

**As Reported by the Senate General Government and Agency Review
Committee**

133rd General Assembly

**Regular Session
2019-2020**

Sub. H. B. No. 673

Representative Roemer

**Cosponsors: Representatives Wiggam, Crossman, Galonski, Hambley, Rogers,
Seitz**

Senators Schuring, Sykes

A BILL

To amend sections 4709.02, 4709.05, 4709.07, 1
4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 2
4713.61, 4729.41, 4731.512, and 4928.66 and to 3
enact sections 4709.071, 4713.351, and 4729.42 4
of the Revised Code and to amend Section 30 of 5
H.B. 197 of the 133rd General Assembly regarding 6
the operation of businesses, practice of certain 7
professions, completion of education as it 8
relates to COVID-19, public health, and 9
membership of the State Cosmetology and Barber 10
Board, to modify the electric utility law 11
regarding energy efficiency programs, and to 12
declare an emergency. 13

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

Section 1. That sections 4709.02, 4709.05, 4709.07, 14
4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 4713.61, 4729.41, 15
4731.512, and 4928.66 be amended and sections 4709.071, 16

4713.351, and 4729.42 of the Revised Code be enacted to read as follows: 17
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Sec. 4709.02. Except as provided in this chapter, no person shall do any of the following: 19
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(A) Engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license or a temporary pre-examination work permit issued pursuant to this chapter; 21
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(B) Operate or attempt to operate a barber shop without a barber shop license issued pursuant to this chapter; 26
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(C) Engage in or attempt to engage in the teaching of or assist in the teaching of the practice of barbering without a barber teacher or assistant barber teacher license issued pursuant to this chapter; 28
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(D) Advertise barbering services unless the establishment and personnel employed therein are licensed or hold a permit pursuant to this chapter; 32
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(E) Use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop license issued pursuant to this chapter; 35
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(F) Operate or attempt to operate a barber school without a barber school license issued pursuant to this chapter; 38
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(G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the state cosmetology and barber board; 40
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(H) Being a barber, knowingly continue the practice of barbering, or being a student, knowingly continue as a student 43
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in any barber school, while such person has an infectious, 45
contagious, or communicable disease; 46

(I) Obtain or attempt to obtain a license or permit by 47
fraudulent misrepresentation for money, other than the required 48
fee, or any other thing of value; 49

(J) Practice or attempt to practice barbering by 50
fraudulent misrepresentation; 51

(K) ~~Employ~~Perform, or employ another person to perform ~~or~~ 52
~~himself perform,~~ the practice of barbering in a licensed barber 53
shop unless that person ~~is licensed as a barber~~ holds a license 54
or permit to practice barbering under this chapter; 55

~~(L) Use any room or place for barbering which is also used 56
for residential or other business purposes, unless it is 57
separated by a substantial ceiling-high partition. This does not 58
exclude hair care products used and sold in barber shops or the 59
sale of clothing and related accessories as authorized by 60
division (F) of section 4709.09 of the Revised Code. 61~~

~~(M) Violate any rule adopted by the board or department of 62
health for barber shops or barber schools. 63~~

Sec. 4709.05. In addition to any other duty imposed on the 64
state cosmetology and barber board under this chapter or Chapter 65
4713. of the Revised Code, the board shall do all of the 66
following: 67

(A) Hold regular meetings, at the times and places as it 68
determines for the purpose of conducting the examinations 69
required under this chapter, and hold additional meetings for 70
the transaction of necessary business; 71

(B) Maintain a record of its proceedings and a register of 72

persons licensed as barbers. The register shall include each 73
licensee's name, place of business, residence, and licensure 74
date and number, and a record of all licenses issued, refused, 75
renewed, suspended, or revoked. The records are open to public 76
inspection at all reasonable times. 77

(C) Ensure that the practice of barbering is conducted 78
only in a licensed barber shop, except when the practice of 79
barbering is performed on a person whose physical or mental 80
disability prevents that person from going to a licensed barber 81
shop; 82

(D) Conduct or have conducted the examination for 83
applicants to practice as licensed barbers at least four times 84
per year at the times and places the board determines; 85

(E) Adopt rules, in accordance with Chapter 119. of the 86
Revised Code, to administer and enforce this chapter and which 87
cover all of the following: 88

(1) Sanitary standards for the operation of barber shops 89
and barber schools that conform to guidelines established by the 90
department of health; 91

(2) The content of the examination required of an 92
applicant for a barber license. The examination shall include a 93
practical demonstration and a written test, shall relate only to 94
the practice of barbering, and shall require the applicant to 95
demonstrate that the applicant has a thorough knowledge of and 96
competence in the proper techniques in the safe use of chemicals 97
used in the practice of barbering. 98

(3) Continuing education requirements for persons licensed 99
pursuant to this chapter. The board may impose continuing 100
education requirements upon a licensee for a violation of this 101

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| chapter or the rules adopted pursuant thereto or if the board | 102 |
| determines that the requirements are necessary to preserve the | 103 |
| health, safety, or welfare of the public. | 104 |
| (4) Requirements for the licensure of barber schools, | 105 |
| barber teachers, and assistant barber teachers; | 106 |
| (5) Requirements for students of barber schools; | 107 |
| (6) Any other area the board determines appropriate to | 108 |
| administer or enforce this chapter; | 109 |
| <u>(7) Conditions an individual must satisfy to qualify for a</u> | 110 |
| <u>temporary pre-examination work permit under section 4709.071 of</u> | 111 |
| <u>the Revised Code and the conditions and method of renewing a</u> | 112 |
| <u>temporary pre-examination work permit under that section. The</u> | 113 |
| <u>board may establish additional conditions for a temporary pre-</u> | 114 |
| <u>examination work permit under section 4709.071 of the Revised</u> | 115 |
| <u>Code that is applicable to individuals who are licensed to</u> | 116 |
| <u>practice barbering in another state or country.</u> | 117 |
| (F) Prior to adopting any rule under this chapter, | 118 |
| indicate at a formal hearing the reasons why the rule is | 119 |
| necessary as a protection of the persons who use barber services | 120 |
| or as an improvement of the professional standing of barbers in | 121 |
| this state; | 122 |
| (G) Furnish each owner or manager of a barber shop and | 123 |
| barber school with a copy of all sanitary rules adopted pursuant | 124 |
| to division (E) of this section; | 125 |
| (H) Conduct such investigations and inspections of persons | 126 |
| and establishments licensed or unlicensed pursuant to this | 127 |
| chapter and for that purpose, any member of the board or any of | 128 |
| its authorized agents may enter and inspect any place of | 129 |
| business of a licensee or a person suspected of violating this | 130 |

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| chapter or the rules adopted pursuant thereto, during normal | 131 |
| business hours; | 132 |
| (I) Upon the written request of an applicant and the | 133 |
| payment of the appropriate fee, provide to the applicant | 134 |
| licensure information concerning the applicant; | 135 |
| (J) Do all things necessary for the proper administration | 136 |
| and enforcement of this chapter. | 137 |
| Sec. 4709.07. (A) Each person who desires to obtain an | 138 |
| initial license to practice barbering shall apply to the state | 139 |
| cosmetology and barber board, on forms provided by the board. | 140 |
| The application form shall include the name of the person | 141 |
| applying for the license and evidence that the applicant meets | 142 |
| all of the requirements of division (B) of this section. The | 143 |
| application shall be accompanied by two signed current | 144 |
| photographs of the applicant, in the size determined by the | 145 |
| board, that show only the head and shoulders of the applicant, | 146 |
| and the examination application fee. | 147 |
| (B) In order to take the required barber examination and | 148 |
| to qualify for licensure as a barber, an applicant must | 149 |
| demonstrate that the applicant meets all of the following: | 150 |
| (1) Is of good moral character; | 151 |
| (2) Is at least eighteen years of age; | 152 |
| (3) Has an eighth grade education or an equivalent | 153 |
| education as determined by the state board of education in the | 154 |
| state where the applicant resides; | 155 |
| (4) Has graduated with at least one thousand eight hundred | 156 |
| hours of training from a board-approved barber school or has | 157 |
| graduated with at least one thousand hours of training from a | 158 |

board-approved barber school in this state and has a current 159
cosmetology or hair designer license issued pursuant to Chapter 160
4713. of the Revised Code. No hours of instruction earned by an 161
applicant five or more years prior to the examination apply to 162
the hours of study required by this division. 163

~~(C) Any applicant who meets all of the requirements of 164
divisions (A) and (B) of this section may take the barber 165
examination at the time and place specified by the board. If the 166
an applicant fails to attain at least a seventy five per cent 167
pass rate on each any part of the examination, the applicant is 168
ineligible for licensure; however, the applicant may reapply for 169
examination within ninety days after the date of the release of 170
the examination scores by paying and pay the required 171
reexamination fee. An applicant is only required to take that 172
part or parts of the examination on which that the applicant did 173
not receive a score of seventy five per cent or higher pass. If 174
the applicant fails to reapply for examination within ninety 175
days or fails the second examination, in order to reapply for 176
examination for licensure the applicant shall complete an 177
additional course of study of not less than two hundred hours, 178
in a board approved barber school. The board shall provide to an 179
applicant, upon request, a report which explains the reasons for 180
the applicant's failure to pass the examination. 181~~

(D) The board shall issue a license to practice barbering 182
to any applicant who, to the satisfaction of the board, meets 183
the requirements of divisions (A) and (B) of this section, who 184
passes the required examination, and pays the initial licensure 185
fee. Every licensed barber shall display the certificate of 186
licensure in a conspicuous place adjacent to or near the 187
licensed barber's work chair, along with a signed current 188
photograph, in the size determined by the board, showing head 189

and shoulders only. 190

Sec. 4709.071. (A) The state cosmetology and barber board 191
shall issue a temporary pre-examination work permit to practice 192
barbering to an individual who applies for and is eligible to 193
take an examination conducted under section 4709.07 of the 194
Revised Code, if the individual satisfies all of the following 195
conditions: 196

(1) The individual has not previously failed an 197
examination conducted under section 4709.07 of the Revised Code. 198

(2) The individual pays to the board the applicable fee. 199

(3) The individual satisfies all other conditions 200
established by rules adopted under section 4709.05 of the 201
Revised Code. 202

(B) An individual issued a temporary pre-examination work 203
permit under this section may practice until the date the 204
individual is scheduled to take an examination under section 205
4709.07 of the Revised Code. The individual shall practice under 206
the supervision of an individual holding a current, valid barber 207
license. 208

(C) A temporary pre-examination work permit is renewable 209
in accordance with rules adopted under section 4709.05 of the 210
Revised Code. 211

Sec. 4709.10. (A) Each person who desires to obtain a 212
license to operate a barber school shall apply to the state 213
cosmetology and barber board, on forms provided by the board. 214
The board shall issue a barber school license to a person if the 215
board determines that the person meets and will comply with all 216
of the requirements of division (B) of this section and pays the 217
required licensure and inspection fees. 218

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| (B) In order for a person to qualify for a license to | 219 |
| operate a barber school, the barber school to be operated by the | 220 |
| person must meet all of the following requirements: | 221 |
| (1) Have a training facility sufficient to meet the | 222 |
| required educational curriculum established by the board, | 223 |
| including enough space to accommodate all the facilities and | 224 |
| equipment required by rule by the board; | 225 |
| (2) Provide sufficient licensed teaching personnel to meet | 226 |
| the minimum pupil-teacher ratio established by rule of the | 227 |
| board; | 228 |
| (3) Have established and provide to the board proof that | 229 |
| it has met all of the board requirements to operate a barber | 230 |
| school, as adopted by rule of the board; | 231 |
| (4) File with the board a program of its curriculum, | 232 |
| accounting for not less than one thousand eight hundred hours of | 233 |
| instruction in the courses of theory and practical demonstration | 234 |
| required by rule of the board; | 235 |
| (5) File with the board a surety bond in the amount of ten | 236 |
| thousand dollars issued by a bonding company licensed to do | 237 |
| business in this state. The bond shall be in the form prescribed | 238 |
| by the board and conditioned upon the barber school's continued | 239 |
| instruction in the theory and practice of barbering. The bond | 240 |
| shall continue in effect until notice of its termination is | 241 |
| provided to the board. In no event, however, shall the bond be | 242 |
| terminated while the barber school is in operation. Any student | 243 |
| who is injured or damaged by reason of a barber school's failure | 244 |
| to continue instruction in the theory and practice of barbering | 245 |
| may maintain an action on the bond against the barber school or | 246 |
| the surety, or both, for the recovery of any money or tuition | 247 |

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| paid in advance for instruction in the theory and practice of | 248 |
| barbering which was not received. The aggregate liability of the | 249 |
| surety to all students shall not exceed the sum of the bond. | 250 |
| (6) Maintain adequate record keeping to ensure that it has | 251 |
| met the requirements for records of student progress as required | 252 |
| by board rule; | 253 |
| (7) Establish minimum standards for acceptance of student | 254 |
| applicants for admission to the barber school. The barber school | 255 |
| may establish entrance requirements which are more stringent | 256 |
| than those prescribed by the board, but the requirements must at | 257 |
| a minimum require the applicant to meet all of the following: | 258 |
| (a) Be at least seventeen years of age; | 259 |
| (b) Be of good moral character; | 260 |
| (c) Have an eighth grade education, or an equivalent | 261 |
| education as determined by the state board of education; | 262 |
| (d) Submit two signed current photographs of the | 263 |
| applicant, in the size determined by the board. | 264 |
| (8) Have a procedure to submit every student applicant's | 265 |
| admission application to the board for the board's review and | 266 |
| approval prior to the applicant's admission to the barber | 267 |
| school; | 268 |
| (9) Operate in a manner which reflects credit upon the | 269 |
| barbering profession; | 270 |
| (10) Offer a curriculum of study which covers all aspects | 271 |
| of the scientific fundamentals of barbering as specified by rule | 272 |
| of the board; | 273 |
| (11) Employ no more than two licensed assistant barber | 274 |

teachers for each licensed barber teacher employed or fewer than 275
two licensed teachers or one licensed teacher and one licensed 276
assistant teacher at each facility. 277

(C) Each person who desires to obtain a barber teacher or 278
assistant barber teacher license shall apply to the board, on 279
forms provided by the board. The board shall only issue a barber 280
teacher license to a person who meets all of the following 281
requirements: 282

(1) Holds a current barber license issued pursuant to this 283
chapter and has at least eighteen months of work experience in a 284
licensed barber shop or has been employed as an assistant barber 285
teacher under the supervision of a licensed barber teacher for 286
at least one year, unless, for good cause, the board waives this 287
requirement; 288

(2) Meets such other requirements as adopted by rule by 289
the board; 290

(3) Passes the required examination; and 291

(4) Pays the required fees. ~~If an applicant fails to pass-~~ 292
~~the examination, the applicant may reapply for the examination-~~ 293
~~and licensure no earlier than one year after the failure to pass-~~ 294
~~and provided that during that period, the applicant remains-~~ 295
~~employed as an assistant barber teacher.~~ 296

The board shall only issue an assistant barber teacher 297
license to a person who holds a current barber license issued 298
pursuant to this chapter and pays the required fees. 299

(D) Any person who meets the qualifications of an 300
assistant teacher pursuant to division (C) of this section, may 301
be employed as an assistant teacher, provided that within five 302
days after the commencement of the employment the barber school 303

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| submits to the board, on forms provided by the board, the | 304 |
| applicant's qualifications. | 305 |
| Sec. 4709.12. (A) The state cosmetology and barber board | 306 |
| shall charge and collect the following fees: | 307 |
| (1) For the application to take the barber examination, | 308 |
| ninety dollars; | 309 |
| (2) For an application to retake any part of the barber | 310 |
| examination, forty-five dollars; | 311 |
| (3) For the initial issuance of a license to practice as a | 312 |
| barber, thirty dollars; | 313 |
| (4) For the biennial renewal of the license to practice as | 314 |
| a barber, one hundred ten dollars; | 315 |
| (5) For the restoration of an expired barber license, one | 316 |
| hundred dollars, and seventy-five dollars for each lapsed year, | 317 |
| provided that the total fee shall not exceed six hundred ninety | 318 |
| dollars; | 319 |
| (6) For the issuance of a duplicate barber or shop | 320 |
| license, forty-five dollars; | 321 |
| (7) For the inspection of a new barber shop, change of | 322 |
| ownership, or reopening of premises or facilities formerly | 323 |
| operated as a barber shop, and issuance of a shop license, one | 324 |
| hundred ten dollars; | 325 |
| (8) For the biennial renewal of a barber shop license, | 326 |
| seventy-five dollars; | 327 |
| (9) For the restoration of a barber shop license, one | 328 |
| hundred ten dollars; | 329 |
| (10) For each inspection of premises for location of a new | 330 |

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| barber school, or each inspection of premises for relocation of | 331 |
| a currently licensed barber school, seven hundred fifty dollars; | 332 |
| (11) For the initial barber school license, one thousand | 333 |
| dollars, and one thousand dollars for the renewal of the | 334 |
| license; | 335 |
| (12) For the restoration of a barber school license, one | 336 |
| thousand dollars; | 337 |
| (13) For the issuance of a student registration, forty | 338 |
| dollars; | 339 |
| (14) For the examination and issuance of a biennial | 340 |
| teacher license, one hundred eighty-five dollars; | 341 |
| (15) For the renewal of a biennial teacher license, one | 342 |
| hundred fifty dollars; | 343 |
| (16) For the restoration of an expired teacher license, | 344 |
| two hundred twenty-five dollars, and sixty dollars for each | 345 |
| lapsed year, provided that the total fee shall not exceed four | 346 |
| hundred fifty dollars; | 347 |
| (17) For the issuance of a barber license by reciprocity | 348 |
| pursuant to section 4709.08 of the Revised Code, three hundred | 349 |
| dollars; | 350 |
| (18) For providing licensure information concerning an | 351 |
| applicant, upon written request of the applicant, forty dollars; | 352 |
| <u>(19) For a temporary pre-examination work permit</u> | 353 |
| <u>under section 4709.071 of the Revised Code, not more than</u> | 354 |
| <u>fifteen dollars.</u> | 355 |
| (B) The board, subject to the approval of the controlling | 356 |
| board, may establish fees in excess of the amounts provided in | 357 |

this section, provided that the fees do not exceed the amounts 358
permitted by this section by more than fifty per cent. 359

(C) In addition to any other fee charged and collected 360
under this section, the board shall ask each person renewing a 361
license to practice as a barber whether the person wishes to 362
make a two-dollar voluntary contribution to the Ed Jeffers 363
barber museum. The board shall transmit any contributions to the 364
treasurer of state for deposit into the occupational licensing 365
fund. 366

Sec. 4709.13. (A) The state cosmetology and barber board 367
may refuse to issue or renew or may suspend or revoke or impose 368
conditions upon any license or permit issued pursuant to this 369
chapter for any one or more of the following causes: 370

(1) Advertising by means of knowingly false or deceptive 371
statements; 372

(2) Habitual drunkenness or possession of or addiction to 373
the use of any controlled drug prohibited by state or federal 374
law; 375

(3) Immoral or unprofessional conduct; 376

(4) Continuing to be employed in a barber shop wherein 377
rules of the board or department of health are violated; 378

(5) Employing any person who does not have a current Ohio 379
license or permit to perform the practice of barbering; 380

(6) Owning, managing, operating, or controlling any barber 381
school or portion thereof, wherein the practice of barbering is 382
carried on, whether in the same building or not, without 383
displaying a sign at all entrances to the places where the 384
barbering is carried on, indicating that the work therein is 385

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| done by students exclusively; | 386 |
| (7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop; | 387 388 389 390 |
| (8) Violating any sanitary rules approved by the department of health or the board; | 391 392 |
| (9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber <u>or holds a permit to practice barbering</u> under this chapter; | 393 394 395 396 |
| (10) Gross incompetence. | 397 |
| (B) (1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license <u>or permit</u> issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license <u>or permit</u> under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty. | 398 399 400 401 402 403 404 |
| (2) A conviction or plea of guilty to a felony committed prior to being issued a license <u>or permit</u> under this chapter shall not disqualify a person from being issued an initial license under this chapter. | 405 406 407 408 |
| (C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may | 409 410 411 412 413 414 |

appeal the board's decision to the court of common pleas in 415
Franklin county. 416

(D) The board may adopt rules in accordance with Chapter 417
119. of the Revised Code, specifying additional grounds upon 418
which the board may take action under division (A) of this 419
section. 420

Sec. 4713.02. (A) There is hereby created the state 421
cosmetology and barber board, consisting of all of the following 422
members appointed by the governor, with the advice and consent 423
of the senate: 424

(1) One individual holding a current, valid cosmetologist 425
or cosmetology instructor license at the time of appointment; 426

(2) Two individuals holding current, valid cosmetologist 427
licenses and actively engaged in managing beauty salons for a 428
period of not less than five years at the time of appointment; 429

(3) One individual who holds a current, valid independent 430
contractor license at the time of appointment and practices a 431
branch of cosmetology; 432

(4) One individual who represents individuals who teach 433
the theory and practice of a branch of cosmetology at a 434
vocational or career-technical school; 435

(5) One owner or executive actively engaged in the daily 436
operations of a licensed school of cosmetology; 437

(6) One owner of at least five licensed salons; 438

(7) One individual who is either a certified nurse 439
practitioner or clinical nurse specialist holding a current, 440
valid license to practice nursing as an advanced practice 441
registered nurse issued under Chapter 4723. of the Revised Code 442

or a physician authorized under Chapter 4731. of the Revised 443
Code to practice medicine and surgery or osteopathic medicine 444
and surgery; 445

(8) One individual representing the general public; 446

(9) One individual who holds a current, valid tanning 447
permit and who has owned or managed a tanning facility for at 448
least five years immediately preceding the individual's 449
appointment; 450

(10) One individual who holds a current, valid esthetician 451
license and who has been actively practicing esthetics for a 452
period of not less than five years immediately preceding the 453
individual's appointment; 454

(11) Two barbers, ~~one of whom is an employer barber and~~ 455
~~one of whom is employed as a barber, both of whom~~ who have been 456
licensed as barbers in this state for at least five years 457
immediately preceding their appointment. 458

(B) The superintendent of public instruction shall 459
nominate three individuals for the governor to choose from when 460
making an appointment under division (A) (4) of this section. 461

(C) All members shall be at least twenty-five years of 462
age, residents of the state, and citizens of the United States. 463
No more than two members, at any time, shall be graduates of the 464
same school of cosmetology. Not more than one member shall have 465
a common financial connection with any school of cosmetology, 466
salon, barber school, or barber shop. 467

Terms of office are for five years. Terms shall commence 468
on the first day of November and end on the thirty-first day of 469
October. Each member shall hold office from the date of 470
appointment until the end of the term for which appointed. In 471

case of a vacancy occurring on the board, the governor shall, in 472
the same manner prescribed for the regular appointment to the 473
board, fill the vacancy by appointing a member. Any member 474
appointed to fill a vacancy occurring prior to the expiration of 475
the term for which the member's predecessor was appointed shall 476
hold office for the remainder of such term. Any member shall 477
continue in office subsequent to the expiration date of the 478
member's term until the member's successor takes office, or 479
until a period of sixty days has elapsed, whichever occurs 480
first. Before entering upon the discharge of the duties of the 481
office of member, each member shall take, and file with the 482
secretary of state, the oath of office required by Section 7 of 483
Article XV, Ohio Constitution. 484

The members of the board shall receive an amount fixed 485
pursuant to Chapter 124. of the Revised Code per diem for every 486
meeting of the board which they attend, together with their 487
necessary expenses, and mileage for each mile necessarily 488
traveled. 489

The members of the board shall annually elect, from among 490
their number, a chairperson and a vice-chairperson. The 491
executive director appointed pursuant to section 4713.06 of the 492
Revised Code shall serve as the board's secretary. 493

(D) The board shall prescribe the duties of its officers 494
and establish an office within Franklin county. The board shall 495
keep all records and files at the office and have the records 496
and files at all reasonable hours open to public inspection in 497
accordance with section 149.43 of the Revised Code and any rules 498
adopted by the board in compliance with this state's record 499
retention policy. The board also shall adopt a seal for the 500
authentication of its orders, communications, and records. 501

(E) The governor may remove any member for cause prior to 502
the expiration of the member's term of office. 503

(F) Whenever the term "state board of cosmetology" is 504
used, referred to, or designated in statute, rule, contract, 505
grant, or other document, the use, reference, or designation 506
shall be deemed to mean the "state cosmetology and barber board" 507
or the executive director of the state cosmetology and barber 508
board, whichever is appropriate in context. Whenever the term 509
"barber board" is used, referred to, or designated in statute, 510
rule, contract, grant, or other document, the use, reference, or 511
designation shall be deemed to mean the "state cosmetology and 512
barber board" or the executive director of the state cosmetology 513
and barber board, whichever is appropriate in context. 514

Sec. 4713.08. (A) The state cosmetology and barber board 515
shall adopt rules in accordance with Chapter 119. of the Revised 516
Code as necessary to implement this chapter. The rules shall do 517
all of the following: 518

(1) Govern the practice of the branches of cosmetology; 519

(2) Specify conditions an individual must satisfy to 520
qualify for a temporary pre-examination work permit under 521
section 4713.22 of the Revised Code and the conditions and 522
method of renewing a temporary pre-examination work permit under 523
that section; 524

(3) Provide for the conduct of examinations under section 525
4713.24 of the Revised Code; 526

(4) Specify conditions under which the board will take 527
into account, under section 4713.32 of the Revised Code, 528
instruction an applicant for a license under section 4713.28, 529
4713.30, or 4713.31 of the Revised Code received more than five 530

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| years before the date of application for the license; | 531 |
| (5) Provide for the granting of waivers under section 4713.29 of the Revised Code; | 532 533 |
| (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; | 534 535 536 537 |
| (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; | 538 539 540 |
| (8) 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; | 541 542 543 544 |
| (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; | 545 546 547 548 |
| (10) Establish conditions under which food may be sold at a salon; | 549 550 |
| (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; | 551 552 553 |
| (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code; | 554 555 556 |
| (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at | 557 558 |

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| schools of cosmetology licensed in this state; | 559 |
| (14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs; | 560 561 562 |
| (15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology; | 563 564 |
| (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit; | 565 566 567 568 |
| (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following: | 569 570 571 |
| (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated; | 572 573 574 |
| (b) Require consumers to wear protective eyeglasses; | 575 |
| (c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps; | 576 577 |
| (d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer; | 578 579 580 581 582 |
| (e) Require the installation of protective shielding for sun lamps and handrails for consumers; | 583 584 |
| (f) Require floors to be dry during operation of lamps; | 585 |

(g) Establish procedures an operator must follow in making 586
reasonable efforts in compliance with section 4713.50 of the 587
Revised Code to determine the age of an individual seeking to 588
use sun lamp tanning services. 589

(18)~~(a)~~ If the board, under section 4713.61 of the Revised 590
Code, develops a procedure for classifying licenses inactive, do 591
both of the following: 592

~~(i)~~ (a) Establish a fee for having a license classified 593
inactive that reflects the cost to the board of providing the 594
inactive license service. If one or more renewal periods have 595
elapsed since the license was valid, the fee shall not include 596
lapsed renewal fees for more than three of those renewal 597
periods; 598

~~(ii)~~ (b) Specify the continuing education that an 599
individual whose license has been classified inactive must 600
complete to have the license restored. The continuing education 601
shall be sufficient to ensure the minimum competency in the use 602
or administration of a new procedure or product required by a 603
licensee necessary to protect public health and safety. The 604
requirement shall not exceed the cumulative number of hours of 605
continuing education that the individual would have been 606
required to complete had the individual retained an active 607
license. 608

~~(b) In addition, the board may specify the conditions and 609
method for granting a temporary work permit to practice a branch 610
of cosmetology to an individual whose license has been 611
classified inactive. 612~~

(19) Establish a fee for approval of a continuing 613
education program under section 4713.62 of the Revised Code that 614

is adequate to cover any expense the board incurs in the 615
approval process; 616

(20) Anything else necessary to implement this chapter. 617

(B) ~~(1)~~ The rules adopted under division (A) (2) of this 618
section may establish additional conditions for a temporary pre- 619
examination work permit under section 4713.22 of the Revised 620
Code that are applicable to individuals who practice a branch of 621
cosmetology in another state or country. 622

~~(2) The rules adopted under division (A) (18) (b) of this 623
section may establish additional conditions for a temporary work- 624
permit that are applicable to individuals who practice a branch- 625
of cosmetology in another state. 626~~

(C) The conditions specified in rules adopted under 627
division (A) (6) of this section may include that an applicant is 628
applying for a license to practice a branch of cosmetology for 629
which the board determines an examination is unnecessary. 630

(D) The rules adopted under division (A) (11) of this 631
section shall not include a profession if practice of the 632
profession in a salon is a violation of a statute or rule 633
governing the profession. 634

(E) The sanitary standards established under division (A) 635
(15) of this section shall focus in particular on precautions to 636
be employed to prevent infectious or contagious diseases being 637
created or spread. The board shall consult with the Ohio 638
department of health when establishing the sanitary standards. 639

(F) The fee established by rules adopted under division 640
(A) (16) of this section shall cover the cost the board incurs in 641
inspecting tanning facilities and enforcing the board's rules 642
but may not exceed one hundred dollars per location of such 643

facilities. 644

(G) The board may establish the conditions and method for 645
granting a temporary work permit to practice a branch of 646
cosmetology in this state to an individual who practices a 647
branch of cosmetology in another state. 648

Sec. 4713.351. (A) For purposes of this section, a 649
"limited event" includes, but is not limited to, the following: 650

(1) A charity event; 651

(2) On-location wedding or event preparation; 652

(3) A bridal or hair show; 653

(4) An on-location spa event; 654

(5) An on-location event at a location such as a nursing 655
home, hospital, or other care facility that lacks an on-site 656
salon or barber shop; 657

(6) An on-location event at the private residence of an 658
individual who is unable to visit a fixed location salon or 659
barber shop. 660

(B) Notwithstanding any provision of this chapter or 661
Chapter 4709. of the Revised Code, or the rules adopted under 662
either chapter, to the contrary, an individual who is licensed 663
to provide services under Chapter 4709. or 4713. of the Revised 664
Code may provide those services on premises other than a salon 665
or a barber shop licensed under Chapter 4709., as applicable, 666
for limited events only if the services provided are incidental 667
to the licensee's practice in a salon or barber shop. 668

(C) The state cosmetology and barber board shall not 669
require an individual who provides incidental services as 670

described in this section to obtain an additional license or 671
permit to provide those services. 672

Sec. 4713.61. (A) If the state cosmetology and barber 673
board adopts a continuing education requirement under section 674
4713.09 of the Revised Code, it may develop a procedure by which 675
an individual who holds a license to practice a branch of 676
cosmetology, advanced license, or instructor license and who is 677
not currently engaged in the practice of the branch of 678
cosmetology or teaching the theory and practice of the branch of 679
cosmetology, but who desires to be so engaged in the future, may 680
apply to the board to have the individual's license classified 681
inactive. If the board develops such a procedure, an individual 682
seeking to have the individual's license classified inactive 683
shall apply to the board on a form provided by the board and pay 684
the fee established by rules adopted under section 4713.08 of 685
the Revised Code. 686

(B) The board shall not restore an inactive license until 687
~~the later of the following:~~ 688

~~(1) The date that the individual holding the license~~ 689
~~submits proof satisfactory to the board that the individual has~~ 690
~~completed the continuing education that a rule adopted under~~ 691
~~section 4713.08 of the Revised Code requires;~~ 692

~~(2) The last day of January of the next odd-numbered year~~ 693
~~following the year the license is classified inactive.~~ 694

~~(C) An individual who holds an inactive license may engage~~ 695
~~in the practice of a branch of cosmetology if the individual~~ 696
~~holds a temporary work permit as specified in rules adopted by~~ 697
~~the board under section 4713.08 of the Revised Code.~~ 698

Sec. 4729.41. (A) (1) A pharmacist licensed under this 699

chapter who meets the requirements of division (B) of this 700
section, and a pharmacy intern licensed under this chapter who 701
meets the requirements of division (B) of this section and is 702
working under the direct supervision of a pharmacist who meets 703
the requirements of that division, may do any of the following: 704

(a) Administer immunizations for influenza to individuals 705
who are seven years of age or older; 706

(b) Only pursuant to a prescription, administer to 707
individuals who are seven years of age or older but not more 708
than thirteen years of age any of the immunizations included in 709
division (A) (2) of this section; 710

(c) Administer to individuals who are thirteen years of 711
age or older any of the immunizations included in division (A) 712
(2) of this section; 713

(d) Administer immunizations for COVID-19 to individuals 714
who are seven years of age or older. 715

(2) A pharmacist or pharmacy intern may administer in 716
accordance with divisions (A) (1) (b) and (c) of this section 717
~~either any~~ of the following: 718

(a) Any immunization that ~~on March 19, 2015,~~ is included 719
in either of the following immunization schedules recommended by 720
the advisory committee on immunization practices of the centers 721
for disease control and prevention in the United States 722
department of health and human services: 723

(i) The recommended immunization schedule for ~~persons~~ 724
individuals aged zero through eighteen years; 725

(ii) The recommended adult immunization schedule. 726

(b) In the case of an adult individual, any immunization 727

that is authorized or approved for use in adults but not yet 728
included in the recommended adult immunization schedule 729
described in division (A) (2) (a) (ii) of this section; 730

(c) Any other immunization specified in rules adopted 731
under division (E) (1) (d) of this section. 732

(3) As part of engaging in the administration of 733
immunizations or supervising a pharmacy intern's administration 734
of immunizations, a pharmacist may administer epinephrine or 735
diphenhydramine, or both, to individuals in emergency situations 736
resulting from adverse reactions to the immunizations 737
administered by the pharmacist or pharmacy intern. 738

(B) For a pharmacist or pharmacy intern to be authorized 739
to engage in the administration of immunizations pursuant to 740
division (A) of this section, the pharmacist or pharmacy intern 741
shall do all of the following: 742

(1) Successfully complete a course in the administration 743
of immunizations that meets the requirements established in 744
rules adopted under this section for such courses; 745

(2) Receive and maintain certification to perform basic 746
life-support procedures by successfully completing a basic life- 747
support training course that is certified by the American red 748
cross or American heart association or approved by the state 749
board of pharmacy; 750

(3) Practice in accordance with a protocol that meets the 751
requirements of division (C) of this section. 752

(C) All of the following apply with respect to the 753
protocol required by division (B) (3) of this section: 754

(1) The protocol shall be established by a physician 755

authorized under Chapter 4731. of the Revised Code to practice 756
medicine and surgery or osteopathic medicine and surgery. 757

(2) The protocol shall specify a definitive set of 758
treatment guidelines and the locations at which a pharmacist or 759
pharmacy intern may engage in the administration of 760
immunizations. 761

(3) The protocol shall satisfy the requirements 762
established in rules adopted under this section for protocols. 763

(4) The protocol shall include provisions for 764
implementation of the following requirements: 765

(a) The pharmacist or pharmacy intern who administers an 766
immunization shall observe the individual who receives the 767
immunization to determine whether the individual has an adverse 768
reaction to the immunization. The length of time and location of 769
the observation shall comply with the rules adopted under this 770
section establishing requirements for protocols. The protocol 771
shall specify procedures to be followed by a pharmacist when 772
administering epinephrine, diphenhydramine, or both, to an 773
individual who has an adverse reaction to an immunization 774
administered by the pharmacist or a pharmacy intern. 775

(b) For each immunization administered to an individual by 776
a pharmacist or pharmacy intern, other than an immunization for 777
influenza administered to an individual eighteen years of age or 778
older, the pharmacist or pharmacy intern shall notify the 779
individual's family physician or, if the individual has no 780
family physician, the board of health of the health district in 781
which the individual resides or the authority having the duties 782
of a board of health for that district under section 3709.05 of 783
the Revised Code. The notice shall be given not later than 784

thirty days after the immunization is administered. 785

(c) For each immunization administered by a pharmacist or 786
pharmacy intern to an individual younger than eighteen years of 787
age pursuant to division (A)(1) of this section, the pharmacist 788
or a pharmacy intern shall obtain permission from the 789
individual's parent or legal guardian in accordance with the 790
procedures specified in rules adopted under this section. 791

(D)(1) No pharmacist shall do either of the following: 792

(a) Engage in the administration of immunizations unless 793
the requirements of division (B) of this section have been met; 794

(b) Delegate to any person the pharmacist's authority to 795
engage in or supervise the administration of immunizations. 796

(2) No pharmacy intern shall engage in the administration 797
of immunizations unless the requirements of division (B) of this 798
section have been met. 799

(E)(1) The state board of pharmacy shall adopt rules to 800
implement this section. The rules shall be adopted in accordance 801
with Chapter 119. of the Revised Code and shall include the 802
following: 803

(a) Requirements for courses in administration of 804
immunizations, including requirements that are consistent with 805
any standards established for such courses by the centers for 806
disease control and prevention; 807

(b) Requirements for protocols to be followed by 808
pharmacists and pharmacy interns in engaging in the 809
administration of immunizations; 810

(c) Procedures to be followed by pharmacists and pharmacy 811
interns in obtaining from the individual's parent or legal 812

guardian permission to administer immunizations to an individual 813
younger than eighteen years of age pursuant to division (A) (1) 814
of this section; 815

(d) Provisions specifying any immunizations that may be 816
administered under division ~~(A) (2) (b)~~ (A) (2) (c) of this section. 817

(2) Prior to adopting rules regarding requirements for 818
protocols to be followed by pharmacists and pharmacy interns in 819
engaging in the administration of immunizations, the state board 820
of pharmacy shall consult with the state medical board and the 821
board of nursing. 822

(3) Prior to adopting rules specifying any immunizations 823
that may be administered under division ~~(A) (2) (b)~~ (A) (2) (c) of 824
this section, the state board of pharmacy shall consult with the 825
state medical board. 826

(F) In addition to the rules it adopts under division (E) 827
of this section, the state board of pharmacy may adopt rules 828
that change the immunizations authorized by division (A) (2) (a) 829
of this section to reflect changes in the recommendations of the 830
advisory committee on immunization practices. The rules shall be 831
adopted in accordance with Chapter 119. of the Revised Code. 832

Sec. 4729.42. A pharmacist may order and administer 833
diagnostic tests for COVID-19 and tests for COVID-19 antibodies. 834

Both of the following may, under the direct supervision of 835
a pharmacist, administer diagnostic tests for COVID-19 and tests 836
for COVID-19 antibodies: 837

(A) A pharmacy intern; 838

(B) A certified pharmacy technician. 839

Sec. 4731.512. A podiatrist may administer ~~influenza~~ 840

vaccinations for both of the following to individuals who are 841
seven years of age or older: 842

(A) Influenza; 843

(B) COVID-19. 844

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 845
distribution utility shall implement energy efficiency programs 846
that achieve energy savings equivalent to at least three-tenths 847
of one per cent of the total, annual average, and normalized 848
kilowatt-hour sales of the electric distribution utility during 849
the preceding three calendar years to customers in this state. 850
An energy efficiency program may include a combined heat and 851
power system placed into service or retrofitted on or after the 852
effective date of the amendment of this section by S.B. 315 of 853
the 129th general assembly, September 10, 2012, or a waste 854
energy recovery system placed into service or retrofitted on or 855
after September 10, 2012, except that a waste energy recovery 856
system described in division (A) (38) (b) of section 4928.01 of 857
the Revised Code may be included only if it was placed into 858
service between January 1, 2002, and December 31, 2004. For a 859
waste energy recovery or combined heat and power system, the 860
savings shall be as estimated by the public utilities 861
commission. The savings requirement, using such a three-year 862
average, shall increase to an additional five-tenths of one per 863
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 864
of one per cent in 2012, nine-tenths of one per cent in 2013, 865
and one per cent in 2014. In 2015 and 2016, an electric 866
distribution utility shall achieve energy savings equal to the 867
result of subtracting the cumulative energy savings achieved 868
since 2009 from the product of multiplying the baseline for 869
energy savings, described in division (A) (2) (a) of this section, 870

by four and two-tenths of one per cent. If the result is zero or 871
less for the year for which the calculation is being made, the 872
utility shall not be required to achieve additional energy 873
savings for that year, but may achieve additional energy savings 874
for that year. The annual savings requirements shall be, for 875
years 2017, 2018, 2019, and 2020, an additional one per cent of 876
the baseline. For purposes of a waste energy recovery or 877
combined heat and power system, an electric distribution utility 878
shall not apply more than the total annual percentage of the 879
electric distribution utility's industrial-customer load, 880
relative to the electric distribution utility's total load, to 881
the annual energy savings requirement. 882

(b) Beginning in 2009, an electric distribution utility 883
shall implement peak demand reduction programs designed to 884
achieve a one per cent reduction in peak demand in 2009 and an 885
additional seventy-five hundredths of one per cent reduction 886
each year through 2014. In 2015 and 2016, an electric 887
distribution utility shall achieve a reduction in peak demand 888
equal to the result of subtracting the cumulative peak demand 889
reductions achieved since 2009 from the product of multiplying 890
the baseline for peak demand reduction, described in division 891
(A) (2) (a) of this section, by four and seventy-five hundredths 892
of one per cent. If the result is zero or less for the year for 893
which the calculation is being made, the utility shall not be 894
required to achieve an additional reduction in peak demand for 895
that year, but may achieve an additional reduction in peak 896
demand for that year. In 2017 and each year thereafter through 897
2020, the utility shall achieve an additional seventy-five 898
hundredths of one per cent reduction in peak demand. 899

(2) For the purposes of divisions (A) (1) (a) and (b) of 900
this section: 901

(a) The baseline for energy savings under division (A) (1) 902
(a) of this section shall be the average of the total kilowatt 903
hours the electric distribution utility sold in the preceding 904
three calendar years. The baseline for a peak demand reduction 905
under division (A) (1) (b) of this section shall be the average 906
peak demand on the utility in the preceding three calendar 907
years, except that the commission may reduce either baseline to 908
adjust for new economic growth in the utility's certified 909
territory. Neither baseline shall include the load and usage of 910
any of the following customers: 911

(i) Beginning January 1, 2017, a customer for which a 912
reasonable arrangement has been approved under section 4905.31 913
of the Revised Code; 914

(ii) A customer that has opted out of the utility's 915
portfolio plan under section 4928.6611 of the Revised Code; 916

(iii) A customer that has opted out of the utility's 917
portfolio plan under Section 8 of S.B. 310 of the 130th general 918
assembly. 919

(b) The commission may amend the benchmarks set forth in 920
division (A) (1) (a) or (b) of this section if, after application 921
by the electric distribution utility, the commission determines 922
that the amendment is necessary because the utility cannot 923
reasonably achieve the benchmarks due to regulatory, economic, 924
or technological reasons beyond its reasonable control. 925

(c) Compliance with divisions (A) (1) (a) and (b) of this 926
section shall be measured by including the effects of all 927
demand-response programs for mercantile customers of the subject 928
electric distribution utility, all waste energy recovery systems 929
and all combined heat and power systems, and all such mercantile 930

customer-sited energy efficiency, including waste energy 931
recovery and combined heat and power, and peak demand reduction 932
programs, adjusted upward by the appropriate loss factors. Any 933
mechanism designed to recover the cost of energy efficiency, 934
including waste energy recovery and combined heat and power, and 935
peak demand reduction programs under divisions (A) (1) (a) and (b) 936
of this section may exempt mercantile customers that commit 937
their demand-response or other customer-sited capabilities, 938
whether existing or new, for integration into the electric 939
distribution utility's demand-response, energy efficiency, 940
including waste energy recovery and combined heat and power, or 941
peak demand reduction programs, if the commission determines 942
that that exemption reasonably encourages such customers to 943
commit those capabilities to those programs. If a mercantile 944
customer makes such existing or new demand-response, energy 945
efficiency, including waste energy recovery and combined heat 946
and power, or peak demand reduction capability available to an 947
electric distribution utility pursuant to division (A) (2) (c) of 948
this section, the electric utility's baseline under division (A) 949
(2) (a) of this section shall be adjusted to exclude the effects 950
of all such demand-response, energy efficiency, including waste 951
energy recovery and combined heat and power, or peak demand 952
reduction programs that may have existed during the period used 953
to establish the baseline. The baseline also shall be normalized 954
for changes in numbers of customers, sales, weather, peak 955
demand, and other appropriate factors so that the compliance 956
measurement is not unduly influenced by factors outside the 957
control of the electric distribution utility. 958

(d) (i) Programs implemented by a utility may include the 959
following: 960

(I) Demand-response programs; 961

| | |
|---|--|
| (II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial; | 962 963 |
| (III) Customer-sited programs, including waste energy recovery and combined heat and power systems; | 964 965 |
| (IV) Transmission and distribution infrastructure improvements that reduce line losses; | 966 967 |
| (V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures. | 968 969 970 971 972 973 974 |
| (ii) No energy efficiency or peak demand reduction achieved under divisions (A) (2) (d) (i) (IV) and (V) of this section shall qualify for shared savings. | 975 976 977 |
| (iii) Division (A) (2) (c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code. | 978 979 980 981 982 983 984 985 |
| (e) No programs or improvements described in division (A) (2) (d) of this section shall conflict with any statewide building code adopted by the board of building standards. | 986 987 988 |
| (B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission | 989 990 |

an annual report containing the results of its verification of 991
the annual levels of energy efficiency and of peak demand 992
reductions achieved by each electric distribution utility 993
pursuant to division (A) of this section. A copy of the report 994
shall be provided to the consumers' counsel. 995

(C) If the commission determines, after notice and 996
opportunity for hearing and based upon its report under division 997
(B) of this section, that an electric distribution utility has 998
failed to comply with an energy efficiency or peak demand 999
reduction requirement of division (A) of this section, the 1000
commission shall assess a forfeiture on the utility as provided 1001
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 1002
Code, either in the amount, per day per undercompliance or 1003
noncompliance, relative to the period of the report, equal to 1004
that prescribed for noncompliances under section 4905.54 of the 1005
Revised Code, or in an amount equal to the then existing market 1006
value of one renewable energy credit per megawatt hour of 1007
undercompliance or noncompliance. Revenue from any forfeiture 1008
assessed under this division shall be deposited to the credit of 1009
the advanced energy fund created under section 4928.61 of the 1010
Revised Code. 1011

(D) The commission may establish rules regarding the 1012
content of an application by an electric distribution utility 1013
for commission approval of a revenue decoupling mechanism under 1014
this division. Such an application shall not be considered an 1015
application to increase rates and may be included as part of a 1016
proposal to establish, continue, or expand energy efficiency or 1017
conservation programs. The commission by order may approve an 1018
application under this division if it determines both that the 1019
revenue decoupling mechanism provides for the recovery of 1020
revenue that otherwise may be forgone by the utility as a result 1021

of or in connection with the implementation by the electric 1022
distribution utility of any energy efficiency or energy 1023
conservation programs and reasonably aligns the interests of the 1024
utility and of its customers in favor of those programs. 1025

(E) The commission additionally shall adopt rules that 1026
require an electric distribution utility to provide a customer 1027
upon request with two years' consumption data in an accessible 1028
form. 1029

(F) (1) As used in divisions (F) (2), (3), and (4) of this 1030
section, "portfolio plan" has the same meaning as in division 1031
(C) (1) of section 4928.6610 of the Revised Code. 1032

(2) (a) If an electric distribution utility has a portfolio 1033
plan in effect as of ~~the effective date of the amendments to~~ 1034
~~this section by H.B. 6 of the 133rd general assembly October 22,~~ 1035
2019, and that plan expires before December 31, 2020, the 1036
commission shall extend the plan through that date. ~~All~~ Except 1037
as provided in division (F) (2) (b) of this section, all portfolio 1038
plans shall terminate on that date. 1039

(b) All programs in portfolio plans that benefit, and are 1040
limited to, low-income customers with an annual income at or 1041
below two hundred per cent of the federal poverty level shall 1042
terminate on September 27, 2021. 1043

(3) If a portfolio plan is extended beyond its commission 1044
approved term by division (F) (2) of this section, the existing 1045
plan's budget shall be increased for the extended term to 1046
include an amount equal to the annual average of the approved 1047
budget for all years of the portfolio plan in effect as of ~~the~~ 1048
~~effective date of the amendments to this section by H.B. 6 of~~ 1049
~~the 133rd general assembly~~ October 22, 2019. 1050

(4) All other terms and conditions of a portfolio plan 1051
extended beyond its commission-approved term by division (F) (2) 1052
of this section shall remain the same unless changes are 1053
authorized by the commission. 1054

(G) (1) Not later than February 1, 2021, the commission 1055
shall determine the cumulative energy savings collectively 1056
achieved, since 2009, by all electric distribution utilities in 1057
this state as of December 31, 2020. In determining that 1058
cumulative total, the commission shall do both of the following: 1059

(a) Include energy savings that were estimated by the 1060
commission to be achieved as of December 31, 2020, and banked 1061
under division (G) of section 4928.662 of the Revised Code; 1062

(b) Use an energy savings baseline that is the average of 1063
the total kilowatt hours sold by all electric distribution 1064
utilities in this state in the calendar years 2018, 2019, and 1065
2020. The baseline shall exclude the load and usage described in 1066
division (A) (2) (a) (i), (ii), and (iii) of this section. That 1067
baseline may also be reduced for new economic growth in the 1068
utility's certified territory as provided in division (A) (2) (a) 1069
of this section and adjusted and normalized as provided in 1070
division (A) (2) (c) of this section. 1071

(2) (a) If the cumulative energy savings collectively 1072
achieved as determined by the commission under division (G) (1) 1073
of this section is at least seventeen and one-half per cent of 1074
the baseline described in division (G) (1) (b) of this section, 1075
then full compliance with division (A) (1) (a) of this section 1076
shall be deemed to have been achieved notwithstanding any 1077
provision of this section to the contrary. 1078

(b) If the cumulative energy savings collectively achieved 1079

as determined by the commission under division (G) (1) of this 1080
section is less than seventeen and one-half per cent of the 1081
baseline described in division (G) (1) (b) of this section, then 1082
both of the following shall apply: 1083

(i) The commission shall determine the manner in which 1084
further implementation of energy efficiency programs shall occur 1085
as may be reasonably necessary for collective achievement of 1086
cumulative energy savings equal to seventeen and one-half 1087
~~percent~~per cent, and not more, of the baseline described in 1088
division (G) (1) (b) of this section. 1089

(ii) Full compliance with division (A) (1) (a) of this 1090
section shall be deemed to be achieved as of a date certain 1091
established by the commission notwithstanding any provision of 1092
this section to the contrary. 1093

(3) Upon the date that full compliance with division (A) 1094
(1) (a) of this section is deemed achieved under division (G) (2) 1095
(a) or (b) of this section, any electric distribution utility 1096
cost recovery mechanisms for portfolio plans described in 1097
division (F) (2) of this section and authorized by the commission 1098
for compliance with this section shall terminate except as may 1099
be necessary to reconcile the difference between revenue 1100
collected and the allowable cost of compliance associated with 1101
compliance efforts occurring ~~prior to the date upon which full~~ 1102
~~compliance with division (A) (1) (a) of this section is deemed~~ 1103
achieved up to two hundred seventy days after the termination of 1104
an electric distribution utility cost recovery mechanism or when 1105
collected revenues have been expended, whichever occurs sooner. 1106
No such cost recovery mechanism shall be authorized by the 1107
commission beyond the period of time required to complete ~~this~~ 1108
the final reconciliation. 1109

Section 2. That existing sections 4709.02, 4709.05, 1110
4709.07, 4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 4713.61, 1111
4729.41, 4731.512, and 4928.66 of the Revised Code are hereby 1112
repealed. 1113

Section 3. That Section 30 of H.B. 197 of the 133rd 1114
General Assembly be amended to read as follows: 1115

Sec. 30. (A) During the period ~~of beginning on the date~~ 1116
that the emergency declared by Executive Order 2020-01D₇ was 1117
issued on, March 9, 2020, and ending on July 1, 2021, the 1118
requirement of division (A)(2)(a) of section 4723.09 of the 1119
Revised Code is suspended. Accordingly, during such period, the 1120
Board of Nursing shall grant to an applicant described in 1121
division (A) of section 4723.09 of the Revised Code a temporary 1122
license to practice nursing as a registered nurse or as a 1123
licensed practical nurse if the conditions of divisions (A)(1) 1124
and (A)(2)(b) to (d) of section 4723.09 of the Revised Code have 1125
been met. 1126

For each nurse practicing under a temporary license as 1127
authorized by this division, the State Board of Nursing shall 1128
recognize any hours the nurse works under the temporary license 1129
and count those hours towards any outstanding clinical 1130
experience that must be completed before the nurse is eligible 1131
to take the examination that is required when division (A)(2)(a) 1132
of section 4723.09 of the Revised Code is no longer suspended. 1133

(B) A temporary license issued under this section ~~shall be~~ 1134
is valid until whichever of the following dates occurs first: 1135

~~(1) The date that is ninety days after December 1, 2020;~~ 1136

~~(2) The date that is ninety days after the duration of the~~ 1137
~~period of the emergency described in division (A) of this~~ 1138

~~section~~ July 1, 2021. 1139

(C) (1) An individual is not eligible for a temporary 1140
license issued under this section if any of the following apply: 1141

(a) The individual has previously taken and failed the 1142
examination for licensure to practice as a registered nurse or 1143
as a licensed practical nurse; 1144

(b) A criminal records check conducted in accordance with 1145
section 4723.091 of the Revised Code indicates that the 1146
individual has been convicted of, pleaded guilty to, or had a 1147
judicial finding of guilt for, any felony; 1148

(c) The individual has taken a drug test and failed that 1149
test, as determined by the Board. 1150

(2) If, while holding a temporary license issued under 1151
this section, any of the following occur, the licensee's 1152
temporary license is void and has no effect immediately 1153
beginning on the date of the occurrence: 1154

(a) The licensee fails the examination for licensure to 1155
practice as a registered nurse or as a licensed practical nurse; 1156

(b) A criminal records check conducted in accordance with 1157
section 4723.091 of the Revised Code indicates that the licensee 1158
has been convicted of, pleaded guilty to, or had a judicial 1159
finding of guilt for, any felony; 1160

(c) The licensee fails a drug test, as determined by the 1161
Board. 1162

Section 4. That existing Section 30 of H.B. 197 of the 1163
133rd General Assembly is hereby repealed. 1164

Section 5. Notwithstanding any provision of law to the 1165

contrary, each educator preparation program approved under 1166
section 3333.048 of the Revised Code shall develop and implement 1167
a plan to provide its students with alternative experiences, 1168
assignments, or instruction in the 2021-2022 academic year to 1169
make up any hours or weeks of clinical experiences, including 1170
field experiences, student teaching, and internship placements, 1171
that the students miss due to the Director of Health's order 1172
under section 3701.13 of the Revised Code "In re: Order the 1173
Closure of All K-12 Schools in the State of Ohio" issued on 1174
March 14, 2020, or any local board of health order, and any 1175
extension of any order, based on the implications of COVID-19 or 1176
due to any other closure of schools or implementation of limited 1177
hours based on the implications of COVID-19. The alternative 1178
experiences, assignments, or instruction shall allow students to 1179
demonstrate mastery of the expected outcomes of clinical 1180
experiences. The alternative experiences, assignments, or 1181
instruction may include virtual learning, designing lessons and 1182
units of instruction, selecting and implementing instructional 1183
strategies, teaching lessons and content, assessing learning to 1184
evaluate student progress and inform instructional decisions, 1185
creating a supportive learning environment, managing the 1186
classroom effectively, and other appropriate activities. The 1187
Department of Higher Education and the Department of Education 1188
shall consider a student who successfully completes make up 1189
hours or weeks in the 2021-2022 academic year using alternative 1190
experiences, assignments, or instruction eligible for licensure 1191
and endorsement recommendations in the same manner as a student 1192
who completes clinical experiences. This section shall not apply 1193
to a barber school licensed under Chapter 4709. of the Revised 1194
Code or a school of cosmetology licensed under Chapter 4713. of 1195
the Revised Code. 1196

| | |
|---|------|
| Section 6. (A) As used in this section: | 1197 |
| (1) (a) "Occupational license" means any license, | 1198 |
| certificate, permit, or other authorization issued by a state | 1199 |
| agency that allows the holder to practice a job or profession. | 1200 |
| (b) "Occupational license" does not include a license | 1201 |
| issued pursuant to rules prescribed under Section 5 of Article | 1202 |
| IV, Ohio Constitution. | 1203 |
| (2) "State agency" has the same meaning as in section 1.60 | 1204 |
| of the Revised Code. | 1205 |
| (3) "Distance education" means continuing education | 1206 |
| courses in which instruction is accomplished through the use of | 1207 |
| interactive, electronic media and where the teacher and student | 1208 |
| are separated by distance or time, or both. | 1209 |
| (B) (1) Except as provided in division (B) (2) of this | 1210 |
| section and notwithstanding any provision of law to the | 1211 |
| contrary, beginning on the effective date of this section and | 1212 |
| ending on July 1, 2021, any requirement that a person must | 1213 |
| complete continuing education to maintain or renew an | 1214 |
| occupational license is suspended. | 1215 |
| (2) Division (B) (1) of this section does not apply if the | 1216 |
| laws governing the applicable occupational license allow a | 1217 |
| person to complete continuing education through distance | 1218 |
| education. | 1219 |
| Section 7. Section 4713.02 of the Revised Code, as amended | 1220 |
| by this act, does not affect the terms of members of the State | 1221 |
| Cosmetology and Barber Board serving on the Board on the | 1222 |
| effective date of this section. | 1223 |
| Section 8. Section 4729.41 of the Revised Code is | 1224 |

presented in this act as a composite of the section as amended 1225
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 1226
General Assembly, applying the principle stated in division (B) 1227
of section 1.52 of the Revised Code that amendments are to be 1228
harmonized if reasonably capable of simultaneous operation, 1229
finds that the composite is the resulting version of the section 1230
in effect prior to the effective date of the section as 1231
presented in this act. 1232

Section 9. This act is hereby declared to be an emergency 1233
measure necessary for the immediate preservation of the public 1234
peace, health, and safety. The reason for such necessity is to 1235
respond to the declared pandemic and global health emergency 1236
related to COVID-19 and to allow low-income customers to benefit 1237
from, and electric distribution utilities to reconcile costs 1238
related to, energy efficiency programs set to terminate. 1239
Therefore, this act shall go into immediate effect. 1240