2000<br>2001                                 |
| (C) (1) Except as provided in divisions (C) (2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.  | 2002<br>2003<br>2004                         |
| (2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A) (9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under | 2005<br>2006<br>2007<br>2008<br>2009<br>2010 |

Chapter 119. of the Revised Code. 2011

(3) In lieu of an adjudication, the board may enter into a 2012  
consent agreement with the holder of a license, permit, or 2013  
registration. A consent agreement that is ratified by a majority 2014  
vote of a quorum of the board members is considered to 2015  
constitute the findings and orders of the board with respect to 2016  
the matter addressed in the agreement. If the board does not 2017  
ratify a consent agreement, the admissions and findings 2018  
contained in the agreement are of no effect, and the case shall 2019  
be scheduled for adjudication under Chapter 119. of the Revised 2020  
Code. 2021

(D) The amount and content of corrective action courses 2022  
and other relevant criteria shall be established by the board in 2023  
rules adopted under section 4713.08 of the Revised Code. 2024

(E) (1) The board may impose a separate fine for each 2025  
offense listed in division (A) of this section. The amount of 2026  
the first fine issued for a violation as the result of an 2027  
inspection shall be not more than two hundred fifty dollars if 2028  
the violator has not previously been fined for that offense. Any 2029  
fines issued for additional violations during such an inspection 2030  
shall not be more than one hundred dollars for each additional 2031  
violation. The fine shall be not more than five hundred dollars 2032  
if the violator has been fined for the same offense once before. 2033  
Any fines issued for additional violations during a second 2034  
inspection shall not be more than two hundred dollars for each 2035  
additional violation. The fine shall be not more than one 2036  
thousand dollars if the violator has been fined for the same 2037  
offense two or more times before. Any fines issued for 2038  
additional violations during a third inspection shall not be 2039  
more than three hundred dollars for each additional violation. 2040



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

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

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

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

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

(F) In the case of an offense of failure to comply with 2070  
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 2071  
Code, the board shall impose a fine of five hundred dollars if 2072  
the violator has not previously been fined for that offense. If 2073  
the violator has previously been fined for the offense, the 2074  
board may impose a fine in accordance with this division or take 2075  
another action in accordance with division (B) of this section. 2076

(G) The board shall notify a licensee or registrant who is 2077  
in violation of division (A) of this section and the owner of 2078  
the salon in which the conditions constituting the violation 2079  
were found. The individual receiving the notice of violation and 2080  
the owner of the salon may request a hearing pursuant to section 2081  
119.07 of the Revised Code. If the individual or owner fails to 2082  
request a hearing or enter into a consent agreement thirty days 2083  
after the date the board, in accordance with section 119.07 of 2084  
the Revised Code and division (J) of this section, notifies the 2085  
individual or owner of the board's intent to act against the 2086  
individual or owner under division (A) of this section, the 2087  
board by a majority vote of a quorum of the board members may 2088  
take the action against the individual or owner without holding 2089  
an adjudication hearing. 2090

(H) The board, after a hearing in accordance with Chapter 2091  
119. of the Revised Code or pursuant to a consent agreement, may 2092  
suspend a license, permit, or registration if the licensee, 2093  
permit holder, or registrant fails to correct an unsafe 2094  
condition that exists in violation of the board's rules or fails 2095  
to cooperate in an inspection. If a violation of this chapter or 2096  
rules adopted under it has resulted in a condition reasonably 2097  
believed by an inspector to create an immediate danger to the 2098  
health and safety of any individual using the facility, the 2099  
inspector may suspend the license or permit of the facility or 2100

the individual responsible for the violation without a prior 2101  
hearing until the condition is corrected or until a hearing in 2102  
accordance with Chapter 119. of the Revised Code is held or a 2103  
consent agreement is entered into and the board either upholds 2104  
the suspension or reinstates the license, permit, or 2105  
registration. 2106

(I) The board shall not take disciplinary action against 2107  
an individual licensed to operate a salon or school of 2108  
cosmetology for a violation of this chapter that was committed 2109  
by an individual licensed to practice a branch of cosmetology, 2110  
while practicing within the salon or school, when the 2111  
individual's actions were beyond the control of the salon owner 2112  
or school. 2113

(J) In addition to the methods of notification required 2114  
under section 119.07 of the Revised Code, the board may send the 2115  
notices required under divisions (C) (2), (E) (2), and (G) of this 2116  
section by any delivery method that is traceable and requires 2117  
that the delivery person obtain a signature to verify that the 2118  
notice has been delivered. The board also may send the notices 2119  
by electronic mail, provided that the electronic mail delivery 2120  
system certifies that a notice has been received. 2121

**Sec. 4713.69.** (A) The state board of cosmetology shall 2122  
issue a boutique services registration to an applicant who 2123  
satisfies all of the following applicable conditions: 2124

(1) Is at least sixteen years of age; 2125

(2) Is of good moral character; 2126

(3) ~~Has the equivalent of an Ohio public school tenth-~~ 2127  
~~grade education;~~ 2128

~~(4) Has submitted a written application on a form~~ 2129

|   |                                      |
|---|--------------------------------------|
| prescribed by the board containing all of the following:  | 2130                                 |
| (a) The applicant's name and home address;  | 2131                                 |
| (b) The applicant's home telephone number and cellular<br>telephone number, if any;   | 2132<br>2133                         |
| (c) The applicant's electronic mail address, if any;  | 2134                                 |
| (d) The applicant's date of birth;  | 2135                                 |
| (e) The address and telephone number where boutique<br>services will be performed. The address shall not contain a post<br>office box number.   | 2136<br>2137<br>2138                 |
| (f) Whether the applicant has an occupational license,<br>certification, or registration to provide beauty services in<br>another state, and if so, what type of license and in what<br>state;  | 2139<br>2140<br>2141<br>2142         |
| (g) Whether the applicant has ever had an occupational<br>license, certification, or registration suspended, revoked, or<br>denied in any state;  | 2143<br>2144<br>2145                 |
| (h) An affidavit providing proof of formal training or<br>apprenticeship under an individual providing such services.   | 2146<br>2147                         |
| (B) The place of business where boutique services are<br>performed must comply with the safety and <del>sanitation</del> <u>infection</u><br><u>control</u> requirements for licensed salon facilities as described<br>in section 4713.41 of the Revised Code.  | 2148<br>2149<br>2150<br>2151         |
| (C) Within six months of <del>the effective date of this</del><br><del>section</del> <u>September 13, 2016</u> , the board shall specify the manner<br>by which boutique services registrants shall fulfill the<br>continuing education requirements set forth in section 4713.09<br>of the Revised Code. | 2152<br>2153<br>2154<br>2155<br>2156 |

Sec. 4713.70. (A) The state board of cosmetology shall 2157  
issue a special event permit to an applicant who satisfies all 2158  
of the requirements established by the board in rules adopted 2159  
pursuant to section 4713.08 of the Revised Code. 2160

(B) A special event permit issued under division (A) of 2161  
this section shall permit a licensee to practice the branch of 2162  
cosmetology for which the individual is licensed on a limited 2163  
and temporary basis in a place that is not licensed as a salon 2164  
or school of cosmetology. 2165

(C) The board may inspect special events without notice. 2166

Sec. 4713.71. (A) The state board of cosmetology shall 2167  
adopt rules in accordance with section 4713.08 of the Revised 2168  
Code to establish an apprentice program for apprentice 2169  
cosmetologists. The program shall allow apprentice 2170  
cosmetologists to train in the practice of esthetics, the 2171  
practice of hair design, the practice of manicuring, or the 2172  
practice of hair styling in a licensed salon under a person 2173  
holding a practicing or instructor license under this chapter. 2174

(B) The rules shall require an applicant to the program to 2175  
meet all of the following conditions: 2176

(1) Be at least sixteen years of age; 2177

(2) Be of good moral character; 2178

(3) Have the equivalent of an Ohio public school tenth 2179  
grade education; 2180

(4) Have a valid social security number or taxpayer 2181  
identification number; 2182

(5) Have successfully passed an apprentice examination 2183  
developed in board rules; 2184

(6) Complete an application as prescribed by board rules 2185  
and pay a fee of twenty-five dollars. 2186

(C) Applicants who are admitted to the apprenticeship 2187  
program shall do all of the following: 2188

(1) Work a minimum of thirty-two hours in a calendar week; 2189

(2) Work under a trainer who holds a valid practicing or 2190  
instructor license and has at least five years of experience in 2191  
the beauty industry; 2192

(3) Complete a twelve-month training program with the 2193  
trainer for a minimum of one thousand eight hundred hours of on 2194  
the job training and two hundred hours of related instruction 2195  
incorporating the best practices developed through the Milady 2196  
and Pivot Point curricula. 2197

(D) Apprentices shall receive compensation for 2198  
participating in the training program and related instruction 2199  
that is, at minimum, equal to the minimum wage range applicable 2200  
under sections 4111.01 to 4111.17 of the Revised Code. 2201

(E) Sponsors of the apprentice training program described 2202  
in this section may charge participants a fee not to exceed two 2203  
thousand five hundred dollars. 2204

(F) At the conclusion of the program, an apprentice shall 2205  
take the examination required under section 4713.24 of the 2206  
Revised Code. If the apprentice successfully passes the 2207  
examination, the board shall grant the apprentice the 2208  
appropriate practicing license. 2209

**Sec. 4713.72.** The state board of cosmetology shall develop 2210  
rules in accordance with section 4713.08 of the Revised Code to 2211  
permit an applicant to register as a natural hair stylist if the 2212

applicant satisfies all of the conditions required by the board. 2213

**Section 2.** That existing sections 2925.01, 4709.03, 2214  
4713.01, 4713.02, 4713.07, 4713.08, 4713.081, 4713.09, 4713.10, 2215  
4713.14, 4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 2216  
4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 2217  
4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 2218  
4713.64, and 4713.69 and sections 4713.25, 4713.30, and 4713.39 2219  
of the Revised Code are hereby repealed. 2220

**Section 3.** Not more than two years after the effective 2221  
date of this act, the State Board of Cosmetology shall issue a 2222  
cosmetology license or a license to practice in a branch of 2223  
cosmetology to all individuals holding a valid managing or 2224  
advanced license in that branch of cosmetology prior to the 2225  
effective date of this act. 2226

**Section 4.** Not more than two years after the effective 2227  
date of this act and in accordance with division (A)(20) of 2228  
section 4713.08 of the Revised Code, the State Board of 2229  
Cosmetology shall adopt rules under Chapter 119. of the Revised 2230  
Code to specify the circumstances under which an applicant for a 2231  
licensure examination may take the examination required by 2232  
section 4713.24 of the Revised Code before having successfully 2233  
completed the minimum number of hours required for the license 2234  
under section 4713.28 of the Revised Code. 2235

**Section 5.** Notwithstanding the amendment of sections in 2236  
Chapter 4713. of the Revised Code in this act, which no longer 2237  
provides for independent contractor licenses, the member of the 2238  
State Board of Cosmetology who holds a seat pursuant to division 2239  
(A)(3) of section 4713.02 of the Revised Code as it appeared 2240  
immediately prior to the effective date of this act shall retain 2241  
that seat until the current term of the seat expires at which 2242

point the seat is to be filled with a person who is an 2243  
independent contractor registered in accordance with section 2244  
4713.39 of the Revised Code. 2245

The member of the State Board of Cosmetology who holds a 2246  
seat pursuant to division (A) (7) of section 4713.02 of the 2247  
Revised Code as it appeared immediately prior to the effective 2248  
date of this act shall retain that seat until the current term 2249  
of the seat expires. 2250

**Section 6.** Notwithstanding the amendment of sections in 2251  
Chapter 4713. of the Revised Code in this act, which no longer 2252  
provides for natural hair stylist licenses or independent 2253  
contractor licenses, a valid natural hair stylist license or 2254  
independent contractor license held by a person on or after the 2255  
effective date of this act is valid for the duration of that 2256  
license term. For the duration of the license, the license shall 2257  
be deemed to be the appropriate registration for the purposes of 2258  
this act. Upon the expiration of that license, the licensee 2259  
shall register in accordance with this act. 2260