

**As Reported by the House Economic Development and Small
Business Committee**

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H. B. No. 102

**Representatives Kasputis, Brading, Garcia, Wachtmann, Corbin, Grendell,
Hood, Padgett, Olman, Vesper, Van Vyven, Perz, Bateman, Buchy, Roberts,
Lucas, Roman, Terwilleger, Sykes**

A B I L L

To amend sections 4709.02, 4709.03, 4709.05, 4709.09, 1
4713.01, 4713.12, 4713.14, and 4713.20 of the 2
Revised Code to allow cosmetologists to practice 3
cosmetology in barber shops and barbers to 4
practice barbering in beauty salons. 5

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

Section 1. That sections 4709.02, 4709.03, 4709.05, 4709.09, 6
4713.01, 4713.12, 4713.14, and 4713.20 of the Revised Code be 7
amended to read as follows: 8

Sec. 4709.02. Except as provided in this chapter, no person 9
shall do any of the following: 10

(A) Engage in or attempt to engage in the practice of 11
barbering, hold themselves out as a practicing barber, or 12
advertise in a manner that indicates they are a barber, without a 13
barber license issued pursuant to this chapter; 14

(B) Operate or attempt to operate a barber shop without a 15
barber shop license issued pursuant to this chapter; 16

(C) Engage in or attempt to engage in the teaching of or 17
assist in the teaching of the practice of barbering without a 18
barber teacher or assistant barber teacher license issued pursuant 19
to this chapter; 20

(D) ~~Advertise~~ Except as otherwise provided in this division, 21
advertise barbering services unless the establishment and 22
personnel employed ~~therein~~ in the establishment are licensed 23
pursuant to this chapter~~+~~. If cosmetology services are provided in 24
a barber shop licensed pursuant to this chapter, advertisements 25
also may refer to the cosmetology services provided in the shop. 26

(E) Use or display a barber pole for the purpose of offering 27
barber services to the consuming public without a barber shop 28
license issued pursuant to this chapter; 29

(F) Operate or attempt to operate a barber school without a 30
barber school license issued pursuant to this chapter; 31

(G) Teach or attempt to teach any phase of barbering for pay, 32
free, or otherwise without approval from the barber board; 33

(H) Being a barber, knowingly continue the practice of 34
barbering, or being a student, knowingly continue as a student in 35
any barber school, while such person has an infectious, 36
contagious, or communicable disease; 37

(I) Obtain or attempt to obtain a license by fraudulent 38
misrepresentation for money, other than the required fee, or any 39
other thing of value; 40

(J) Practice or attempt to practice barbering by fraudulent 41
misrepresentation; 42

(K) ~~Employ~~ Perform or employ another person to perform ~~or~~ 43
~~himself perform~~ the practice of barbering in a licensed barber 44
shop unless that person is licensed as a barber under this 45
chapter; 46

(L) Use any room or place for barbering ~~which is also~~ or the
practice of cosmetology that also is used for residential or other
business purposes, unless it is separated by a substantial
ceiling-high partition. This does not exclude hair care products
used and sold in barber shops or the sale of clothing and related
accessories as authorized by division (F) of section 4709.09 of
the Revised Code.

(M) Violate any rule adopted by the board or department of
health for barber shops or barber schools.

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

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

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

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

(D) ~~Cosmetologists~~ Except as otherwise specifically provided
in this chapter, cosmetologists licensed under Chapter 4713. of
the Revised Code, ~~insofar as their usual and ordinary vocation and~~
~~profession is concerned as described in section 4713.01 of the~~
Revised Code;

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

Sec. 4709.05. In addition to any other duty imposed on the
barber board under this chapter, the board shall do all of the
following:

(A) Organize by electing a ~~chairman~~ CHAIRPERSON from its

members to serve a one-year term;	76
(B) Hold regular meetings, at the times and places as it	77
determines for the purpose of conducting the examinations required	78
under this chapter, and hold additional meetings for the	79
transaction of necessary business;	80
(C) Provide for suitable quarters, in the city of Columbus,	81
for the conduct of its business and the maintenance of its	82
records;	83
(D) Adopt a common seal for the authentication of its orders,	84
communications, and records;	85
(E) Maintain a record of its proceedings and a register of	86
persons licensed as barbers. The register shall include each	87
licensee's name, place of business, residence, and licensure date	88
and number, and a record of all licenses issued, refused, renewed,	89
suspended, or revoked. The records are open to public inspection	90
at all reasonable times.	91
(F) Annually, on or before the first day of January, make a	92
report to the governor of all its official acts during the	93
preceding year, its receipts and disbursements, recommendations it	94
determines appropriate, and an evaluation of board activities	95
intended to aid or protect consumers of barber services;	96
(G) Employ an executive director who shall do all things	97
requested by the board for the administration and enforcement of	98
this chapter. The executive director shall employ inspectors,	99
clerks, and other assistants as he <u>the executive director</u>	100
determines necessary.	101
(H) Ensure that the practice of barbering is conducted only	102
in a licensed barber shop <u>or a beauty salon licensed under Chapter</u>	103
<u>4713. Of the Revised Code</u> , except when the practice of barbering	104
is performed on a person whose physical or mental disability	105
prevents that person from going to a licensed barber shop;	106

(I) Conduct or have conducted the examination for applicants	107
to practice as licensed barbers at least four times per year at	108
the times and places the board determines;	109
(J) Adopt rules, in accordance with Chapter 119. of the	110
Revised Code, to administer and enforce this chapter and which	111
cover all of the following:	112
(1) Sanitary standards for the operation of barber shops and	113
barber schools that conform to guidelines established by the	114
department of health;	115
(2) The content of the examination required of an applicant	116
for a barber license. The examination shall include a practical	117
demonstration and a written test, shall relate only to the	118
practice of barbering, and shall require the applicant to	119
demonstrate that he <u>the applicant</u> has a thorough knowledge of and	120
competence in the proper techniques in the safe use of chemicals	121
used in the practice of barbering.	122
(3) Continuing education requirements for persons licensed	123
pursuant to this chapter. The board may impose continuing	124
education requirements upon a licensee for a violation of this	125
chapter or the rules adopted pursuant thereto <u>to this chapter</u> or	126
if the board determines that the requirements are necessary to	127
preserve the health, safety, or welfare of the public.	128
(4) Requirements for the licensure of barber schools, barber	129
teachers, and assistant barber teachers;	130
(5) Requirements for students of barber schools;	131
(6) Any other area the board determines appropriate to	132
administer or enforce this chapter.	133
(K) Prior to adopting any rule under this chapter, indicate	134
at a formal hearing the reasons why the rule is necessary as a	135
protection of the persons who use barber services or as an	136

improvement of the professional standing of barbers in this state;	137
(L) Furnish each owner or manager of a barber shop and barber school with a copy of all sanitary rules adopted pursuant to division (J) of this section;	138 139 140
(M) Conduct such investigations and inspections of persons and establishments licensed or unlicensed pursuant to this chapter and for that purpose, any member of the board or any of its authorized agents may enter and inspect any place of business of a licensee or a person suspected of violating this chapter or the rules adopted pursuant thereto <u>to this chapter</u> , during normal business hours;	141 142 143 144 145 146 147
(N) Do all things necessary for the proper administration and enforcement of this chapter.	148 149
Sec. 4709.09. (A) Each person who desires to obtain a barber shop license shall apply to the barber board, on forms provided by the board. The board shall issue a barber shop license to a person if the board determines that the person meets all of the requirements of division (B) of this section and pays the required license and inspection fees.	150 151 152 153 154 155
(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:	156 157 158
(1) Be in the charge and under the immediate supervision of a licensed barber;	159 160
(2) Be equipped to provide running hot and cold water and proper drainage;	161 162
(3) Sanitize and maintain in a sanitary condition, all instruments and supplies;	163 164
(4) Keep towels and linens clean and sanitary and in a dry,	165

dust-proof container;	166
(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area;	167 168
(6) <u>If the barber shop employs a licensed cosmetologist, have a separate fully functional dispensary that meets the requirements for a dispensary in a beauty salon under Chapter 4713. of the Revised Code and the rules adopted under that chapter.</u>	169 170 171 172 173
(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.	174 175 176 177 178 179
(D) A shop license is not transferable from one owner to another, and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services.	180 181 182 183 184
(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.	185 186
(2) Tanning facilities licensed pursuant to section 4713.25 of the Revised Code may be operated in a barber shop.	187 188
<u>(3) Cosmetologists licensed under Chapter 4713. Of the Revised Code may practice cosmetology in a barber shop if a licensed managing cosmetologist also is on duty at the barber shop at the time the cosmetologist is practicing cosmetology and only if the shop also is licensed as a beauty salon under Chapter 4713. Of the Revised Code. Cosmetologists shall comply with the sanitary standards and all other rules adopted by the state board of</u>	189 190 191 192 193 194 195

cosmetology governing the practice of cosmetology in beauty salons. A barber shop that also is licensed as a beauty salon is subject to inspection by the barber board and the state board of cosmetology to determine compliance with Chapters 4709. and 4713. Of the Revised Code, respectively.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.

(G) The owner or operator of A barber shop that employs a licensed cosmetologist or licensed managing cosmetologist shall notify the barber board and the state board of cosmetology in writing within thirty days of the cosmetologist's employment.

Sec. 4713.01. As used in sections 4713.01 to 4713.21 of the Revised Code:

(A) The practice of cosmetology includes work done for pay, free, or otherwise, by any person, which work is usually performed by hairdressers, cosmetologists, cosmeticians, or beauty culturists, however denominated, in beauty salons or barber shops; which work is for the embellishment, cleanliness, and beautification of hair, wigs, and postiches, such as arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, weaving, or similar work, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work by the use of manual massage techniques or mechanical or electrically operated apparatus or appliances, or cosmetics, preparations, tonics, antiseptics, creams, or lotions, and of manicuring the nails or application of artificial nails, which enumerated practices shall be inclusive of the practice of cosmetology, but not in limitation thereof. Sections 4713.01 to 4713.21 of the Revised Code do not permit any of the services or arts described in this division to be used for

the treatment or cure of any physical or mental diseases or 227
ailments. 228

The retail sale or the trial demonstration by application to 229
the skin for purposes of retail sale of cosmetics, preparations, 230
tonics, antiseptics, creams, lotions, wigs, and postiches shall 231
not be considered the practice of cosmetology. 232

(B) "Cosmetologist," "cosmetician," "beauty culturist," or 233
"hairdresser," means any person who, for pay, free, or otherwise, 234
engages in the practice of cosmetology. 235

(C) "Manicurist" means any person who, for pay, free, or 236
otherwise, engages only in the occupation of manicuring the nails 237
of any person or the application of artificial or sculptured 238
nails, or both. 239

(D) "The practice of esthetics" includes work done for pay, 240
free, or otherwise, by any person, which work is the application 241
of cosmetics, tonics, antiseptics, creams, lotions, or other 242
preparations for the purpose of skin beautification and includes 243
preparation of the skin by manual massage techniques or by use of 244
electrical, mechanical, or other apparatus. 245

(E) "Esthetician" means any person who, for pay, free, or 246
otherwise, engages only in the practice of esthetics. 247

(F) "Beauty salon" means any premises, building, or part of a 248
building, in which any branch of cosmetology, except the 249
occupation of a cosmetologist or a manicurist when carried on in a 250
barber shop licensed under Chapter 4709. of the Revised Code, or 251
the occupation of a cosmetologist is practiced. 252

(G) "Student" means any person who is engaged in learning or 253
acquiring knowledge of the occupation of a cosmetologist, 254
manicurist, or esthetician in a school of cosmetology. 255

(H) "School of cosmetology" means any premises, building, or 256

part of a building in which students are instructed in the theories and practices of cosmetology, manicuring, and esthetics.

(I) "Managing cosmetologist" means any person who has met the requirements of division (D) of section 4713.04 of the Revised Code, and has applied for and received a managing cosmetologist license.

(J) "Cosmetology instructor" means any person who has met the requirements of division (E) of section 4713.04 of the Revised Code, and has applied for and received an instructor's license.

(K) "Apprentice instructor" means any licensee of the state board of cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor, in any branch of cosmetology in a duly licensed school of cosmetology.

(L) "Cosmetic therapy" and "cosmetic therapist" have the same meanings as in section 4731.15 of the Revised Code.

(M) "Nail salon" means any premises, building, or part of a building in which manicurists engage only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both. For administrative purposes, a nail salon is deemed the equivalent of a beauty salon and is subject to appropriate rules with respect to sanitation and sterilization. A licensed manicurist may practice the occupation of manicuring nails in a nail salon, in a beauty salon, or in a barber shop.

(N) "Esthetics salon" means any premises, building, or part of a building in which esthetics is performed by a person licensed as a cosmetologist or esthetician. For administrative purposes, an esthetics salon is deemed the equivalent of a beauty salon and is subject to the appropriate rules with respect to sanitation and sterilization.

(O) "Managing manicurist" means any person who has met the requirements of division (H) of section 4713.04 of the Revised Code, and has applied for and received a managing manicurist license.	287 288 289 290
(P) "Manicurist instructor" means any person who meets the requirements of division (L) of section 4713.04 of the Revised Code and who has applied for and received a manicurist instructor license.	291 292 293 294
(Q) "Managing esthetician" means any person who has met the requirements of division (J) of section 4713.04 of the Revised Code, and has applied for and received a managing esthetician's license.	295 296 297 298
(R) "Esthetics instructor" means any person who meets the requirements of division (K) of section 4713.04 of the Revised Code and who has applied for and received an esthetics instructor license.	299 300 301 302
(S) "Glamour photography" means the combination of a photographic service or product with the delivery of a cosmetology service advertised or sold to the public.	303 304 305
Sec. 4713.12. Sections 4713.01 to 4713.21 of the Revised Code do not prohibit service in cases of emergency or domestic administration, without compensation. The following persons shall be exempt from the provisions of such sections:	306 307 308 309
(A) All persons authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state;	310 311
(B) Commissioned surgical and medical officers of the United States army, navy, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;	312 313 314 315
(C) Barbers <u>Except as otherwise specifically provided in this</u>	316

chapter, barbers, insofar as their usual and ordinary vocation and 317
profession is concerned; 318

(D) Funeral directors, embalmers, and apprentices licensed or 319
registered under Chapter 4717. of the Revised Code; 320

(E) Persons who are engaged in the retail sale, cleaning, or 321
beautification of wigs and postiches but who do not engage in any 322
other act constituting the practice of cosmetology; 323

(F) Volunteers of hospitals, and homes as defined in section 324
3721.01 of the Revised Code, who render service to registered 325
patients and inpatients who reside in such hospitals or homes. 326
Such volunteers shall not use or work with any chemical products 327
such as permanent wave, hair dye, or chemical hair relaxer, which 328
without proper training would pose a health or safety problem to 329
the patient. 330

(G) Nurses aides and other employees of hospitals and homes 331
as defined in section 3721.01 of the Revised Code, who render 332
cosmetology services to registered patients only as part of 333
general patient care services and who do not charge patients 334
directly on a fee for service basis; 335

(H) Cosmetic therapists who practice cosmetic therapy in 336
premises approved by the state medical board under Chapter 4731. 337
of the Revised Code; 338

(I) Photographers engaged in delivering a glamour photography 339
service in a licensed salon, so long as the person advertising and 340
operating the glamour photography service is properly licensed 341
under this chapter by the state board of cosmetology. 342
343

Sec. 4713.14. (A) Beauty salons shall be in charge of and 344
under the immediate supervision of a licensed managing 345
cosmetologist, and esthetics salons shall be in charge of and 346

under the immediate supervision of a licensed managing 347
cosmetologist or a licensed managing esthetician. Beauty salons 348
and esthetics salons shall be equipped to provide potable running 349
hot and cold water and proper drainage, to sanitize all 350
instruments and supplies used ~~therein~~ in them in the practice of 351
cosmetology and any of its branches or in the practice of 352
barbering, and to sterilize all instruments and supplies used 353
~~therein~~ in them by cosmetic therapists licensed under section 354
4731.15 of the Revised Code. Except as provided in ~~division~~ 355
DIVISIONS (C) AND (E) of this section, rooms licensed as beauty 356
salons or esthetics salons shall be used only for the practice of 357
services regulated and licensed under this chapter and section 358
4731.15 of the Revised Code, be kept in a clean and sanitary 359
condition, and be properly ventilated. Nothing in this section 360
shall be construed to forbid the retailing of cosmetics, 361
preparations, tonics, antiseptics, creams, lotions, wigs, 362
postiches, and other items related to the practice of cosmetology, 363
including clothing, or forbid the provision of glamour 364
photography, in a beauty salon or esthetics salon. No food shall 365
be sold in rooms used as beauty salons or esthetics salons. 366

(B) Nail salons shall be in charge of and under the immediate 367
supervision of a licensed managing manicurist or a licensed 368
managing cosmetologist. Nail salons shall be equipped to provide 369
potable running hot and cold water and proper drainage, and to 370
sanitize all instruments and supplies used ~~therein~~ in them in the 371
manicuring of nails or in the practice of massage. Rooms licensed 372
as nail salons shall be used only for the practice of services 373
regulated and licensed under this chapter, and must be kept in a 374
clean and sanitary condition and be properly ventilated. Nothing 375
in this section shall be construed to forbid the retailing of 376
cosmetics, creams, lotions, and other items related to the 377
manicuring of nails, including clothing, in a nail salon. No food 378

shall be sold in rooms used as nail salons. 379

(C) Where the owner or operator of a beauty salon, nail 380
salon, or a school of cosmetology has a permit issued under 381
section 4713.25 of the Revised Code, tanning facilities may be 382
operated in beauty salons, nail salons, and schools of cosmetology 383
in accordance with rules that the state board of cosmetology may 384
adopt pertaining to the operation of tanning facilities in beauty 385
salons, nail salons, and schools. 386

(D) The owner or operator of a beauty salon or nail salon may 387
provide massage services at the salon if the services are provided 388
in accordance with any rules adopted under section 4713.02 of the 389
Revised Code and the person giving the service holds a current, 390
valid certificate issued under section 4731.15 of the Revised 391
Code. Any room used to provide massage services in a salon shall 392
be used for only that purpose and is subject to the requirements 393
relating to cleanliness and ventilation established in division 394
(A) of this section. 395

(E) Barbers licensed under Chapter 4709. Of the Revised Code 396
may practice barbering in a beauty salon only if that salon also 397
is licensed as a barber shop under Chapter 4709. Of the Revised 398
Code. Barbers shall comply with the method of sanitizing required 399
and all other rules adopted by the barber board governing the 400
practice of barbering in barber shops. A beauty salon that also is 401
licensed as a barber shop is subject to inspection by the barber 402
board and the state board of cosmetology to determine compliance 403
with Chapters 4709. and 4713. Of the Revised Code, respectively. 404

(F) The owner or operator of a beauty salon that employs a 406
licensed barber shall notify the barber board and the state board 407
of cosmetology in writing within thirty days of the barber's 408
employment. 409

Sec. 4713.20. (A) No person shall do any of the following:	410
(1) Conduct or operate a nail salon, beauty salon, esthetics salon, or school of cosmetology without a license;	411 412
(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;	413 414 415 416 417
(3) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;	418 419 420 421 422 423
(4) Aid or abet any person:	424
(a) Violating sections 4713.01 to 4713.21 of the Revised Code;	425 426
(b) Obtaining a license fraudulently;	427
(c) Falsely pretending to be licensed;	428
(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology.	429 430
(5) Engage in the practice of massage in a beauty salon or nail salon for pay, free, or otherwise unless he <u>the person</u> holds a current, valid certificate issued by the state medical board pursuant to section 4731.15 of the Revised Code;	431 432 433 434
(6) Engage in the advertisement or operation of a glamour photography service unless properly licensed under this chapter by the state board of cosmetology;	435 436 437
(7) <u>Except as otherwise provided in division (A)(7) of this</u>	438

section, advertise cosmetology services unless the establishment 439
and personnel employed in the establishment are licensed pursuant 440
to this chapter. If barber services are provided in a beauty salon 441
licensed pursuant to this chapter, advertisements also may refer 442
to the barber services provided in the salon. 443

(B) Sections 4713.01 to 4713.21 of the Revised Code do not 444
prohibit any student in a licensed school of cosmetology in this 445
state from engaging in that school, as a student, in work 446
connected with any branch of cosmetology taught in the school. 447

Section 2. That existing sections 4709.02, 4709.03, 4709.05, 448
4709.09, 4713.01, 4713.12, 4713.14, and 4713.20 of the Revised 449
Code are hereby repealed. 450