

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 542

Representatives Roemer, Sobecki

A BILL

To amend sections 2925.01, 3333.26, 4709.01, 1
4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 2
4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 3
4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4
4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 5
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 6
4713.35, 4713.39, 4713.41, 4713.46, 4713.49, 7
4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 8
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 9
4713.66, and 4713.69; to enact new sections 10
4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 11
4713.44, and 4713.45 and sections 4709.031, 12
4709.051, 4709.071, 4709.072, 4709.073, 13
4709.091, 4709.111, and 4709.112; and to repeal 14
sections 4709.02, 4709.03, 4709.05, 4709.10, 15
4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 16
4713.45 of the Revised Code to make changes to 17
the law governing the regulation of 18
cosmetologists and barbers. 19

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

Section 1. That sections 2925.01, 3333.26, 4709.01, 20

4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 21
4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 22
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 23
4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 4713.41, 24
4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 25
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, and 26
4713.69 be amended and new sections 4709.02, 4709.03, 4709.05, 27
4709.10, 4709.13, 4713.44, and 4713.45 and sections 4709.031, 28
4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 4709.111, and 29
4709.112 of the Revised Code be enacted to read as follows: 30

Sec. 2925.01. As used in this chapter: 31

(A) "Administer," "controlled substance," "controlled 32
substance analog," "dispense," "distribute," "hypodermic," 33
"manufacturer," "official written order," "person," 34
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 35
"schedule III," "schedule IV," "schedule V," and "wholesaler" 36
have the same meanings as in section 3719.01 of the Revised 37
Code. 38

(B) "Drug dependent person" and "drug of abuse" have the 39
same meanings as in section 3719.011 of the Revised Code. 40

(C) "Drug," "dangerous drug," "licensed health 41
professional authorized to prescribe drugs," and "prescription" 42
have the same meanings as in section 4729.01 of the Revised 43
Code. 44

(D) "Bulk amount" of a controlled substance means any of 45
the following: 46

(1) For any compound, mixture, preparation, or substance 47
included in schedule I, schedule II, or schedule III, with the 48
exception of any controlled substance analog, marihuana, 49

cocaine, L.S.D., heroin, any fentanyl-related compound, and 50
hashish and except as provided in division (D) (2), (5), or (6) 51
of this section, whichever of the following is applicable: 52

(a) An amount equal to or exceeding ten grams or twenty- 53
five unit doses of a compound, mixture, preparation, or 54
substance that is or contains any amount of a schedule I opiate 55
or opium derivative; 56

(b) An amount equal to or exceeding ten grams of a 57
compound, mixture, preparation, or substance that is or contains 58
any amount of raw or gum opium; 59

(c) An amount equal to or exceeding thirty grams or ten 60
unit doses of a compound, mixture, preparation, or substance 61
that is or contains any amount of a schedule I hallucinogen 62
other than tetrahydrocannabinol or lysergic acid amide, or a 63
schedule I stimulant or depressant; 64

(d) An amount equal to or exceeding twenty grams or five 65
times the maximum daily dose in the usual dose range specified 66
in a standard pharmaceutical reference manual of a compound, 67
mixture, preparation, or substance that is or contains any 68
amount of a schedule II opiate or opium derivative; 69

(e) An amount equal to or exceeding five grams or ten unit 70
doses of a compound, mixture, preparation, or substance that is 71
or contains any amount of phencyclidine; 72

(f) An amount equal to or exceeding one hundred twenty 73
grams or thirty times the maximum daily dose in the usual dose 74
range specified in a standard pharmaceutical reference manual of 75
a compound, mixture, preparation, or substance that is or 76
contains any amount of a schedule II stimulant that is in a 77
final dosage form manufactured by a person authorized by the 78

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	79
U.S.C.A. 301, as amended, and the federal drug abuse control	80
laws, as defined in section 3719.01 of the Revised Code, that is	81
or contains any amount of a schedule II depressant substance or	82
a schedule II hallucinogenic substance;	83
(g) An amount equal to or exceeding three grams of a	84
compound, mixture, preparation, or substance that is or contains	85
any amount of a schedule II stimulant, or any of its salts or	86
isomers, that is not in a final dosage form manufactured by a	87
person authorized by the Federal Food, Drug, and Cosmetic Act	88
and the federal drug abuse control laws.	89
(2) An amount equal to or exceeding one hundred twenty	90
grams or thirty times the maximum daily dose in the usual dose	91
range specified in a standard pharmaceutical reference manual of	92
a compound, mixture, preparation, or substance that is or	93
contains any amount of a schedule III or IV substance other than	94
an anabolic steroid or a schedule III opiate or opium	95
derivative;	96
(3) An amount equal to or exceeding twenty grams or five	97
times the maximum daily dose in the usual dose range specified	98
in a standard pharmaceutical reference manual of a compound,	99
mixture, preparation, or substance that is or contains any	100
amount of a schedule III opiate or opium derivative;	101
(4) An amount equal to or exceeding two hundred fifty	102
milliliters or two hundred fifty grams of a compound, mixture,	103
preparation, or substance that is or contains any amount of a	104
schedule V substance;	105
(5) An amount equal to or exceeding two hundred solid	106
dosage units, sixteen grams, or sixteen milliliters of a	107

compound, mixture, preparation, or substance that is or contains 108
any amount of a schedule III anabolic steroid; 109

(6) For any compound, mixture, preparation, or substance 110
that is a combination of a fentanyl-related compound and any 111
other compound, mixture, preparation, or substance included in 112
schedule III, schedule IV, or schedule V, if the defendant is 113
charged with a violation of section 2925.11 of the Revised Code 114
and the sentencing provisions set forth in divisions (C) (10) (b) 115
and (C) (11) of that section will not apply regarding the 116
defendant and the violation, the bulk amount of the controlled 117
substance for purposes of the violation is the amount specified 118
in division (D) (1), (2), (3), (4), or (5) of this section for 119
the other schedule III, IV, or V controlled substance that is 120
combined with the fentanyl-related compound. 121

(E) "Unit dose" means an amount or unit of a compound, 122
mixture, or preparation containing a controlled substance that 123
is separately identifiable and in a form that indicates that it 124
is the amount or unit by which the controlled substance is 125
separately administered to or taken by an individual. 126

(F) "Cultivate" includes planting, watering, fertilizing, 127
or tilling. 128

(G) "Drug abuse offense" means any of the following: 129

(1) A violation of division (A) of section 2913.02 that 130
constitutes theft of drugs, or a violation of section 2925.02, 131
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 132
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 133
or 2925.37 of the Revised Code; 134

(2) A violation of an existing or former law of this or 135
any other state or of the United States that is substantially 136

equivalent to any section listed in division (G) (1) of this section;	137 138
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	139 140 141 142 143 144 145
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	146 147 148
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	149 150 151
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	152 153
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	154 155 156 157 158 159
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	160 161 162 163
(b) Any aerosol propellant;	164

(c) Any fluorocarbon refrigerant;	165
(d) Any anesthetic gas.	166
(2) Gamma Butyrolactone;	167
(3) 1,4 Butanediol.	168
(J) "Manufacture" means to plant, cultivate, harvest,	169
process, make, prepare, or otherwise engage in any part of the	170
production of a drug, by propagation, extraction, chemical	171
synthesis, or compounding, or any combination of the same, and	172
includes packaging, repackaging, labeling, and other activities	173
incident to production.	174
(K) "Possess" or "possession" means having control over a	175
thing or substance, but may not be inferred solely from mere	176
access to the thing or substance through ownership or occupation	177
of the premises upon which the thing or substance is found.	178
(L) "Sample drug" means a drug or pharmaceutical	179
preparation that would be hazardous to health or safety if used	180
without the supervision of a licensed health professional	181
authorized to prescribe drugs, or a drug of abuse, and that, at	182
one time, had been placed in a container plainly marked as a	183
sample by a manufacturer.	184
(M) "Standard pharmaceutical reference manual" means the	185
current edition, with cumulative changes if any, of references	186
that are approved by the state board of pharmacy.	187
(N) "Juvenile" means a person under eighteen years of age.	188
(O) "Counterfeit controlled substance" means any of the	189
following:	190
(1) Any drug that bears, or whose container or label	191

bears, a trademark, trade name, or other identifying mark used 192
without authorization of the owner of rights to that trademark, 193
trade name, or identifying mark; 194

(2) Any unmarked or unlabeled substance that is 195
represented to be a controlled substance manufactured, 196
processed, packed, or distributed by a person other than the 197
person that manufactured, processed, packed, or distributed it; 198

(3) Any substance that is represented to be a controlled 199
substance but is not a controlled substance or is a different 200
controlled substance; 201

(4) Any substance other than a controlled substance that a 202
reasonable person would believe to be a controlled substance 203
because of its similarity in shape, size, and color, or its 204
markings, labeling, packaging, distribution, or the price for 205
which it is sold or offered for sale. 206

(P) An offense is "committed in the vicinity of a school" 207
if the offender commits the offense on school premises, in a 208
school building, or within one thousand feet of the boundaries 209
of any school premises, regardless of whether the offender knows 210
the offense is being committed on school premises, in a school 211
building, or within one thousand feet of the boundaries of any 212
school premises. 213

(Q) "School" means any school operated by a board of 214
education, any community school established under Chapter 3314. 215
of the Revised Code, or any nonpublic school for which the state 216
board of education prescribes minimum standards under section 217
3301.07 of the Revised Code, whether or not any instruction, 218
extracurricular activities, or training provided by the school 219
is being conducted at the time a criminal offense is committed. 220

(R) "School premises" means either of the following:	221
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	222 223 224 225 226
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	227 228 229 230 231 232 233 234 235 236 237
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	238 239 240 241 242 243
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	244 245 246 247
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	248 249

association or of one or more local bar associations of the 250
state of Ohio that complies with the criteria set forth in Rule 251
V, section 6 of the Rules for the Government of the Bar of Ohio. 252

(V) "Professional license" means any license, permit, 253
certificate, registration, qualification, admission, temporary 254
license, temporary permit, temporary certificate, or temporary 255
registration that is described in divisions (W) (1) to (37) of 256
this section and that qualifies a person as a professionally 257
licensed person. 258

(W) "Professionally licensed person" means any of the 259
following: 260

(1) A person who has received a certificate or temporary 261
certificate as a certified public accountant or who has 262
registered as a public accountant under Chapter 4701. of the 263
Revised Code and who holds an Ohio permit issued under that 264
chapter; 265

(2) A person who holds a certificate of qualification to 266
practice architecture issued or renewed and registered under 267
Chapter 4703. of the Revised Code; 268

(3) A person who is registered as a landscape architect 269
under Chapter 4703. of the Revised Code or who holds a permit as 270
a landscape architect issued under that chapter; 271

(4) A person licensed under Chapter 4707. of the Revised 272
Code; 273

(5) A person who has been issued a ~~certificate of~~ 274
~~registration as a registered barber's license, barber~~ 275
instructor's license, assistant barber instructor's license, or 276
independent contractor's license under Chapter 4709. of the 277
Revised Code; 278

(6) A person licensed and regulated to engage in the 279
business of a debt pooling company by a legislative authority, 280
under authority of Chapter 4710. of the Revised Code; 281

(7) A person who has been issued a cosmetologist's 282
license, hair designer's license, manicurist's license, 283
esthetician's license, natural hair stylist's license, advanced 284
~~cosmetologist's license to practice cosmetology~~, advanced ~~hair-~~ 285
~~designer's license to practice hair design~~, advanced 286
~~manicurist's license to practice manicuring~~, advanced 287
~~esthetician's license to practice esthetics~~, advanced ~~natural-~~ 288
~~hair stylist's license to practice natural hair styling~~, 289
cosmetology instructor's license, hair design instructor's 290
license, manicurist instructor's license, esthetics instructor's 291
license, natural hair style instructor's license, independent 292
contractor's license, or tanning facility permit under Chapter 293
4713. of the Revised Code; 294

(8) A person who has been issued a license to practice 295
dentistry, a general anesthesia permit, a conscious sedation 296
permit, a limited resident's license, a limited teaching 297
license, a dental hygienist's license, or a dental hygienist's 298
teacher's certificate under Chapter 4715. of the Revised Code; 299

(9) A person who has been issued an embalmer's license, a 300
funeral director's license, a funeral home license, or a 301
crematory license, or who has been registered for an embalmer's 302
or funeral director's apprenticeship under Chapter 4717. of the 303
Revised Code; 304

(10) A person who has been licensed as a registered nurse 305
or practical nurse, or who has been issued a certificate for the 306
practice of nurse-midwifery under Chapter 4723. of the Revised 307
Code; 308

(11) A person who has been licensed to practice optometry	309
or to engage in optical dispensing under Chapter 4725. of the	310
Revised Code;	311
(12) A person licensed to act as a pawnbroker under	312
Chapter 4727. of the Revised Code;	313
(13) A person licensed to act as a precious metals dealer	314
under Chapter 4728. of the Revised Code;	315
(14) A person licensed under Chapter 4729. of the Revised	316
Code as a pharmacist or pharmacy intern or registered under that	317
chapter as a registered pharmacy technician, certified pharmacy	318
technician, or pharmacy technician trainee;	319
(15) A person licensed under Chapter 4729. of the Revised	320
Code as a manufacturer of dangerous drugs, outsourcing facility,	321
third-party logistics provider, repackager of dangerous drugs,	322
wholesale distributor of dangerous drugs, or terminal	323
distributor of dangerous drugs;	324
(16) A person who is authorized to practice as a physician	325
assistant under Chapter 4730. of the Revised Code;	326
(17) A person who has been issued a license to practice	327
medicine and surgery, osteopathic medicine and surgery, or	328
podiatric medicine and surgery under Chapter 4731. of the	329
Revised Code or has been issued a certificate to practice a	330
limited branch of medicine under that chapter;	331
(18) A person licensed as a psychologist or school	332
psychologist under Chapter 4732. of the Revised Code;	333
(19) A person registered to practice the profession of	334
engineering or surveying under Chapter 4733. of the Revised	335
Code;	336

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	337 338
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	339 340
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	341 342
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	343 344
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	345 346
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	347 348
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	349 350 351 352
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	353 354 355
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	356 357 358
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	359 360
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	361 362 363

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

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

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

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

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

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

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

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

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

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

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

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

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

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

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

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

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

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

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

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

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

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

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	449
(KK) "Fentanyl-related compound" means any of the following:	450 451
(1) Fentanyl;	452
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	453 454 455
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	456 457
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	458 459
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	460 461 462
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	463 464
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	465 466
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	467 468
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	469 470
(10) Alfentanil;	471
(11) Carfentanil;	472
(12) Remifentanil;	473
(13) Sufentanil;	474

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 475
476
- (15) Any compound that meets all of the following fentanyl 477
pharmacophore requirements to bind at the mu receptor, as 478
identified by a report from an established forensic laboratory, 479
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 480
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 481
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 482
fluorofentanyl: 483
- (a) A chemical scaffold consisting of both of the 484
following: 485
- (i) A five, six, or seven member ring structure containing 486
a nitrogen, whether or not further substituted; 487
- (ii) An attached nitrogen to the ring, whether or not that 488
nitrogen is enclosed in a ring structure, including an attached 489
aromatic ring or other lipophilic group to that nitrogen. 490
- (b) A polar functional group attached to the chemical 491
scaffold, including but not limited to a hydroxyl, ketone, 492
amide, or ester; 493
- (c) An alkyl or aryl substitution off the ring nitrogen of 494
the chemical scaffold; and 495
- (d) The compound has not been approved for medical use by 496
the United States food and drug administration. 497
- (LL) "First degree felony mandatory prison term" means one 498
of the definite prison terms prescribed in division (A) (1) (b) of 499
section 2929.14 of the Revised Code for a felony of the first 500
degree, except that if the violation for which sentence is being 501
imposed is committed on or after March 22, 2019, it means one of 502

the minimum prison terms prescribed in division (A) (1) (a) of 503
that section for a felony of the first degree. 504

(MM) "Second degree felony mandatory prison term" means 505
one of the definite prison terms prescribed in division (A) (2) 506
(b) of section 2929.14 of the Revised Code for a felony of the 507
second degree, except that if the violation for which sentence 508
is being imposed is committed on or after March 22, 2019, it 509
means one of the minimum prison terms prescribed in division (A) 510
(2) (a) of that section for a felony of the second degree. 511

(NN) "Maximum first degree felony mandatory prison term" 512
means the maximum definite prison term prescribed in division 513
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 514
the first degree, except that if the violation for which 515
sentence is being imposed is committed on or after March 22, 516
2019, it means the longest minimum prison term prescribed in 517
division (A) (1) (a) of that section for a felony of the first 518
degree. 519

(OO) "Maximum second degree felony mandatory prison term" 520
means the maximum definite prison term prescribed in division 521
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 522
the second degree, except that if the violation for which 523
sentence is being imposed is committed on or after March 22, 524
2019, it means the longest minimum prison term prescribed in 525
division (A) (2) (a) of that section for a felony of the second 526
degree. 527

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 528
as in section 928.01 of the Revised Code. 529

Sec. 3333.26. (A) Any citizen of this state who has 530
resided within the state for one year, who was in the active 531

service of the United States as a soldier, sailor, nurse, or 532
marine between April 6, 1917, and November 11, 1918, and who has 533
been honorably discharged from that service, shall be admitted 534
to any school, college, or university that receives state funds 535
in support thereof, without being required to pay any tuition or 536
matriculation fee, but is not relieved from the payment of 537
laboratory or similar fees. 538

(B) (1) As used in this section: 539

(a) "Volunteer firefighter" has the meaning as in division 540
(B) (1) of section 146.01 of the Revised Code. 541

(b) "Public service officer" means an Ohio firefighter, 542
volunteer firefighter, police officer, member of the state 543
highway patrol, employee designated to exercise the powers of 544
police officers pursuant to section 1545.13 of the Revised Code, 545
or other peace officer as defined by division (B) of section 546
2935.01 of the Revised Code, or a person holding any equivalent 547
position in another state. 548

(c) "Qualified former spouse" means the former spouse of a 549
public service officer, or of a member of the armed services of 550
the United States, who is the custodial parent of a minor child 551
of that marriage pursuant to an order allocating the parental 552
rights and responsibilities for care of the child issued 553
pursuant to section 3109.04 of the Revised Code. 554

(d) "Operation enduring freedom" means that period of 555
conflict which began October 7, 2001, and ends on a date 556
declared by the president of the United States or the congress. 557

(e) "Operation Iraqi freedom" means that period of 558
conflict which began March 20, 2003, and ends on a date declared 559
by the president of the United States or the congress. 560

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division

for a child of a member of the armed services of the United 592
States killed in the line of duty during operation enduring 593
freedom or operation Iraqi freedom shall be reduced by the same 594
percentage. 595

(3) Subject to division (D) of this section, any resident 596
of this state who is the spouse or qualified former spouse of a 597
public service officer killed in the line of duty, and who is 598
admitted to any state university or college as defined in 599
division (A) (1) of section 3345.12 of the Revised Code, 600
community college, state community college, university branch, 601
or technical college, shall not be required to pay any tuition 602
or any student fee for up to four academic years of education, 603
which shall be at the undergraduate level, or a certificate 604
program as prescribed under division (E) of this section. 605

(4) Any resident of this state who is the spouse or 606
qualified former spouse of a member of the armed services of the 607
United States killed in the line of duty while serving in a 608
combat zone after May 7, 1975, and who is admitted to any state 609
university or college as defined in division (A) (1) of section 610
3345.12 of the Revised Code, community college, state community 611
college, university branch, or technical college, shall not be 612
required to pay any tuition or any student fee for up to four 613
years of academic education, which shall be at the undergraduate 614
level, or a certificate program as prescribed under division (E) 615
of this section. In order to qualify under division (B) (4) of 616
this section, the spouse or qualified former spouse shall have 617
been a resident of this state at the time the member was killed 618
in the line of duty. 619

(C) Any institution that is not subject to division (B) of 620
this section and that holds a valid certificate of registration 621

issued under Chapter 3332. of the Revised Code, ~~a valid~~ 622
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 623
valid license issued under Chapter 4713. of the Revised Code, or 624
that is nonprofit and has a certificate of authorization issued 625
under section 1713.02 of the Revised Code, or that is a private 626
institution exempt from regulation under Chapter 3332. of the 627
Revised Code as prescribed in section 3333.046 of the Revised 628
Code, which reduces tuition and student fees of a student who is 629
eligible to attend an institution of higher education under the 630
provisions of division (B) of this section by an amount 631
indicated by the chancellor of higher education shall be 632
eligible to receive a grant in that amount from the chancellor. 633

Each institution that enrolls students under division (B) 634
of this section shall report to the chancellor, by the first day 635
of July of each year, the number of students who were so 636
enrolled and the average amount of all such tuition and student 637
fees waived during the preceding year. The chancellor shall 638
determine the average amount of all such tuition and student 639
fees waived during the preceding year. The average amount of the 640
tuition and student fees waived under division (B) of this 641
section during the preceding year shall be the amount of grants 642
that participating institutions shall receive under this 643
division during the current year, but no grant under this 644
division shall exceed the tuition and student fees due and 645
payable by the student prior to the reduction referred to in 646
this division. The grants shall be made for two certificate 647
programs or four years of undergraduate education of an eligible 648
student. 649

(D) Notwithstanding anything to the contrary in section 650
3333.31 of the Revised Code, for the purposes of divisions (B) 651
(2) and (3) of this section, the child, spouse, or qualified 652

former spouse of a public service officer or a member of the 653
armed services of the United States killed in the line of duty 654
shall be considered a resident of this state for the purposes of 655
this section if the child, spouse, or qualified former spouse 656
was a resident of this state at the time that the public service 657
officer or member of the armed services was killed. 658

However, no child, spouse, or qualified former spouse of a 659
public service officer or a member of the armed services of the 660
United States killed in the line of duty shall be required to be 661
a resident of this state at the time the public service officer 662
or member of the armed services of the United States was killed 663
in order to receive benefits under divisions (B) (2) and (3) of 664
this section. 665

(E) A child, spouse, or qualified former spouse of a 666
public service officer or a member of the armed services killed 667
in the line of duty shall receive benefits for a certificate 668
program in accordance with division (B) or (C) of this section, 669
except that a particular child, spouse, or qualified former 670
spouse shall not receive benefits for: 671

(1) More than two certificate programs; 672

(2) A total number of academic credits or instructional 673
hours equivalent to more than four academic years; 674

(3) For any particular academic year, an amount that is 675
greater than eight thousand dollars. 676

Sec. 4709.01. As used in this chapter: 677

(A) (1) Except as provided in division (A) (2) of this 678
section, "the practice of barbering" means any one or more of 679
the following when performed upon the head, neck, or face for 680
cosmetic purposes and when performed upon the public for pay, 681

free, or otherwise:	682
(a) Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;	683 684
(b) Cutting or styling hair;	685
(c) Facials, skin care, or scalp massages;	686
(d) Shampooing, bleaching, coloring, straightening, or permanent waving hair;	687 688
(e) Cutting, fitting, or forming head caps for wigs or hair pieces.	689 690
(2) <u>"The practice of barbering"</u> does not include the practice of natural hair styling.	691 692
(B) Sanitary means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.	693 694 695
(C) "Barber" means <u>any person an individual</u> who engages in or attempts to engage in the practice of barbering.	696 697
(D) Barber school means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.	698 699 700
(E) (C) <u>"Barber teacher/instructor"</u> means any person who engages in or attempts to engage in the teaching of an individual authorized to teach the theory and practice of barbering.	701 702 703 704
(F) (D) <u>"Assistant barber teacher/instructor"</u> means any person who assists an individual authorized to assist a barber teacher/instructor in the teaching of the theory and practice of barbering.	705 706 707 708

~~(G)~~ (E) "Barber pole" means a cylinder or pole with 709
alternating stripes of any combination including red and white, 710
and red, white, and blue, which run diagonally along the length 711
of the cylinder or pole. 712

(F) "Barber shop" means any premises, building, or part of 713
a building in which an individual engages in the practice of 714
barbering. 715

(G) "Biennial licensing period" means the two-year period 716
beginning on the first day of September of an even-numbered year 717
and ending on the last day of August of the next even-numbered 718
year. 719

(H) ~~The "Cosmetic therapy," "practice of natural hair~~ 720
~~styling means work done for a fee or other form of compensation,~~ 721
~~by any person, utilizing techniques performed by hand that~~ 722
~~result in tension on hair roots such as twisting, wrapping,~~ 723
~~weaving, extending, locking, or braiding of the hair, and which~~ 724
~~work does not include the application of dyes, reactive~~ 725
~~chemicals, or other preparations to alter the color or to~~ 726
~~straighten, curl, or alter the structure of the hair," and~~ 727
"school" have the same meanings as in section 4713.01 of the 728
Revised Code. 729

(I) ~~Braiding means intertwining the hair in a systematic~~ 730
~~motion to create patterns in a three-dimensional form, inverting~~ 731
~~the hair against the scalp along part of a straight or curved~~ 732
~~row of intertwined hair, or twisting the hair in a systematic~~ 733
~~motion, and includes extending the hair with natural or~~ 734
~~synthetic hair fibers.~~ "Independent contractor" means an 735
individual who is not an employee of a barber shop but practices 736
barbering within a barber shop. 737

(J) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a barber shop, including all equipment and implements in the barber shop, are maintained by doing all of the following, as applicable: 738
739
740
741

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water; 742
743
744

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses; 745
746

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid. 747
748
749

Sec. 4709.02. Except as otherwise provided in this chapter, no individual shall do any of the following: 750
751

(A) Engage in the practice of barbering without one of the following: 752
753

(1) A current, valid barber license issued under section 4709.07 or 4709.08 of the Revised Code; 754
755

(2) A current, valid temporary pre-examination work permit issued under section 4709.071 of the Revised Code. 756
757

(B) Operate a barber shop without a current, valid barber shop license issued under section 4709.09 of the Revised Code; 758
759

(C) Except as provided in section 4713.45 of the Revised Code, teach or assist in teaching the theory and practice of barbering without a current, valid barber instructor or assistant barber instructor license issued under section 4709.072 of the Revised Code; 760
761
762
763
764

<u>(D) Use or display a barber pole for the purpose of</u>	765
<u>advertising or offering barber services without a current, valid</u>	766
<u>barber shop license issued under section 4709.09 of the Revised</u>	767
<u>Code;</u>	768
<u>(E) Use fraud or deceit in obtaining or applying for a</u>	769
<u>license or permit issued pursuant to this chapter;</u>	770
<u>(F) Employ an individual to perform the practice of</u>	771
<u>barbering unless the individual holds one of the following:</u>	772
<u>(1) A current, valid barber license issued under section</u>	773
<u>4709.07 of the Revised Code;</u>	774
<u>(2) A current, valid temporary pre-examination work permit</u>	775
<u>issued under section 4709.071 of the Revised Code.</u>	776
<u>(G) Practice barbering at a barber shop as an independent</u>	777
<u>contractor without a current, valid independent contractor</u>	778
<u>license issued under section 4709.09 of the Revised Code;</u>	779
<u>(H) Provide any of the following at a barber shop for pay,</u>	780
<u>free, or otherwise:</u>	781
<u>(1) Massage therapy, unless the individual has a current,</u>	782
<u>valid license issued by the state medical board under section</u>	783
<u>4731.15 of the Revised Code;</u>	784
<u>(2) Any other professional service, unless the individual</u>	785
<u>has a current, valid license or certificate issued by the</u>	786
<u>professional regulatory board of this state that regulates the</u>	787
<u>profession;</u>	788
<u>(3) Cosmetic therapy, unless the individual is authorized</u>	789
<u>by rules adopted under section 4709.05 of the Revised Code.</u>	790
<u>(I) Practice barbering in a location other than a barber</u>	791

<u>shop unless exempted under section 4709.031 or 4713.351 of the</u>	792
<u>Revised Code;</u>	793
<u>(J) Aid or abet any individual or entity in any of the</u>	794
<u>following:</u>	795
<u>(1) Violating this chapter or a rule adopted under it;</u>	796
<u>(2) Obtaining a license or permit fraudulently;</u>	797
<u>(3) Falsely pretending to hold a current, valid license or</u>	798
<u>permit.</u>	799
<u>Sec. 4709.03.</u> (A) <u>The following individuals are exempt</u>	800
<u>from this chapter, except section 4709.091 of the Revised Code,</u>	801
<u>as applicable:</u>	802
<u>(1) All individuals licensed by this state to practice</u>	803
<u>medicine, surgery, dentistry, or any branch of medicine,</u>	804
<u>surgery, or dentistry, while acting within the scope of practice</u>	805
<u>for the license, permit, or certificate held;</u>	806
<u>(2) Commissioned medical or surgical officers of the</u>	807
<u>United States army, navy, air force, or marine hospital service,</u>	808
<u>and attendants attached to the same, while acting within the</u>	809
<u>scope of practice for the license, permit, or certificate held;</u>	810
<u>(3) Nurses licensed under Chapter 4723. of the Revised</u>	811
<u>Code, while acting within the scope of practice for the license</u>	812
<u>or certificate held;</u>	813
<u>(4) Cosmetologists and hair designers licensed under</u>	814
<u>Chapter 4713. of the Revised Code, while acting within the scope</u>	815
<u>of practice for the license or permit held;</u>	816
<u>(5) Funeral directors, embalmers, and apprentices licensed</u>	817
<u>or certified under Chapter 4717. of the Revised Code, while</u>	818

acting within the scope of practice for the license, permit, or 819
certificate held; 820

(6) Volunteers of hospitals and homes as defined in 821
section 3721.01 of the Revised Code, who render service to 822
registered patients and inpatients who reside in such hospitals 823
or homes; 824

(7) Nurse aides and other employees of hospitals and homes 825
as defined in section 3721.01 of the Revised Code, who engage in 826
the practice of barbering on registered patients only as part of 827
general patient care services and who do not charge patients 828
directly on a fee-for-service basis; 829

(8) Massage therapists who hold current, valid licenses to 830
practice massage therapy issued by the state medical board under 831
section 4731.15 of the Revised Code, while acting within the 832
scope of practice for the license held; 833

(9) Inmates who provide services related to the practice 834
of barbering to other inmates, except when those services are 835
provided in a licensed barber shop or school within a state 836
correctional institution. 837

(B) A volunteer described in division (A) (6) of this 838
section shall not use or work with any chemical products such as 839
permanent wave, hair dye, or chemical hair relaxer, which 840
without proper training would pose a health or safety problem to 841
a patient. 842

(C) The director of rehabilitation and correction shall 843
oversee the services described in division (A) (9) of this 844
section with respect to infection control and adopt rules 845
governing those types of services provided by inmates. 846

Sec. 4709.031. Nothing in this chapter prohibits an 847

individual holding a license issued under this chapter from 848
practicing barbering on a dead human body at a funeral home or 849
embalming facility licensed under section 4717.06 of the Revised 850
Code. 851

Sec. 4709.05. (A) In addition to any other duty imposed on 852
the state cosmetology and barber board under this chapter or 853
Chapter 4713. of the Revised Code, the board shall do all of the 854
following: 855

(1) Regulate the practice of barbering in this state; 856

(2) Conduct or have conducted the examination for 857
applicants to practice as licensed barbers; 858

(3) Prescribe and make available application forms to be 859
used by individuals seeking admission to an examination 860
conducted under section 4709.07 of the Revised Code or a license 861
or permit issued under this chapter; 862

(4) Prescribe and make available application forms to be 863
used by individuals seeking renewal of a license or permit 864
issued under this chapter; 865

(5) Furnish a copy of the infection control standards 866
adopted pursuant to division (A) (8) (a) of this section to both 867
of the following: 868

(a) Each individual or person to whom the board issues a 869
barber license or license to operate a barber shop; 870

(b) Each individual providing cosmetic therapy, massage 871
therapy, or other professional service in a barber shop under 872
section 4709.091 of the Revised Code. 873

(6) Supply a copy of the poster created pursuant to 874
division (B) of section 5502.63 of the Revised Code to each 875

<u>person authorized to operate a barber shop under this chapter;</u>	876
<u>(7) Comply with sections 4713.641 and 4713.66 of the</u>	877
<u>Revised Code regarding investigations and inspections;</u>	878
<u>(8) Adopt rules, in accordance with Chapter 119. of the</u>	879
<u>Revised Code, to administer and enforce this chapter and that</u>	880
<u>cover all of the following:</u>	881
<u>(a) Infection control standards for the practice of</u>	882
<u>barbering and the operation of barber shops;</u>	883
<u>(b) The content of the examination required of an</u>	884
<u>applicant for a barber license under section 4709.07 of the</u>	885
<u>Revised Code and the passing score required for the examination;</u>	886
<u>(c) Conditions an individual must satisfy to qualify for a</u>	887
<u>temporary pre-examination work permit under section 4709.071 of</u>	888
<u>the Revised Code and the conditions and method of renewing a</u>	889
<u>temporary pre-examination work permit under that section;</u>	890
<u>(d) Requirements for the licensure of barber instructors</u>	891
<u>and assistant barber instructors that are in addition to the</u>	892
<u>requirements specified in section 4709.072 of the Revised Code;</u>	893
<u>(e) Conditions under which the board will take into</u>	894
<u>account, under section 4709.073 of the Revised Code, instruction</u>	895
<u>an applicant for a license under section 4709.07 or 4709.072 of</u>	896
<u>the Revised Code received more than five years before the date</u>	897
<u>of application for the license;</u>	898
<u>(f) Conditions an applicant must satisfy for the board to</u>	899
<u>issue the applicant a license under section 4709.08 of the</u>	900
<u>Revised Code without the applicant taking an examination</u>	901
<u>conducted under section 4709.07 of the Revised Code;</u>	902
<u>(g) Conditions an applicant must satisfy for the board to</u>	903

issue the applicant an independent contractor license under 904
section 4709.09 of the Revised Code and the fee for the issuance 905
and renewal of the license; 906

(h) Specify which professions regulated by a professional 907
regulatory board of this state may be practiced in a barber shop 908
under section 4709.091 of the Revised Code, including whether 909
cosmetic therapy may be practiced in a barber shop; 910

(i) Establish standards for the provision of cosmetic 911
therapy, massage therapy, or other professional service in a 912
barber shop pursuant to section 4709.091 of the Revised Code; 913

(j) If the board, under section 4709.111 of the Revised 914
Code, develops a procedure for classifying licenses inactive, do 915
both of the following: 916

(i) Establish a fee for having a license classified 917
inactive that reflects the cost to the board of providing the 918
inactive license service; 919

(ii) Specify the continuing education that an individual 920
whose license has been classified inactive must complete to have 921
the license restored. 922

(k) Any other area the board determines appropriate to 923
administer or enforce this chapter. 924

(B) The infection control standards established under 925
division (A) (8) (a) of this section shall focus in particular on 926
precautions to be employed to prevent infectious or contagious 927
diseases being created or spread. 928

(C) The content of the examination specified in rules 929
adopted under division (A) (8) (b) of this section shall include a 930
practical demonstration and a written test, shall relate only to 931

the practice of barbering, and shall require the applicant to 932
demonstrate that the applicant has a thorough knowledge of and 933
competence in the proper techniques in the safe use of chemicals 934
used in the practice of barbering. 935

(D) The rules adopted under division (A) (8) (c) of this 936
section may establish additional conditions for a temporary pre- 937
examination work permit under section 4709.071 of the Revised 938
Code that are applicable to individuals who are licensed to 939
practice barbering in another state or country. 940

(E) The conditions specified in rules adopted under 941
division (A) (8) (f) of this section may include that an applicant 942
is applying for a barber license for which the board determines 943
an examination is unnecessary. 944

(F) The rules adopted under division (A) (8) (h) of this 945
section shall not include a profession if practice of the 946
profession in a barber shop is a violation of a statute or rule 947
governing the profession. 948

(G) If the board adopts a procedure for classifying 949
licenses inactive, the continuing education specified under 950
division (A) (8) (j) (ii) of this section shall be sufficient to 951
ensure the minimum competency in the use or administration of a 952
new procedure or product required by a licensee necessary to 953
protect public health and safety. The requirement shall not 954
exceed the cumulative number of hours of continuing education 955
that the individual would have been required to complete had the 956
individual retained an active license. 957

Sec. 4709.051. (A) The state cosmetology and barber board 958
may adopt rules in accordance with section 4709.05 of the 959
Revised Code to establish a continuing education requirement, 960

not to exceed eight hours in a biennial licensing period, as a 961
condition of renewal for a barber license, barber instructor 962
license, or assistant barber instructor license. 963

(B) If the board establishes a continuing education 964
requirement under division (A) of this section, an individual 965
holding a barber license, barber instructor license, or 966
assistant barber instructor license shall satisfy the 967
requirement by completing a continuing education program 968
approved in accordance with division (B) of section 4713.62 of 969
the Revised Code. 970

These hours may include training in identifying and 971
addressing the crime of trafficking in persons as described in 972
section 2905.32 of the Revised Code. At least two of the eight 973
hours of the continuing education requirement must be achieved 974
in courses concerning safety and infection control, and at least 975
one hour of the eight hours of the continuing education 976
requirement must be achieved in courses concerning law and rule 977
updates. 978

Sec. 4709.07. ~~(A) Each person individual who desires to~~ 979
~~obtain an initial license to practice barbering shall apply to~~ 980
~~the state cosmetology and barber board, on forms provided by the~~ 981
~~board. The application form shall include the name of the person~~ 982
~~applying for the license and evidence that the applicant meets~~ 983
~~all of the requirements of division (B) of this section. The~~ 984
~~application shall be accompanied by two signed current~~ 985
~~photographs of the applicant, in the size determined by the~~ 986
~~board, that show only the head and shoulders of the applicant,~~ 987
~~and the examination application fee.~~ 988

~~(B) In order applies to take the required barber~~ 989
~~examination and to qualify for licensure as a barber, an~~ 990

~~applicant must shall~~ demonstrate that the ~~applicant individual~~ 991
meets all of the following: 992

(1) Is at least ~~eighteen sixteen~~ years of age; 993

(2) Has an eighth grade education or an equivalent 994
education as determined by the state board of education in the 995
state where the applicant resides; 996

(3) Has submitted a written application on a form 997
furnished by the board that contains all of the following: 998

(a) The name of the individual and any other identifying 999
information required by the board; 1000

(b) A photocopy of the individual's current driver's 1001
license or other proof of legal residence; 1002

(c) An oath verifying that the information in the 1003
application is true. 1004

(4) Submits to having a photograph and biometric 1005
fingerprint scan taken by the board; 1006

(5) Has graduated with at least one thousand eight hundred 1007
hours of board-approved training from a ~~board approved barber~~ 1008
school or has graduated with at least one thousand hours of 1009
board-approved training from a ~~board approved barber school in~~ 1010
~~this state~~ and has a current cosmetology or hair designer 1011
license issued pursuant to Chapter 4713. of the Revised Code. ~~No~~ 1012
~~hours of instruction earned by an applicant five or more years~~ 1013
~~prior to the examination apply to the hours of study required by~~ 1014
~~this division;~~ 1015

(6) Has paid the application fee. 1016

(B) The board shall issue a barber license to an applicant 1017

who passes the examination and pays the license fee. 1018

~~(C) Any applicant who meets all of the requirements of~~ 1019
~~divisions (A) and (B) of this section may take the barber~~ 1020
~~examination at the time and place specified by the board. If the~~ 1021
~~an applicant fails to attain at least a seventy five per cent~~ 1022
~~pass rate on each any part of the examination, the applicant is~~ 1023
~~ineligible for licensure; however, the applicant may reapply for~~ 1024
~~examination within ninety days after the date of the release of~~ 1025
~~the examination scores by paying and pay the required~~ 1026
reexamination fee. An applicant is only required to take that 1027
part or parts of the examination ~~on which~~ that the applicant did 1028
not receive a score of seventy five per cent or higher pass. If 1029
~~the applicant fails to reapply for examination within ninety~~ 1030
~~days or fails the second examination, in order to reapply for~~ 1031
~~examination for licensure the applicant shall complete an~~ 1032
~~additional course of study of not less than two hundred hours,~~ 1033
~~in a board approved barber school. The board shall provide to an~~ 1034
applicant, upon request, a report which explains the reasons for 1035
the applicant's failure to pass the examination. 1036

~~(D) The board shall issue a license to practice barbering~~ 1037
~~to any applicant who, to the satisfaction of the board, meets~~ 1038
~~the requirements of divisions (A) and (B) of this section, who~~ 1039
~~passes the required examination, and pays the initial licensure~~ 1040
fee. Every licensed barber shall display maintain the 1041
~~certificate of licensure in a conspicuous place adjacent to or~~ 1042
~~near the licensed barber's work chair, along with a signed~~ 1043
~~current photograph, in the size determined by the board, showing~~ 1044
~~head and shoulders only~~ board-issued, wallet-sized license or 1045
electronically generated license certification and a current 1046
government-issued photo identification that can be produced on 1047
inspection or request. 1048

Sec. 4709.071. (A) The state cosmetology and barber board 1049
shall issue a temporary pre-examination work permit to practice 1050
barbering to an individual who applies for and is eligible to 1051
take an examination conducted under section 4709.07 of the 1052
Revised Code, if the individual satisfies all of the following 1053
conditions: 1054

(1) The individual has not previously failed an 1055
examination conducted under section 4709.07 of the Revised Code. 1056

(2) The individual pays to the board the applicable fee. 1057

(3) The individual satisfies all other conditions 1058
established by rules adopted under section 4709.05 of the 1059
Revised Code. 1060

(B) An individual issued a temporary pre-examination work 1061
permit under this section may practice barbering until the date 1062
the individual is scheduled to take an examination under section 1063
4709.07 of the Revised Code. The individual shall practice under 1064
the supervision of an individual holding a current, valid barber 1065
license. 1066

(C) A temporary pre-examination work permit is renewable 1067
in accordance with rules adopted under section 4709.05 of the 1068
Revised Code. 1069

Sec. 4709.072. (A) The state cosmetology and barber board 1070
shall issue a barber instructor license to an applicant who 1071
meets all of the following requirements: 1072

(1) Is at least eighteen years of age; 1073

(2) Holds a current, valid barber license issued under 1074
section 4709.07 of the Revised Code and meets either of the 1075
following requirements: 1076

<u>(a) Has at least eighteen months of work experience in a</u>	1077
<u>licensed barber shop;</u>	1078
<u>(b) Has been employed as an assistant barber instructor</u>	1079
<u>under the supervision of a licensed barber for at least one</u>	1080
<u>year.</u>	1081
<u>(3) Passes the required examination;</u>	1082
<u>(4) Pays the applicable license fee;</u>	1083
<u>(5) Meets any additional requirements specified in rules</u>	1084
<u>adopted by the board under section 4709.05 of the Revised Code.</u>	1085
<u>(B) The board shall issue an assistant barber instructor</u>	1086
<u>license to an applicant who holds a current, valid barber</u>	1087
<u>license issued under section 4709.07 of the Revised Code and</u>	1088
<u>meets the requirements listed in divisions (A) (1), (4), and (5)</u>	1089
<u>of this section.</u>	1090
<u>(C) Every holder of a barber instructor license or</u>	1091
<u>assistant barber instructor license shall maintain a board-</u>	1092
<u>issued, wallet-sized license or electronically generated license</u>	1093
<u>certification and a current government-issued photo</u>	1094
<u>identification that can be produced upon inspection or request.</u>	1095
<u>Sec. 4709.073.</u> <u>When determining the total hours of</u>	1096
<u>instruction received by an applicant under section 4709.07 or</u>	1097
<u>4709.072 of the Revised Code, the state cosmetology and barber</u>	1098
<u>board shall not take into account more than ten hours of</u>	1099
<u>instruction per day. The board shall take into account</u>	1100
<u>instruction received more than five years before the date of</u>	1101
<u>application for the license in accordance with rules adopted</u>	1102
<u>under section 4709.05 of the Revised Code.</u>	1103
<u>Sec. 4709.08.</u> <u>(A) Any person individual who holds a</u>	1104

current license or registration to practice as a barber or teach 1105
the theory and practice of barbering in any other state or 1106
district of the United States or country whose requirements for 1107
licensure or registration of barbers, barber instructors, or 1108
assistant barber instructors are substantially equivalent to the 1109
requirements of this chapter and rules adopted under it ~~and that~~ 1110
~~extends similar reciprocity to persons licensed as barbers in~~ 1111
~~this state~~ may apply to the state cosmetology and barber board 1112
for a barber, barber instructor, or assistant barber instructor 1113
license. 1114

~~(B) The board shall, without examination, unless the board~~ 1115
~~determines to require an examination,~~ issue a license to 1116
~~practice as a licensed barber in this state if the person an~~ 1117
applicant who meets all of the following requirements of this 1118
section, is: 1119

(1) Is at least eighteen years of age, and pays; 1120

(2) In the case of an applicant for a barber license, 1121
passes an examination conducted under section 4709.07 of the 1122
Revised Code, unless the applicant satisfies conditions 1123
specified in rules adopted under section 4709.05 of the Revised 1124
Code for the board to issue the applicant a license without 1125
taking the examination; 1126

(3) Pays the required fees. ~~The board may waive any of the~~ 1127
~~requirements of this section.~~ 1128

Sec. 4709.09. (A) Each ~~person applicant~~ who desires to 1129
obtain a barber shop license shall apply to the state 1130
cosmetology and barber board, on forms provided by the board. 1131
The board shall issue a barber shop license to ~~a person an~~ 1132
applicant if the board determines that the ~~person meets all of~~ 1133

~~the requirements of division (B) of this section and pays~~ 1134
~~applicant has paid the required license and inspection fees.~~ 1135

~~(B) In order for a person to qualify for a license to~~ 1136
~~operate a barber shop, fee and ensured that~~ the barber shop shall 1137
meet all of the following requirements: 1138

(1) Be in the charge and under the immediate supervision 1139
of a licensed barber; 1140

(2) Be equipped to provide running hot and cold water and 1141
proper drainage; 1142

~~(3) Sanitize and maintain in a sanitary condition, all~~ 1143
~~instruments and supplies;~~ 1144

~~(4) Keep towels and linens clean and sanitary and in a~~ 1145
~~dry, dust proof container;~~ 1146

~~(5) Display~~ Be in compliance with the infection control 1147
standards adopted by the board in rule; 1148

(4) Pass an initial inspection as described in division 1149
(A) (10) of section 4713.07 of the Revised Code. 1150

(B) An applicant issued a barber shop license under 1151
division (A) of this section shall display the shop license and 1152
a copy of the board's sanitary rules infection control standards 1153
provided by the board under division (A) (5) of section 4709.05 1154
of the Revised Code in a public and conspicuous place in the 1155
working area barber shop. 1156

(C) (1) Any licensed barber who leases space in a licensed 1157
barber shop and engages in the practice of barbering independent 1158
and free from supervision of the owner or manager of the barber 1159
shop ~~is considered to be engaged in the operation of a separate~~ 1160
~~and distinct barber shop and shall obtain a~~ an independent 1161

~~contractor license to operate a barber shop pursuant to this section by submitting the form provided by the board, paying the applicable fee, and satisfying the conditions for the license established in rules adopted under section 4709.05 of the Revised Code.~~ 1162
1163
1164
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(2) Every holder of an independent contractor license shall maintain the board-issued, wallet-sized license or electronically generated license certification and a current government-issued photo identification that can be produced upon inspection or request. 1167
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1169
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1171

(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 or from one location to another.~~ 1172
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1177

~~(E) (1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.~~ 1178
1179

~~(2) (E) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.~~ 1180
1181

~~(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.~~ 1182
1183
1184

Sec. 4709.091. (A) An individual holding a current, valid license issued under section 4731.15 of the Revised Code to provide massage therapy may provide massage therapy in a barber shop. An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the individual's profession in a barber shop. 1185
1186
1187
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1190

if the individual's profession is authorized by rules adopted 1191
under section 4709.05 of the Revised Code to practice in a 1192
barber shop. An individual may provide cosmetic therapy in a 1193
barber shop if authorized by rules adopted under section 4709.05 1194
of the Revised Code to practice in a barber shop. 1195

(B) An individual providing cosmetic therapy, massage 1196
therapy, or other professional service in a barber shop pursuant 1197
to this section shall satisfy the standards established by rules 1198
adopted under section 4709.05 of the Revised Code. 1199

(C) An individual who provides massage therapy or other 1200
professional services in a barber shop under this section shall 1201
maintain the individual's professional license or certificate or 1202
electronically generated license certification or registration 1203
and a state of Ohio issued photo identification that can be 1204
produced on inspection or request. 1205

Sec. 4709.10. An applicant for a license to operate a 1206
school shall submit an application to the state cosmetology and 1207
barber board and satisfy the requirements under section 4713.44 1208
of the Revised Code to be issued the license. If the school for 1209
which the applicant is applying for a license under that section 1210
offers instruction in the theory and practice of barbering, the 1211
applicant shall do all of the following to be issued the 1212
license: 1213

(A) Provide sufficient licensed teaching personnel to meet 1214
the minimum student-instructor ratio established by the board in 1215
rules adopted under section 4713.08 of the Revised Code; 1216

(B) Establish minimum standards for acceptance of student 1217
applicants for admission to the school to learn the theory and 1218
practice of barbering; 1219

(C) Employ not more than two licensed assistant barber 1220
instructors for each licensed barber instructor employed or 1221
fewer than two licensed instructors or one licensed instructor 1222
and one licensed assistant instructor at each facility; 1223

(D) Pass an initial inspection as described in division 1224
(A) (10) of section 4713.07 of the Revised Code. 1225

Sec. 4709.11. Every license issued pursuant to this 1226
chapter expires on the thirty-first day of August of each even- 1227
numbered year. Each licensee desiring to do so shall, on or 1228
before the first day of September of each even-numbered year, 1229
renew the licensee's license pursuant to the standard renewal 1230
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1231
~~expired license shall restore the holder's license before~~ 1232
~~continuing the practice of barbering or the activity for which~~ 1233
~~the holder is licensed under this chapter and pay the~~ 1234
~~appropriate restoration fee. If the person fails to restore the~~ 1235
~~person's license within six years, the person shall pay any~~ 1236
~~required restoration fee and take any examination required for~~ 1237
~~the license under this chapter~~ 1238

If the state cosmetology and barber board adopts rules 1239
under section 4709.051 of the Revised Code to establish a 1240
continuing education requirement as a condition of renewal for a 1241
barber license, barber instructor license, or assistant barber 1242
instructor license, the board shall inform each licensee of the 1243
continuing education requirement that applies to the next 1244
biennial licensing period by including that information in the 1245
renewal notification the board sends the licensee. The board 1246
shall state in the notification that the licensee must complete 1247
the continuing education requirement by the fifteenth day of 1248
August of the next even-numbered year. Hours completed in excess 1249

of the continuing education requirement may not be applied to 1250
the next biennial licensing period. 1251

The board may waive or extend the period for a licensee to 1252
complete any applicable continuing education requirement in 1253
accordance with division (B) of section 4713.60 of the Revised 1254
Code. Every license that has not been renewed in the timeframe 1255
specified in this section and for which the continuing education 1256
requirement has not been waived or extended shall be considered 1257
expired. 1258

Sec. 4709.111. (A) If the state cosmetology and barber 1259
board adopts a continuing education requirement under section 1260
4709.051 of the Revised Code, it may develop a procedure by 1261
which an individual who holds a barber license, barber 1262
instructor license, or assistant barber instructor license and 1263
who is not currently engaged in the practice of barbering or 1264
teaching or assisting in teaching of the theory and practice of 1265
barbering, but who desires to be so engaged in the future, may 1266
apply to the board to have the individual's license classified 1267
inactive. If the board develops this procedure, an individual 1268
seeking to have the individual's license classified inactive 1269
shall apply to the board on a form provided by the board and pay 1270
the fee established by rules adopted under section 4709.05 of 1271
the Revised Code. 1272

(B) The board shall not restore an inactive license until 1273
the individual holding the license submits proof satisfactory to 1274
the board that the individual has completed the continuing 1275
education requirement established by the board in rules adopted 1276
under section 4709.05 of the Revised Code. 1277

Sec. 4709.112. (A) A barber license, barber instructor 1278
license, or assistant barber instructor license that has not 1279

been renewed for any reason other than because it has been 1280
revoked, suspended, classified inactive, or because the license 1281
holder has been given a waiver or extension under section 1282
4709.11 of the Revised Code, is expired. An expired license may 1283
be restored if the individual who held the license satisfies 1284
both of the following requirements: 1285

(1) Pays to the state cosmetology and barber board the 1286
restoration fee established under section 4709.12 of the Revised 1287
Code; 1288

(2) In the case of a barber license that has been expired 1289
for more than two consecutive license renewal periods, completes 1290
any outstanding continuing education requirements for each 1291
license renewal period that has elapsed since the license was 1292
last issued or renewed, up to a maximum of twenty-four hours. 1293

(B) At least four of the continuing education hours 1294
required under division (A)(2) of this section shall include a 1295
course pertaining to infection control and safety methods. 1296

Sec. 4709.12. (A) The state cosmetology and barber board 1297
shall charge and collect the following nonrefundable fees: 1298

(1) For the application to take the barber examination, 1299
not more than ninety dollars; 1300

(2) For an application to retake any one part of the 1301
barber examination, not more than forty-five dollars; 1302

(3) For an application to take the barber examination by 1303
an applicant who has previously applied to take but failed to 1304
appear for the examination, not more than one hundred dollars; 1305

(4) For the initial issuance of a license to practice as a 1306
barber, not more than thirty dollars; 1307

(4) -(5) For the biennial renewal of the license to practice as a barber, <u>not more than one hundred ten dollars;</u>	1308 1309
(5) -(6) For the restoration of an expired barber license, <u>not more than one hundred fifty dollars, and not more than seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;</u>	1310 1311 1312 1313
(6) -(7) For the issuance of a duplicate barber or shop license, <u>not more than forty-five dollars;</u>	1314 1315
(7) -(8) For the inspection <u>issuance</u> of a new barber shop, license or a change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, <u>not more than one hundred ten dollars;</u>	1316 1317 1318 1319
(8) -(9) For the biennial renewal of a barber shop license, <u>not more than seventy-five dollars;</u>	1320 1321
(9) -(10) For the restoration of a barber shop license, <u>not more than one hundred ten dollars;</u>	1322 1323
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	1324 1325 1326
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	1327 1328 1329
(12) For the restoration of a barber school license, one thousand dollars;	1330 1331
(13) For the issuance of a student registration, forty dollars;	1332 1333
(14) -(11) For the examination and issuance of a biennial	1334

~~teacher-barber instructor license, not more than one hundred~~ 1335
~~eighty-five dollars;~~ 1336

~~(15)~~ (12) For the issuance of a biennial assistant barber 1337
instructor license, not more than one hundred fifty dollars; 1338

(13) For the renewal of a biennial ~~teacher-barber~~ 1339
instructor or assistant barber instructor license, not more than 1340
one hundred fifty dollars; 1341

~~(16)~~ (14) For the restoration of an expired ~~teacher-barber~~ 1342
instructor or assistant barber instructor license, not more than 1343
two hundred twenty-five dollars, and not more than sixty dollars 1344
for each lapsed year, provided that the total fee shall not 1345
exceed four hundred fifty dollars; 1346

~~(17)~~ (15) For the issuance of a barber license by 1347
reciprocity pursuant to section 4709.08 of the Revised Code, not 1348
more than three hundred dollars; 1349

~~(18)~~ (16) For ~~providing licensure information concerning~~ 1350
an applicant, upon written request of the applicant 1351
the preparation and mailing of a licensee's records to another state 1352
for a reciprocal license, not more than forty dollars; 1353

(17) For a temporary pre-examination work permit under 1354
section 4709.071 of the Revised Code, not more than fifteen 1355
dollars. 1356

(B) The board shall adjust the fees biennially, by rule, 1357
within the limits established by division (A) of this section, 1358
to provide sufficient revenues to meet its expenses. 1359

(C) The board, subject to the approval of the controlling 1360
board, may establish fees in excess of the amounts provided in 1361
this section, provided that the fees do not exceed the amounts 1362

permitted by this section by more than fifty per cent. 1363

~~(C) In addition to any other fee charged and collected 1364
under this section, the board shall ask each person renewing a 1365
license to practice as a barber whether the person wishes to 1366
make a two-dollar voluntary contribution to the Ed Jeffers- 1367
barber museum. The board shall transmit any contributions to the 1368
treasurer of state for deposit into the occupational licensing- 1369
fund. 1370~~

(D) At the request of a person who is temporarily unable 1371
to pay a fee imposed under division (A) of this section, or on 1372
its own motion, the board may extend the date payment is due by 1373
up to ninety days. If the fee remains unpaid after the date 1374
payment is due, the amount of the fee shall be certified to the 1375
attorney general for collection in the form and manner 1376
prescribed by the attorney general. The attorney general may 1377
assess the collection cost to the amount certified in such a 1378
manner and amount as prescribed by the attorney general. 1379

Sec. 4709.13. (A) The state cosmetology and barber board 1380
may take disciplinary action under division (B) of this section 1381
for any of the following: 1382

(1) Willful, false, and fraudulent or deceptive 1383
advertising; 1384

(2) Habitual drunkenness or addiction to any habit-forming 1385
drug; 1386

(3) Failure to comply with the safety, infection control, 1387
and licensing requirements of this chapter or rules adopted 1388
under it; 1389

(4) Continued practice by an individual knowingly having 1390
an infectious or contagious disease; 1391

<u>(5) Falsification of any record or application required to</u>	1392
<u>be filed with the board;</u>	1393
<u>(6) Failure to pay a fine or abide by a suspension order</u>	1394
<u>issued by the board;</u>	1395
<u>(7) Failure to cooperate with an investigation or</u>	1396
<u>inspection;</u>	1397
<u>(8) Failure to respond to a subpoena;</u>	1398
<u>(9) Conviction of or plea of guilty to a violation of</u>	1399
<u>section 2905.32 of the Revised Code;</u>	1400
<u>(10) In the case of a barber shop, any individual's</u>	1401
<u>conviction of or plea of guilty to a violation of section</u>	1402
<u>2905.32 of the Revised Code for an activity that took place on</u>	1403
<u>the premises of the barber shop.</u>	1404
<u>(B) On determining that there is cause for disciplinary</u>	1405
<u>action, the board may do one or more of the following:</u>	1406
<u>(1) Deny, suspend, revoke, or impose conditions on a</u>	1407
<u>license or permit issued by the board pursuant to this chapter;</u>	1408
<u>(2) Impose a fine;</u>	1409
<u>(3) Require the holder of a license or permit issued under</u>	1410
<u>this chapter to take corrective action courses.</u>	1411
<u>(C) (1) Except as provided in divisions (C) (2) and (3) of</u>	1412
<u>this section, the board shall take disciplinary action pursuant</u>	1413
<u>to an adjudication under Chapter 119. of the Revised Code.</u>	1414
<u>(2) The board may take disciplinary action without</u>	1415
<u>conducting an adjudication under Chapter 119. of the Revised</u>	1416
<u>Code against an individual who or barber shop that is subject to</u>	1417
<u>discipline under division (A) (9) or (10) of this section. After</u>	1418

the board takes such disciplinary action, the board shall give 1419
written notice to the subject of the disciplinary action of the 1420
right to request a hearing under Chapter 119. of the Revised 1421
Code. 1422

(3) In lieu of an adjudication, the board may enter into a 1423
consent agreement with the holder of a license or permit issued 1424
under this chapter. A consent agreement that is ratified by a 1425
majority vote of a quorum of the board members is considered to 1426
constitute the findings and orders of the board with respect to 1427
the matter addressed in the agreement. If the board does not 1428
ratify a consent agreement, the admissions and findings 1429
contained in the agreement are of no effect, and the case shall 1430
be scheduled for adjudication under Chapter 119. of the Revised 1431
Code. 1432

(D) The amount and content of corrective action courses 1433
and other relevant criteria shall be established by the board in 1434
rules adopted under section 4709.05 of the Revised Code. 1435

(E) (1) The board may impose a separate fine for each 1436
offense listed in division (A) of this section. The amount of 1437
the first fine issued for a violation as the result of an 1438
inspection shall be not more than two hundred fifty dollars if 1439
the violator has not previously been fined for that offense. Any 1440
fines issued for additional violations during such an inspection 1441
shall not be more than one hundred dollars for each additional 1442
violation. The fine shall be not more than five hundred dollars 1443
if the violator has been fined for the same offense once before. 1444
Any fines issued for additional violations during a second 1445
inspection shall not be more than two hundred dollars for each 1446
additional violation. The fine shall be not more than one 1447
thousand dollars if the violator has been fined for the same 1448

offense two or more times before. Any fines issued for 1449
additional violations during a third inspection shall not be 1450
more than three hundred dollars for each additional violation. 1451

(2) The board shall issue an order notifying a violator of 1452
a fine imposed under division (E) (1) of this section. The notice 1453
shall specify the date by which the fine is to be paid. The date 1454
shall be less than forty-five days after the board issues the 1455
order. 1456

(3) At the request of a violator who is temporarily unable 1457
to pay a fine, or on the board's own motion, the board may 1458
extend the time period within which the violator shall pay the 1459
fine up to ninety days after the date the board issues the 1460
order. 1461

(4) If the fine remains unpaid on the ninety-first day 1462
after the board issues an order under division (E) (2) of this 1463
section, the amount of the fine shall be certified to the 1464
attorney general for collection in the form and manner 1465
prescribed by the attorney general. The attorney general may 1466
assess the collection cost to the amount certified in such a 1467
manner and amount as prescribed by the attorney general. 1468

(F) The board shall notify a licensee who is subject to 1469
discipline under division (A) of this section and the owner of 1470
the barber shop in which the conditions constituting the reason 1471
for discipline were found. The individual receiving the notice 1472
and the owner of the barber shop may request a hearing pursuant 1473
to section 119.07 of the Revised Code. If the individual or 1474
owner fails to request a hearing or enter into a consent 1475
agreement thirty days after the date the board, in accordance 1476
with section 119.07 of the Revised Code and division (I) of this 1477
section, notifies the individual or owner of the board's intent 1478

to act against the individual or owner under division (A) of 1479
this section, the board, by a majority vote of a quorum of the 1480
board members, may take the action against the individual or 1481
owner without holding an adjudication hearing. 1482

(G) The board, after a hearing in accordance with Chapter 1483
119. of the Revised Code or pursuant to a consent agreement, may 1484
suspend a license or permit if the licensee or permit holder 1485
fails to correct an unsafe condition that exists in violation of 1486
the board's rules or fails to cooperate in an inspection. If a 1487
violation of this chapter or rules adopted under it has resulted 1488
in a condition reasonably believed by an inspector to create an 1489
immediate danger to the health and safety of any individual 1490
using the facility, the inspector may suspend the license or 1491
permit of the facility or the individual responsible for the 1492
violation without a prior hearing until the condition is 1493
corrected or until a hearing in accordance with Chapter 119. of 1494
the Revised Code is held or a consent agreement is entered into 1495
and the board either upholds the suspension or reinstates the 1496
license or permit. 1497

(H) The board shall not take disciplinary action against a 1498
person licensed to operate a barber shop for a violation of this 1499
chapter that was committed by a licensed barber while practicing 1500
within the barber shop, when the barber's actions were beyond 1501
the control of the barber shop owner. 1502

(I) In addition to the methods of notification required 1503
under section 119.07 of the Revised Code, the board may send the 1504
notices required under divisions (C) (2), (E) (2), and (F) of this 1505
section by any delivery method that is traceable and requires 1506
that the delivery person obtain a signature to verify that the 1507
notice has been delivered. The board also may send the notices 1508

by electronic mail, provided that the electronic mail delivery 1509
system certifies that a notice has been received. 1510

Sec. 4709.14. ~~(A) If the state cosmetology and barber~~ 1511
~~board determines that any person individual is violating or~~ 1512
~~threatening is about to violate any provision of this chapter or~~ 1513
~~the rules adopted pursuant thereto and such violation or~~ 1514
~~threatened violation is a threat to the health or safety of~~ 1515
~~persons who use barber services, the board may apply to a court~~ 1516
~~of competent jurisdiction in the county in which the violation~~ 1517
~~or threatened violation occurred or will occur for injunctive~~ 1518
relief and such other relief to prevent further violations. The 1519
attorney general shall, at the board's request, represent the 1520
board in any such action. 1521

~~(B) If the board determines, after a hearing conducted in~~ 1522
~~accordance with Chapter 119. of the Revised Code, that any~~ 1523
~~person has violated any provision of this chapter or the rules~~ 1524
~~adopted pursuant thereto, the board may, in addition to any~~ 1525
~~other action it may take or any other penalty imposed pursuant~~ 1526
~~to this chapter, impose one or more fines upon the person. In no~~ 1527
~~event, however, shall the fines imposed under this division~~ 1528
~~exceed five hundred dollars for a first offense or one thousand~~ 1529
~~dollars for each subsequent offense.~~ 1530

~~(C) A person who allegedly has violated a provision of~~ 1531
~~this chapter for which the board proposes to impose a fine may~~ 1532
~~pay the board the amount of the fine and waive the right to an~~ 1533
~~adjudicatory hearing conducted under Chapter 119. of the Revised~~ 1534
~~Code and described in division (B) of this section.~~ 1535

Sec. 4709.99. ~~Whoever violates this chapter or any rule~~ 1536
~~adopted pursuant thereto shall be fined not less than one~~ 1537
~~hundred nor more than five hundred dollars for section 4709.02~~ 1538

of the Revised Code is guilty of a misdemeanor of the fourth 1539
degree on a first offense; for each subsequent violation of the 1540
same provision, the ~~person shall be fined not less than five~~ 1541
~~hundred nor more than one thousand dollars.~~individual is guilty 1542
of a misdemeanor of the third degree. 1543

Sec. 4713.01. As used in this chapter: 1544

(A) "Apprentice instructor" means an individual holding a 1545
practicing license issued by the state cosmetology and barber 1546
board who is engaged in learning or acquiring knowledge of the 1547
occupation of an instructor of a branch of cosmetology at a 1548
~~school of cosmetology.~~ 1549

(B) "Barber," "barber instructor," "barber shop," and 1550
"practice of barbering" have the same meanings as in section 1551
4709.01 of the Revised Code. 1552

(C) "Beauty salon" means a salon in which an individual is 1553
authorized to engage in all branches of cosmetology. 1554

(D) "Biennial licensing period" means the two-year period 1555
beginning on the first day of February of an odd-numbered year 1556
and ending on the last day of January of the next odd-numbered 1557
year. 1558

(E) "Boutique salon" means a salon in which an individual 1559
engages in the practice of boutique services and no other branch 1560
of cosmetology. 1561

~~"Boutique services" means braiding, threading, shampooing,~~ 1562
~~and makeup artistry.~~ 1563

(F) "Braiding" means intertwining the hair in a systematic 1564
motion to create patterns in a three-dimensional form, ~~inverting~~ 1565
~~the hair including patterns that are inverted, upright, or~~ 1566

singled against the scalp that follow along part of a straight 1567
or curved row of intertwined hair, or partings. "Braiding" may 1568
include twisting, locking, beading, crocheting, wrapping, or 1569
similarly manipulating the hair in a systematic motion, and 1570
includes extending the while adding bulk or length with human 1571
hair with natural or, synthetic hair fibers, or both, and using 1572
simple devices such as clips, combs, crochet hooks, blunt- 1573
tipped needles, and hairpins. "Braiding" does not include the 1574
use of chemical hair-joining agents such as synthetic tape, 1575
keratin bonds, or fusion bonds to weave or fuse individual 1576
strands or wefts; applications of dyes, reactive chemicals, or 1577
other preparations to alter the color or straighten, curl, or 1578
alter the structure of hair; or embellishing or beautifying hair 1579
by cutting or singeing, except as needed to finish the ends of 1580
synthetic hair used to add bulk to or lengthen hair. 1581

(G) "Branch of cosmetology" means the practice of 1582
cosmetology, practice of esthetics, practice of hair design, 1583
practice of manicuring, practice of natural hair styling, or 1584
practice of boutique services. 1585

(H) "Cosmetic therapy" means the permanent removal of hair 1586
from the human body through the use of electric modalities and 1587
may include the systematic friction, stroking, slapping, and 1588
kneading or tapping of the face, neck, scalp, or shoulders. 1589

(I) "Cosmetologist" means an individual authorized to 1590
engage in all branches of cosmetology in a licensed facility. 1591

"Cosmetology" means the art or practice of embellishment, 1592
cleansing, beautification, and styling of hair, wigs, postiches, 1593
face, body, or nails. 1594

(J) "Cosmetology instructor" means an individual 1595

authorized to teach the theory and practice of all branches of 1596
cosmetology at a school ~~of cosmetology~~. 1597

(K) "Esthetician" means an individual who engages in the 1598
practice of esthetics but no other branch of cosmetology in a 1599
licensed facility. 1600

(L) "Esthetics instructor" means an individual who teaches 1601
the theory and practice of esthetics, but no other branch of 1602
cosmetology, at a school ~~of cosmetology~~. 1603

(M) "Esthetics salon" means a salon in which an individual 1604
engages in the practice of esthetics but no other branch of 1605
cosmetology. 1606

(N) "Eye lash extensions" include temporary and semi- 1607
permanent enhancements designed to add length, thickness, and 1608
fullness to natural eyelashes. 1609

(O) "Hair designer" means an individual who engages in the 1610
practice of hair design but no other branch of cosmetology in a 1611
licensed facility. 1612

(P) "Hair design instructor" means an individual who 1613
teaches the theory and practice of hair design, but no other 1614
branch of cosmetology, at a school ~~of cosmetology~~. 1615

(Q) "Hair design salon" means a salon in which an 1616
individual engages in the practice of hair design but no other 1617
branch of cosmetology. 1618

(R) "Hair removal" includes tweezing, waxing, sugaring, 1619
and threading. "Hair removal" does not include electrolysis. 1620

(S) "Independent contractor" means an 1621
individual who is not an employee of a salon but practices 1622

a branch of cosmetology within a salon in a licensed facility. 1623

(T) "Infection control" means the practice of preventing 1624
the spread of infections and disease by ensuring that a salon, 1625
school, or tanning facility, including all equipment and 1626
implements in the salon, school, or tanning facility, are 1627
maintained by doing all of the following, as applicable: 1628

(1) Removing surface or visible dirt or debris by cleaning 1629
with soap, detergent, or a chemical cleaner, followed by rinsing 1630
with clean water; 1631

(2) Using a chemical disinfectant to kill or denature 1632
bacteria, fungi, and viruses; 1633

(3) Applying heat or using other procedures to eliminate, 1634
remove, or kill all forms of microbial life present on a surface 1635
or contained in a fluid. 1636

(U) "Instructor license" means a license to teach the 1637
theory and practice of a branch of cosmetology at a school~~of~~ 1638
~~cosmetology.~~ 1639

(V) "Licensed facility" means any premises, building, or 1640
part of a building licensed under section 4713.41 of the Revised 1641
Code in which the practice of one or more branches of 1642
cosmetology ~~services~~ are authorized by the state cosmetology and 1643
barber board to be performed. 1644

~~"Advanced cosmetologist" means an individual authorized to~~ 1645
~~work in a beauty salon and engage in all branches of~~ 1646
~~cosmetology.~~ 1647

~~"Advanced esthetician" means an individual authorized to~~ 1648
~~work in an esthetics salon, but no other type of salon, and~~ 1649
~~engage in the practice of esthetics, but no other branch of~~ 1650

cosmetology. 1651

~~"Advanced hair designer" means an individual authorized to 1652
work in a hair design salon, but no other type of salon, and 1653
engage in the practice of hair design, but no other branch of 1654
cosmetology. 1655~~

(W) "Advanced license" means a license issued under 1656
section 4713.30 of the Revised Code to work in a salon and 1657
practice the branch of cosmetology practiced at the salon. 1658

~~"Advanced manicurist" means an individual authorized to 1659
work in a nail salon, but no other type of salon, and engage in 1660
the practice of manicuring, but no other branch of cosmetology. 1661~~

~~"Advanced natural hair stylist" means an individual 1662
authorized to work in a natural hair style salon, but no other 1663
type of salon, and engage in the practice of natural hair 1664
styling, but no other branch of cosmetology. 1665~~

(X) "Makeup artistry" means the application of cosmetics 1666
for the purpose of skin beautification. "Makeup artistry" does 1667
not include any other services described in the practice of any 1668
other branch of cosmetology. 1669

(Y) "Manicurist" means an individual who engages in the 1670
practice of manicuring but no other branch of cosmetology in a 1671
licensed facility. 1672

(Z) "Manicurist instructor" means an individual who 1673
teaches the theory and practice of manicuring, but no other 1674
branch of cosmetology, at a school ~~of cosmetology.~~ 1675

(AA) "Nail salon" means a salon in which an individual 1676
engages in the practice of manicuring but no other branch of 1677
cosmetology. 1678

(BB) "Natural hair stylist" means an individual who 1679
engages in the practice of natural hair styling but no other 1680
branch of cosmetology in a licensed facility. 1681

(CC) "Natural hair style instructor" means an individual 1682
who teaches the theory and practice of natural hair styling, but 1683
no other branch of cosmetology, at a school ~~of cosmetology.~~ 1684

(DD) "Natural hair style salon" means a salon in which an 1685
individual engages in the practice of natural hair styling but 1686
no other branch of cosmetology. 1687

~~"Practice of braiding" means utilizing the technique of 1688
intertwining hair in a systematic motion to create patterns in a 1689
three dimensional form, including patterns that are inverted, 1690
upright, or singled against the scalp that follow along straight 1691
or curved partings. It may include twisting or locking the hair 1692
while adding bulk or length with human hair, synthetic hair, or 1693
both and using simple devices such as clips, combs, and 1694
hairpins. "Practice of braiding" does not include application of 1695
weaving, bonding, and fusion of individual strands or wefts; 1696
application of dyes, reactive chemicals, or other preparations 1697
to alter the color or straighten, curl, or alter the structure 1698
of hair; embellishing or beautifying hair by cutting or 1699
singeing, except as needed to finish the ends of synthetic 1700
fibers used to add bulk to or lengthen hair. 1701~~

(EE) "Practice of boutique services" means braiding, 1702
threading, shampooing, and makeup artistry. 1703

(FF) "Practice of cosmetology" means the practice of all 1704
branches of cosmetology. 1705

(GG) "Practice of esthetics" means the application of 1706
cosmetics, tonics, antiseptics, creams, lotions, or other 1707

preparations for the purpose of skin beautification and includes 1708
preparation of the skin by manual massage techniques or by use 1709
of electrical, mechanical, or other apparatus; enhancement of 1710
the skin by skin care, facials, body treatments, hair removal, 1711
and other treatments; and eye lash extension services. 1712

(HH) "Practice of hair design" means embellishing or 1713
beautifying hair, wigs, or hairpieces by arranging, dressing, 1714
pressing, curling, waving, permanent waving, cleansing, cutting, 1715
singeing, bleaching, coloring, braiding, weaving, bonding and 1716
fusion of individual strands or wefts, or similar work. 1717
"Practice of hair design" includes utilizing techniques 1718
performed by hand that result in tension on hair roots such as 1719
twisting, wrapping, weaving, extending, locking, or braiding of 1720
the hair. 1721

(II) "Practice of manicuring" means cleaning, trimming, 1722
shaping the free edge of, or applying polish to the nails of any 1723
individual; applying nail enhancements and embellishments to any 1724
individual; massaging the hands and lower arms up to the elbow 1725
of any individual; massaging the feet and lower legs up to the 1726
knee of any individual; using lotions or softeners on the hands 1727
and feet of any individual; or any combination of these types of 1728
services. 1729

(JJ) "Practice of natural hair styling" means utilizing 1730
techniques performed by hand that result in tension on hair 1731
roots such as twisting, wrapping, weaving, bonding and fusion of 1732
individual strands or wefts, extending, locking, or braiding of 1733
the hair and includes cleansing the hair in preparation for 1734
performing such techniques on the hair. "Practice of natural 1735
hair styling" does not include the application of dyes, reactive 1736
chemicals, or other preparations to alter the color or to 1737

straighten, curl, or alter the structure of the hair. "Practice
of natural hair styling" also does not include embellishing or
beautifying hair by cutting or singeing, except as needed to
finish off the end of a braid, or by dressing, pressing,
curling, waving, permanent waving, or similar work.

(KK) "Practicing license" means a license to practice a
branch of cosmetology in a licensed facility.

(LL) "Salon" means a licensed facility on any premises,
building, or part of a building in which an individual engages
in the practice of one or more branches of cosmetology. "Salon"
does not include a barber shop licensed under Chapter 4709. of
the Revised Code. "Salon" does not mean a tanning facility,
although a tanning facility may be located in a salon.

(MM) "~~School of cosmetology~~" means any premises, building,
or part of a building in which students are instructed in the
theories and practices of one or more branches of cosmetology or
barbering.

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

(OO) "Student" means ~~an~~ both of the following:

(1) An individual, other than an apprentice instructor,
who is engaged in learning or acquiring knowledge of the
practice of a branch of cosmetology at a school ~~of cosmetology;~~

(2) An individual engaged in learning or acquiring
knowledge of the practice of barbering at a school.

(PP) "Tanning facility" means any premises, building, or

part of a building that contains one or more rooms or booths 1766
with any of the following: 1767

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1768
the use of fluorescent sun lamps using ultraviolet or other 1769
artificial radiation; 1770

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1771
human skin, including chemical applications commonly referred to 1772
as spray-on, mist-on, or sunless tans; 1773

~~(C)~~ (3) Equipment or beds that use visible light for 1774
cosmetic purposes. 1775

(QQ) "Threading" includes a service that results in the 1776
removal of hair from its follicle from around the eyebrows and 1777
from other parts of the face with the use of a single strand of 1778
thread and an astringent, if the service does not use chemicals 1779
of any kind, wax, or any implements, instruments, or tools to 1780
remove hair. 1781

Sec. 4713.02. (A) There is hereby created the state 1782
cosmetology and barber board, consisting of all of the following 1783
members appointed by the governor, with the advice and consent 1784
of the senate: 1785

(1) One individual holding a current, valid cosmetologist 1786
or cosmetology instructor license at the time of appointment; 1787

(2) Two individuals holding current, valid cosmetologist 1788
licenses and actively engaged in managing beauty salons for a 1789
period of not less than five years at the time of appointment; 1790

(3) One individual who holds a current, valid independent 1791
contractor license issued under this chapter or Chapter 4709. of 1792
the Revised Code at the time of appointment ~~and practices a~~ 1793

branch of cosmetology;	1794
(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;	1795 1796 1797
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	1798 1799
(6) One owner of at least five licensed salons;	1800
(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1801 1802 1803 1804 1805 1806 1807
(8) One individual representing the general public;	1808
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	1809 1810 1811 1812
(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;	1813 1814 1815 1816
(11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment;	1817 1818 1819
(12) One individual who holds a current, valid barber or barber teacher <u>instructor</u> license at the time of appointment and	1820 1821

who has been licensed as a barber or barber ~~teacher~~instructor 1822
in this state for at least five years immediately preceding the 1823
individual's appointment. 1824

(B) The superintendent of public instruction shall 1825
nominate three individuals for the governor to choose from when 1826
making an appointment under division (A) (4) of this section. 1827

(C) All members shall be at least twenty-five years of 1828
age, residents of the state, and citizens of the United States. 1829
No more than two members, at any time, shall be graduates of the 1830
same school ~~of cosmetology~~. Not more than one member shall have 1831
a common financial connection with any school ~~of cosmetology~~, 1832
salon, ~~barber school, or barber shop~~, or tanning facility. 1833

Terms of office are for five years. Terms shall commence 1834
on the first day of November and end on the thirty-first day of 1835
October. Each member shall hold office from the date of 1836
appointment until the end of the term for which appointed. In 1837
case of a vacancy occurring on the board, the governor shall, in 1838
the same manner prescribed for the regular appointment to the 1839
board, fill the vacancy by appointing a member. Any member 1840
appointed to fill a vacancy occurring prior to the expiration of 1841
the term for which the member's predecessor was appointed shall 1842
hold office for the remainder of such term. Any member shall 1843
continue in office subsequent to the expiration date of the 1844
member's term until the member's successor takes office, or 1845
until a period of sixty days has elapsed, whichever occurs 1846
first. Before entering upon the discharge of the duties of the 1847
office of member, each member shall take, and file with the 1848
secretary of state, the oath of office required by Section 7 of 1849
Article XV, Ohio Constitution. 1850

The members of the board shall receive an amount fixed 1851

pursuant to Chapter 124. of the Revised Code per diem for every 1852
meeting of the board which they attend, together with their 1853
necessary expenses, and mileage for each mile necessarily 1854
traveled. 1855

The members of the board shall annually elect, from among 1856
their number, a chairperson and a vice-chairperson. The 1857
executive director appointed pursuant to section 4713.06 of the 1858
Revised Code shall serve as the board's secretary. 1859

(D) The board shall prescribe the duties of its officers 1860
and establish an office within Franklin county. The board shall 1861
keep all records and files at the office and have the records 1862
and files at all reasonable hours open to public inspection in 1863
accordance with section 149.43 of the Revised Code and any rules 1864
adopted by the board in compliance with this state's record 1865
retention policy. The board also shall adopt a seal for the 1866
authentication of its orders, communications, and records. 1867

(E) The governor may remove any member for cause prior to 1868
the expiration of the member's term of office. 1869

(F) Whenever the term "state board of cosmetology" is 1870
used, referred to, or designated in statute, rule, contract, 1871
grant, or other document, the use, reference, or designation 1872
shall be deemed to mean the "state cosmetology and barber board" 1873
or the executive director of the state cosmetology and barber 1874
board, whichever is appropriate in context. Whenever the term 1875
"barber board" is used, referred to, or designated in statute, 1876
rule, contract, grant, or other document, the use, reference, or 1877
designation shall be deemed to mean the "state cosmetology and 1878
barber board" or the executive director of the state cosmetology 1879
and barber board, whichever is appropriate in context. 1880

Sec. 4713.06. The state cosmetology and barber board shall 1881
annually appoint an executive director. The executive director 1882
may not be a member of the board, but subsequent to appointment, 1883
shall serve as secretary of the board. The executive director, 1884
before entering upon the discharge of the executive director's 1885
duties, shall file with the secretary of state a good and 1886
sufficient bond payable to the state, to ensure the faithful 1887
performance of duties of the office of executive director. The 1888
bond shall be in an amount the board requires. The premium of 1889
the bond shall be paid from appropriations made to the board for 1890
operating purposes. Whenever the term "executive director of the 1891
state board of cosmetology" or the term "executive director of 1892
the barber board," or variations thereof, is used, referred to, 1893
or designated in statute, rule, contract, grant, or other 1894
document, the use, reference, or designation shall be deemed to 1895
mean the "executive director of the state cosmetology and barber 1896
board." 1897

The board may employ inspectors, examiners, consultants on 1898
contents of examinations, clerks, or other individuals as 1899
necessary for the administration of this chapter and Chapter 1900
4709. of the Revised Code. All inspectors and examiners shall be 1901
licensed cosmetologists pursuant to this chapter or licensed 1902
barbers pursuant to Chapter 4709. of the Revised Code. 1903

The board may appoint inspectors to inspect and 1904
investigate all facilities regulated by this chapter and Chapter 1905
4709. of the Revised Code, including tanning facilities, to 1906
ensure compliance with this chapter and Chapter 4709. of the 1907
Revised Code, the rules adopted by the board, and the board's 1908
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 1909
4713.07 of the Revised Code. 1910

Sec. 4713.07. (A) The state cosmetology and barber board	1911
shall do all of the following:	1912
(1) Regulate the practice of cosmetology and all of its	1913
branches in this state;	1914
(2) Investigate or inspect, when evidence appears to	1915
demonstrate that an individual has violated any provision of	1916
this chapter or <u>Chapter 4709. of the Revised Code or any rule</u>	1917
adopted pursuant to it <u>under either chapter</u> , the activities or	1918
premises of a license holder or unlicensed individual;	1919
(3) Adopt rules in accordance with section 4713.08 of the	1920
Revised Code;	1921
(4) Prescribe and make available application forms to be	1922
used by individuals seeking admission to an examination	1923
conducted under section 4713.24 of the Revised Code or a license	1924
or registration issued under this chapter;	1925
(5) Prescribe and make available application forms to be	1926
used by individuals seeking renewal of a license or registration	1927
issued under this chapter;	1928
(6) Provide a toll-free number and an online service to	1929
receive complaints alleging violations of this chapter or	1930
Chapter 4709. of the Revised Code;	1931
(7) Report to the proper prosecuting officer violations of	1932
section 4713.14 of the Revised Code of which the board is aware;	1933
(8) Submit a written report annually to the governor that	1934
provides all of the following:	1935
(a) A discussion of the conditions in this state of the	1936
<u>practice of barbering, cosmetology, and the branches of</u>	1937
cosmetology;	1938

(b) An evaluation of board activities intended to aid or protect consumers;	1939 1940
(c) A brief summary of the board's proceedings during the year the report covers;	1941 1942
(d) A statement of all money that the board received and expended during the year the report covers.	1943 1944
(9) <u>(8)</u> Keep a record of all of the following:	1945
(a) The board's proceedings;	1946
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter <u>or Chapter 4709. of the Revised Code;</u>	1947 1948 1949 1950
(c) The date and number of each license, permit, and registration that the board issues.	1951 1952
(10) <u>(9)</u> Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons, <u>barber shops,</u> or other facilities within this state;	1953 1954 1955
(11) <u>(10)</u> Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this	1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966

chapter or rule adopted under it or a violation of any provision 1967
of Chapter 4709. of the Revised Code or rule adopted by the 1968
board pursuant to Chapter 4709. of the Revised Code. In the 1969
absence of bad faith, any individual who reports information of 1970
that nature or who testifies before the board in any 1971
adjudication conducted under Chapter 119. of the Revised Code 1972
shall not be liable for damages in a civil action as a result of 1973
the report or testimony. For the purpose of inspections, an 1974
independent contractor licensed under this chapter or Chapter 1975
4709. of the Revised Code shall be added to the board's records 1976
as an individual salon or barber shop. 1977

~~(12)~~ (11) Supply a copy of the poster created pursuant to 1978
division (B) of section 5502.63 of the Revised Code to each 1979
person authorized to operate a salon, school ~~of cosmetology~~, 1980
tanning facility, or other type of facility under this chapter; 1981

~~(13)~~ (12) All other duties that this chapter imposes on 1982
the board. 1983

(B) The board may ~~delegate~~ do either of the following: 1984

(1) Report to the proper prosecuting officer violations of 1985
section 4709.02 or 4713.14 of the Revised Code; 1986

(2) Delegate any of the duties listed in division (A) of 1987
this section to the executive director of the board or to an 1988
individual designated by the executive director. 1989

Sec. 4713.071. (A) ~~The~~ Before the fifteenth day of 1990
November of each year, the state cosmetology and barber board 1991
shall annually submit a written report to the governor, 1992
president of the senate, and speaker of the house of 1993
representatives. The report shall list all of the following for 1994
the preceding ~~twelve-month period~~ fiscal year: 1995

(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering;	1996 1997
(2) The number of students graduating from licensed public and private schools of cosmetology and barbering;	1998 1999
(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering;	2000 2001
(4) The loan default rates for licensed public and private schools of cosmetology and barbering;	2002 2003
(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering;	2004 2005
(6) The total number of new and renewal licenses in each profession;	2006 2007
(7) The total number of complaint-driven inspections conducted by the board;	2008 2009
(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;	2010 2011 2012
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	2013 2014
(10) The number of adjudications or other disciplinary action taken by the board.	2015 2016
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	2017 2018 2019
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do	2020 2021 2022

all of the following:	2023
(1) Govern the practice of the branches of cosmetology;	2024
(2) Specify conditions an individual must satisfy to	2025
qualify for a temporary pre-examination work permit under	2026
section 4713.22 of the Revised Code and the conditions and	2027
method of renewing a temporary pre-examination work permit under	2028
that section;	2029
(3) Provide for the conduct of examinations under section	2030
4713.24 of the Revised Code;	2031
(4) Specify conditions under which the board will take	2032
into account, under section 4713.32 of the Revised Code,	2033
instruction an applicant for a license under section 4713.28,	2034
4713.30, or 4713.31—of the Revised Code received more than five	2035
years before the date of application for the license;	2036
(5) Provide for the granting of waivers under section	2037
4713.29 of the Revised Code;	2038
(6) Specify conditions an applicant must satisfy for the	2039
board to issue the applicant a license under section 4713.34 of	2040
the Revised Code without the applicant taking an examination	2041
conducted under section 4713.24 of the Revised Code;	2042
(7) Specify locations in which glamour photography	2043
services in which a branch of cosmetology is practiced may be	2044
provided;	2045
(8) Establish conditions and the fee for a temporary	2046
special occasion work permit under section 4713.37 of the	2047
Revised Code and specify the amount of time such a permit is	2048
valid;	2049
(9) Specify conditions an applicant must satisfy for the	2050

board to issue the applicant an independent contractor license 2051
under section 4713.39 of the Revised Code and the fee for 2052
issuance and renewal of the license; 2053

(10) Establish conditions under which food may be sold at 2054
a salon; 2055

(11) Specify which professions regulated by a professional 2056
regulatory board of this state may be practiced in a salon under 2057
section 4713.42 of the Revised Code, including whether cosmetic 2058
therapy may be practiced in a salon; 2059

(12) Establish standards for the provision of cosmetic 2060
therapy, massage therapy, or other professional service in a 2061
salon pursuant to section 4713.42 of the Revised Code; 2062

(13) Establish standards for board approval of, and the 2063
granting of credits for, training in branches of cosmetology or 2064
barbering at schools ~~of cosmetology~~-licensed in this state; 2065

(14) Establish the manner in which a school ~~of cosmetology~~- 2066
licensed under section 4713.44 of the Revised Code may offer 2067
post-secondary and advanced practice programs; 2068

(15) Establish ~~sanitary-infection control~~ standards for 2069
the practice of the branches of cosmetology, and the operation 2070
of salons, and schools ~~of cosmetology~~; 2071

(16) Establish the application process for obtaining a 2072
tanning facility permit under section 4713.48 of the Revised 2073
Code, including the amount of the fee for an initial or renewed 2074
permit; 2075

(17) Establish standards for installing and operating a 2076
tanning facility in a manner that ensures the health and safety 2077
of consumers, including infection control standards and 2078

standards that do all of the following:	2079
(a) Establish a maximum safe time of exposure to radiation	2080
and a maximum safe temperature at which sun lamps may be	2081
operated;	2082
(b) Require consumers to wear protective eyeglasses;	2083
(c) Require consumers to be supervised as to the length of	2084
time consumers use the facility's sun lamps;	2085
(d) Require the operator to prohibit consumers from	2086
standing too close to sun lamps and to post signs warning	2087
consumers of the potential effects of radiation on individuals	2088
taking certain medications and of the possible relationship of	2089
the radiation to skin cancer;	2090
(e) Require the installation of protective shielding for	2091
sun lamps and handrails for consumers;	2092
(f) Require floors to be dry during operation of lamps;	2093
(g) Establish procedures an operator must follow in making	2094
reasonable efforts in compliance with section 4713.50 of the	2095
Revised Code to determine the age of an individual seeking to	2096
use sun lamp tanning services.	2097
(18) (a) <u>(18)</u> If the board, under section 4713.61 of the	2098
Revised Code, develops a procedure for classifying licenses	2099
inactive, do both of the following:	2100
(i) <u>(a)</u> Establish a fee for having a license classified	2101
inactive that reflects the cost to the board of providing the	2102
inactive license service. If one or more renewal periods have	2103
elapsed since the license was valid, the fee shall not include	2104
lapsed renewal fees for more than three of those renewal	2105
periods;	2106

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

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

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

(20) Establish requirements for students of schools who are engaged in learning the theory and practice of barbering;

(21) Establish the minimum student-instructor ratio that a school offering instruction in the theory and practice of barbering must meet;

(22) Anything else necessary to implement this chapter.

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

~~(2) The rules adopted under division (A) (18) (b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.~~ 2136
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(C) The conditions specified in rules adopted under division (A) (6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary. 2140
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(D) The rules adopted under division (A) (11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession. 2144
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(E) The ~~sanitary-infection control~~ standards established under division (A) (15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. ~~The board shall consult with the Ohio department of health when establishing the sanitary standards.~~ 2148
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(F) The fee established by rules adopted under division (A) (16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities. 2154
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Sec. 4713.081. (A) The state cosmetology and barber board shall furnish a copy of the ~~sanitary-infection control~~ standards established by rules adopted under section 4713.08 of the Revised Code to ~~each~~ both of the following: 2159
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(1) Each individual or person to whom the board issues a practicing license, advanced license, license to operate a salon 2163
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or school of cosmetology, or boutique services registration. The board also shall furnish a copy of the sanitary standards to each;

(2) Each individual providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code.

(B) A salon or school of cosmetology provided a copy of the sanitary infection control standards under division (A) of this section shall post the standards in a public and conspicuous place in the salon or school.

Sec. 4713.09. The state cosmetology and barber board may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation infection control, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

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

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

(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;	2194 2195 2196
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars;	2197 2198 2199 2200
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars;	2201 2202 2203 2204
(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;	2205 2206 2207
(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;	2208 2209
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;	2210 2211 2212
(8) For the issuance or renewal of a cosmetology school license, <u>or the change of name or ownership of a licensed school</u> , not more than two hundred fifty dollars;	2213 2214 2215
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, not more than one hundred dollars;	2216 2217 2218
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;	2219 2220
(11) For the restoration of an expired license that may be	2221

restored pursuant to section 4713.63 of the Revised Code, an 2222
amount equal to the sum of the current license renewal fee and a 2223
lapsed renewal fee of not more than forty-five dollars per 2224
license renewal period that has elapsed since the license was 2225
last issued or renewed for up to three license renewal periods; 2226

(12) For the issuance of a duplicate ~~of any~~ salon license, 2227
school license, or tanning facility permit, not more than thirty 2228
dollars; 2229

(13) For the preparation and mailing of a licensee's 2230
records to another state for a reciprocity license, not more 2231
than fifty dollars; 2232

(14) For the processing of any fees related to a check 2233
from a licensee returned to the board for insufficient funds, an 2234
additional thirty dollars. 2235

(B) The board shall adjust the fees biennially, by rule, 2236
within the limits established by division (A) of this section, 2237
to provide sufficient revenues to meet its expenses. 2238

(C) The board may ~~establish an installment plan for the~~ 2239
~~payment of fines and fees and may reduce fees as considered~~ 2240
appropriate by the board. 2241

(D) At the request of a person who is temporarily unable 2242
to pay a fee imposed under division (A) of this section, or on 2243
its own motion, the board may extend the date payment is due by 2244
up to ninety days. If the fee remains unpaid after the date 2245
payment is due, the amount of the fee shall be certified to the 2246
attorney general for collection in the form and manner 2247
prescribed by the attorney general. The attorney general may 2248
assess the collection cost to the amount certified in such a 2249
manner and amount as prescribed by the attorney general. 2250

Sec. 4713.14. No individual shall do any of the following:	2251
(A) Use fraud or deceit in <u>obtaining or</u> making application for a license, permit, or registration;	2252 2253
(B) Aid or abet any individual or entity in any of the following:	2254 2255
(1) Violating this chapter or a rule adopted under it;	2256
(2) Obtaining a license, permit, or registration fraudulently;	2257 2258
(3) Falsely pretending to hold a current, valid license or permit.	2259 2260
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	2261 2262 2263
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2264 2265
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	2266 2267
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	2268 2269
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	2270 2271 2272
(5) A current, valid registration under section 4713.69 of the Revised Code.	2273 2274
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	2275 2276 2277

(1) A current, valid license under section 4713.28,	2278
4713.30, or 4713.34 of the Revised Code;	2279
(2) A current, valid temporary pre-examination work permit	2280
issued under section 4713.22 of the Revised Code;	2281
(3) A current, valid temporary special occasion work	2282
permit issued under section 4713.37 of the Revised Code;	2283
(4) A current, valid temporary work permit issued under	2284
rules adopted by the board pursuant to section 4713.08 of the	2285
Revised Code;	2286
(5) A current, valid registration under section 4713.69 of	2287
the Revised Code.	2288
(E) Except for apprentice instructors and as provided in	2289
section 4713.45 of the Revised Code, teach the theory or	2290
practice of a branch of cosmetology at a school of cosmetology	2291
without either of the following authorizing the teaching of that	2292
branch of cosmetology:	2293
(1) A current, valid license under section 4713.31 or	2294
4713.34 of the Revised Code;	2295
(2) A current, valid temporary special occasion work	2296
permit issued under section 4713.37 of the Revised Code.	2297
(F) Advertise or operate a glamour photography service in	2298
which a branch of cosmetology is practiced unless the individual	2299
practicing the branch of cosmetology holds either of the	2300
following authorizing the practice of that branch of	2301
cosmetology:	2302
(1) A current, valid license under section 4713.28,	2303
4713.30, or 4713.34 of the Revised Code;	2304

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	2305 2306
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	2307 2308 2309 2310
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;	2311 2312 2313 2314
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	2315 2316
(J) Provide any of the following at a salon for pay, free, or otherwise:	2317 2318
(1) Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code;	2319 2320 2321
(2) Any other professional service, unless the individual has a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;	2322 2323 2324 2325
(3) Cosmetic therapy, unless the individual is authorized by rules adopted under section 4713.08 of the Revised Code.	2326 2327
(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:	2328 2329 2330 2331
(1) A current, valid license under section 4713.28,	2332

4713.30, or 4713.34 of the Revised Code;	2333
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.	2334 2335
(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;	2336 2337
(M) At a salon or school of cosmetology , do any of the following:	2338 2339
(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;	2340 2341 2342
(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;	2343 2344 2345
(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).	2346 2347
(N) While in charge of a salon or school of cosmetology , permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology ;	2348 2349 2350 2351
(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	2352 2353 2354
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	2355 2356 2357
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section	2358 2359

4713.16~~or~~, 4713.17, or 4713.351 of the Revised Code; 2360

(R) Use any of the services or arts that are part of the 2361
practice of a branch of cosmetology to treat or attempt to cure 2362
a physical or mental disease or ailment. 2363

Sec. 4713.141. An inspector employed by the state 2364
cosmetology and barber board may take a sample of a product used 2365
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2366
examining the sample, or causing an examination of the sample to 2367
be made, to determine whether division (M) of section 4713.14 of 2368
the Revised Code has been violated. 2369

Should the results of the test prove that division (M) of 2370
section 4713.14 of the Revised Code has been violated, the board 2371
shall take action in accordance with section 4713.64 of the 2372
Revised Code. A fine imposed under that section shall include 2373
the cost of the test. The person's license may be suspended or 2374
revoked. 2375

Sec. 4713.16. (A) This chapter does not prohibit any of 2376
the following: 2377

(1) Practicing a branch of cosmetology without a license 2378
or registration if the individual does so for free at the 2379
individual's home for a family member who resides in the same 2380
household as the individual; 2381

(2) The retail sale, or trial demonstration by application 2382
to the skin for purposes of retail sale, of cosmetics, 2383
preparations, tonics, antiseptics, creams, lotions, wigs, or 2384
hairpieces without a practicing license or registration; 2385

(3) The retailing, at a salon, of cosmetics, preparations, 2386
tonics, antiseptics, creams, lotions, wigs, hairpieces, 2387
clothing, or any other items that pose no risk of creating 2388

unsanitary conditions at the salon;	2389
(4) The provision of glamour photography services at a licensed salon if either of the following is the case:	2390
(a) A branch of cosmetology is not practiced as part of the services.	2391
(a) A branch of cosmetology is not practiced as part of the services.	2392
(a) A branch of cosmetology is not practiced as part of the services.	2393
(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:	2394
(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:	2395
(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:	2396
(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:	2397
(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:	2398
(i) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2399
(i) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2400
(ii) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	2401
(ii) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	2402
(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled;	2403
(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled;	2404
(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled;	2405
(6) Practicing a branch of cosmetology without a license or registration if the individual does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code;	2406
(6) Practicing a branch of cosmetology without a license or registration if the individual does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code;	2407
(6) Practicing a branch of cosmetology without a license or registration if the individual does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code;	2408
(6) Practicing a branch of cosmetology without a license or registration if the individual does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code;	2409
<u>(7) An individual who holds a license or registration issued under this chapter practicing a branch of cosmetology on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.</u>	2410
<u>(7) An individual who holds a license or registration issued under this chapter practicing a branch of cosmetology on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.</u>	2411
<u>(7) An individual who holds a license or registration issued under this chapter practicing a branch of cosmetology on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.</u>	2412
<u>(7) An individual who holds a license or registration issued under this chapter practicing a branch of cosmetology on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.</u>	2413
(B) A student in a career-technical program learning a branch of cosmetology may continue developing skills in the respective branch of cosmetology after completing the required	2414
(B) A student in a career-technical program learning a branch of cosmetology may continue developing skills in the respective branch of cosmetology after completing the required	2415
(B) A student in a career-technical program learning a branch of cosmetology may continue developing skills in the respective branch of cosmetology after completing the required	2416

coursework or obtaining a license in the respective branch of 2417
cosmetology by working in the licensed career-technical school 2418
clinic if the student does not receive any compensation. This 2419
allowance terminates upon the graduation of the student from the 2420
career-technical school. 2421

Sec. 4713.17. (A) The following persons are exempt from 2422
the provisions of this chapter, except, as applicable, section 2423
4713.42 of the Revised Code: 2424

(1) All individuals authorized to practice medicine, 2425
surgery, dentistry, and nursing or any of its branches in this 2426
state, while acting within the scope of practice for the 2427
license, permit, or certificate held; 2428

(2) Commissioned surgical and medical officers of the 2429
United States army, navy, air force, or marine hospital service 2430
when engaged in the actual performance of their official duties, 2431
and attendants attached to same, while acting within the scope 2432
of practice for the license, permit, or certificate held; 2433

(3) Funeral directors, embalmers, and apprentices licensed 2434
or ~~registered~~ certified under Chapter 4717. of the Revised Code, 2435
while acting within the scope of practice for the license, 2436
permit, or certificate held; 2437

(4) Persons who are engaged in the retail sale, cleaning, 2438
or beautification of wigs and hairpieces but who do not engage 2439
in any other act constituting the practice of a branch of 2440
cosmetology; 2441

(5) Volunteers of hospitals, and homes as defined in 2442
section 3721.01 of the Revised Code, who render service to 2443
registered patients and inpatients who reside in such hospitals 2444
or homes. Such volunteers shall not use or work with any 2445

chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

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

(7) Massage therapists who hold current, valid licenses to practice massage therapy issued by the state medical board under section 4731.15 of the Revised Code, ~~to the extent their actions are authorized by their licenses~~ while acting within the scope of practice for the license held;

(8) Inmates who provide services related to the practice of a branch of cosmetology to other inmates, except when those services are provided in a licensed school ~~of cosmetology~~ within a state correctional institution ~~for females~~.

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

Sec. 4713.25. (A) The state cosmetology and barber board may administer a separate ~~advanced cosmetologist~~ examination for an advanced license to practice cosmetology for individuals who complete an advanced cosmetologist training course separate from a cosmetologist training course. The board may combine the advanced cosmetologist examination with the cosmetologist examination for individuals who complete a combined cosmetologist and advanced cosmetologist training course.

(B) The board may administer a separate ~~advanced-~~ 2475
~~esthetician~~ examination for an advanced license to practice 2476
esthetics for individuals who complete an advanced esthetician 2477
training course separate from an esthetician training course. 2478
The board may combine the advanced esthetician examination with 2479
the esthetician examination for individuals who complete an 2480
esthetician and advanced esthetician training course. 2481

(C) The board may administer a separate ~~advanced hair-~~ 2482
~~designer~~ examination for an advanced license to practice hair 2483
design for individuals who complete an advanced hair designer 2484
training course separate from a hair designer training course. 2485
The board may combine the advanced hair designer examination 2486
with the hair designer examination for individuals who complete 2487
a hair designer and advanced hair designer training course. 2488

(D) The board may administer a separate ~~advanced-~~ 2489
~~manicurist~~ examination for an advanced license to practice 2490
manicuring for individuals who complete an advanced manicurist 2491
training course separate from a manicurist training course. The 2492
board may combine the advanced manicurist examination with the 2493
manicurist examination for individuals who complete a manicurist 2494
and advanced manicurist training course. 2495

(E) The board may administer a separate ~~advanced natural-~~ 2496
~~hair stylist~~ examination for an advanced license to practice 2497
natural hair styling for individuals who complete an advanced 2498
natural hair stylist training course separate from a natural 2499
hair stylist training course. The board may combine the advanced 2500
natural hair stylist examination with the natural hair stylist 2501
examination for individuals who complete a natural hair stylist 2502
and advanced natural hair stylist training course. 2503

Sec. 4713.28. (A) The state cosmetology and barber board 2504

shall issue a practicing license to an applicant who satisfies 2505
all of the following applicable conditions: 2506

(1) Is at least sixteen years of age; 2507

(2) Has the equivalent of an Ohio public school tenth 2508
grade education; 2509

(3) Has submitted a written application on a form 2510
furnished by the board that contains all of the following: 2511

(a) The name of the individual and any other identifying 2512
information required by the board; 2513

~~(b) A recent photograph of the individual that meets the 2514
specifications established by the board;~~ 2515

~~(c) A photocopy of the individual's current driver's 2516
license or other proof of legal residence;~~ 2517

~~(d) (c) Proof that the individual is qualified to take the 2518
applicable examination as required by section 4713.20 of the 2519
Revised Code;~~ 2520

~~(e) (d) An oath verifying that the information in the 2521
application is true;~~ 2522

~~(f) (e) The applicable application fee. 2523~~

(4) Submits to having a photograph taken by the board; 2524

(5) Passes an examination conducted under division (A) of 2525
section 4713.24 of the Revised Code for the branch of 2526
cosmetology the applicant seeks to practice; 2527

~~(5) (6) Pays to the board the applicable license fee;~~ 2528

~~(6) (7) In the case of an applicant for an initial 2529
cosmetologist license, has successfully completed at least one 2530~~

thousand five hundred hours of board-approved cosmetology 2531
training in a school ~~of cosmetology licensed in this state,~~ 2532
except that only one thousand hours of board-approved 2533
cosmetology training in a school ~~of cosmetology licensed in this-~~ 2534
~~state~~ is required of an individual licensed as a barber under 2535
Chapter 4709. of the Revised Code; 2536

~~(7)~~ (8) In the case of an applicant for an initial 2537
esthetician license, has successfully completed at least six 2538
hundred hours of board-approved esthetics training in a school 2539
~~of cosmetology licensed in this state;~~ 2540

~~(8)~~ (9) In the case of an applicant for an initial hair 2541
designer license, has successfully completed at least one 2542
thousand two hundred hours of board-approved hair designer 2543
training in a school ~~of cosmetology licensed in this state,~~ 2544
except that only one thousand hours of board-approved hair 2545
designer training in a school ~~of cosmetology licensed in this-~~ 2546
~~state~~ is required of an individual licensed as a barber under 2547
Chapter 4709. of the Revised Code; 2548

~~(9)~~ (10) In the case of an applicant for an initial 2549
manicurist license, has successfully completed at least two 2550
hundred hours of board-approved manicurist training in a school 2551
~~of cosmetology licensed in this state;~~ 2552

~~(10)~~ (11) In the case of an applicant for an initial 2553
natural hair stylist license, has successfully completed at 2554
least four hundred fifty hours of instruction in subjects 2555
relating to ~~sanitation~~ infection control, scalp care, anatomy, 2556
hair styling, communication skills, and laws and rules governing 2557
the practice of cosmetology. 2558

(B) The board shall not deny a license to any applicant 2559

based on prior incarceration or conviction for any crime. If the 2560
board denies an individual a license or license renewal, the 2561
reasons for such denial shall be put in writing. 2562

Sec. 4713.30. The state cosmetology and barber board shall 2563
issue an advanced license to an applicant who satisfies all of 2564
the following applicable conditions: 2565

(A) Is at least sixteen years of age; 2566

(B) Has the equivalent of an Ohio public school tenth 2567
grade education; 2568

(C) Pays to the board the applicable application fee; 2569

(D) Submits to having a photograph taken by the board; 2570

(E) Passes the appropriate advanced license examination; 2571

~~(E)~~ (F) In the case of an applicant for an initial 2572
advanced ~~cosmetologist~~ license to practice cosmetology, does 2573
either of the following: 2574

(1) ~~Has a licensed advanced cosmetologist or owner of a~~ 2575
~~licensed beauty salon located in this or another state certify~~ 2576
~~to~~ Submits proof, as determined by the board, that the applicant 2577
has practiced as a cosmetologist for at least one thousand eight 2578
hundred hours in a licensed beauty salon; 2579

(2) Has a school ~~of cosmetology~~ licensed in this state 2580
certify to the board that the applicant has successfully 2581
completed, in addition to the hours required for licensure as a 2582
cosmetologist, at least three hundred hours of board-approved 2583
advanced cosmetologist training. 2584

~~(F)~~ (G) In the case of an applicant for an initial 2585
advanced ~~esthetician~~ license to practice esthetics, does either 2586

of the following: 2587

(1) ~~Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state~~ 2588
~~certify to~~ Submits proof, as determined by the board, that the 2589
applicant has practiced esthetics for at least one thousand 2590
eight hundred hours as an esthetician in a licensed esthetics 2591
salon or as a cosmetologist in a licensed beauty salon; 2592
2593
2594

(2) Has a school ~~of cosmetology~~ licensed in this state 2595
certify to the board that the applicant has successfully 2596
completed, in addition to the hours required for licensure as an 2597
esthetician or cosmetologist, at least one hundred fifty hours 2598
of board-approved advanced esthetician training. 2599

~~(G)~~ (H) In the case of an applicant for an initial 2600
advanced ~~hair designer license to practice hair design,~~ does 2601
either of the following: 2602

(1) ~~Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state~~ 2603
~~certify to~~ Submits proof, as determined by the board, that the 2604
applicant has practiced hair design for at least one thousand 2605
eight hundred hours as a hair designer in a licensed hair design 2606
salon or as a cosmetologist in a licensed beauty salon; 2607
2608
2609

(2) Has a school ~~of cosmetology~~ licensed in this state 2610
certify to the board that the applicant has successfully 2611
completed, in addition to the hours required for licensure as a 2612
hair designer or cosmetologist, at least two hundred forty hours 2613
of board-approved advanced hair designer training. 2614

~~(H)~~ (I) In the case of an applicant for an initial 2615

advanced ~~manicurist~~-license to practice manicuring, does either 2616
of the following: 2617

(1) ~~Has the licensed advanced manicurist, licensed~~ 2618
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2619
~~licensed beauty salon, or licensed barber shop located in this~~ 2620
~~or another state certify to~~ Submits proof, as determined by the 2621
board, that the applicant has practiced manicuring for at least 2622
one thousand eight hundred hours as a manicurist in a licensed 2623
nail salon or licensed barber shop or as a cosmetologist in a 2624
licensed beauty salon or licensed barber shop; 2625

(2) Has a school ~~of cosmetology~~-licensed in this state 2626
certify to the board that the applicant has successfully 2627
completed, in addition to the hours required for licensure as a 2628
manicurist or cosmetologist, at least one hundred hours of 2629
board-approved advanced manicurist training. 2630

~~(I)~~ (J) In the case of an applicant for an initial 2631
advanced ~~natural hair stylist~~-license to practice natural hair 2632
styling, does either of the following: 2633

(1) ~~Has the licensed advanced natural hair stylist,~~ 2634
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 2635
~~hair style salon or licensed beauty salon located in this or~~ 2636
~~another state certify to~~ Submits proof, as determined by the 2637
board, that the applicant has practiced natural hair styling for 2638
at least one thousand eight hundred hours as a natural hair 2639
stylist in a licensed natural hair style salon or as a 2640
cosmetologist in a licensed beauty salon; 2641

(2) Has a school ~~of cosmetology~~-licensed in this state 2642
certify to the board that the applicant has successfully 2643
completed, in addition to the hours required for licensure as a 2644

natural hair stylist or cosmetologist, at least one hundred 2645
fifty hours of board-approved advanced natural hair stylist 2646
training. 2647

(K) Pays to the board the applicable license fee. 2648

Sec. 4713.31. The state cosmetology and barber board shall 2649
issue an instructor license to an applicant who satisfies all of 2650
the following applicable conditions: 2651

(A) Is at least eighteen years of age; 2652

(B) Has the equivalent of an Ohio public school twelfth 2653
grade education; 2654

(C) Pays to the board the applicable application fee; 2655

(D) Submits to having a photograph taken by the board; 2656

(E) In the case of an applicant for an initial cosmetology 2657
instructor license, holds a current, valid advanced 2658
~~cosmetologist~~ license to practice cosmetology issued in this 2659
state and does either of the following: 2660

(1) ~~Has the licensed advanced cosmetologist or owner of~~ 2661
~~the licensed beauty salon in which the applicant has been~~ 2662
~~employed certify to~~ Submits proof, as determined by the board, 2663
that the applicant has engaged in the practice of cosmetology in 2664
a licensed beauty salon for at least one thousand eight hundred 2665
hours; 2666

(2) Has a school ~~of cosmetology~~ licensed in this state 2667
certify to the board that the applicant has successfully 2668
completed one thousand hours of board-approved cosmetology 2669
instructor training as an apprentice instructor. 2670

~~(E)~~ (F) In the case of an applicant for an initial 2671

esthetics instructor license, holds a current, valid advanced 2672
~~esthetician or advanced cosmetologist~~ license to practice 2673
esthetics or cosmetology issued in this state and does either of 2674
the following: 2675

(1) ~~Has the licensed advanced esthetician, licensed~~ 2676
~~advanced cosmetologist, or owner of the licensed esthetics salon~~ 2677
~~or licensed beauty salon in which the applicant has been~~ 2678
~~employed certify to~~ Submits proof, as determined by the board, 2679
that the applicant has engaged in the practice of esthetics in a 2680
licensed esthetics salon or practice of cosmetology in a 2681
licensed beauty salon for at least one thousand eight hundred 2682
hours; 2683

(2) Has a school ~~of cosmetology~~ licensed in this state 2684
certify to the board that the applicant has successfully 2685
completed at least five hundred hours of board-approved 2686
esthetics instructor training as an apprentice instructor. 2687

~~(F)~~ (G) In the case of an applicant for an initial hair 2688
design instructor license, holds a current, valid advanced ~~hair~~ 2689
~~designer or advanced cosmetologist~~ license to practice hair 2690
design or cosmetology and does either of the following: 2691

(1) ~~Has the licensed advanced hair designer, licensed~~ 2692
~~advanced cosmetologist, or owner of the licensed hair design~~ 2693
~~salon or licensed beauty salon in which the applicant has been~~ 2694
~~employed certify to~~ Submits proof, as determined by the board, 2695
that the applicant has engaged in the practice of hair design in 2696
a licensed hair design salon or practice of cosmetology in a 2697
licensed beauty salon for at least one thousand eight hundred 2698
hours; 2699

(2) Has a school ~~of cosmetology~~ licensed in this state 2700

certify to the board that the applicant has successfully 2701
completed at least eight hundred hours of board-approved hair 2702
design ~~instructor's~~ instructor training as an apprentice 2703
instructor. 2704

~~(G)~~ (H) In the case of an applicant for an initial 2705
manicurist instructor license, holds a current, valid advanced 2706
~~manicurist or advanced cosmetologist~~ license to practice 2707
manicuring or cosmetology and does either of the following: 2708

(1) ~~Has the licensed advanced manicurist, licensed~~ 2709
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2710
~~licensed beauty salon in which the applicant has been employed~~ 2711
~~certify to~~ Submits proof, as determined by the board, that the 2712
applicant has engaged in the practice of manicuring in a 2713
licensed nail salon or practice of cosmetology in a licensed 2714
beauty salon for at least one thousand eight hundred hours; 2715

(2) ~~Has a school of cosmetology~~ licensed in this state 2716
certify to the board that the applicant has successfully 2717
completed at least three hundred hours of board-approved 2718
manicurist instructor training as an apprentice instructor. 2719

~~(H)~~ (I) In the case of an applicant for an initial natural 2720
hair style instructor license, holds a current, valid advanced 2721
~~natural hair stylist or advanced cosmetologist~~ license to 2722
practice natural hair styling or cosmetology and does either of 2723
the following: 2724

(1) ~~Has the licensed advanced natural hair stylist,~~ 2725
~~licensed advanced cosmetologist, or owner of the licensed~~ 2726
~~natural hair style salon or licensed beauty salon in which the~~ 2727
~~applicant has been employed~~ certify to Submits proof, as 2728
determined by the board, that the applicant has engaged in the 2729

practice of natural hair styling in a licensed natural hair 2730
style salon or practice of cosmetology in a licensed beauty 2731
salon for at least one thousand eight hundred hours; 2732

(2) Has a school ~~of cosmetology~~-licensed in this state 2733
certify to the board that the applicant has successfully 2734
completed at least four hundred hours of board-approved natural 2735
hair style instructor training as an apprentice instructor. 2736

~~(I)~~ (J) In the case of all applicants, passes an 2737
examination conducted under division (B) of section 4713.24 of 2738
the Revised Code for the branch of cosmetology the applicant 2739
seeks to instruct. 2740

(K) Pays to the board the applicable license fee. 2741

Sec. 4713.34. (A) The state cosmetology and barber board 2742
shall issue a license to practice a branch of cosmetology or 2743
instructor license to an applicant who is licensed or registered 2744
in another state or country to practice that branch of 2745
cosmetology or teach the theory and practice of that branch of 2746
cosmetology, as appropriate, if ~~all of the following conditions~~ 2747
~~are satisfied:~~ 2748

~~(A)~~ The applicant satisfies all of the following 2749
conditions: 2750

(1) Is not less than eighteen years of age; 2751

(2) In the case of an applicant for a practicing license, 2752
passes an examination conducted under section 4713.24 of the 2753
Revised Code for the license the applicant seeks, unless the 2754
applicant satisfies conditions specified in rules adopted under 2755
section 4713.08 of the Revised Code for the board to issue the 2756
applicant a license without taking the examination; 2757

(3) Pays the applicable fee. 2758

(B) At the time the applicant obtained the license or 2759
registration in the other state or country, the requirements in 2760
this state for obtaining the license the applicant seeks were 2761
substantially equal to the other state or country's 2762
requirements. 2763

~~(C) The jurisdiction that issued the applicant's license 2764
or registration extends similar reciprocity to individuals 2765
holding a license issued by the board. 2766~~

Sec. 4713.35. An individual who holds a current, valid 2767
cosmetologist license or an advanced cosmetologist license to 2768
practice cosmetology issued by the state cosmetology and barber 2769
board may engage in the practice of one or more branches of 2770
cosmetology as the individual chooses in a licensed facility. 2771

An individual who holds a current, valid esthetician 2772
license or an advanced esthetician license to practice esthetics 2773
issued by the board may engage in the practice of esthetics but 2774
no other branch of cosmetology in a licensed facility. 2775

An individual who holds a current, valid hair designer 2776
license or an advanced hair designer license to practice hair 2777
design issued by the board may engage in the practice of hair 2778
design but no other branch of cosmetology in a licensed 2779
facility. 2780

An individual who holds a current, valid manicurist 2781
license or an advanced manicurist license to practice manicuring 2782
issued by the board may engage in the practice of manicuring but 2783
no other branch of cosmetology in a licensed facility. 2784

An individual who holds a current, valid natural hair 2785
stylist license or an advanced natural hair stylist license to 2786

practice natural hair styling issued by the board may engage in 2787
the practice of natural hair styling but no other branch of 2788
cosmetology in a licensed facility. 2789

An individual who holds a current, valid cosmetology 2790
instructor license issued by the board may teach the theory and 2791
practice of one or more branches of cosmetology at a school ~~of-~~ 2792
~~cosmetology~~ as the individual chooses. 2793

An individual who holds a current, valid esthetics 2794
instructor license issued by the board may teach the theory and 2795
practice of esthetics, but no other branch of cosmetology, at a 2796
school ~~of cosmetology~~. 2797

An individual who holds a current, valid hair design 2798
instructor license issued by the board may teach the theory and 2799
practice of hair design, but no other branch of cosmetology, at 2800
a school ~~of cosmetology~~. 2801

An individual who holds a current, valid manicurist 2802
instructor license issued by the board may teach the theory and 2803
practice of manicuring, but no other branch of cosmetology, at a 2804
school ~~of cosmetology~~. 2805

An individual who holds a current, valid natural hair 2806
style instructor license issued by the board may teach the 2807
theory and practice of natural hair styling, but no other branch 2808
of cosmetology, at a school ~~of cosmetology~~. 2809

An individual who holds a current, valid boutique services 2810
registration with the board may engage in the practice of 2811
boutique services but no other branch of cosmetology. 2812

Sec. 4713.39. The state cosmetology and barber board shall 2813
issue a license to engage in the practice of a branch of 2814
cosmetology as an independent contractor to an applicant who 2815

pays the applicable fee; holds a current, valid license for the 2816
~~type of salon in which the applicant will practice that branch~~ 2817
of cosmetology that the applicant practices; and satisfies the 2818
conditions for the license established by rules adopted under 2819
section 4713.08 of the Revised Code. 2820

Sec. 4713.41. The state cosmetology and barber board shall 2821
issue a license to operate a salon, including a boutique salon, 2822
to an applicant who pays the applicable fee and affirms that all 2823
of the following conditions will be met: 2824

(A) (1) An individual holding a current, valid 2825
cosmetologist license or boutique services registration 2826
pertaining to the branch of cosmetology services performed at 2827
the salon or boutique salon, shall have charge of and immediate 2828
supervision over the salon at all times when the salon is open 2829
for business except as permitted under division (A) (2) of this 2830
section. 2831

(2) A business establishment that is engaged primarily in 2832
retail sales but is also licensed as a salon shall have present 2833
an individual holding a current, valid license or registration 2834
to practice in that type of salon in charge of and in immediate 2835
supervision of the salon during posted or advertised service 2836
hours, if the practice of cosmetology is restricted to those 2837
posted or advertised service hours. 2838

(B) The salon is equipped to do all of the following: 2839

(1) Provide potable running hot and cold water and proper 2840
drainage; 2841

(2) ~~Sanitize~~ Disinfect all instruments and supplies used 2842
in the branch of cosmetology provided at the salon; 2843

(3) If cosmetic therapy, massage therapy, or other 2844

professional service is provided at the salon under section 2845
4713.42 of the Revised Code, ~~sanitize~~disinfect all instruments 2846
and supplies used in the cosmetic therapy, massage therapy, or 2847
other professional service. 2848

(C) Except as provided in sections 4713.42 and 4713.49 of 2849
the Revised Code, only the branch of cosmetology that the salon 2850
is licensed to provide is practiced at the salon. 2851

(D) The salon is kept in a clean and sanitary condition 2852
and properly ventilated. 2853

(E) No food is sold at the salon in a manner inconsistent 2854
with rules adopted under section 4713.08 of the Revised Code. 2855

(F) A notice that contains a toll-free number and online 2856
process for reporting alleged violations of this chapter, as 2857
prescribed by the ~~board of cosmetology~~, is posted at the salon 2858
in a common area for all customers of salon services. 2859

Sec. 4713.44. (A) The state cosmetology and barber board 2860
shall issue a license to operate a school to an applicant who 2861
satisfies all of the following requirements: 2862

(1) Maintains a course of practical training and technical 2863
instruction for the branch or branches of cosmetology or 2864
barbering to be taught at the school equal to the requirements 2865
for admission to an examination under section 4709.07 or 4713.24 2866
of the Revised Code that an individual must pass to obtain a 2867
license to practice that branch or those branches of cosmetology 2868
or barbering; 2869

(2) Possesses or makes available apparatus and equipment 2870
sufficient for the ready and full teaching of all subjects of 2871
the curriculum; 2872

(3) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 2873
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2877

(4) In the case of a school that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student; 2878
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2880
2881

(5) Except as provided in division (C) (2) of this section, files with the board a good and sufficient surety bond executed by the individual, firm, or corporation operating the school as principal and by a surety company as surety in the amount of ten thousand dollars; 2882
2883
2884
2885
2886

(6) Establishes and maintains an internal procedure for processing complaints filed against the school and for providing students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code; 2887
2888
2889
2890

(7) Complies with the requirements of division (B) of this section if the school offers instruction in theory and practice of one or more branches of cosmetology; 2891
2892
2893

(8) Complies with the requirements of section 4709.10 of the Revised Code if the school offers instruction in the theory and practice of barbering; 2894
2895
2896

(9) Pays the licensure fee. 2897

(B) If the school for which an applicant is applying for a license under division (A) of this section offers instruction in the theory and practice of one or more branches of cosmetology, the applicant shall do all of the following to be issued the 2898
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2900
2901

license: 2902

(1) Maintain individuals licensed under section 4713.31 or 2903
4713.34 of the Revised Code to teach the theory and practice of 2904
the branch or branches of cosmetology offered at the school; 2905

(2) On the date that an apprentice cosmetology instructor 2906
begins cosmetology instructor training at the school, certify 2907
the name of the apprentice cosmetology instructor to the board 2908
along with the date on which the apprentice's instructor 2909
training began; 2910

(3) Instruct not more than six apprentice cosmetology 2911
instructors at any one time. 2912

(C) (1) The bond required under division (A) (5) of this 2913
section shall be in the form prescribed by the board and be 2914
conditioned on the school's continued instruction in the theory 2915
and practice of one or more branches of cosmetology or 2916
barbering. The bond shall continue in effect until notice of its 2917
termination is given to the board by registered mail and every 2918
bond shall so provide. 2919

(2) The requirement under division (A) (5) of this section 2920
does not apply to a vocational or career-technical school 2921
program conducted by a city, exempted village, local, or joint 2922
vocational school district. 2923

(D) A school licensed under this section is an educational 2924
institution and is authorized to offer educational programs 2925
beyond secondary education, advanced practice programs, or both 2926
in accordance with rules adopted by the board pursuant to 2927
section 4713.08 of the Revised Code. 2928

(E) A school license issued to an applicant under division 2929
(A) of this section is not transferable from one owner to 2930

another or from one location to another. 2931

Sec. 4713.45. (A) A school may do any of the following: 2932

(1) In accordance with rules adopted under section 4713.08 2933
of the Revised Code, a school may offer clock hours, credit 2934
hours, or competency-based credits for the purpose of satisfying 2935
minimum hours of training and instruction; 2936

(2) Subject to division (B) of this section, employ an 2937
individual who does not hold a current, valid instructor or 2938
barber instructor license to teach subjects related to a branch 2939
of cosmetology or barbering; 2940

(3) If the school offers instruction in the theory and 2941
practice of one or more branches of cosmetology, both of the 2942
following: 2943

(a) Allow an apprentice cosmetology instructor the regular 2944
quota of students prescribed by the state cosmetology and barber 2945
board if a cosmetology instructor is present; 2946

(b) Compensate an apprentice cosmetology instructor. 2947

(4) If the school offers instruction in the theory and 2948
practice of barbering, establish entrance requirements for the 2949
acceptance of student applicants that are more stringent than 2950
those prescribed by the board under division (A)(20) of section 2951
4713.08 of the Revised Code, but at a minimum require an 2952
applicant to meet both of the following: 2953

(a) Be at least sixteen years of age; 2954

(b) Have an eighth grade education, or an equivalent 2955
education as determined by the state board of education. 2956

(B) A school shall have a licensed cosmetology or barber 2957

instructor present when an individual employed pursuant to 2958
division (A) (4) of this section teaches at the school, unless 2959
the individual is one of the following: 2960

(1) An individual with a current, valid teacher's 2961
certificate or educator license issued by the state board of 2962
education; 2963

(2) An individual with a bachelor's degree in the subject 2964
the person teaches at the school; 2965

(3) An individual also employed by a university or college 2966
to teach the subject the person teaches at the school. 2967

(C) A school annually shall review the subjects and 2968
coursework required to receive an initial practicing, advanced, 2969
or barber license and, in doing so, shall incorporate standards 2970
adopted by the board pursuant to division (A) (13) of section 2971
4713.08 of the Revised Code. 2972

Sec. 4713.46. A student who is injured or damaged by 2973
reason of the failure of a school ~~of cosmetology~~ to continue 2974
instruction in the theory and practice of a branch of 2975
cosmetology or barbering may maintain an action on the bond 2976
against the school, or surety named therein, or both of them, 2977
for the recovery of any money or tuition paid in advance for 2978
instruction in the theory and practice of a branch of 2979
cosmetology or barbering that was not received. The aggregate 2980
liability of the surety to all students shall not exceed the sum 2981
of the bond. 2982

Sec. 4713.49. The owner or manager of a salon or school 2983
that has a permit issued under section 4713.48 of the Revised 2984
Code may operate a tanning facility at the salon or school. 2985

Sec. 4713.55. Every license issued by the state 2986

cosmetology and barber board shall be signed by the chairperson 2987
and attested by the executive director of the board, with the 2988
seal of the board attached. 2989

The board shall specify on each practicing and advanced 2990
license that the board issues the branch of cosmetology that the 2991
license entitles the holder to practice. ~~The board shall specify~~ 2992
~~on each advanced license that the board issues the type of salon~~ 2993
~~in which the license entitles the holder to work and the branch~~ 2994
~~of cosmetology that the license entitles the holder to practice.~~ 2995
The board shall specify on each instructor license that the 2996
board issues the branch of cosmetology that the license entitles 2997
the holder to teach. The board shall specify on each salon 2998
license that the board issues the branch of cosmetology that the 2999
license entitles the holder to offer. The board shall specify on 3000
each independent contractor license that the board issues that 3001
the holder is entitled to practice only the branch of 3002
cosmetology ~~that the~~ for which a current, valid license entitles 3003
~~the holder to offer~~ is held within a licensed salon. Such 3004
licenses are prima-facie evidence of the right of the holder to 3005
practice or teach the branch of cosmetology that the license 3006
specifies. 3007

Sec. 4713.56. Every holder of a practicing license, 3008
advanced license, instructor license, independent contractor 3009
license, or boutique service registration issued by the state 3010
cosmetology and barber board shall maintain the board-issued, 3011
wallet-sized license or electronically generated license 3012
certification or registration and a current government-issued 3013
photo identification that can be produced upon inspection or 3014
request. 3015

Every holder of a license to operate a salon issued by the 3016

board shall display the license in a public and conspicuous 3017
place in the salon. 3018

Every holder of a license to operate a school ~~of~~ 3019
~~cosmetology~~ issued by the board shall display the license in a 3020
public and conspicuous place in the school. 3021

Every individual who provides massage therapy or other 3022
professional service in a salon under section 4713.42 of the 3023
Revised Code shall maintain the individual's professional 3024
license or certificate or electronically generated license 3025
certification or registration and a state of Ohio issued photo 3026
identification that can be produced upon inspection or request. 3027

Sec. 4713.58. (A) Except as provided in division (B) of 3028
this section, on payment of the renewal fee and ~~submission of~~ 3029
~~proof satisfactory attestation~~ to the state cosmetology and 3030
barber board that any applicable continuing education 3031
requirements have been completed, an individual currently 3032
licensed as: 3033

(1) A cosmetology instructor who has previously been 3034
~~licensed as an~~ issued a practicing cosmetologist license or an 3035
advanced ~~cosmetologist~~ license to practice cosmetology, is 3036
entitled to the reissuance of a ~~cosmetologist~~ the practicing or 3037
advanced cosmetologist license; 3038

(2) An esthetics instructor who has previously been 3039
~~licensed as an~~ issued a practicing esthetician license or an 3040
advanced ~~esthetician~~ license to practice esthetics, is entitled 3041
to the reissuance of an ~~esthetician~~ the practicing or advanced 3042
esthetician license; 3043

(3) A hair design instructor who has previously been 3044
~~licensed as~~ issued a practicing hair designer license or an 3045

advanced ~~hair designer~~license to practice hair design, is 3046
entitled to the reissuance of ~~a hair designer~~the practicing or 3047
advanced hair designer license; 3048

(4) A manicurist instructor who has previously been 3049
~~licensed as~~issued a practicing manicurist license or an 3050
advanced ~~manicurist~~license to practice manicuring, is entitled 3051
to the reissuance of ~~a manicurist~~the practicing or advanced 3052
manicurist license; 3053

(5) A natural hair style instructor who has previously 3054
been ~~licensed as~~issued a practicing natural hair stylist 3055
license or an advanced ~~natural hair stylist~~license to practice 3056
natural hair styling, is entitled to the reissuance of ~~a natural~~ 3057
~~hair stylist~~the practicing or advanced natural hair stylist 3058
license. 3059

(B) No individual is entitled to the reissuance of a 3060
license under division (A) of this section if the license was 3061
revoked or suspended or the individual has an outstanding unpaid 3062
fine levied under section 4713.64 of the Revised Code. 3063

Sec. 4713.59. If the state cosmetology and barber board 3064
adopts rules under section 4713.09 of the Revised Code to 3065
establish a continuing education requirement as a condition of 3066
renewal for a practicing license, advanced license, ~~or~~ 3067
instructor license, or boutique services registration, the board 3068
shall inform each affected licensee or registrant of the 3069
continuing education requirement that applies to the next 3070
biennial licensing period by including that information in the 3071
renewal notification it sends the licensee or registrant. The 3072
notification shall state that the licensee or registrant must 3073
complete the continuing education requirement by the fifteenth 3074
day of January of the next odd-numbered year. 3075

Hours completed in excess of the continuing education 3076
requirement may not be applied to the next biennial licensing 3077
period. 3078

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 3079
of this section, an individual seeking a renewal of a license to 3080
practice a branch of cosmetology, advanced license, instructor 3081
license, or boutique services registration shall ~~include~~ attest 3082
in the renewal application ~~proof satisfactory~~ to the ~~board of~~ 3083
completion of any applicable continuing education requirements 3084
established by rules adopted under section 4713.09 of the 3085
Revised Code. 3086

~~(B) If an applicant fails to provide satisfactory proof of~~ 3087
~~completion of any applicable continuing education requirements,~~ 3088
~~the board shall notify the applicant that the application is~~ 3089
~~incomplete. The board shall not renew the license or~~ 3090
~~registration until the applicant provides satisfactory proof of~~ 3091
~~completion of any applicable continuing education requirements.~~ 3092
~~The board may provide the applicant with an extension of up to~~ 3093
~~ninety days in which to complete the continuing education~~ 3094
~~requirement. In providing for the extension, the board may~~ 3095
~~charge the licensee or registrant a fine of up to one hundred~~ 3096
~~dollars.~~ 3097

~~(C)~~ The state cosmetology and barber board may waive, or 3098
extend the period for completing, any continuing education 3099
requirement if a licensee or registrant applies to the board and 3100
provides proof satisfactory to the board of being unable to 3101
complete the requirement within the time allowed because of any 3102
of the following: 3103

(1) An emergency; 3104

(2) An unusual or prolonged illness; 3105

(3) Active duty service in any branch of the armed forces 3106
of the United States or a reserve component of the armed forces 3107
of the United States, including the Ohio national guard or the 3108
national guard of any other state. 3109

The board shall determine the period of time during which 3110
each extension is effective and shall inform the applicant. The 3111
board shall also inform the applicant of the continuing 3112
education requirements that must be met to have the license or 3113
registration renewed. If an extension is granted for less than 3114
one year, the continuing education requirement for that year, in 3115
addition to the required continuing education for the succeeding 3116
year, must be completed in the succeeding year. In all other 3117
cases the board may waive all or part of the continuing 3118
education requirement on a case-by-case basis. Any required 3119
continuing education shall be completed ~~and satisfactory proof~~ 3120
~~of its completion submitted to the board~~ by a date specified by 3121
the board. Every license or registration that has not been 3122
renewed in the timeframe specified in section 4713.57 of the 3123
Revised Code and for which the continuing education requirement 3124
has not been waived or extended shall be considered expired. 3125

Sec. 4713.61. (A) If the state cosmetology and barber 3126
board adopts a continuing education requirement under section 3127
4713.09 of the Revised Code, it may develop a procedure by which 3128
an individual who holds a license to practice a branch of 3129
cosmetology, advanced license, or instructor license and who is 3130
not currently engaged in the practice of the branch of 3131
cosmetology or teaching the theory and practice of the branch of 3132
cosmetology, but who desires to be so engaged in the future, may 3133
apply to the board to have the individual's license classified 3134

inactive. If the board develops such a procedure, an individual 3135
seeking to have the individual's license classified inactive 3136
shall apply to the board on a form provided by the board and pay 3137
the fee established by rules adopted under section 4713.08 of 3138
the Revised Code. 3139

(B) The board shall not restore an inactive license until 3140
~~the later of the following:~~ 3141

~~(1) The date that the individual holding the license 3142
submits proof satisfactory to the board that the individual has 3143
completed the continuing education that a rule adopted under 3144
section 4713.08 of the Revised Code requires~~ 3145

~~(2) The last day of January of the next odd numbered year 3146
following the year the license is classified inactive.~~ 3147

~~(C) An individual who holds an inactive license may engage 3148
in the practice of a branch of cosmetology if the individual 3149
holds a temporary work permit as specified in rules adopted by 3150
the board under section 4713.08 of the Revised Code.~~ 3151

Sec. 4713.62. (A) An individual holding a practicing 3152
license, advanced license, instructor license, or boutique 3153
services registration may satisfy a continuing education 3154
requirement established by rules adopted under section 4713.09 3155
of the Revised Code only by completing continuing education 3156
programs approved under division (B) of this section. 3157

(B) The state cosmetology and barber board shall approve a 3158
continuing education program if all of the following conditions 3159
are satisfied: 3160

(1) The person operating the program submits to the board 3161
a written application for approval. 3162

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

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school ~~of cosmetology~~ licensed by the board, salon licensed by the board, barber shop licensed by the board under section 4709.09 of the Revised Code, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology or barbering.

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

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

(b) Protect the public;

(c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology or barbering.

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

Sec. 4713.63. A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the individual

who held the license meets all of the following applicable 3192
conditions: 3193

(A) Pays to the state cosmetology and barber board the 3194
restoration fee established under section 4713.10 of the Revised 3195
Code; 3196

(B) In the case of a practicing license or advanced 3197
license that has been expired for more than two consecutive 3198
license renewal periods, completes eight hours of continuing 3199
education for each license renewal period that has elapsed since 3200
the license was last issued or renewed, up to a maximum of 3201
twenty-four hours. 3202

At least four of those hours shall include a course 3203
pertaining to ~~sanitation~~ infection control and safety methods. 3204

~~The board shall deposit all fees it receives under~~ 3205
~~division (B) of this section into the general revenue fund.~~ 3206

Sec. 4713.64. (A) The state cosmetology and barber board 3207
may take disciplinary action under this chapter for any of the 3208
following: 3209

(1) Failure to comply with the safety, ~~sanitation~~ 3210
infection control, and licensing requirements of this chapter or 3211
rules adopted under it; 3212

(2) Continued practice by an individual knowingly having 3213
an infectious or contagious disease; 3214

(3) Habitual drunkenness or addiction to any habit-forming 3215
drug; 3216

(4) Willful false and fraudulent or deceptive advertising; 3217

(5) Falsification of any record or application required to 3218

be filed with the board;	3219
(6) Failure to pay a fine or abide by a suspension order issued by the board;	3220 3221
(7) Failure to cooperate with an investigation or inspection;	3222 3223
(8) Failure to respond to a subpoena;	3224
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	3225 3226
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	3227 3228 3229 3230
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	3231 3232
(1) Deny, revoke, or <u>suspend, or impose conditions on a license, permit, or registration issued by the board under this chapter;</u>	3233 3234 3235
(2) Impose a fine;	3236
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	3237 3238 3239
(C) (1) Except as provided in divisions (C) (2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	3240 3241 3242
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual <u>who</u> or salon who <u>that</u> violates	3243 3244 3245

division (A) (9) or (10) of this section. After the board takes 3246
such disciplinary action, the board shall give written notice to 3247
the subject of the disciplinary action of the right to request a 3248
hearing under Chapter 119. of the Revised Code. 3249

(3) In lieu of an adjudication, the board may enter into a 3250
consent agreement with the holder of a license, permit, or 3251
registration issued under this chapter. A consent agreement that 3252
is ratified by a majority vote of a quorum of the board members 3253
is considered to constitute the findings and orders of the board 3254
with respect to the matter addressed in the agreement. If the 3255
board does not ratify a consent agreement, the admissions and 3256
findings contained in the agreement are of no effect, and the 3257
case shall be scheduled for adjudication under Chapter 119. of 3258
the Revised Code. 3259

(D) The amount and content of corrective action courses 3260
and other relevant criteria shall be established by the board in 3261
rules adopted under section 4713.08 of the Revised Code. 3262

(E) (1) The board may impose a separate fine for each 3263
offense listed in division (A) of this section. The amount of 3264
the first fine issued for a violation as the result of an 3265
inspection shall be not more than two hundred fifty dollars if 3266
the violator has not previously been fined for that offense. Any 3267
fines issued for additional violations during such an inspection 3268
shall not be more than one hundred dollars for each additional 3269
violation. The fine shall be not more than five hundred dollars 3270
if the violator has been fined for the same offense once before. 3271
Any fines issued for additional violations during a second 3272
inspection shall not be more than two hundred dollars for each 3273
additional violation. The fine shall be not more than one 3274
thousand dollars if the violator has been fined for the same 3275

offense two or more times before. Any fines issued for 3276
additional violations during a third inspection shall not be 3277
more than three hundred dollars for each additional violation. 3278

(2) The board shall issue an order notifying a violator of 3279
a fine imposed under division (E)(1) of this section. The notice 3280
shall specify the date by which the fine is to be paid. The date 3281
shall be less than forty-five days after the board issues the 3282
order. 3283

(3) At the request of a violator who is temporarily unable 3284
to pay a fine, or upon its own motion, the board may extend the 3285
time period within which the violator shall pay the fine up to 3286
ninety days after the date the board issues the order. 3287

~~(4) If a violator fails to pay a fine by the date 3288
specified in the board's order and does not request an extension 3289
within ten days after the date the board issues the order, or if 3290
the violator fails to pay the fine within the extended time 3291
period as described in division (E)(3) of this section, the 3292
board shall add to the fine an additional penalty equal to ten 3293
per cent of the fine. 3294~~

~~(5) If a violator fails to pay a fine within ninety days 3295
after the board issues the order, the board shall add to the 3296
fine interest at a rate specified by the board in rules adopted 3297
under section 4713.08 of the Revised Code. 3298~~

~~(6) If the fine, including any interest or additional 3299
penalty, remains unpaid on the ninety-first day after the board 3300
issues an order under division (E)(2) of this section, the 3301
amount of the fine and any interest or additional penalty shall 3302
be certified to the attorney general for collection in the form 3303
and manner prescribed by the attorney general. The attorney 3304~~

general may assess the collection cost to the amount certified 3305
in such a manner and amount as prescribed by the attorney 3306
general. 3307

(F) In the case of an offense of failure to comply with 3308
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 3309
Code, the board shall impose a fine of five hundred dollars if 3310
the violator has not previously been fined for that offense. If 3311
the violator has previously been fined for the offense, the 3312
board may impose a fine in accordance with this division or take 3313
another action in accordance with division (B) of this section. 3314

(G) The board shall notify a licensee or registrant who is 3315
in violation of division (A) of this section and the owner of 3316
the salon in which the conditions constituting the violation 3317
were found. The individual receiving the notice of violation and 3318
the owner of the salon may request a hearing pursuant to section 3319
119.07 of the Revised Code. If the individual or owner fails to 3320
request a hearing or enter into a consent agreement thirty days 3321
after the date the board, in accordance with section 119.07 of 3322
the Revised Code and division (J) of this section, notifies the 3323
individual or owner of the board's intent to act against the 3324
individual or owner under division (A) of this section, the 3325
board by a majority vote of a quorum of the board members may 3326
take the action against the individual or owner without holding 3327
an adjudication hearing. 3328

(H) The board, after a hearing in accordance with Chapter 3329
119. of the Revised Code or pursuant to a consent agreement, may 3330
suspend a license, permit, or registration if the licensee, 3331
permit holder, or registrant fails to correct an unsafe 3332
condition that exists in violation of the board's rules or fails 3333
to cooperate in an inspection. If a violation of this chapter or 3334

rules adopted under it has resulted in a condition reasonably 3335
believed by an inspector to create an immediate danger to the 3336
health and safety of any individual using the facility, the 3337
inspector may suspend the license or permit of the facility or 3338
the individual responsible for the violation without a prior 3339
hearing until the condition is corrected or until a hearing in 3340
accordance with Chapter 119. of the Revised Code is held or a 3341
consent agreement is entered into and the board either upholds 3342
the suspension or reinstates the license, permit, or 3343
registration. 3344

(I) The board shall not take disciplinary action against 3345
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 3346
~~cosmetology~~ for a violation of this chapter that was committed 3347
by an individual licensed to practice a branch of cosmetology or 3348
barbering, while practicing within the salon or school, when the 3349
individual's actions were beyond the control of the salon owner 3350
or school. 3351

(J) In addition to the methods of notification required 3352
under section 119.07 of the Revised Code, the board may send the 3353
notices required under divisions (C) (2), (E) (2), and (G) of this 3354
section by any delivery method that is traceable and requires 3355
that the delivery person obtain a signature to verify that the 3356
notice has been delivered. The board also may send the notices 3357
by electronic mail, provided that the electronic mail delivery 3358
system certifies that a notice has been received. 3359

Sec. 4713.641. Any ~~student or former student of a school~~ 3360
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 3361
~~the Revised Code~~ individual may file a complaint with the state 3362
cosmetology and barber board alleging that ~~the~~ an individual, 3363
salon, barber shop, school, or tanning facility has violated 3364

~~division (A) of section 4713.64 this chapter or Chapter 4709. of~~ 3365
~~the Revised Code or rules adopted under either chapter. The~~ 3366
~~complaint shall be in writing and signed by the individual~~ 3367
~~bringing the complaint. Upon receiving a complaint, the board~~ 3368
shall initiate a preliminary investigation to determine whether 3369
it is probable that a violation was committed. If the board 3370
determines after preliminary investigation that it is not 3371
probable that a violation was committed, the board shall notify 3372
the individual who filed the complaint of the board's findings 3373
and that the board will not ~~issue a~~ pursue formal complaint
action in the matter. If the board determines after a 3374
preliminary investigation that it is probable that a violation 3375
was committed, the board ~~shall~~ may proceed against the 3376
individual, salon, barber shop, school, or tanning facility 3377
pursuant to the board's authority under section 4709.13 or 3378
4713.64 of the Revised Code and in accordance with the hearing 3379
and notice requirements prescribed in Chapter 119. of the 3380
Revised Code. 3381
3382

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, 3383
on its own motion or on receipt of a ~~written~~ complaint, may 3384
investigate or inspect the activities or premises of an 3385
individual or entity who is alleged to have violated this 3386
chapter or Chapter 4709. of the Revised Code or rules adopted 3387
under ~~it~~ either chapter, regardless of whether the individual or 3388
entity holds a license ~~or, registration, or permit~~ issued under 3389
this chapter or Chapter 4709. of the Revised Code. 3390

~~(B) If, based on its investigation, the board determines~~ 3391
~~that there is reasonable cause to believe that an individual or~~ 3392
~~entity has violated this chapter or rules adopted under it, the~~ 3393
~~board shall afford the individual or entity an opportunity for a~~ 3394
~~hearing. Notice shall be given and any hearing conducted in~~ 3395

~~accordance with Chapter 119. of the Revised Code.~~ 3396

~~(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code.~~ 3397
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3399
3400

Sec. 4713.69. (A) The state cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions: 3401
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3403

(1) Is at least sixteen years of age; 3404

(2) ~~Has the equivalent of an Ohio public school tenth-grade education;~~ 3405
3406

~~(3)~~ Has submitted a written application on a form prescribed by the board containing all of the following: 3407
3408

(a) The applicant's name and home address; 3409

(b) The applicant's home telephone number and cellular telephone number, if any; 3410
3411

(c) The applicant's electronic mail address, if any; 3412

(d) The applicant's date of birth; 3413

(e) ~~The address and telephone number where boutique services will be performed. The address shall not contain a post-office box number.~~ 3414
3415
3416

~~(f)~~ Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state; 3417
3418
3419
3420

~~(g)~~ (f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or 3421
3422

denied in any state; 3423

~~(h)~~ (g) An affidavit or certificate providing proof of 3424
formal training or apprenticeship under an individual providing 3425
such services. 3426

~~(B) The place of business where boutique services are~~ 3427
~~performed must comply with the safety and sanitation~~ 3428
~~requirements for licensed salon facilities as described in~~ 3429
~~section 4713.41 of the Revised Code.~~ 3430

~~(C)~~ The board shall specify the manner by which boutique 3431
services registrants shall fulfill the continuing education 3432
requirements set forth in section 4713.09 of the Revised Code. 3433

Section 2. That existing sections 2925.01, 3333.26, 3434
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 3435
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 3436
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 3437
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 3438
4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 3439
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 3440
and 4713.69 of the Revised Code are hereby repealed. 3441

Section 3. That sections 4709.02, 4709.03, 4709.05, 3442
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 3443
4713.45 of the Revised Code are hereby repealed. 3444

Section 4. Section 4713.02 of the Revised Code, as amended 3445
by this act, does not affect the terms of members of the State 3446
Cosmetology and Barber Board serving on the Board on the 3447
effective date of this section. 3448

Section 5. Notwithstanding the amendment of sections in 3449
Chapter 4713. of the Revised Code in this act, which no longer 3450
provides for school of cosmetology licenses, a valid school of 3451

cosmetology license held by a person on or after the effective 3452
date of this section is valid for the duration of that license 3453
term. On the expiration of that license, the State Cosmetology 3454
and Barber Board shall issue to a license holder who wishes to 3455
renew that license a school license under section 4713.44 of the 3456
Revised Code, as enacted by this act, if the license holder 3457
meets the requirements to be issued the school license. 3458

Section 6. Notwithstanding the amendment of sections in 3459
Chapter 4709. of the Revised Code in this act, which no longer 3460
provides for barber school licenses, a valid barber school 3461
license held by a person on or after the effective date of this 3462
section that is set to expire on August 31, 2022, is valid until 3463
January 31, 2023. On the expiration of that license, the State 3464
Cosmetology and Barber Board shall issue to a license holder who 3465
wishes to renew that license a school license under section 3466
4713.44 of the Revised Code, as enacted by this act, if the 3467
license holder meets the requirements to be issued the school 3468
license. 3469

Section 7. Section 2925.01 of the Revised Code is 3470
presented in this act as a composite of the section as amended 3471
by H.B. 341 and H.B. 442 both of the 133rd General Assembly. The 3472
General Assembly, applying the principle stated in division (B) 3473
of section 1.52 of the Revised Code that amendments are to be 3474
harmonized if reasonably capable of simultaneous operation, 3475
finds that the composite is the resulting version of the section 3476
in effect prior to the effective date of the section as 3477
presented in this act. 3478