

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 542

Representatives Roemer, Sobecki

**Cosponsors: Representatives Fraizer, Carruthers, Gross, Hicks-Hudson,
Humphrey, Ingram, Jarrells, Leland, Lepore-Hagan, Miller, J., O'Brien, Pavliga,
Plummer, Sheehy, Young, T., West**

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, 4713.69, and 4713.99; to enact new 10
sections 4709.02, 4709.03, 4709.05, 4709.10, 11
4709.13, 4713.44, and 4713.45 and sections 12
4709.031, 4709.051, 4709.071, 4709.072, 13
4709.073, 4709.091, 4709.111, and 4709.112; and 14
to repeal sections 4709.02, 4709.03, 4709.05, 15
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 16
4713.44, and 4713.45 of the Revised Code to make 17
changes to 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, 4713.69, 26
and 4713.99 be amended and new sections 4709.02, 4709.03, 27
4709.05, 4709.10, 4709.13, 4713.44, and 4713.45 and sections 28
4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 29
4709.111, and 4709.112 of the Revised Code be enacted to read as 30
follows: 31

Sec. 2925.01. As used in this chapter: 32

(A) "Administer," "controlled substance," "controlled 33
substance analog," "dispense," "distribute," "hypodermic," 34
"manufacturer," "official written order," "person," 35
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 36
"schedule III," "schedule IV," "schedule V," and "wholesaler" 37
have the same meanings as in section 3719.01 of the Revised 38
Code. 39

(B) "Drug dependent person" and "drug of abuse" have the 40
same meanings as in section 3719.011 of the Revised Code. 41

(C) "Drug," "dangerous drug," "licensed health 42
professional authorized to prescribe drugs," and "prescription" 43
have the same meanings as in section 4729.01 of the Revised 44
Code. 45

(D) "Bulk amount" of a controlled substance means any of 46
the following: 47

(1) For any compound, mixture, preparation, or substance 48

included in schedule I, schedule II, or schedule III, with the 49
exception of any controlled substance analog, marihuana, 50
cocaine, L.S.D., heroin, any fentanyl-related compound, and 51
hashish and except as provided in division (D) (2), (5), or (6) 52
of this section, whichever of the following is applicable: 53

(a) An amount equal to or exceeding ten grams or twenty- 54
five unit doses of a compound, mixture, preparation, or 55
substance that is or contains any amount of a schedule I opiate 56
or opium derivative; 57

(b) An amount equal to or exceeding ten grams of a 58
compound, mixture, preparation, or substance that is or contains 59
any amount of raw or gum opium; 60

(c) An amount equal to or exceeding thirty grams or ten 61
unit doses of a compound, mixture, preparation, or substance 62
that is or contains any amount of a schedule I hallucinogen 63
other than tetrahydrocannabinol or lysergic acid amide, or a 64
schedule I stimulant or depressant; 65

(d) An amount equal to or exceeding twenty grams or five 66
times the maximum daily dose in the usual dose range specified 67
in a standard pharmaceutical reference manual of a compound, 68
mixture, preparation, or substance that is or contains any 69
amount of a schedule II opiate or opium derivative; 70

(e) An amount equal to or exceeding five grams or ten unit 71
doses of a compound, mixture, preparation, or substance that is 72
or contains any amount of phencyclidine; 73

(f) An amount equal to or exceeding one hundred twenty 74
grams or thirty times the maximum daily dose in the usual dose 75
range specified in a standard pharmaceutical reference manual of 76
a compound, mixture, preparation, or substance that is or 77

contains any amount of a schedule II stimulant that is in a 78
final dosage form manufactured by a person authorized by the 79
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 80
U.S.C.A. 301, as amended, and the federal drug abuse control 81
laws, as defined in section 3719.01 of the Revised Code, that is 82
or contains any amount of a schedule II depressant substance or 83
a schedule II hallucinogenic substance; 84

(g) An amount equal to or exceeding three grams of a 85
compound, mixture, preparation, or substance that is or contains 86
any amount of a schedule II stimulant, or any of its salts or 87
isomers, that is not in a final dosage form manufactured by a 88
person authorized by the Federal Food, Drug, and Cosmetic Act 89
and the federal drug abuse control laws. 90

(2) An amount equal to or exceeding one hundred twenty 91
grams or thirty times the maximum daily dose in the usual dose 92
range specified in a standard pharmaceutical reference manual of 93
a compound, mixture, preparation, or substance that is or 94
contains any amount of a schedule III or IV substance other than 95
an anabolic steroid or a schedule III opiate or opium 96
derivative; 97

(3) An amount equal to or exceeding twenty grams or five 98
times the maximum daily dose in the usual dose range specified 99
in a standard pharmaceutical reference manual of a compound, 100
mixture, preparation, or substance that is or contains any 101
amount of a schedule III opiate or opium derivative; 102

(4) An amount equal to or exceeding two hundred fifty 103
milliliters or two hundred fifty grams of a compound, mixture, 104
preparation, or substance that is or contains any amount of a 105
schedule V substance; 106

(5) An amount equal to or exceeding two hundred solid 107
dosage units, sixteen grams, or sixteen milliliters of a 108
compound, mixture, preparation, or substance that is or contains 109
any amount of a schedule III anabolic steroid; 110

(6) For any compound, mixture, preparation, or substance 111
that is a combination of a fentanyl-related compound and any 112
other compound, mixture, preparation, or substance included in 113
schedule III, schedule IV, or schedule V, if the defendant is 114
charged with a violation of section 2925.11 of the Revised Code 115
and the sentencing provisions set forth in divisions (C) (10) (b) 116
and (C) (11) of that section will not apply regarding the 117
defendant and the violation, the bulk amount of the controlled 118
substance for purposes of the violation is the amount specified 119
in division (D) (1), (2), (3), (4), or (5) of this section for 120
the other schedule III, IV, or V controlled substance that is 121
combined with the fentanyl-related compound. 122

(E) "Unit dose" means an amount or unit of a compound, 123
mixture, or preparation containing a controlled substance that 124
is separately identifiable and in a form that indicates that it 125
is the amount or unit by which the controlled substance is 126
separately administered to or taken by an individual. 127

(F) "Cultivate" includes planting, watering, fertilizing, 128
or tilling. 129

(G) "Drug abuse offense" means any of the following: 130

(1) A violation of division (A) of section 2913.02 that 131
constitutes theft of drugs, or a violation of section 2925.02, 132
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 133
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 134
or 2925.37 of the Revised Code; 135

(2) A violation of an existing or former law of this or 136
any other state or of the United States that is substantially 137
equivalent to any section listed in division (G) (1) of this 138
section; 139

(3) An offense under an existing or former law of this or 140
any other state, or of the United States, of which planting, 141
cultivating, harvesting, processing, making, manufacturing, 142
producing, shipping, transporting, delivering, acquiring, 143
possessing, storing, distributing, dispensing, selling, inducing 144
another to use, administering to another, using, or otherwise 145
dealing with a controlled substance is an element; 146

(4) A conspiracy to commit, attempt to commit, or 147
complicity in committing or attempting to commit any offense 148
under division (G) (1), (2), or (3) of this section. 149

(H) "Felony drug abuse offense" means any drug abuse 150
offense that would constitute a felony under the laws of this 151
state, any other state, or the United States. 152

(I) "Harmful intoxicant" does not include beer or 153
intoxicating liquor but means any of the following: 154

(1) Any compound, mixture, preparation, or substance the 155
gas, fumes, or vapor of which when inhaled can induce 156
intoxication, excitement, giddiness, irrational behavior, 157
depression, stupefaction, paralysis, unconsciousness, 158
asphyxiation, or other harmful physiological effects, and 159
includes, but is not limited to, any of the following: 160

(a) Any volatile organic solvent, plastic cement, model 161
cement, fingernail polish remover, lacquer thinner, cleaning 162
fluid, gasoline, or other preparation containing a volatile 163
organic solvent; 164

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

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| (1) Any drug that bears, or whose container or label | 192 |
| bears, a trademark, trade name, or other identifying mark used | 193 |
| without authorization of the owner of rights to that trademark, | 194 |
| trade name, or identifying mark; | 195 |
| (2) Any unmarked or unlabeled substance that is | 196 |
| represented to be a controlled substance manufactured, | 197 |
| processed, packed, or distributed by a person other than the | 198 |
| person that manufactured, processed, packed, or distributed it; | 199 |
| (3) Any substance that is represented to be a controlled | 200 |
| substance but is not a controlled substance or is a different | 201 |
| controlled substance; | 202 |
| (4) Any substance other than a controlled substance that a | 203 |
| reasonable person would believe to be a controlled substance | 204 |
| because of its similarity in shape, size, and color, or its | 205 |
| markings, labeling, packaging, distribution, or the price for | 206 |
| which it is sold or offered for sale. | 207 |
| (P) An offense is "committed in the vicinity of a school" | 208 |
| if the offender commits the offense on school premises, in a | 209 |
| school building, or within one thousand feet of the boundaries | 210 |
| of any school premises, regardless of whether the offender knows | 211 |
| the offense is being committed on school premises, in a school | 212 |
| building, or within one thousand feet of the boundaries of any | 213 |
| school premises. | 214 |
| (Q) "School" means any school operated by a board of | 215 |
| education, any community school established under Chapter 3314. | 216 |
| of the Revised Code, or any nonpublic school for which the state | 217 |
| board of education prescribes minimum standards under section | 218 |
| 3301.07 of the Revised Code, whether or not any instruction, | 219 |
| extracurricular activities, or training provided by the school | 220 |

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| is being conducted at the time a criminal offense is committed. | 221 |
| (R) "School premises" means either of the following: | 222 |
| (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; | 223 224 225 226 227 |
| (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. | 228 229 230 231 232 233 234 235 236 237 238 |
| (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. | 239 240 241 242 243 244 |
| (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. | 245 246 247 248 |
| (U) "Certified grievance committee" means a duly | 249 |

constituted and organized committee of the Ohio state bar 250
association or of one or more local bar associations of the 251
state of Ohio that complies with the criteria set forth in Rule 252
V, section 6 of the Rules for the Government of the Bar of Ohio. 253

(V) "Professional license" means any license, permit, 254
certificate, registration, qualification, admission, temporary 255
license, temporary permit, temporary certificate, or temporary 256
registration that is described in divisions (W) (1) to (37) of 257
this section and that qualifies a person as a professionally 258
licensed person. 259

(W) "Professionally licensed person" means any of the 260
following: 261

(1) A person who has received a certificate or temporary 262
certificate as a certified public accountant or who has 263
registered as a public accountant under Chapter 4701. of the 264
Revised Code and who holds an Ohio permit issued under that 265
chapter; 266

(2) A person who holds a certificate of qualification to 267
practice architecture issued or renewed and registered under 268
Chapter 4703. of the Revised Code; 269

(3) A person who is registered as a landscape architect 270
under Chapter 4703. of the Revised Code or who holds a permit as 271
a landscape architect issued under that chapter; 272

(4) A person licensed under Chapter 4707. of the Revised 273
Code; 274

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

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| Revised Code; | 279 |
| (6) A person licensed and regulated to engage in the | 280 |
| business of a debt pooling company by a legislative authority, | 281 |
| under authority of Chapter 4710. of the Revised Code; | 282 |
| (7) A person who has been issued a cosmetologist's | 283 |
| license, hair designer's license, manicurist's license, | 284 |
| esthetician's license, natural hair stylist's license, advanced | 285 |
| cosmetologist's license to practice cosmetology, advanced hair- | 286 |
| designer's license to practice hair design, advanced | 287 |
| manicurist's license to practice manicuring, advanced | 288 |
| esthetician's license to practice esthetics, advanced natural- | 289 |
| hair stylist's license to practice natural hair styling, | 290 |
| cosmetology instructor's license, hair design instructor's | 291 |
| license, manicurist instructor's license, esthetics instructor's | 292 |
| license, natural hair style instructor's license, independent | 293 |
| contractor's license, or tanning facility permit under Chapter | 294 |
| 4713. of the Revised Code; | 295 |
| (8) A person who has been issued a license to practice | 296 |
| dentistry, a general anesthesia permit, a conscious sedation | 297 |
| permit, a limited resident's license, a limited teaching | 298 |
| license, a dental hygienist's license, or a dental hygienist's | 299 |
| teacher's certificate under Chapter 4715. of the Revised Code; | 300 |
| (9) A person who has been issued an embalmer's license, a | 301 |
| funeral director's license, a funeral home license, or a | 302 |
| crematory license, or who has been registered for an embalmer's | 303 |
| or funeral director's apprenticeship under Chapter 4717. of the | 304 |
| Revised Code; | 305 |
| (10) A person who has been licensed as a registered nurse | 306 |
| or practical nurse, or who has been issued a certificate for the | 307 |

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| practice of nurse-midwifery under Chapter 4723. of the Revised Code; | 308 309 |
| (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; | 310 311 312 |
| (12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; | 313 314 |
| (13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; | 315 316 |
| (14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; | 317 318 319 320 |
| (15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs; | 321 322 323 324 325 |
| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; | 326 327 |
| (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; | 328 329 330 331 332 |
| (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; | 333 334 |
| (19) A person registered to practice the profession of | 335 |

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| engineering or surveying under Chapter 4733. of the Revised Code; | 336 337 |
| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; | 338 339 |
| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; | 340 341 |
| (22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code; | 342 343 |
| (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; | 344 345 |
| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; | 346 347 |
| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; | 348 349 |
| (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; | 350 351 352 353 |
| (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; | 354 355 356 |
| (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; | 357 358 359 |
| (29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code; | 360 361 |
| (30) A person licensed to practice as a speech-language | 362 |

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| pathologist or audiologist under Chapter 4753. of the Revised Code; | 363 364 |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; | 365 366 367 |
| (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; | 368 369 370 371 372 373 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; | 374 375 |
| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; | 376 377 378 |
| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; | 379 380 |
| (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; | 381 382 |
| (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. | 383 384 385 |
| (X) "Cocaine" means any of the following: | 386 |
| (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; | 387 388 |
| (2) Coca leaves or a salt, compound, derivative, or | 389 |

preparation of coca leaves, including ecgonine, a salt, isomer, 390
or derivative of ecgonine, or a salt of an isomer or derivative 391
of ecgonine; 392

(3) A salt, compound, derivative, or preparation of a 393
substance identified in division (X)(1) or (2) of this section 394
that is chemically equivalent to or identical with any of those 395
substances, except that the substances shall not include 396
decocainized coca leaves or extraction of coca leaves if the 397
extractions do not contain cocaine or ecgonine. 398

(Y) "L.S.D." means lysergic acid diethylamide. 399

(Z) "Hashish" means a resin or a preparation of a resin to 400
which both of the following apply: 401

(1) It is contained in or derived from any part of the 402
plant of the genus cannabis, whether in solid form or in a 403
liquid concentrate, liquid extract, or liquid distillate form. 404

(2) It has a delta-9 tetrahydrocannabinol concentration of 405
more than three-tenths per cent. 406

"Hashish" does not include a hemp byproduct in the 407
possession of a licensed hemp processor under Chapter 928. of 408
the Revised Code, provided that the hemp byproduct is being 409
produced, stored, and disposed of in accordance with rules 410
adopted under section 928.03 of the Revised Code. 411

(AA) "Marihuana" has the same meaning as in section 412
3719.01 of the Revised Code, except that it does not include 413
hashish. 414

(BB) An offense is "committed in the vicinity of a 415
juvenile" if the offender commits the offense within one hundred 416
feet of a juvenile or within the view of a juvenile, regardless 417

of whether the offender knows the age of the juvenile, whether 418
the offender knows the offense is being committed within one 419
hundred feet of or within view of the juvenile, or whether the 420
juvenile actually views the commission of the offense. 421

(CC) "Presumption for a prison term" or "presumption that 422
a prison term shall be imposed" means a presumption, as 423
described in division (D) of section 2929.13 of the Revised 424
Code, that a prison term is a necessary sanction for a felony in 425
order to comply with the purposes and principles of sentencing 426
under section 2929.11 of the Revised Code. 427

(DD) "Major drug offender" has the same meaning as in 428
section 2929.01 of the Revised Code. 429

(EE) "Minor drug possession offense" means either of the 430
following: 431

(1) A violation of section 2925.11 of the Revised Code as 432
it existed prior to July 1, 1996; 433

(2) A violation of section 2925.11 of the Revised Code as 434
it exists on and after July 1, 1996, that is a misdemeanor or a 435
felony of the fifth degree. 436

(FF) "Mandatory prison term" has the same meaning as in 437
section 2929.01 of the Revised Code. 438

(GG) "Adulterate" means to cause a drug to be adulterated 439
as described in section 3715.63 of the Revised Code. 440

(HH) "Public premises" means any hotel, restaurant, 441
tavern, store, arena, hall, or other place of public 442
accommodation, business, amusement, or resort. 443

(II) "Methamphetamine" means methamphetamine, any salt, 444
isomer, or salt of an isomer of methamphetamine, or any 445

compound, mixture, preparation, or substance containing 446
methamphetamine or any salt, isomer, or salt of an isomer of 447
methamphetamine. 448

(JJ) "Deception" has the same meaning as in section 449
2913.01 of the Revised Code. 450

(KK) "Fentanyl-related compound" means any of the 451
following: 452

(1) Fentanyl; 453

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 454
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 455
phenylethyl)-4-(N-propanilido) piperidine); 456

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 457
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 458

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 459
piperidinyl] -N-phenylpropanamide); 460

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 461
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 462
phenylpropanamide); 463

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 464
piperidyl]-N- phenylpropanamide); 465

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 466
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 467

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 468
phenethyl)-4- piperidinyl]propanamide; 469

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 470
piperidinyl]- propanamide; 471

(10) Alfentanil; 472

- (11) Carfentanil; 473
- (12) Remifentanil; 474
- (13) Sufentanil; 475
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 476
477
- (15) Any compound that meets all of the following fentanyl 478
pharmacophore requirements to bind at the mu receptor, as 479
identified by a report from an established forensic laboratory, 480
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 481
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 482
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 483
fluorofentanyl: 484
- (a) A chemical scaffold consisting of both of the 485
following: 486
- (i) A five, six, or seven member ring structure containing 487
a nitrogen, whether or not further substituted; 488
- (ii) An attached nitrogen to the ring, whether or not that 489
nitrogen is enclosed in a ring structure, including an attached 490
aromatic ring or other lipophilic group to that nitrogen. 491
- (b) A polar functional group attached to the chemical 492
scaffold, including but not limited to a hydroxyl, ketone, 493
amide, or ester; 494
- (c) An alkyl or aryl substitution off the ring nitrogen of 495
the chemical scaffold; and 496
- (d) The compound has not been approved for medical use by 497
the United States food and drug administration. 498
- (LL) "First degree felony mandatory prison term" means one 499

of the definite prison terms prescribed in division (A) (1) (b) of 500
section 2929.14 of the Revised Code for a felony of the first 501
degree, except that if the violation for which sentence is being 502
imposed is committed on or after March 22, 2019, it means one of 503
the minimum prison terms prescribed in division (A) (1) (a) of 504
that section for a felony of the first degree. 505

(MM) "Second degree felony mandatory prison term" means 506
one of the definite prison terms prescribed in division (A) (2) 507
(b) of section 2929.14 of the Revised Code for a felony of the 508
second degree, except that if the violation for which sentence 509
is being imposed is committed on or after March 22, 2019, it 510
means one of the minimum prison terms prescribed in division (A) 511
(2) (a) of that section for a felony of the second degree. 512

(NN) "Maximum first degree felony mandatory prison term" 513
means the maximum definite prison term prescribed in division 514
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 515
the first degree, except that if the violation for which 516
sentence is being imposed is committed on or after March 22, 517
2019, it means the longest minimum prison term prescribed in 518
division (A) (1) (a) of that section for a felony of the first 519
degree. 520

(OO) "Maximum second degree felony mandatory prison term" 521
means the maximum definite prison term prescribed in division 522
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 523
the second degree, except that if the violation for which 524
sentence is being imposed is committed on or after March 22, 525
2019, it means the longest minimum prison term prescribed in 526
division (A) (2) (a) of that section for a felony of the second 527
degree. 528

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 529

as in section 928.01 of the Revised Code. 530

(QQ) An offense is "committed in the vicinity of a 531
substance addiction services provider or a recovering addict" if 532
either of the following apply: 533

(1) The offender commits the offense on the premises of a 534
substance addiction services provider's facility, including a 535
facility licensed prior to June 29, 2019, under section 5119.391 536
of the Revised Code to provide methadone treatment or an opioid 537
treatment program licensed on or after that date under section 538
5119.37 of the Revised Code, or within five hundred feet of the 539
premises of a substance addiction services provider's facility 540
and the offender knows or should know that the offense is being 541
committed within the vicinity of the substance addiction 542
services provider's facility. 543

(2) The offender sells, offers to sell, delivers, or 544
distributes the controlled substance or controlled substance 545
analog to a person who is receiving treatment at the time of the 546
commission of the offense, or received treatment within thirty 547
days prior to the commission of the offense, from a substance 548
addiction services provider and the offender knows that the 549
person is receiving or received that treatment. 550

(RR) "Substance addiction services provider" means an 551
agency, association, corporation or other legal entity, 552
individual, or program that provides one or more of the 553
following at a facility: 554

(1) Either alcohol addiction services, or drug addiction 555
services, or both such services that are certified by the 556
director of mental health and addiction services under section 557
5119.36 of the Revised Code; 558

(2) Recovery supports that are related to either alcohol 559
addiction services, or drug addiction services, or both such 560
services and paid for with federal, state, or local funds 561
administered by the department of mental health and addiction 562
services or a board of alcohol, drug addiction, and mental 563
health services. 564

(SS) "Premises of a substance addiction services 565
provider's facility" means the parcel of real property on which 566
any substance addiction service provider's facility is situated. 567

(TT) "Alcohol and drug addiction services" has the same 568
meaning as in section 5119.01 of the Revised Code. 569

Sec. 3333.26. (A) Any citizen of this state who has 570
resided within the state for one year, who was in the active 571
service of the United States as a soldier, sailor, nurse, or 572
marine between April 6, 1917, and November 11, 1918, and who has 573
been honorably discharged from that service, shall be admitted 574
to any school, college, or university that receives state funds 575
in support thereof, without being required to pay any tuition or 576
matriculation fee, but is not relieved from the payment of 577
laboratory or similar fees. 578

(B) (1) As used in this section: 579

(a) "Volunteer firefighter" has the meaning as in division 580
(B) (1) of section 146.01 of the Revised Code. 581

(b) "Public service officer" means an Ohio firefighter, 582
volunteer firefighter, police officer, member of the state 583
highway patrol, employee designated to exercise the powers of 584
police officers pursuant to section 1545.13 of the Revised Code, 585
or other peace officer as defined by division (B) of section 586
2935.01 of the Revised Code, or a person holding any equivalent 587

position in another state. 588

(c) "Qualified former spouse" means the former spouse of a 589
public service officer, or of a member of the armed services of 590
the United States, who is the custodial parent of a minor child 591
of that marriage pursuant to an order allocating the parental 592
rights and responsibilities for care of the child issued 593
pursuant to section 3109.04 of the Revised Code. 594

(d) "Operation enduring freedom" means that period of 595
conflict which began October 7, 2001, and ends on a date 596
declared by the president of the United States or the congress. 597

(e) "Operation Iraqi freedom" means that period of 598
conflict which began March 20, 2003, and ends on a date declared 599
by the president of the United States or the congress. 600

(f) "Combat zone" means an area that the president of the 601
United States by executive order designates, for purposes of 26 602
U.S.C. 112, as an area in which armed forces of the United 603
States are or have engaged in combat. 604

(2) Subject to division (D) of this section, any resident 605
of this state who is under twenty-six years of age, or under 606
thirty years of age if the resident has been honorably 607
discharged from the armed services of the United States, who is 608
the child of a public service officer killed in the line of duty 609
or of a member of the armed services of the United States killed 610
in the line of duty during operation enduring freedom or 611
operation Iraqi freedom, and who is admitted to any state 612
university or college as defined in division (A)(1) of section 613
3345.12 of the Revised Code, community college, state community 614
college, university branch, or technical college shall not be 615
required to pay any tuition or any student fee for up to four 616

academic years of education, which shall be at the undergraduate 617
level, or a certificate program as prescribed under division (E) 618
of this section. 619

A child of a member of the armed services of the United 620
States killed in the line of duty during operation enduring 621
freedom or operation Iraqi freedom is eligible for a waiver of 622
tuition and student fees under this division only if the student 623
is not eligible for a war orphans and severely disabled 624
veterans' children scholarship authorized by Chapter 5910. of 625
the Revised Code. In any year in which the war orphans and 626
severely disabled veterans' children scholarship board reduces 627
the percentage of tuition covered by a war orphans and severely 628
disabled veterans' children scholarship below one hundred per 629
cent pursuant to division (A) of section 5910.04 of the Revised 630
Code, the waiver of tuition and student fees under this division 631
for a child of a member of the armed services of the United 632
States killed in the line of duty during operation enduring 633
freedom or operation Iraqi freedom shall be reduced by the same 634
percentage. 635

(3) Subject to division (D) of this section, any resident 636
of this state who is the spouse or qualified former spouse of a 637
public service officer killed in the line of duty, and who is 638
admitted to any state university or college as defined in 639
division (A)(1) of section 3345.12 of the Revised Code, 640
community college, state community college, university branch, 641
or technical college, shall not be required to pay any tuition 642
or any student fee for up to four academic years of education, 643
which shall be at the undergraduate level, or a certificate 644
program as prescribed under division (E) of this section. 645

(4) Any resident of this state who is the spouse or 646

qualified former spouse of a member of the armed services of the 647
United States killed in the line of duty while serving in a 648
combat zone after May 7, 1975, and who is admitted to any state 649
university or college as defined in division (A)(1) of section 650
3345.12 of the Revised Code, community college, state community 651
college, university branch, or technical college, shall not be 652
required to pay any tuition or any student fee for up to four 653
years of academic education, which shall be at the undergraduate 654
level, or a certificate program as prescribed under division (E) 655
of this section. In order to qualify under division (B)(4) of 656
this section, the spouse or qualified former spouse shall have 657
been a resident of this state at the time the member was killed 658
in the line of duty. 659

(C) Any institution that is not subject to division (B) of 660
this section and that holds a valid certificate of registration 661
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 662
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 663
valid license issued under Chapter 4713. of the Revised Code, or 664
that is nonprofit and has a certificate of authorization issued 665
under section 1713.02 of the Revised Code, or that is a private 666
institution exempt from regulation under Chapter 3332. of the 667
Revised Code as prescribed in section 3333.046 of the Revised 668
Code, which reduces tuition and student fees of a student who is 669
eligible to attend an institution of higher education under the 670
provisions of division (B) of this section by an amount 671
indicated by the chancellor of higher education shall be 672
eligible to receive a grant in that amount from the chancellor. 673

Each institution that enrolls students under division (B) 674
of this section shall report to the chancellor, by the first day 675
of July of each year, the number of students who were so 676
enrolled and the average amount of all such tuition and student 677

fees waived during the preceding year. The chancellor shall 678
determine the average amount of all such tuition and student 679
fees waived during the preceding year. The average amount of the 680
tuition and student fees waived under division (B) of this 681
section during the preceding year shall be the amount of grants 682
that participating institutions shall receive under this 683
division during the current year, but no grant under this 684
division shall exceed the tuition and student fees due and 685
payable by the student prior to the reduction referred to in 686
this division. The grants shall be made for two certificate 687
programs or four years of undergraduate education of an eligible 688
student. 689

(D) Notwithstanding anything to the contrary in section 690
3333.31 of the Revised Code, for the purposes of divisions (B) 691
(2) and (3) of this section, the child, spouse, or qualified 692
former spouse of a public service officer or a member of the 693
armed services of the United States killed in the line of duty 694
shall be considered a resident of this state for the purposes of 695
this section if the child, spouse, or qualified former spouse 696
was a resident of this state at the time that the public service 697
officer or member of the armed services was killed. 698

However, no child, spouse, or qualified former spouse of a 699
public service officer or a member of the armed services of the 700
United States killed in the line of duty shall be required to be 701
a resident of this state at the time the public service officer 702
or member of the armed services of the United States was killed 703
in order to receive benefits under divisions (B) (2) and (3) of 704
this section. 705

(E) A child, spouse, or qualified former spouse of a 706
public service officer or a member of the armed services killed 707

in the line of duty shall receive benefits for a certificate 708
program in accordance with division (B) or (C) of this section, 709
except that a particular child, spouse, or qualified former 710
spouse shall not receive benefits for: 711

(1) More than two certificate programs; 712

(2) A total number of academic credits or instructional 713
hours equivalent to more than four academic years; 714

(3) For any particular academic year, an amount that is 715
greater than eight thousand dollars. 716

Sec. 4709.01. As used in this chapter: 717

(A) (1) Except as provided in division (A) (2) of this 718
section, "the practice of barbering" means any one or more of 719
the following when performed upon the head, neck, or face for 720
cosmetic purposes and when performed upon the public for pay, 721
free, or otherwise: 722

(a) Shaving the face, shaving around the vicinity of the 723
ears and neckline, or trimming facial hair; 724

(b) Cutting or styling hair; 725

(c) Facials, skin care, or scalp massages; 726

(d) Shampooing, bleaching, coloring, straightening, or 727
permanent waving hair; 728

(e) Cutting, fitting, or forming head caps for wigs or 729
hair pieces. 730

(2) "The practice of barbering" does not include the 731
practice of natural hair styling. 732

(B) ~~Sanitary means free of infectious agents, disease, or~~ 733
~~infestation by insects or vermin and free of soil, dust, or~~ 734

~~foreign material.~~ 735

~~(C) "Barber" means any person an individual who engages in
or attempts to engage in the practice of barbering.~~ 736
737

~~(D) Barber school means any establishment that engages in
or attempts to engage in the teaching of the practice of
barbering.~~ 738
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~~(E) (C) "Barber teacher instructor" 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.~~ 741
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~~(F) (D) "Assistant barber teacher instructor" means any
person who assists an individual authorized to assist a barber
teacher instructor in the teaching of the theory and practice of
barbering.~~ 745
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~~(G) (E) "Barber pole" means a cylinder or pole with
alternating stripes of any combination including red and white,
and red, white, and blue, which run diagonally along the length
of the cylinder or pole.~~ 749
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~~(F) "Barber shop" means any premises, building, or part of
a building in which an individual engages in the practice of
barbering.~~ 753
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~~(G) "Biennial licensing period" means the two-year period
beginning on the first day of September of an even-numbered year
and ending on the last day of August of the next even-numbered
year.~~ 756
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759

~~(H) The "Cosmetic therapy," "practice of natural hair
styling means work done for a fee or other form of compensation,
by any person, utilizing techniques performed by hand that~~ 760
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762

~~result in tension on hair roots such as twisting, wrapping,~~ 763
~~weaving, extending, locking, or braiding of the hair, and which~~ 764
~~work does not include the application of dyes, reactive~~ 765
~~chemicals, or other preparations to alter the color or to~~ 766
~~straighten, curl, or alter the structure of the hair," and~~ 767
"school" have the same meanings as in section 4713.01 of the 768
Revised Code. 769

(I) ~~Braiding means intertwining the hair in a systematic~~ 770
~~motion to create patterns in a three dimensional form, inverting~~ 771
~~the hair against the scalp along part of a straight or curved~~ 772
~~row of intertwined hair, or twisting the hair in a systematic~~ 773
~~motion, and includes extending the hair with natural or~~ 774
~~synthetic hair fibers."Independent contractor" means an~~ 775
individual who is not an employee of a barber shop but practices 776
barbering within a barber shop. 777

(J) "Infection control" means the practice of preventing 778
the spread of infections and disease by ensuring that a barber 779
shop, including all equipment and implements in the barber shop, 780
are maintained by doing all of the following, as applicable: 781

(1) Removing surface or visible dirt or debris by cleaning 782
with soap, detergent, or a chemical cleaner, followed by rinsing 783
with clean water; 784

(2) Using a chemical disinfectant to kill or denature 785
bacteria, fungi, and viruses; 786

(3) Applying heat or using other procedures to eliminate, 787
remove, or kill all forms of microbial life present on a surface 788
or contained in a fluid. 789

Sec. 4709.02. Except as otherwise provided in this 790
chapter, no individual shall do any of the following: 791

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|---|-----|
| <u>(A) Engage in the practice of barbering without one of the</u> | 792 |
| <u>following:</u> | 793 |
| <u>(1) A current, valid barber license issued under section</u> | 794 |
| <u>4709.07 or 4709.08 of the Revised Code;</u> | 795 |
| <u>(2) A current, valid temporary pre-examination work permit</u> | 796 |
| <u>issued under section 4709.071 of the Revised Code.</u> | 797 |
| <u>(B) Operate a barber shop without a current, valid barber</u> | 798 |
| <u>shop license issued under section 4709.09 of the Revised Code;</u> | 799 |
| <u>(C) Except as provided in section 4713.45 of the Revised</u> | 800 |
| <u>Code, teach or assist in teaching the theory and practice of</u> | 801 |
| <u>barbering without a current, valid barber instructor or</u> | 802 |
| <u>assistant barber instructor license issued under section</u> | 803 |
| <u>4709.072 of the Revised Code;</u> | 804 |
| <u>(D) Use or display a barber pole for the purpose of</u> | 805 |
| <u>advertising or offering barber services without a current, valid</u> | 806 |
| <u>barber shop license issued under section 4709.09 of the Revised</u> | 807 |
| <u>Code;</u> | 808 |
| <u>(E) Use fraud or deceit in obtaining or applying for a</u> | 809 |
| <u>license or permit issued pursuant to this chapter;</u> | 810 |
| <u>(F) Employ an individual to perform the practice of</u> | 811 |
| <u>barbering unless the individual holds one of the following:</u> | 812 |
| <u>(1) A current, valid barber license issued under section</u> | 813 |
| <u>4709.07 of the Revised Code;</u> | 814 |
| <u>(2) A current, valid temporary pre-examination work permit</u> | 815 |
| <u>issued under section 4709.071 of the Revised Code.</u> | 816 |
| <u>(G) Practice barbering at a barber shop as an independent</u> | 817 |
| <u>contractor without a current, valid independent contractor</u> | 818 |

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| <u>license issued under section 4709.09 of the Revised Code;</u> | 819 |
| <u>(H) Provide any of the following at a barber shop for pay,</u> | 820 |
| <u>free, or otherwise:</u> | 821 |
| <u>(1) Massage therapy, unless the individual has a current,</u> | 822 |
| <u>valid license issued by the state medical board under section</u> | 823 |
| <u>4731.15 of the Revised Code;</u> | 824 |
| <u>(2) Any other professional service, unless the individual</u> | 825 |
| <u>has a current, valid license or certificate issued by the</u> | 826 |
| <u>professional regulatory board of this state that regulates the</u> | 827 |
| <u>profession;</u> | 828 |
| <u>(3) Cosmetic therapy, unless the individual is authorized</u> | 829 |
| <u>by rules adopted under section 4709.05 of the Revised Code.</u> | 830 |
| <u>(I) Practice barbering in a location other than a barber</u> | 831 |
| <u>shop unless exempted under section 4709.031 or 4713.351 of the</u> | 832 |
| <u>Revised Code;</u> | 833 |
| <u>(J) Aid or abet any individual or entity in any of the</u> | 834 |
| <u>following:</u> | 835 |
| <u>(1) Violating this chapter or a rule adopted under it;</u> | 836 |
| <u>(2) Obtaining a license or permit fraudulently;</u> | 837 |
| <u>(3) Falsely pretending to hold a current, valid license or</u> | 838 |
| <u>permit.</u> | 839 |
| Sec. 4709.03. <u>(A) The following individuals are exempt</u> | 840 |
| <u>from this chapter, except section 4709.091 of the Revised Code,</u> | 841 |
| <u>as applicable:</u> | 842 |
| <u>(1) All individuals licensed by this state to practice</u> | 843 |
| <u>medicine, surgery, dentistry, or any branch of medicine,</u> | 844 |
| <u>surgery, or dentistry, while acting within the scope of practice</u> | 845 |

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| <u>for the license, permit, or certificate held;</u> | 846 |
| <u>(2) Commissioned medical or surgical officers of the</u> | 847 |
| <u>United States army, navy, air force, or marine hospital service,</u> | 848 |
| <u>and attendants attached to the same, while acting within the</u> | 849 |
| <u>scope of practice for the license, permit, or certificate held;</u> | 850 |
| <u>(3) Nurses licensed under Chapter 4723. of the Revised</u> | 851 |
| <u>Code, while acting within the scope of practice for the license</u> | 852 |
| <u>or certificate held;</u> | 853 |
| <u>(4) Cosmetologists and hair designers licensed under</u> | 854 |
| <u>Chapter 4713. of the Revised Code, while acting within the scope</u> | 855 |
| <u>of practice for the license or permit held;</u> | 856 |
| <u>(5) Funeral directors, embalmers, and apprentices licensed</u> | 857 |
| <u>or certified under Chapter 4717. of the Revised Code, while</u> | 858 |
| <u>acting within the scope of practice for the license, permit, or</u> | 859 |
| <u>certificate held;</u> | 860 |
| <u>(6) Volunteers of hospitals and homes as defined in</u> | 861 |
| <u>section 3721.01 of the Revised Code, who render service to</u> | 862 |
| <u>registered patients and inpatients who reside in such hospitals</u> | 863 |
| <u>or homes;</u> | 864 |
| <u>(7) Nurse aides and other employees of hospitals and homes</u> | 865 |
| <u>as defined in section 3721.01 of the Revised Code, who engage in</u> | 866 |
| <u>the practice of barbering on registered patients only as part of</u> | 867 |
| <u>general patient care services and who do not charge patients</u> | 868 |
| <u>directly on a fee-for-service basis;</u> | 869 |
| <u>(8) Massage therapists who hold current, valid licenses to</u> | 870 |
| <u>practice massage therapy issued by the state medical board under</u> | 871 |
| <u>section 4731.15 of the Revised Code, while acting within the</u> | 872 |
| <u>scope of practice for the license held;</u> | 873 |

(9) Inmates who provide services related to the practice of barbering to other inmates, except when those services are provided in a licensed barber shop or school within a state correctional institution. 874
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(B) A volunteer described in division (A)(6) of this section shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to a patient. 878
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(C) The director of rehabilitation and correction shall oversee the services described in division (A)(9) of this section with respect to infection control and adopt rules governing those types of services provided by inmates. 883
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Sec. 4709.031. Nothing in this chapter prohibits an individual holding a license issued under this chapter from practicing barbering on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code. 887
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Sec. 4709.05. (A) In addition to any other duty imposed on the state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code, the board shall do all of the following: 892
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(1) Regulate the practice of barbering in this state; 896

(2) Conduct or have conducted the examination for applicants to practice as licensed barbers; 897
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(3) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4709.07 of the Revised Code or a license or permit issued under this chapter; 899
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(4) Prescribe and make available application forms to be used by individuals seeking renewal of a license or permit issued under this chapter; 903
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(5) Furnish a copy of the infection control standards adopted pursuant to division (A) (8) (a) of this section to both of the following: 906
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(a) Each individual or person to whom the board issues a barber license or license to operate a barber shop; 909
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(b) Each individual providing cosmetic therapy, massage therapy, or other professional service in a barber shop under section 4709.091 of the Revised Code. 911
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(6) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a barber shop under this chapter; 914
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(7) Comply with sections 4713.641 and 4713.66 of the Revised Code regarding investigations and inspections; 917
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(8) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and that cover all of the following: 919
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(a) Infection control standards for the practice of barbering and the operation of barber shops; 922
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(b) The content of the examination required of an applicant for a barber license under section 4709.07 of the Revised Code and the passing score required for the examination; 924
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(c) Conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4709.071 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; 927
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(d) Requirements for the licensure of barber instructors and assistant barber instructors that are in addition to the requirements specified in section 4709.072 of the Revised Code; 931
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(e) Conditions under which the board will take into account, under section 4709.073 of the Revised Code, instruction an applicant for a license under section 4709.07 or 4709.072 of the Revised Code received more than five years before the date of application for the license; 934
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(f) Conditions an applicant must satisfy for the board to issue the applicant a license under section 4709.08 of the Revised Code without the applicant taking an examination conducted under section 4709.07 of the Revised Code; 939
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(g) Conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4709.09 of the Revised Code and the fee for the issuance and renewal of the license; 943
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(h) Specify which professions regulated by a professional regulatory board of this state may be practiced in a barber shop under section 4709.091 of the Revised Code, including whether cosmetic therapy may be practiced in a barber shop; 947
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(i) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a barber shop pursuant to section 4709.091 of the Revised Code; 951
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(j) If the board, under section 4709.111 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following: 954
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(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service; 957
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(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. 960
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(k) Any other area the board determines appropriate to administer or enforce this chapter. 963
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(B) The infection control standards established under division (A) (8) (a) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. 965
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(C) The content of the examination specified in rules adopted under division (A) (8) (b) of this section shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering. 969
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(D) The rules adopted under division (A) (8) (c) of this section may establish additional conditions for a temporary pre-examination work permit under section 4709.071 of the Revised Code that are applicable to individuals who are licensed to practice barbering in another state or country. 976
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(E) The conditions specified in rules adopted under division (A) (8) (f) of this section may include that an applicant is applying for a barber license for which the board determines an examination is unnecessary. 981
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(F) The rules adopted under division (A) (8) (h) of this section shall not include a profession if practice of the profession in a barber shop is a violation of a statute or rule governing the profession. 985
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(G) If the board adopts a procedure for classifying licenses inactive, the continuing education specified under division (A) (8) (j) (ii) of this section 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. 989
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Sec. 4709.051. (A) The state cosmetology and barber board may adopt rules in accordance with section 4709.05 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 barber license, barber instructor license, or assistant barber instructor license. 998
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(B) If the board establishes a continuing education requirement under division (A) of this section, an individual holding a barber license, barber instructor license, or assistant barber instructor license shall satisfy the requirement by completing a continuing education program approved in accordance with division (B) of section 4713.62 of the Revised Code. 1004
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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 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. 1011
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~~Sec. 4709.07. (A) Each person individual who desires to
obtain an initial license to practice barbering shall apply to
the state cosmetology and barber board, on forms provided by the
board. The application form shall include the name of the person
applying for the license and evidence that the applicant meets
all of the requirements of division (B) of this section. The
application shall be accompanied by two signed current
photographs of the applicant, in the size determined by the
board, that show only the head and shoulders of the applicant,
and the examination application fee.~~

~~(B) In order applies to take the required barber
examination and to qualify for licensure as a barber, an
applicant must shall demonstrate that the applicant individual
meets all of the following:~~

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

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

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

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

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

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

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

(5) Has graduated with at least one thousand eight hundred 1047
hours of board-approved training from a ~~board-approved barber~~ 1048
school or has graduated with at least one thousand hours of 1049
board-approved training from a ~~board-approved barber~~ school ~~in~~ 1050
~~this state~~ and has a current cosmetology or hair designer 1051
license issued pursuant to Chapter 4713. of the Revised Code. ~~No~~ 1052
~~hours of instruction earned by an applicant five or more years~~ 1053
~~prior to the examination apply to the hours of study required by~~ 1054
~~this division;~~ 1055

(6) Has paid the application fee. 1056

(B) The board shall issue a barber license to an applicant 1057
who passes the examination and pays the license fee. 1058

~~(C)~~ ~~Any applicant who meets all of the requirements of~~ 1059
~~divisions (A) and (B) of this section may take the barber~~ 1060
~~examination at the time and place specified by the board. If the~~ 1061
~~an applicant fails to attain at least a seventy five per cent~~ 1062
~~pass rate on each any part of the examination, the applicant is~~ 1063
~~ineligible for licensure; however, the applicant may reapply for~~ 1064
~~examination within ninety days after the date of the release of~~ 1065
~~the examination scores by paying and pay the required~~ 1066
reexamination fee. An applicant is only required to take that 1067
part or parts of the examination ~~on which~~ that the applicant did 1068
not receive a score of seventy five per cent or higher pass. ~~If~~ 1069
~~the applicant fails to reapply for examination within ninety~~ 1070
~~days or fails the second examination, in order to reapply for~~ 1071
~~examination for licensure the applicant shall complete an~~ 1072
~~additional course of study of not less than two hundred hours,~~ 1073
~~in a board-approved barber school.~~ The board shall provide to an 1074
applicant, upon request, a report which explains the reasons for 1075
the applicant's failure to pass the examination. 1076

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

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

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

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

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

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

license. 1106

(C) A temporary pre-examination work permit is renewable 1107
in accordance with rules adopted under section 4709.05 of the 1108
Revised Code. 1109

Sec. 4709.072. (A) The state cosmetology and barber board 1110
shall issue a barber instructor license to an applicant who 1111
meets all of the following requirements: 1112

(1) Is at least eighteen years of age; 1113

(2) Holds a current, valid barber license issued under 1114
section 4709.07 of the Revised Code and meets either of the 1115
following requirements: 1116

(a) Has at least eighteen months of work experience in a 1117
licensed barber shop; 1118

(b) Has been employed as an assistant barber instructor 1119
under the supervision of a licensed barber for at least one 1120
year. 1121

(3) Passes the required examination; 1122

(4) Pays the applicable license fee; 1123

(5) Meets any additional requirements specified in rules 1124
adopted by the board under section 4709.05 of the Revised Code. 1125

(B) The board shall issue an assistant barber instructor 1126
license to an applicant who holds a current, valid barber 1127
license issued under section 4709.07 of the Revised Code and 1128
meets the requirements listed in divisions (A) (1), (4), and (5) 1129
of this section. 1130

(C) Every holder of a barber instructor license or 1131
assistant barber instructor license shall maintain a board- 1132

issued, wallet-sized license or electronically generated license 1133
certification and a current government-issued photo 1134
identification that can be produced upon inspection or request. 1135

Sec. 4709.073. When determining the total hours of 1136
instruction received by an applicant under section 4709.07 or 1137
4709.072 of the Revised Code, the state cosmetology and barber 1138
board shall not take into account more than ten hours of 1139
instruction per day. The board shall take into account 1140
instruction received more than five years before the date of 1141
application for the license in accordance with rules adopted 1142
under section 4709.05 of the Revised Code. 1143

Sec. 4709.08. (A) Any ~~person~~ individual who holds a 1144
current license or registration to practice as a barber or teach 1145
the theory and practice of barbering in any other state or 1146
district of the United States or country whose requirements for 1147
licensure or registration of barbers, barber instructors, or 1148
assistant barber instructors are substantially equivalent to the 1149
requirements of this chapter and rules adopted under it ~~and that~~ 1150
~~extends similar reciprocity to persons licensed as barbers in~~ 1151
~~this state~~ may apply to the state cosmetology and barber board 1152
for a barber, barber instructor, or assistant barber instructor 1153
license. 1154

(B) The board shall, ~~without examination, unless the board~~ 1155
~~determines to require an examination,~~ issue a license to 1156
~~practice as a licensed barber in this state if the person an~~ 1157
applicant who meets all of the following requirements ~~of this~~ 1158
~~section, is:~~ 1159

(1) Is at least eighteen years of age, ~~and pays;~~ 1160

(2) In the case of an applicant for a barber license, 1161

passes an examination conducted under section 4709.07 of the 1162
Revised Code, unless the applicant satisfies conditions 1163
specified in rules adopted under section 4709.05 of the Revised 1164
Code for the board to issue the applicant a license without 1165
taking the examination; 1166

~~(3) Pays the required fees. The board may waive any of the~~ 1167
~~requirements of this section.~~ 1168

Sec. 4709.09. (A) Each ~~person~~ applicant who desires to 1169
obtain a barber shop license shall apply to the state 1170
cosmetology and barber board, on forms provided by the board. 1171
The board shall issue a barber shop license to a ~~person~~ an 1172
applicant if the board determines that the ~~person meets all of~~ 1173
~~the requirements of division (B) of this section and pays~~ 1174
applicant has paid the required license and inspection fees. 1175

~~(B) In order for a person to qualify for a license to~~ 1176
~~operate a barber shop, fee and ensured that~~ the barber shop shall 1177
meet all of the following requirements: 1178

(1) Be in the charge and under the immediate supervision 1179
of a licensed barber; 1180

(2) Be equipped to provide running hot and cold water and 1181
proper drainage; 1182

(3) ~~Sanitize and maintain in a sanitary condition, all~~ 1183
~~instruments and supplies;~~ 1184

~~(4) Keep towels and linens clean and sanitary and in a~~ 1185
~~dry, dust proof container;~~ 1186

~~(5) Display~~ Be in compliance with the infection control 1187
standards adopted by the board in rule; 1188

(4) Pass an initial inspection as described in division 1189

(A) (10) of section 4713.07 of the Revised Code. 1190

(B) An applicant issued a barber shop license under 1191
division (A) of this section shall display the shop license and 1192
a copy of the board's sanitary rules-infection control standards 1193
provided by the board under division (A) (5) of section 4709.05 1194
of the Revised Code in a public and conspicuous place in the 1195
working area barber shop. 1196

(C) (1) Any licensed barber who leases space in a licensed 1197
barber shop and engages in the practice of barbering independent 1198
and free from supervision of the owner or manager of the barber 1199
shop is considered to be engaged in the operation of a separate- 1200
and distinct barber shop and shall obtain a-an independent 1201
contractor license to operate a barber shop pursuant to this- 1202
section by submitting the form provided by the board, paying the 1203
applicable fee, and satisfying the conditions for the license 1204
established in rules adopted under section 4709.05 of the 1205
Revised Code. 1206

(2) Every holder of an independent contractor license 1207
shall maintain the board-issued, wallet-sized license or 1208
electronically generated license certification and a current 1209
government-issued photo identification that can be produced upon 1210
inspection or request. 1211

(D) A shop license is not transferable from one owner to 1212
another and if an owner or operator of a barber shop permanently- 1213
ceases offering barber services at the shop, the owner or 1214
operator shall return the barber shop license to the board- 1215
within ten days of the cessation of services or from one location 1216
to another. 1217

(E) (1) Manicurists licensed under Chapter 4713. of the- 1218

~~Revised Code may practice manicuring in a barber shop.~~ 1219

~~(2) (E) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.~~ 1220
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~~(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.~~ 1222
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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 if the individual's profession is authorized by rules adopted under section 4709.05 of the Revised Code to practice in a barber shop. An individual may provide cosmetic therapy in a barber shop if authorized by rules adopted under section 4709.05 of the Revised Code to practice in a barber shop. 1225
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(B) An individual providing cosmetic therapy, massage therapy, or other professional service in a barber shop pursuant to this section shall satisfy the standards established by rules adopted under section 4709.05 of the Revised Code. 1236
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(C) An individual who provides massage therapy or other professional services in a barber shop under this section shall maintain the individual's professional license or certificate or electronically generated license certification or registration and a state of Ohio issued photo identification that can be produced on inspection or request. 1240
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Sec. 4709.10. An applicant for a license to operate a school shall submit an application to the state cosmetology and 1246
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barber board and satisfy the requirements under section 4713.44 1248
of the Revised Code to be issued the license. If the school for 1249
which the applicant is applying for a license under that section 1250
offers instruction in the theory and practice of barbering, the 1251
applicant shall do all of the following to be issued the 1252
license: 1253

(A) Provide sufficient licensed teaching personnel to meet 1254
the minimum student-instructor ratio established by the board in 1255
rules adopted under section 4713.08 of the Revised Code; 1256

(B) Establish minimum standards for acceptance of student 1257
applicants for admission to the school to learn the theory and 1258
practice of barbering; 1259

(C) Employ not more than two licensed assistant barber 1260
instructors for each licensed barber instructor employed or 1261
fewer than two licensed instructors or one licensed instructor 1262
and one licensed assistant instructor at each facility; 1263

(D) Pass an initial inspection as described in division 1264
(A) (10) of section 4713.07 of the Revised Code. 1265

Sec. 4709.11. Every license issued pursuant to this 1266
chapter expires on the thirty-first day of August of each even- 1267
numbered year. Each licensee desiring to do so shall, on or 1268
before the first day of September of each even-numbered year, 1269
renew the licensee's license pursuant to the standard renewal 1270
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1271
~~expired license shall restore the holder's license before~~ 1272
~~continuing the practice of barbering or the activity for which~~ 1273
~~the holder is licensed under this chapter and pay the~~ 1274
~~appropriate restoration fee. If the person fails to restore the~~ 1275
~~person's license within six years, the person shall pay any~~ 1276

~~required restoration fee and take any examination required for~~ 1277
~~the license under this chapter~~ 1278

If the state cosmetology and barber board adopts rules 1279
under section 4709.051 of the Revised Code to establish a 1280
continuing education requirement as a condition of renewal for a 1281
barber license, barber instructor license, or assistant barber 1282
instructor license, the board shall inform each licensee of the 1283
continuing education requirement that applies to the next 1284
biennial licensing period by including that information in the 1285
renewal notification the board sends the licensee. The board 1286
shall state in the notification that the licensee must complete 1287
the continuing education requirement by the fifteenth day of 1288
August of the next even-numbered year. Hours completed in excess 1289
of the continuing education requirement may not be applied to 1290
the next biennial licensing period. 1291

The board may waive or extend the period for a licensee to 1292
complete any applicable continuing education requirement in 1293
accordance with division (B) of section 4713.60 of the Revised 1294
Code. Every license that has not been renewed in the timeframe 1295
specified in this section and for which the continuing education 1296
requirement has not been waived or extended shall be considered 1297
expired. 1298

Sec. 4709.111. (A) If the state cosmetology and barber 1299
board adopts a continuing education requirement under section 1300
4709.051 of the Revised Code, it may develop a procedure by 1301
which an individual who holds a barber license, barber 1302
instructor license, or assistant barber instructor license and 1303
who is not currently engaged in the practice of barbering or 1304
teaching or assisting in teaching of the theory and practice of 1305
barbering, but who desires to be so engaged in the future, may 1306

apply to the board to have the individual's license classified 1307
inactive. If the board develops this procedure, an individual 1308
seeking to have the individual's license classified inactive 1309
shall apply to the board on a form provided by the board and pay 1310
the fee established by rules adopted under section 4709.05 of 1311
the Revised Code. 1312

(B) The board shall not restore an inactive license until 1313
the individual holding the license submits proof satisfactory to 1314
the board that the individual has completed the continuing 1315
education requirement established by the board in rules adopted 1316
under section 4709.05 of the Revised Code. 1317

Sec. 4709.112. (A) A barber license, barber instructor 1318
license, or assistant barber instructor license that has not 1319
been renewed for any reason other than because it has been 1320
revoked, suspended, classified inactive, or because the license 1321
holder has been given a waiver or extension under section 1322
4709.11 of the Revised Code, is expired. An expired license may 1323
be restored if the individual who held the license satisfies 1324
both of the following requirements: 1325

(1) Pays to the state cosmetology and barber board the 1326
restoration fee established under section 4709.12 of the Revised 1327
Code; 1328

(2) In the case of a barber license that has been expired 1329
for more than two consecutive license renewal periods, completes 1330
any outstanding continuing education requirements for each 1331
license renewal period that has elapsed since the license was 1332
last issued or renewed, up to a maximum of twenty-four hours. 1333

(B) At least four of the continuing education hours 1334
required under division (A) (2) of this section shall include a 1335

course pertaining to infection control and safety methods. 1336

Sec. 4709.12. (A) The state cosmetology and barber board 1337
shall charge and collect the following nonrefundable fees: 1338

(1) For the application to take the barber examination, 1339
not more than ninety dollars; 1340

(2) For an application to retake any one part of the 1341
barber examination, not more than forty-five dollars; 1342

(3) For an application to take the barber examination by 1343
an applicant who has previously applied to take but failed to 1344
appear for the examination, not more than one hundred dollars; 1345

(4) For the initial issuance of a license to practice as a 1346
barber, not more than thirty dollars; 1347

~~(4)~~(5) For the biennial renewal of the license to 1348
practice as a barber, not more than one hundred ten dollars; 1349

~~(5)~~(6) For the restoration of an expired barber license, 1350
not more than one hundred fifty dollars, and not more than 1351
seventy-five dollars for each lapsed year, provided that the 1352
total fee shall not exceed six hundred ninety dollars; 1353

~~(6)~~(7) For the issuance of a duplicate barber ~~or~~ shop 1354
license, not more than forty-five dollars; 1355

~~(7)~~(8) For the ~~inspection issuance~~ of a new barber shop, 1356
~~license or a change of ownership, or reopening of premises or~~ 1357
~~facilities formerly operated as a barber shop, and issuance of a~~ 1358
~~shop license,~~ not more than one hundred ten dollars; 1359

~~(8)~~(9) For the biennial renewal of a barber shop license, 1360
not more than seventy-five dollars; 1361

~~(9)~~(10) For the restoration of a barber shop license, not 1362

more than one hundred ten dollars; 1363

~~(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;~~ 1364
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~~(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;~~ 1367
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~~(12) For the restoration of a barber school license, one thousand dollars;~~ 1370
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~~(13) For the issuance of a student registration, forty dollars;~~ 1372
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~~(14)~~ (11) For the examination and issuance of a biennial teacher-barber instructor license, not more than one hundred eighty-five dollars; 1374
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~~(15)~~ (12) For the issuance of a biennial assistant barber instructor license, not more than one hundred fifty dollars; 1377
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(13) For the renewal of a biennial teacher-barber instructor or assistant barber instructor license, not more than one hundred fifty dollars; 1379
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~~(16)~~ (14) For the restoration of an expired teacher-barber instructor or assistant barber instructor license, not more than two hundred twenty-five dollars, and not more than sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars; 1382
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~~(17)~~ (15) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, not more than three hundred dollars; 1387
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~~(18)-(16) For providing licensure information concerning~~ 1390
~~an applicant, upon written request of the applicant~~ 1391
~~the preparation and mailing of a licensee's records to another state~~ 1392
~~for a reciprocal license, not more than forty dollars;~~ 1393

(17) For a temporary pre-examination work permit under 1394
section 4709.071 of the Revised Code, not more than fifteen 1395
dollars. 1396

(B) The board shall adjust the fees biennially, by rule, 1397
within the limits established by division (A) of this section, 1398
to provide sufficient revenues to meet its expenses. 1399

(C) The board, subject to the approval of the controlling 1400
board, may establish fees in excess of the amounts provided in 1401
this section, provided that the fees do not exceed the amounts 1402
permitted by this section by more than fifty per cent. 1403

~~(C) In addition to any other fee charged and collected~~ 1404
~~under this section, the board shall ask each person renewing a~~ 1405
~~license to practice as a barber whether the person wishes to~~ 1406
~~make a two dollar voluntary contribution to the Ed Jeffers~~ 1407
~~barber museum. The board shall transmit any contributions to the~~ 1408
~~treasurer of state for deposit into the occupational licensing~~ 1409
~~fund.~~ 1410

(D) At the request of a person who is temporarily unable 1411
to pay a fee imposed under division (A) of this section, or on 1412
its own motion, the board may extend the date payment is due by 1413
up to ninety days. If the fee remains unpaid after the date 1414
payment is due, the amount of the fee shall be certified to the 1415
attorney general for collection in the form and manner 1416
prescribed by the attorney general. The attorney general may 1417
assess the collection cost to the amount certified in such a 1418

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| <u>manner and amount as prescribed by the attorney general.</u> | 1419 |
| <u>Sec. 4709.13. (A) The state cosmetology and barber board</u> | 1420 |
| <u>may take disciplinary action under division (B) of this section</u> | 1421 |
| <u>for any of the following:</u> | 1422 |
| <u>(1) Willful, false, and fraudulent or deceptive</u> | 1423 |
| <u>advertising;</u> | 1424 |
| <u>(2) Habitual drunkenness or addiction to any habit-forming</u> | 1425 |
| <u>drug;</u> | 1426 |
| <u>(3) Failure to comply with the safety, infection control,</u> | 1427 |
| <u>and licensing requirements of this chapter or rules adopted</u> | 1428 |
| <u>under it;</u> | 1429 |
| <u>(4) Continued practice by an individual knowingly having</u> | 1430 |
| <u>an infectious or contagious disease;</u> | 1431 |
| <u>(5) Falsification of any record or application required to</u> | 1432 |
| <u>be filed with the board;</u> | 1433 |
| <u>(6) Failure to pay a fine or abide by a suspension order</u> | 1434 |
| <u>issued by the board;</u> | 1435 |
| <u>(7) Failure to cooperate with an investigation or</u> | 1436 |
| <u>inspection;</u> | 1437 |
| <u>(8) Failure to respond to a subpoena;</u> | 1438 |
| <u>(9) Conviction of or plea of guilty to a violation of</u> | 1439 |
| <u>section 2905.32 of the Revised Code;</u> | 1440 |
| <u>(10) In the case of a barber shop, any individual's</u> | 1441 |
| <u>conviction of or plea of guilty to a violation of section</u> | 1442 |
| <u>2905.32 of the Revised Code for an activity that took place on</u> | 1443 |
| <u>the premises of the barber shop.</u> | 1444 |
| <u>(B) On determining that there is cause for disciplinary</u> | 1445 |

action, the board may do one or more of the following: 1446

(1) Deny, suspend, revoke, or impose conditions on a 1447
license or permit issued by the board pursuant to this chapter; 1448

(2) Impose a fine; 1449

(3) Require the holder of a license or permit issued under 1450
this chapter to take corrective action courses. 1451

(C) (1) Except as provided in divisions (C) (2) and (3) of 1452
this section, the board shall take disciplinary action pursuant 1453
to an adjudication under Chapter 119. of the Revised Code. 1454

(2) The board may take disciplinary action without 1455
conducting an adjudication under Chapter 119. of the Revised 1456
Code against an individual who or barber shop that is subject to 1457
discipline under division (A) (9) or (10) of this section. After 1458
the board takes such disciplinary action, the board shall give 1459
written notice to the subject of the disciplinary action of the 1460
right to request a hearing under Chapter 119. of the Revised 1461
Code. 1462

(3) In lieu of an adjudication, the board may enter into a 1463
consent agreement with the holder of a license or permit issued 1464
under this chapter. A consent agreement that is ratified by a 1465
majority vote of a quorum of the board members is considered to 1466
constitute the findings and orders of the board with respect to 1467
the matter addressed in the agreement. If the board does not 1468
ratify a consent agreement, the admissions and findings 1469
contained in the agreement are of no effect, and the case shall 1470
be scheduled for adjudication under Chapter 119. of the Revised 1471
Code. 1472

(D) The amount and content of corrective action courses 1473
and other relevant criteria shall be established by the board in 1474

rules adopted under section 4709.05 of the Revised Code. 1475

(E) (1) The board may impose a separate fine for each 1476
offense listed in division (A) of this section. The amount of 1477
the first fine issued for a violation as the result of an 1478
inspection shall be not more than two hundred fifty dollars if 1479
the violator has not previously been fined for that offense. Any 1480
finer issued for additional violations during such an inspection 1481
shall not be more than one hundred dollars for each additional 1482
violation. The fine shall be not more than five hundred dollars 1483
if the violator has been fined for the same offense once before. 1484
Any fines issued for additional violations during a second 1485
inspection shall not be more than two hundred dollars for each 1486
additional violation. The fine shall be not more than one 1487
thousand dollars if the violator has been fined for the same 1488
offense two or more times before. Any fines issued for 1489
additional violations during a third inspection shall not be 1490
more than three hundred dollars for each additional violation. 1491

(2) The board shall issue an order notifying a violator of 1492
a fine imposed under division (E) (1) of this section. The notice 1493
shall specify the date by which the fine is to be paid. The date 1494
shall be less than forty-five days after the board issues the 1495
order. 1496

(3) At the request of a violator who is temporarily unable 1497
to pay a fine, or on the board's own motion, the board may 1498
extend the time period within which the violator shall pay the 1499
fine up to ninety days after the date the board issues the 1500
order. 1501

(4) If the fine remains unpaid on the ninety-first day 1502
after the board issues an order under division (E) (2) of this 1503
section, the amount of the fine shall be certified to the 1504

attorney general for collection in the form and manner 1505
prescribed by the attorney general. The attorney general may 1506
assess the collection cost to the amount certified in such a 1507
manner and amount as prescribed by the attorney general. 1508

(F) The board shall notify a licensee who is subject to 1509
discipline under division (A) of this section and the owner of 1510
the barber shop in which the conditions constituting the reason 1511
for discipline were found. The individual receiving the notice 1512
and the owner of the barber shop may request a hearing pursuant 1513
to section 119.07 of the Revised Code. If the individual or 1514
owner fails to request a hearing or enter into a consent 1515
agreement thirty days after the date the board, in accordance 1516
with section 119.07 of the Revised Code and division (I) of this 1517
section, notifies the individual or owner of the board's intent 1518
to act against the individual or owner under division (A) of 1519
this section, the board, by a majority vote of a quorum of the 1520
board members, may take the action against the individual or 1521
owner without holding an adjudication hearing. 1522

(G) The board, after a hearing in accordance with Chapter 1523
119. of the Revised Code or pursuant to a consent agreement, may 1524
suspend a license or permit if the licensee or permit holder 1525
fails to correct an unsafe condition that exists in violation of 1526
the board's rules or fails to cooperate in an inspection. If a 1527
violation of this chapter or rules adopted under it has resulted 1528
in a condition reasonably believed by an inspector to create an 1529
immediate danger to the health and safety of any individual 1530
using the facility, the inspector may suspend the license or 1531
permit of the facility or the individual responsible for the 1532
violation without a prior hearing until the condition is 1533
corrected or until a hearing in accordance with Chapter 119. of 1534
the Revised Code is held or a consent agreement is entered into 1535

and the board either upholds the suspension or reinstates the 1536
license or permit. 1537

(H) The board shall not take disciplinary action against a 1538
person licensed to operate a barber shop for a violation of this 1539
chapter that was committed by a licensed barber while practicing 1540
within the barber shop, when the barber's actions were beyond 1541
the control of the barber shop owner. 1542

(I) In addition to the methods of notification required 1543
under section 119.07 of the Revised Code, the board may send the 1544
notices required under divisions (C) (2), (E) (2), and (F) of this 1545
section by any delivery method that is traceable and requires 1546
that the delivery person obtain a signature to verify that the 1547
notice has been delivered. The board also may send the notices 1548
by electronic mail, provided that the electronic mail delivery 1549
system certifies that a notice has been received. 1550

Sec. 4709.14. ~~(A) If the state cosmetology and barber~~ 1551
~~board determines that any person individual is violating or~~ 1552
~~threatening is about to violate any provision of this chapter or~~ 1553
~~the rules adopted pursuant thereto and such violation or~~ 1554
~~threatened violation is a threat to the health or safety of~~ 1555
~~persons who use barber services, the board may apply to a court~~ 1556
~~of competent jurisdiction in the county in which the violation~~ 1557
~~or threatened violation occurred or will occur for injunctive~~ 1558
~~relief and such other relief to prevent further violations. The~~ 1559
~~attorney general shall, at the board's request, represent the~~ 1560
~~board in any such action.~~ 1561

~~(B) If the board determines, after a hearing conducted in~~ 1562
~~accordance with Chapter 119. of the Revised Code, that any~~ 1563
~~person has violated any provision of this chapter or the rules~~ 1564
~~adopted pursuant thereto, the board may, in addition to any~~ 1565

~~other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.~~ 1566
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~~(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119. of the Revised Code and described in division (B) of this section.~~ 1571
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Sec. 4709.99. ~~Whoever violates this chapter or any rule adopted pursuant thereto section 4709.02 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars for a first offense; for each subsequent violation of the same provision, the person shall be fined not less than five hundred nor more than one thousand dollars.~~ 1576
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Sec. 4713.01. As used in this chapter: 1582

(A) "Apprentice instructor" means an individual holding a practicing license issued by the state cosmetology and barber board who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology. 1583
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(B) "Barber," "barber instructor," "barber shop," and "practice of barbering" have the same meanings as in section 4709.01 of the Revised Code. 1588
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1590

(C) "Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology. 1591
1592

(D) "Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year 1593
1594

and ending on the last day of January of the next odd-numbered 1595
year. 1596

(E) "Boutique salon" means a salon in which an individual 1597
engages in the practice of boutique services and no other branch 1598
of cosmetology. 1599

~~"Boutique services" means braiding, threading, shampooing,~~ 1600
~~and makeup artistry.~~ 1601

(F) "Braiding" means intertwining the hair in a systematic 1602
motion to create patterns in a three-dimensional form, ~~inverting~~ 1603
~~the hair including patterns that are inverted, upright, or~~ 1604
singled against the scalp that follow along part of a straight 1605
or curved row of intertwined hair, or partings. "Braiding" may 1606
include twisting, locking, beading, crocheting, wrapping, or 1607
similarly manipulating the hair in a systematic motion, and 1608
includes extending the while adding bulk or length with human 1609
hair with natural or, synthetic hair fibers, or both, and using 1610
simple devices such as clips, combs, crochet hooks, blunt- 1611
tipped needles, and hairpins. "Braiding" does not include the 1612
use of chemical hair-joining agents such as synthetic tape, 1613
keratin bonds, or fusion bonds to weave or fuse individual 1614
strands or wefts; applications of dyes, reactive chemicals, or 1615
other preparations to alter the color or straighten, curl, or 1616
alter the structure of hair; or embellishing or beautifying hair 1617
by cutting or singeing, except as needed to finish the ends of 1618
synthetic hair used to add bulk to or lengthen hair. 1619

(G) "Branch of cosmetology" means the ~~practice of~~ 1620
~~cosmetology,~~ practice of esthetics, practice of hair design, 1621
practice of manicuring, practice of natural hair styling, or 1622
practice of boutique services. 1623

(H) "Cosmetic therapy" means the permanent removal of hair 1624
from the human body through the use of electric modalities and 1625
may include the systematic friction, stroking, slapping, and 1626
kneading or tapping of the face, neck, scalp, or shoulders. 1627

(I) "Cosmetologist" means an individual authorized to 1628
engage in all branches of cosmetology in a licensed facility. 1629

~~"Cosmetology" means the art or practice of embellishment, 1630
cleansing, beautification, and styling of hair, wigs, postiches, 1631
face, body, or nails. 1632~~

(J) "Cosmetology instructor" means an individual 1633
authorized to teach the theory and practice of all branches of 1634
cosmetology at a school ~~of cosmetology.~~ 1635

(K) "Esthetician" means an individual who engages in the 1636
practice of esthetics but no other branch of cosmetology in a 1637
licensed facility. 1638

(L) "Esthetics instructor" means an individual who teaches 1639
the theory and practice of esthetics, but no other branch of 1640
cosmetology, at a school ~~of cosmetology.~~ 1641

(M) "Esthetics salon" means a salon in which an individual 1642
engages in the practice of esthetics but no other branch of 1643
cosmetology. 1644

(N) "Eye lash extensions" include temporary and semi- 1645
permanent enhancements designed to add length, thickness, and 1646
fullness to natural eyelashes. 1647

(O) "Hair designer" means an individual who engages in the 1648
practice of hair design but no other branch of cosmetology in a 1649
licensed facility. 1650

(P) "Hair design instructor" means an individual who 1651

teaches the theory and practice of hair design, but no other 1652
branch of cosmetology, at a school ~~of cosmetology~~. 1653

(Q) "Hair design salon" means a salon in which an 1654
individual engages in the practice of hair design but no other 1655
branch of cosmetology. 1656

(R) "Hair removal" includes tweezing, waxing, sugaring, 1657
and threading. "Hair removal" does not include electrolysis. 1658

(S) "Independent contractor" means an 1659
individual who is not an employee of a salon but practices 1660
a branch of cosmetology within a salon in a licensed facility. 1661

(T) "Infection control" means the practice of preventing 1662
the spread of infections and disease by ensuring that a salon, 1663
school, or tanning facility, including all equipment and 1664
implements in the salon, school, or tanning facility, are 1665
maintained by doing all of the following, as applicable: 1666

(1) Removing surface or visible dirt or debris by cleaning 1667
with soap, detergent, or a chemical cleaner, followed by rinsing 1668
with clean water; 1669

(2) Using a chemical disinfectant to kill or denature 1670
bacteria, fungi, and viruses; 1671

(3) Applying heat or using other procedures to eliminate, 1672
remove, or kill all forms of microbial life present on a surface 1673
or contained in a fluid. 1674

(U) "Instructor license" means a license to teach the 1675
theory and practice of a branch of cosmetology at a school ~~of~~ 1676
cosmetology. 1677

(V) "Licensed facility" means any premises, building, or 1678

part of a building licensed under section 4713.41 of the Revised Code in which the practice of one or more branches of cosmetology ~~services~~ are authorized by the state cosmetology and barber board to be performed.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~"Practice of braiding" means utilizing the technique of intertwining hair in a systematic motion to create patterns in a three dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or both and using simple devices such as clips, combs, and hairpins. "Practice of braiding" does not include application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure~~

~~of hair; embellishing or beautifying hair by cutting or~~ 1737
~~singeing, except as needed to finish the ends of synthetic~~ 1738
~~fibers used to add bulk to or lengthen hair.~~ 1739

(EE) "Practice of boutique services" means braiding, 1740
threading, shampooing, and makeup artistry. 1741

(FF) "Practice of cosmetology" means the practice of all 1742
branches of cosmetology. 1743

(GG) "Practice of esthetics" means the application of 1744
cosmetics, tonics, antiseptics, creams, lotions, or other 1745
preparations for the purpose of skin beautification and includes 1746
preparation of the skin by manual massage techniques or by use 1747
of electrical, mechanical, or other apparatus; enhancement of 1748
the skin by skin care, facials, body treatments, hair removal, 1749
and other treatments; and eye lash extension services. 1750

(HH) "Practice of hair design" means embellishing or 1751
beautifying hair, wigs, or hairpieces by arranging, dressing, 1752
pressing, curling, waving, permanent waving, cleansing, cutting, 1753
singeing, bleaching, coloring, braiding, weaving, bonding and 1754
fusion of individual strands or wefts, or similar work. 1755
"Practice of hair design" includes utilizing techniques 1756
performed by hand that result in tension on hair roots such as 1757
twisting, wrapping, weaving, extending, locking, or braiding of 1758
the hair. 1759

(II) "Practice of manicuring" means cleaning, trimming, 1760
shaping the free edge of, or applying polish to the nails of any 1761
individual; applying nail enhancements and embellishments to any 1762
individual; massaging the hands and lower arms up to the elbow 1763
of any individual; massaging the feet and lower legs up to the 1764
knee of any individual; using lotions or softeners on the hands 1765

and feet of any individual; or any combination of these types of 1766
services. 1767

(JJ) "Practice of natural hair styling" means utilizing 1768
techniques performed by hand that result in tension on hair 1769
roots such as twisting, wrapping, weaving, bonding and fusion of 1770
individual strands or wefts, extending, locking, or braiding of 1771
the hair and includes cleansing the hair in preparation for 1772
performing such techniques on the hair. "Practice of natural 1773
hair styling" does not include the application of dyes, reactive 1774
chemicals, or other preparations to alter the color or to 1775
straighten, curl, or alter the structure of the hair. "Practice 1776
of natural hair styling" also does not include embellishing or 1777
beautifying hair by cutting or singeing, except as needed to 1778
finish off the end of a braid, or by dressing, pressing, 1779
curling, waving, permanent waving, or similar work. 1780

(KK) "Practicing license" means a license to practice a 1781
branch of cosmetology in a licensed facility. 1782

(LL) "Salon" means a licensed facility on any premises, 1783
building, or part of a building in which an individual engages 1784
in the practice of one or more branches of cosmetology. "Salon" 1785
does not include a barber shop licensed under Chapter 4709. of 1786
the Revised Code. "Salon" does not mean a tanning facility, 1787
although a tanning facility may be located in a salon. 1788

(MM) ~~"School of cosmetology"~~ means any premises, building, 1789
or part of a building in which students are instructed in the 1790
theories and practices of one or more branches of cosmetology or 1791
barbering. 1792

(NN) "Shampooing" means the act of cleansing and 1793
conditioning an individual's hair under the supervision of an 1794

individual licensed under this chapter and in preparation to 1795
immediately receive a service from a licensee. 1796

(OO) "Student" means ~~an~~ both of the following: 1797

(1) An individual, other than an apprentice instructor, 1798
who is engaged in learning or acquiring knowledge of the 1799
practice of a branch of cosmetology at a school ~~of cosmetology;~~ 1800

(2) An individual engaged in learning or acquiring 1801
knowledge of the practice of barbering at a school. 1802

(PP) "Tanning facility" means any premises, building, or 1803
part of a building that contains one or more rooms or booths 1804
with any of the following: 1805

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1806
the use of fluorescent sun lamps using ultraviolet or other 1807
artificial radiation; 1808

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1809
human skin, including chemical applications commonly referred to 1810
as spray-on, mist-on, or sunless tans; 1811

~~(C)~~ (3) Equipment or beds that use visible light for 1812
cosmetic purposes. 1813

(OO) "Threading" includes a service that results in the 1814
removal of hair from its follicle from around the eyebrows and 1815
from other parts of the face with the use of a single strand of 1816
thread and an astringent, if the service does not use chemicals 1817
of any kind, wax, or any implements, instruments, or tools to 1818
remove hair. 1819

Sec. 4713.02. (A) There is hereby created the state 1820
cosmetology and barber board, consisting of all of the following 1821
members appointed by the governor, with the advice and consent 1822

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|---|------|
| of the senate: | 1823 |
| (1) One individual holding a current, valid cosmetologist | 1824 |
| or cosmetology instructor license at the time of appointment; | 1825 |
| (2) Two individuals holding current, valid cosmetologist | 1826 |
| licenses and actively engaged in managing beauty salons for a | 1827 |
| period of not less than five years at the time of appointment; | 1828 |
| (3) One individual who holds a current, valid independent | 1829 |
| contractor license <u>issued under this chapter or Chapter 4709. of</u> | 1830 |
| <u>the Revised Code</u> at the time of appointment and practices a | 1831 |
| branch of cosmetology; | 1832 |
| (4) One individual who represents individuals who teach | 1833 |
| the theory and practice of a branch of cosmetology at a | 1834 |
| vocational or career-technical school; | 1835 |
| (5) One owner or executive actively engaged in the daily | 1836 |
| operations of a licensed school of cosmetology; | 1837 |
| (6) One owner of at least five licensed salons; | 1838 |
| (7) One individual who is either a certified nurse | 1839 |
| practitioner or clinical nurse specialist holding a current, | 1840 |
| valid license to practice nursing as an advanced practice | 1841 |
| registered nurse issued under Chapter 4723. of the Revised Code | 1842 |
| or a physician authorized under Chapter 4731. of the Revised | 1843 |
| Code to practice medicine and surgery or osteopathic medicine | 1844 |
| and surgery; | 1845 |
| (8) One individual representing the general public; | 1846 |
| (9) One individual who holds a current, valid tanning | 1847 |
| permit and who has owned or managed a tanning facility for at | 1848 |
| least five years immediately preceding the individual's | 1849 |
| appointment; | 1850 |

(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;

(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;

(12) One individual who holds a current, valid barber or barber ~~teacher~~instructor license at the time of appointment and who has been licensed as a barber or barber ~~teacher~~instructor in this state for at least five years immediately preceding the individual's appointment.

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

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

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

the term for which the member's predecessor was appointed shall 1880
hold office for the remainder of such term. Any member shall 1881
continue in office subsequent to the expiration date of the 1882
member's term until the member's successor takes office, or 1883
until a period of sixty days has elapsed, whichever occurs 1884
first. Before entering upon the discharge of the duties of the 1885
office of member, each member shall take, and file with the 1886
secretary of state, the oath of office required by Section 7 of 1887
Article XV, Ohio Constitution. 1888

The members of the board shall receive an amount fixed 1889
pursuant to Chapter 124. of the Revised Code per diem for every 1890
meeting of the board which they attend, together with their 1891
necessary expenses, and mileage for each mile necessarily 1892
traveled. 1893

The members of the board shall annually elect, from among 1894
their number, a chairperson and a vice-chairperson. The 1895
executive director appointed pursuant to section 4713.06 of the 1896
Revised Code shall serve as the board's secretary. 1897

(D) The board shall prescribe the duties of its officers 1898
and establish an office within Franklin county. The board shall 1899
keep all records and files at the office and have the records 1900
and files at all reasonable hours open to public inspection in 1901
accordance with section 149.43 of the Revised Code and any rules 1902
adopted by the board in compliance with this state's record 1903
retention policy. The board also shall adopt a seal for the 1904
authentication of its orders, communications, and records. 1905

(E) The governor may remove any member for cause prior to 1906
the expiration of the member's term of office. 1907

(F) Whenever the term "state board of cosmetology" is 1908

used, referred to, or designated in statute, rule, contract, 1909
grant, or other document, the use, reference, or designation 1910
shall be deemed to mean the "state cosmetology and barber board" 1911
or the executive director of the state cosmetology and barber 1912
board, whichever is appropriate in context. Whenever the term 1913
"barber board" is used, referred to, or designated in statute, 1914
rule, contract, grant, or other document, the use, reference, or 1915
designation shall be deemed to mean the "state cosmetology and 1916
barber board" or the executive director of the state cosmetology 1917
and barber board, whichever is appropriate in context. 1918

Sec. 4713.06. The state cosmetology and barber board shall 1919
annually appoint an executive director. The executive director 1920
may not be a member of the board, but subsequent to appointment, 1921
shall serve as secretary of the board. The executive director, 1922
before entering upon the discharge of the executive director's 1923
duties, shall file with the secretary of state a good and 1924
sufficient bond payable to the state, to ensure the faithful 1925
performance of duties of the office of executive director. The 1926
bond shall be in an amount the board requires. The premium of 1927
the bond shall be paid from appropriations made to the board for 1928
operating purposes. Whenever the term "executive director of the 1929
state board of cosmetology" or the term "executive director of 1930
the barber board," or variations thereof, is used, referred to, 1931
or designated in statute, rule, contract, grant, or other 1932
document, the use, reference, or designation shall be deemed to 1933
mean the "executive director of the state cosmetology and barber 1934
board." 1935

The board may employ inspectors, examiners, consultants on 1936
contents of examinations, clerks, or other individuals as 1937
necessary for the administration of this chapter and Chapter 1938
4709. of the Revised Code. All inspectors and examiners shall be 1939

licensed cosmetologists pursuant to this chapter or licensed 1940
barbers pursuant to Chapter 4709. of the Revised Code. 1941

The board may appoint inspectors to inspect and 1942
investigate all facilities regulated by this chapter and Chapter 1943
4709. of the Revised Code, including tanning facilities, to 1944
ensure compliance with this chapter and Chapter 4709. of the 1945
Revised Code, the rules adopted by the board, and the board's 1946
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 1947
4713.07 of the Revised Code. 1948

Sec. 4713.07. (A) The state cosmetology and barber board 1949
shall do all of the following: 1950

(1) Regulate the practice of cosmetology and all of its 1951
branches in this state; 1952

(2) Investigate or inspect, when evidence appears to 1953
demonstrate that an individual has violated any provision of 1954
this chapter or Chapter 4709. of the Revised Code or any rule 1955
adopted ~~pursuant to it~~ under either chapter, the activities or 1956
premises of a license holder or unlicensed individual; 1957

(3) Adopt rules in accordance with section 4713.08 of the 1958
Revised Code; 1959

(4) Prescribe and make available application forms to be 1960
used by individuals seeking admission to an examination 1961
conducted under section 4713.24 of the Revised Code or a license 1962
or registration issued under this chapter; 1963

(5) Prescribe and make available application forms to be 1964
used by individuals seeking renewal of a license or registration 1965
issued under this chapter; 1966

(6) Provide a toll-free number and an online service to 1967

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| receive complaints alleging violations of this chapter or | 1968 |
| Chapter 4709. of the Revised Code; | 1969 |
| (7) Report to the proper prosecuting officer violations of | 1970 |
| section 4713.14 of the Revised Code of which the board is aware; | 1971 |
| (8) Submit a written report annually to the governor that | 1972 |
| provides all of the following: | 1973 |
| (a) A discussion of the conditions in this state of the | 1974 |
| <u>practice of barbering, cosmetology, and the branches of</u> | 1975 |
| cosmetology; | 1976 |
| (b) An evaluation of board activities intended to aid or | 1977 |
| protect consumers; | 1978 |
| (c) A brief summary of the board's proceedings during the | 1979 |
| year the report covers; | 1980 |
| (d) A statement of all money that the board received and | 1981 |
| expended during the year the report covers. | 1982 |
| (9) <u>(8)</u> Keep a record of all of the following: | 1983 |
| (a) The board's proceedings; | 1984 |
| (b) The name and last known physical address, electronic | 1985 |
| mail address, and telephone number of each individual issued a | 1986 |
| license or registration under this chapter <u>or Chapter 4709. of</u> | 1987 |
| <u>the Revised Code;</u> | 1988 |
| (c) The date and number of each license, permit, and | 1989 |
| registration that the board issues. | 1990 |
| (10) <u>(9)</u> Assist ex-offenders and military veterans who | 1991 |
| hold licenses issued by the board to find employment within | 1992 |
| salons, <u>barber shops,</u> or other facilities within this state; | 1993 |
| (11) <u>(10)</u> Require inspectors appointed pursuant to section | 1994 |

4713.06 of the Revised Code to conduct inspections of licensed 1995
or permitted facilities, including salons and boutique salons, 1996
~~schools of cosmetology, barber schools,~~ barber shops, and 1997
tanning facilities, within ninety days of the opening for 1998
business of a licensed facility, upon complaints reported to the 1999
board, within ninety days after a violation was documented at a 2000
facility, and at least once every two years. Any individual, 2001
after providing the individual's name and contact information, 2002
may report to the board any information the individual may have 2003
that appears to show a violation of any provision of this 2004
chapter or rule adopted under it or a violation of any provision 2005
of Chapter 4709. of the Revised Code or rule adopted by the 2006
board pursuant to Chapter 4709. of the Revised Code. In the 2007
absence of bad faith, any individual who reports information of 2008
that nature or who testifies before the board in any 2009
adjudication conducted under Chapter 119. of the Revised Code 2010
shall not be liable for damages in a civil action as a result of 2011
the report or testimony. For the purpose of inspections, an 2012
independent contractor licensed under this chapter or Chapter 2013
4709. of the Revised Code shall be added to the board's records 2014
as an individual salon or barber shop. 2015

~~(12)~~ (11) Supply a copy of the poster created pursuant to 2016
division (B) of section 5502.63 of the Revised Code to each 2017
person authorized to operate a salon, ~~school of cosmetology,~~ 2018
tanning facility, or other type of facility under this chapter; 2019

~~(13)~~ (12) All other duties that this chapter imposes on 2020
the board. 2021

(B) The board may ~~delegate~~ do either of the following: 2022

(1) Report to the proper prosecuting officer violations of 2023
section 4709.02 or 4713.14 of the Revised Code; 2024

(2) Delegate any of the duties listed in division (A) of 2025
this section to the executive director of the board or to an 2026
individual designated by the executive director. 2027

Sec. 4713.071. (A) ~~The~~ Before the fifteenth day of 2028
November of each year, the state cosmetology and barber board 2029
shall annually submit a written report to the governor, 2030
president of the senate, and speaker of the house of 2031
representatives. The report shall list all of the following for 2032
the preceding ~~twelve month period~~ fiscal year: 2033

(1) The number of students enrolled in courses at licensed 2034
public and private schools ~~of cosmetology and barbering~~; 2035

(2) The number of students graduating from licensed public 2036
and private schools ~~of cosmetology and barbering~~; 2037

(3) The annual cost for students to attend each licensed 2038
public or private school ~~of cosmetology and barbering~~; 2039

(4) The loan default rates for licensed public and private 2040
schools ~~of cosmetology and barbering~~; 2041

(5) The first-time licensure passage rate for graduates of 2042
all public and private schools ~~of cosmetology and barbering~~; 2043

(6) The total number of new and renewal licenses in each 2044
profession; 2045

(7) The total number of complaint-driven inspections 2046
conducted by the board; 2047

(8) The total number and type of violations, including a 2048
list of the top ten violations, which shall aid in the 2049
identification of focus areas for continuing education purposes; 2050

(9) The twenty salons and individuals cited with the most 2051

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| violations for unlicensed workers; | 2052 |
| (10) The number of adjudications or other disciplinary action taken by the board. | 2053 2054 |
| (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. | 2055 2056 2057 |
| 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 all of the following: | 2058 2059 2060 2061 |
| (1) Govern the practice of the branches of cosmetology; | 2062 |
| (2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; | 2063 2064 2065 2066 2067 |
| (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; | 2068 2069 |
| (4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31—of the Revised Code received more than five years before the date of application for the license; | 2070 2071 2072 2073 2074 |
| (5) Provide for the granting of waivers under section 4713.29 of the Revised Code; | 2075 2076 |
| (6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination | 2077 2078 2079 |

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| conducted under section 4713.24 of the Revised Code; | 2080 |
| (7) Specify locations in which glamour photography | 2081 |
| services in which a branch of cosmetology is practiced may be | 2082 |
| provided; | 2083 |
| (8) Establish conditions and the fee for a temporary | 2084 |
| special occasion work permit under section 4713.37 of the | 2085 |
| Revised Code and specify the amount of time such a permit is | 2086 |
| valid; | 2087 |
| (9) Specify conditions an applicant must satisfy for the | 2088 |
| board to issue the applicant an independent contractor license | 2089 |
| under section 4713.39 of the Revised Code and the fee for | 2090 |
| issuance and renewal of the license; | 2091 |
| (10) Establish conditions under which food may be sold at | 2092 |
| a salon; | 2093 |
| (11) Specify which professions regulated by a professional | 2094 |
| regulatory board of this state may be practiced in a salon under | 2095 |
| section 4713.42 of the Revised Code, <u>including whether cosmetic</u> | 2096 |
| <u>therapy may be practiced in a salon;</u> | 2097 |
| (12) Establish standards for the provision of cosmetic | 2098 |
| therapy, massage therapy, or other professional service in a | 2099 |
| salon pursuant to section 4713.42 of the Revised Code; | 2100 |
| (13) Establish standards for board approval of, and the | 2101 |
| granting of credits for, training in branches of cosmetology <u>or</u> | 2102 |
| <u>barbering</u> at schools of cosmetology -licensed in this state; | 2103 |
| (14) Establish the manner in which a school of cosmetology | 2104 |
| licensed under section 4713.44 of the Revised Code may offer | 2105 |
| post-secondary and advanced practice programs; | 2106 |
| (15) Establish sanitary <u>infection control</u> standards for | 2107 |

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| the practice of the branches of cosmetology, <u>and the operation</u> | 2108 |
| <u>of salons, and schools of cosmetology;</u> | 2109 |
| (16) Establish the application process for obtaining a | 2110 |
| tanning facility permit under section 4713.48 of the Revised | 2111 |
| Code, including the amount of the fee for an initial or renewed | 2112 |
| permit; | 2113 |
| (17) Establish standards for installing and operating a | 2114 |
| tanning facility in a manner that ensures the health and safety | 2115 |
| of consumers, including <u>infection control standards and</u> | 2116 |
| standards that do all of the following: | 2117 |
| (a) Establish a maximum safe time of exposure to radiation | 2118 |
| and a maximum safe temperature at which sun lamps may be | 2119 |
| operated; | 2120 |
| (b) Require consumers to wear protective eyeglasses; | 2121 |
| (c) Require consumers to be supervised as to the length of | 2122 |
| time consumers use the facility's sun lamps; | 2123 |
| (d) Require the operator to prohibit consumers from | 2124 |
| standing too close to sun lamps and to post signs warning | 2125 |
| consumers of the potential effects of radiation on individuals | 2126 |
| taking certain medications and of the possible relationship of | 2127 |
| the radiation to skin cancer; | 2128 |
| (e) Require the installation of protective shielding for | 2129 |
| sun lamps and handrails for consumers; | 2130 |
| (f) Require floors to be dry during operation of lamps; | 2131 |
| (g) Establish procedures an operator must follow in making | 2132 |
| reasonable efforts in compliance with section 4713.50 of the | 2133 |
| Revised Code to determine the age of an individual seeking to | 2134 |
| use sun lamp tanning services. | 2135 |

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

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

~~(ii) (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; 2165
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(22) Anything else necessary to implement this chapter. 2168

~~(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. 2169
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~~(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.~~ 2174
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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. 2178
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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. 2182
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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.~~ 2186
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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 2192
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inspecting tanning facilities and enforcing the board's rules 2194
but may not exceed one hundred dollars per location of such 2195
facilities. 2196

Sec. 4713.081. (A) The state cosmetology and barber board 2197
shall furnish a copy of the ~~sanitary-infection control~~ standards 2198
established by rules adopted under section 4713.08 of the 2199
Revised Code to ~~each~~ both of the following: 2200

(1) Each individual or person to whom the board issues a 2201
practicing license, advanced license, license to operate a salon 2202
or school ~~of cosmetology~~, or boutique services registration. ~~The~~ 2203
~~board also shall furnish a copy of the sanitary standards to~~ 2204
~~each;~~ 2205

(2) Each individual providing cosmetic therapy, massage 2206
therapy, or other professional service in a salon under section 2207
4713.42 of the Revised Code. 2208

(B) A salon or school of cosmetology ~~provided~~ a copy of 2209
the ~~sanitary-infection control~~ standards under division (A) of 2210
this section shall post the standards in a public and 2211
conspicuous place in the salon or school. 2212

Sec. 4713.09. The state cosmetology and barber board may 2213
adopt rules in accordance with section 4713.08 of the Revised 2214
Code to establish a continuing education requirement, not to 2215
exceed eight hours in a biennial licensing period, as a 2216
condition of renewal for a practicing license, advanced license, 2217
instructor license, or boutique services registration. These 2218
hours may include training in identifying and addressing the 2219
crime of trafficking in persons as described in section 2905.32 2220
of the Revised Code. At least two of the eight hours of the 2221
continuing education requirement must be achieved in courses 2222

concerning safety and ~~sanitation~~infection control, and at least 2223
one hour of the eight hours of the continuing education 2224
requirement must be achieved in courses concerning law and rule 2225
updates. 2226

Sec. 4713.10. (A) The state cosmetology and barber board 2227
shall charge and collect the following nonrefundable fees: 2228

(1) For a temporary pre-examination work permit under 2229
section 4713.22 of the Revised Code, not more than fifteen 2230
dollars; 2231

(2) For initial application to take an examination under 2232
section 4713.24 of the Revised Code, not more than forty 2233
dollars; 2234

(3) For application to take an examination under section 2235
4713.24 of the Revised Code by an applicant who has previously 2236
applied to take, but failed to appear for, the examination, not 2237
more than fifty-five dollars; 2238

(4) For application to re-take an examination under 2239
section 4713.24 of the Revised Code by an applicant who has 2240
previously appeared for, but failed to pass, the examination, 2241
not more than forty dollars; 2242

(5) For the issuance of a license under section 4713.28, 2243
4713.30, or 4713.31 of the Revised Code, not more than seventy- 2244
five dollars; 2245

(6) For the issuance of a license under section 4713.34 of 2246
the Revised Code, not more than seventy dollars; 2247

(7) For renewal of a license issued under section 4713.28, 2248
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than 2249
seventy dollars; 2250

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| (8) For the issuance or renewal of a cosmetology school | 2251 |
| license, <u>or the change of name or ownership of a licensed</u> | 2252 |
| <u>school</u> , not more than two hundred fifty dollars; | 2253 |
| (9) For the issuance of a new salon license or the change | 2254 |
| of name or ownership of a salon license under section 4713.41 of | 2255 |
| the Revised Code, not more than one hundred dollars; | 2256 |
| (10) For the renewal of a salon license under section | 2257 |
| 4713.41 of the Revised Code, not more than ninety dollars; | 2258 |
| (11) For the restoration of an expired license that may be | 2259 |
| restored pursuant to section 4713.63 of the Revised Code, an | 2260 |
| amount equal to the sum of the current license renewal fee and a | 2261 |
| lapsed renewal fee of not more than forty-five dollars per | 2262 |
| license renewal period that has elapsed since the license was | 2263 |
| last issued or renewed <u>for up to three license renewal periods</u> ; | 2264 |
| (12) For the issuance of a duplicate of any <u>salon license,</u> | 2265 |
| <u>school license, or tanning facility permit</u> , not more than thirty | 2266 |
| dollars; | 2267 |
| (13) For the preparation and mailing of a licensee's | 2268 |
| records to another state for a reciprocity license, not more | 2269 |
| than fifty dollars; | 2270 |
| (14) For the processing of any fees related to a check | 2271 |
| from a licensee returned to the board for insufficient funds, an | 2272 |
| additional thirty dollars. | 2273 |
| (B) The board shall adjust the fees biennially, by rule, | 2274 |
| within the limits established by division (A) of this section, | 2275 |
| to provide sufficient revenues to meet its expenses. | 2276 |
| (C) The board may establish an installment plan for the | 2277 |
| payment of fines and fees and may reduce fees as considered | 2278 |

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| appropriate by the board. | 2279 |
| (D) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general. | 2280 2281 2282 2283 2284 2285 2286 2287 2288 |
| Sec. 4713.14. No individual shall do any of the following: | 2289 |
| (A) Use fraud or deceit in <u>obtaining or making</u> application for a license, permit, or registration; | 2290 2291 |
| (B) Aid or abet any individual or entity in any of the following: | 2292 2293 |
| (1) Violating this chapter or a rule adopted under it; | 2294 |
| (2) Obtaining a license, permit, or registration fraudulently; | 2295 2296 |
| (3) Falsely pretending to hold a current, valid license or permit. | 2297 2298 |
| (C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology: | 2299 2300 2301 |
| (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; | 2302 2303 |
| (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code; | 2304 2305 |

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| (3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code; | 2306 2307 |
| (4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code; | 2308 2309 2310 |
| (5) A current, valid registration under section 4713.69 of the Revised Code. | 2311 2312 |
| (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: | 2313 2314 2315 |
| (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; | 2316 2317 |
| (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code; | 2318 2319 |
| (3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code; | 2320 2321 |
| (4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code; | 2322 2323 2324 |
| (5) A current, valid registration under section 4713.69 of the Revised Code. | 2325 2326 |
| (E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology: | 2327 2328 2329 2330 2331 |
| (1) A current, valid license under section 4713.31 or | 2332 |

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| 4713.34 of the Revised Code; | 2333 |
| (2) A current, valid temporary special occasion work | 2334 |
| permit issued under section 4713.37 of the Revised Code. | 2335 |
| (F) Advertise or operate a glamour photography service in | 2336 |
| which a branch of cosmetology is practiced unless the individual | 2337 |
| practicing the branch of cosmetology holds either of the | 2338 |
| following authorizing the practice of that branch of | 2339 |
| cosmetology: | 2340 |
| (1) A current, valid license under section 4713.28, | 2341 |
| 4713.30, or 4713.34 of the Revised Code; | 2342 |
| (2) A current, valid temporary special occasion work | 2343 |
| permit issued under section 4713.37 of the Revised Code. | 2344 |
| (G) Advertise or operate a glamour photography service in | 2345 |
| which a branch of cosmetology is practiced at a location not | 2346 |
| specified by rules adopted under section 4713.08 of the Revised | 2347 |
| Code; | 2348 |
| (H) Practice a branch of cosmetology at a salon as an | 2349 |
| independent contractor without a current, valid independent | 2350 |
| contractor license issued under section 4713.39 of the Revised | 2351 |
| Code; | 2352 |
| (I) Operate a salon without a current, valid license under | 2353 |
| section 4713.41 of the Revised Code; | 2354 |
| (J) Provide any of the following at a salon for pay, free, | 2355 |
| or otherwise: | 2356 |
| (1) Massage therapy, unless the individual has a current, | 2357 |
| valid license issued by the state medical board under section | 2358 |
| 4731.15 of the Revised Code; | 2359 |

(2) Any other professional service, unless the individual 2360
has a current, valid license or certificate issued by the 2361
professional regulatory board of this state that regulates the 2362
profession; 2363

(3) Cosmetic therapy, unless the individual is authorized 2364
by rules adopted under section 4713.08 of the Revised Code. 2365

(K) Teach a branch of cosmetology at a salon, unless the 2366
individual receiving the instruction holds either of the 2367
following authorizing the practice of that branch of 2368
cosmetology: 2369

(1) A current, valid license under section 4713.28, 2370
4713.30, or 4713.34 of the Revised Code; 2371

(2) A current, valid temporary pre-examination work permit 2372
issued under section 4713.22 of the Revised Code. 2373

(L) Operate a school ~~of cosmetology~~ without a current, 2374
valid license under section 4713.44 of the Revised Code; 2375

(M) At a salon or school ~~of cosmetology~~, do any of the 2376
following: 2377

(1) Use or possess a cosmetic product containing an 2378
ingredient that the United States food and drug administration 2379
has prohibited by regulation; 2380

(2) Use a cosmetic product in a manner inconsistent with a 2381
restriction established by the United States food and drug 2382
administration by regulation; 2383

(3) Use or possess a liquid nail monomer containing any 2384
trace of methyl methacrylate (MMA). 2385

(N) While in charge of a salon or school ~~of cosmetology~~, 2386

permit any individual to sleep in, or use for residential 2387
purposes, any room used wholly or in part as the salon or school 2388
~~of cosmetology;~~ 2389

(O) Maintain, as an established place of business for the 2390
practice of one or more of the branches of cosmetology, a room 2391
used wholly or in part for sleeping or residential purposes; 2392

(P) Operate a tanning facility that is offered to the 2393
public for a fee or other compensation without a current, valid 2394
permit under section 4713.48 of the Revised Code; 2395

(Q) Practice a branch of cosmetology in a location other 2396
than a licensed facility unless otherwise exempted under section 2397
4713.16 ~~or, 4713.17, or 4713.351~~ of the Revised Code; 2398

(R) Use any of the services or arts that are part of the 2399
practice of a branch of cosmetology to treat or attempt to cure 2400
a physical or mental disease or ailment. 2401

Sec. 4713.141. An inspector employed by the state 2402
cosmetology and barber board may take a sample of a product used 2403
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2404
examining the sample, or causing an examination of the sample to 2405
be made, to determine whether division (M) of section 4713.14 of 2406
the Revised Code has been violated. 2407

Should the results of the test prove that division (M) of 2408
section 4713.14 of the Revised Code has been violated, the board 2409
shall take action in accordance with section 4713.64 of the 2410
Revised Code. A fine imposed under that section shall include 2411
the cost of the test. The person's license may be suspended or 2412
revoked. 2413

Sec. 4713.16. (A) This chapter does not prohibit any of 2414
the following: 2415

- (1) Practicing a branch of cosmetology without a license 2416
or registration if the individual does so for free at the 2417
individual's home for a family member who resides in the same 2418
household as the individual; 2419
- (2) The retail sale, or trial demonstration by application 2420
to the skin for purposes of retail sale, of cosmetics, 2421
preparations, tonics, antiseptics, creams, lotions, wigs, or 2422
hairpieces without a practicing license or registration; 2423
- (3) The retailing, at a salon, of cosmetics, preparations, 2424
tonics, antiseptics, creams, lotions, wigs, hairpieces, 2425
clothing, or any other items that pose no risk of creating 2426
unsanitary conditions at the salon; 2427
- (4) The provision of glamour photography services at a 2428
licensed salon if either of the following is the case: 2429
- (a) A branch of cosmetology is not practiced as part of 2430
the services. 2431
- (b) If a branch of cosmetology is practiced as part of the 2432
services, the part of the services that is a branch of 2433
cosmetology is performed by an individual who holds either of 2434
the following authorizing the individual to practice that branch 2435
of cosmetology: 2436
- (i) A current, valid license under section 4713.28, 2437
4713.30, or 4713.34 of the Revised Code; 2438
- (ii) A current, valid temporary special occasion work 2439
permit issued under section 4713.37 of the Revised Code. 2440
- (5) A student engaging, as a student, in work connected 2441
with a branch of cosmetology taught at the school ~~of cosmetology~~ 2442
at which the student is enrolled; 2443

(6) Practicing a branch of cosmetology without a license 2444
or registration if the individual does so for free for the 2445
purpose of researching or developing a cosmetic as defined in 2446
section 3715.01 of the Revised Code; 2447

(7) An individual who holds a license or registration 2448
issued under this chapter practicing a branch of cosmetology on 2449
a dead human body at a funeral home or embalming facility 2450
licensed under section 4717.06 of the Revised Code. 2451

(B) A student in a career-technical program learning a 2452
branch of cosmetology may continue developing skills in the 2453
respective branch of cosmetology after completing the required 2454
coursework or obtaining a license in the respective branch of 2455
cosmetology by working in the licensed career-technical school 2456
clinic if the student does not receive any compensation. This 2457
allowance terminates upon the graduation of the student from the 2458
career-technical school. 2459

Sec. 4713.17. (A) The following persons are exempt from 2460
the provisions of this chapter, except, as applicable, section 2461
4713.42 of the Revised Code: 2462

(1) All individuals authorized to practice medicine, 2463
surgery, dentistry, and nursing or any of its branches in this 2464
state, while acting within the scope of practice for the 2465
license, permit, or certificate held; 2466

(2) Commissioned surgical and medical officers of the 2467
United States army, navy, air force, or marine hospital service 2468
when engaged in the actual performance of their official duties, 2469
and attendants attached to same, while acting within the scope 2470
of practice for the license, permit, or certificate held; 2471

(3) Funeral directors, embalmers, and apprentices licensed 2472

or ~~registered~~ certified under Chapter 4717. of the Revised Code, 2473
while acting within the scope of practice for the license, 2474
permit, or certificate held; 2475

(4) Persons who are engaged in the retail sale, cleaning, 2476
or beautification of wigs and hairpieces but who do not engage 2477
in any other act constituting the practice of a branch of 2478
cosmetology; 2479

(5) Volunteers of hospitals, and homes as defined in 2480
section 3721.01 of the Revised Code, who render service to 2481
registered patients and inpatients who reside in such hospitals 2482
or homes. Such volunteers shall not use or work with any 2483
chemical products such as permanent wave, hair dye, or chemical 2484
hair relaxer, which without proper training would pose a health 2485
or safety problem to the patient. 2486

(6) Nurse aides and other employees of hospitals and homes 2487
as defined in section 3721.01 of the Revised Code, who practice 2488
a branch of cosmetology on registered patients only as part of 2489
general patient care services and who do not charge patients 2490
directly on a fee for service basis; 2491

(7) Massage therapists who hold current, valid licenses to 2492
practice massage therapy issued by the state medical board under 2493
section 4731.15 of the Revised Code, ~~to the extent their actions~~ 2494
~~are authorized by their licenses~~ while acting within the scope of 2495
practice for the license held; 2496

(8) Inmates who provide services related to the practice 2497
of a branch of cosmetology to other inmates, except when those 2498
services are provided in a licensed school ~~of cosmetology~~ within 2499
a state correctional institution ~~for females.~~ 2500

(B) The director of rehabilitation and correction shall 2501

oversee the services described in division (A) (8) of this 2502
section with respect to ~~sanitation~~infection control and adopt 2503
rules governing those types of services provided by inmates. 2504

Sec. 4713.25. (A) The state cosmetology and barber board 2505
may administer a separate ~~advanced cosmetologist~~ examination for 2506
an advanced license to practice cosmetology for individuals who 2507
complete an advanced cosmetologist training course separate from 2508
a cosmetologist training course. The board may combine the 2509
advanced cosmetologist examination with the cosmetologist 2510
examination for individuals who complete a combined 2511
cosmetologist and advanced cosmetologist training course. 2512

(B) The board may administer a separate ~~advanced~~ 2513
~~esthetician~~ examination for an advanced license to practice 2514
esthetics for individuals who complete an advanced esthetician 2515
training course separate from an esthetician training course. 2516
The board may combine the advanced esthetician examination with 2517
the esthetician examination for individuals who complete an 2518
esthetician and advanced esthetician training course. 2519

(C) The board may administer a separate ~~advanced hair~~ 2520
~~designer~~ examination for an advanced license to practice hair 2521
design for individuals who complete an advanced hair designer 2522
training course separate from a hair designer training course. 2523
The board may combine the advanced hair designer examination 2524
with the hair designer examination for individuals who complete 2525
a hair designer and advanced hair designer training course. 2526

(D) The board may administer a separate ~~advanced~~ 2527
~~manicurist~~ examination for an advanced license to practice 2528
manicuring for individuals who complete an advanced manicurist 2529
training course separate from a manicurist training course. The 2530
board may combine the advanced manicurist examination with the 2531

manicurist examination for individuals who complete a manicurist 2532
and advanced manicurist training course. 2533

(E) The board may administer a separate ~~advanced natural~~ 2534
~~hair stylist~~ examination for an advanced license to practice 2535
natural hair styling for individuals who complete an advanced 2536
natural hair stylist training course separate from a natural 2537
hair stylist training course. The board may combine the advanced 2538
natural hair stylist examination with the natural hair stylist 2539
examination for individuals who complete a natural hair stylist 2540
and advanced natural hair stylist training course. 2541

Sec. 4713.28. (A) The state cosmetology and barber board 2542
shall issue a practicing license to an applicant who satisfies 2543
all of the following applicable conditions: 2544

(1) Is at least sixteen years of age; 2545

(2) Has the equivalent of an Ohio public school tenth 2546
grade education; 2547

(3) Has submitted a written application on a form 2548
furnished by the board that contains all of the following: 2549

(a) The name of the individual and any other identifying 2550
information required by the board; 2551

(b) ~~A recent photograph of the individual that meets the~~ 2552
~~specifications established by the board;~~ 2553

~~(c)~~ A photocopy of the individual's current driver's 2554
license or other proof of legal residence; 2555

~~(d)~~ (c) Proof that the individual is qualified to take the 2556
applicable examination as required by section 4713.20 of the 2557
Revised Code; 2558

| | |
|--|--|
| (e) <u>(d)</u> An oath verifying that the information in the application is true; | 2559 2560 |
| (f) <u>(e)</u> The applicable application fee. | 2561 |
| (4) <u>Submits to having a photograph taken by the board;</u> | 2562 |
| <u>(5)</u> Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; | 2563 2564 2565 |
| (5) <u>(6)</u> Pays to the board the applicable license fee; | 2566 |
| (6) <u>(7)</u> In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code; | 2567 2568 2569 2570 2571 2572 2573 2574 |
| (7) <u>(8)</u> In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state; | 2575 2576 2577 2578 |
| (8) <u>(9)</u> In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code; | 2579 2580 2581 2582 2583 2584 2585 2586 |

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

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

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

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

(A) Is at least sixteen years of age;

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

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

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

(E) Passes the appropriate advanced license examination;

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

(1) ~~Has a licensed advanced cosmetologist or owner of a~~

~~licensed beauty salon located in this or another state certify~~ 2614
~~to~~ Submits proof, as determined by the board, that the applicant 2615
has practiced as a cosmetologist for at least one thousand eight 2616
hundred hours in a licensed beauty salon; 2617

(2) Has a school ~~of cosmetology~~ licensed in this state 2618
certify to the board that the applicant has successfully 2619
completed, in addition to the hours required for licensure as a 2620
cosmetologist, at least three hundred hours of board-approved 2621
advanced cosmetologist training. 2622

~~(F)~~ (G) In the case of an applicant for an initial 2623
advanced ~~esthetician~~ license to practice esthetics, does either 2624
of the following: 2625

(1) ~~Has the licensed advanced esthetician, licensed~~ 2626
~~advanced cosmetologist, or owner of a licensed esthetics salon~~ 2627
~~or licensed beauty salon located in this or another state~~ 2628
~~certify to~~ Submits proof, as determined by the board, that the 2629
applicant has practiced esthetics for at least one thousand 2630
eight hundred hours as an esthetician in a licensed esthetics 2631
salon or as a cosmetologist in a licensed beauty salon; 2632

(2) Has a school ~~of cosmetology~~ licensed in this state 2633
certify to the board that the applicant has successfully 2634
completed, in addition to the hours required for licensure as an 2635
esthetician or cosmetologist, at least one hundred fifty hours 2636
of board-approved advanced esthetician training. 2637

~~(G)~~ (H) In the case of an applicant for an initial 2638
advanced ~~hair designer~~ license to practice hair design, does 2639
either of the following: 2640

(1) ~~Has the licensed advanced hair designer, licensed~~ 2641
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 2642

~~or licensed beauty salon located in this or another state~~ 2643
~~certify to~~ Submits proof, as determined by the board, that the 2644
applicant has practiced hair design for at least one thousand 2645
eight hundred hours as a hair designer in a licensed hair design 2646
salon or as a cosmetologist in a licensed beauty salon; 2647

(2) Has a school ~~of cosmetology~~-licensed in this state 2648
certify to the board that the applicant has successfully 2649
completed, in addition to the hours required for licensure as a 2650
hair designer or cosmetologist, at least two hundred forty hours 2651
of board-approved advanced hair designer training. 2652

~~(H)~~ (I) In the case of an applicant for an initial 2653
advanced ~~manicurist~~-license to practice manicuring, does either 2654
of the following: 2655

(1) ~~Has the licensed advanced manicurist, licensed~~ 2656
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2657
~~licensed beauty salon, or licensed barber shop located in this~~ 2658
~~or another state~~ certify to Submits proof, as determined by the 2659
board, that the applicant has practiced manicuring for at least 2660
one thousand eight hundred hours as a manicurist in a licensed 2661
nail salon or licensed barber shop or as a cosmetologist in a 2662
licensed beauty salon or licensed barber shop; 2663

(2) Has a school ~~of cosmetology~~-licensed in this state 2664
certify to the board that the applicant has successfully 2665
completed, in addition to the hours required for licensure as a 2666
manicurist or cosmetologist, at least one hundred hours of 2667
board-approved advanced manicurist training. 2668

~~(I)~~ (J) In the case of an applicant for an initial 2669
advanced ~~natural hair stylist~~-license to practice natural hair 2670
styling, does either of the following: 2671

(1) ~~Has the licensed advanced natural hair stylist,~~ 2672
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 2673
~~hair style salon or licensed beauty salon located in this or~~ 2674
~~another state certify to~~ Submits proof, as determined by the 2675
board, that the applicant has practiced natural hair styling for 2676
at least one thousand eight hundred hours as a natural hair 2677
stylist in a licensed natural hair style salon or as a 2678
cosmetologist in a licensed beauty salon; 2679

(2) Has a school ~~of cosmetology~~ licensed in this state 2680
certify to the board that the applicant has successfully 2681
completed, in addition to the hours required for licensure as a 2682
natural hair stylist or cosmetologist, at least one hundred 2683
fifty hours of board-approved advanced natural hair stylist 2684
training. 2685

(K) Pays to the board the applicable license fee. 2686

Sec. 4713.31. The state cosmetology and barber board shall 2687
issue an instructor license to an applicant who satisfies all of 2688
the following applicable conditions: 2689

(A) Is at least eighteen years of age; 2690

(B) Has the equivalent of an Ohio public school twelfth 2691
grade education; 2692

(C) Pays to the board the applicable application fee; 2693

(D) Submits to having a photograph taken by the board; 2694

(E) In the case of an applicant for an initial cosmetology 2695
instructor license, holds a current, valid advanced 2696
~~cosmetologist license to practice cosmetology~~ issued in this 2697
state and does either of the following: 2698

(1) ~~Has the licensed advanced cosmetologist or owner of~~ 2699

~~the licensed beauty salon in which the applicant has been-~~ 2700
~~employed certify to-~~ Submits proof, as determined by the board, 2701
that the applicant has engaged in the practice of cosmetology in 2702
a licensed beauty salon for at least one thousand eight hundred 2703
hours; 2704

(2) Has a school ~~of cosmetology~~-licensed in this state 2705
certify to the board that the applicant has successfully 2706
completed one thousand hours of board-approved cosmetology 2707
instructor training as an apprentice instructor. 2708

~~(E)~~ (F) In the case of an applicant for an initial 2709
esthetics instructor license, holds a current, valid advanced 2710
~~esthetician or advanced cosmetologist~~-license to practice 2711
esthetics or cosmetology issued in this state and does either of 2712
the following: 2713

(1) ~~Has the licensed advanced esthetician, licensed-~~ 2714
~~advanced cosmetologist, or owner of the licensed esthetics salon-~~ 2715
~~or licensed beauty salon in which the applicant has been-~~ 2716
~~employed certify to-~~ Submits proof, as determined by the board, 2717
that the applicant has engaged in the practice of esthetics in a 2718
licensed esthetics salon or practice of cosmetology in a 2719
licensed beauty salon for at least one thousand eight hundred 2720
hours; 2721

(2) Has a school ~~of cosmetology~~-licensed in this state 2722
certify to the board that the applicant has successfully 2723
completed at least five hundred hours of board-approved 2724
esthetics instructor training as an apprentice instructor. 2725

~~(F)~~ (G) In the case of an applicant for an initial hair 2726
design instructor license, holds a current, valid advanced ~~hair-~~ 2727
~~designer or advanced cosmetologist~~-license to practice hair 2728

design or cosmetology and does either of the following: 2729

(1) ~~Has the licensed advanced hair designer, licensed~~ 2730
~~advanced cosmetologist, or owner of the licensed hair design~~ 2731
~~salon or licensed beauty salon in which the applicant has been~~ 2732
~~employed certify to~~ Submits proof, as determined by the board, 2733
that the applicant has engaged in the practice of hair design in 2734
a licensed hair design salon or practice of cosmetology in a 2735
licensed beauty salon for at least one thousand eight hundred 2736
hours; 2737

(2) Has a school ~~of cosmetology~~ licensed in this state 2738
certify to the board that the applicant has successfully 2739
completed at least eight hundred hours of board-approved hair 2740
design ~~instructor's~~ instructor training as an apprentice 2741
instructor. 2742

~~(G)~~ (H) In the case of an applicant for an initial 2743
manicurist instructor license, holds a current, valid advanced 2744
~~manicurist or advanced cosmetologist~~ license to practice 2745
manicuring or cosmetology and does either of the following: 2746

(1) ~~Has the licensed advanced manicurist, licensed~~ 2747
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2748
~~licensed beauty salon in which the applicant has been employed~~ 2749
~~certify to~~ Submits proof, as determined by the board, that the 2750
applicant has engaged in the practice of manicuring in a 2751
licensed nail salon or practice of cosmetology in a licensed 2752
beauty salon for at least one thousand eight hundred hours; 2753

(2) Has a school ~~of cosmetology~~ licensed in this state 2754
certify to the board that the applicant has successfully 2755
completed at least three hundred hours of board-approved 2756
manicurist instructor training as an apprentice instructor. 2757

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

(1) ~~Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to~~ Submits proof, as determined by the board, that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

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

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

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

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

| | |
|---|------|
| (A) The applicant satisfies all of the following | 2787 |
| conditions: | 2788 |
| (1) Is not less than eighteen years of age; | 2789 |
| (2) In the case of an applicant for a practicing license, | 2790 |
| passes an examination conducted under section 4713.24 of the | 2791 |
| Revised Code for the license the applicant seeks, unless the | 2792 |
| applicant satisfies conditions specified in rules adopted under | 2793 |
| section 4713.08 of the Revised Code for the board to issue the | 2794 |
| applicant a license without taking the examination; | 2795 |
| (3) Pays the applicable fee. | 2796 |
| (B) At the time the applicant obtained the license or | 2797 |
| registration in the other state or country, the requirements in | 2798 |
| this state for obtaining the license the applicant seeks were | 2799 |
| substantially equal to the other state or country's | 2800 |
| requirements. | 2801 |
| (C) The jurisdiction that issued the applicant's license | 2802 |
| or registration extends similar reciprocity to individuals | 2803 |
| holding a license issued by the board. | 2804 |
| Sec. 4713.35. An individual who holds a current, valid | 2805 |
| cosmetologist <u>license or an advanced cosmetologist license to</u> | 2806 |
| <u>practice cosmetology</u> issued by the state cosmetology and barber | 2807 |
| board may engage in the practice of one or more branches of | 2808 |
| cosmetology as the individual chooses in a licensed facility. | 2809 |
| An individual who holds a current, valid esthetician | 2810 |
| <u>license or an advanced esthetician license to practice esthetics</u> | 2811 |
| issued by the board may engage in the practice of esthetics but | 2812 |
| no other branch of cosmetology in a licensed facility. | 2813 |
| An individual who holds a current, valid hair designer | 2814 |

license or an advanced hair designer license to practice hair 2815
design issued by the board may engage in the practice of hair 2816
design but no other branch of cosmetology in a licensed 2817
facility. 2818

An individual who holds a current, valid manicurist 2819
license or an advanced manicurist license to practice manicuring 2820
issued by the board may engage in the practice of manicuring but 2821
no other branch of cosmetology in a licensed facility. 2822

An individual who holds a current, valid natural hair 2823
stylist license or an advanced natural hair stylist license to 2824
practice natural hair styling issued by the board may engage in 2825
the practice of natural hair styling but no other branch of 2826
cosmetology in a licensed facility. 2827

An individual who holds a current, valid cosmetology 2828
instructor license issued by the board may teach the theory and 2829
practice of one or more branches of cosmetology at a school ~~of~~ 2830
~~cosmetology~~ as the individual chooses. 2831

An individual who holds a current, valid esthetics 2832
instructor license issued by the board may teach the theory and 2833
practice of esthetics, but no other branch of cosmetology, at a 2834
school ~~of cosmetology~~. 2835

An individual who holds a current, valid hair design 2836
instructor license issued by the board may teach the theory and 2837
practice of hair design, but no other branch of cosmetology, at 2838
a school ~~of cosmetology~~. 2839

An individual who holds a current, valid manicurist 2840
instructor license issued by the board may teach the theory and 2841
practice of manicuring, but no other branch of cosmetology, at a 2842
school ~~of cosmetology~~. 2843

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

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

Sec. 4713.39. The state cosmetology and barber board shall issue a license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee; holds a current, valid license for the ~~type of salon in which the applicant will practice that branch of cosmetology~~ that the applicant practices; and satisfies the conditions for the license established by rules adopted under section 4713.08 of the Revised Code.

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

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

(2) A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have present an individual holding a current, valid license or registration

to practice in that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours.

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

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

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

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

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

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

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

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

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

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology or barbering to be taught at the school equal to the requirements for admission to an examination under section 4709.07 or 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology or barbering; 2901
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(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 2908
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(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; 2911
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(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; 2916
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(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; 2920
2921
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(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; 2925
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(7) Complies with the requirements of division (B) of this 2929

section if the school offers instruction in theory and practice 2930
of one or more branches of cosmetology; 2931

(8) Complies with the requirements of section 4709.10 of 2932
the Revised Code if the school offers instruction in the theory 2933
and practice of barbering; 2934

(9) Pays the licensure fee. 2935

(B) If the school for which an applicant is applying for a 2936
license under division (A) of this section offers instruction in 2937
the theory and practice of one or more branches of cosmetology, 2938
the applicant shall do all of the following to be issued the 2939
license: 2940

(1) Maintain individuals licensed under section 4713.31 or 2941
4713.34 of the Revised Code to teach the theory and practice of 2942
the branch or branches of cosmetology offered at the school; 2943

(2) On the date that an apprentice cosmetology instructor 2944
begins cosmetology instructor training at the school, certify 2945
the name of the apprentice cosmetology instructor to the board 2946
along with the date on which the apprentice's instructor 2947
training began; 2948

(3) Instruct not more than six apprentice cosmetology 2949
instructors at any one time. 2950

(C) (1) The bond required under division (A) (5) of this 2951
section shall be in the form prescribed by the board and be 2952
conditioned on the school's continued instruction in the theory 2953
and practice of one or more branches of cosmetology or 2954
barbering. The bond shall continue in effect until notice of its 2955
termination is given to the board by registered mail and every 2956
bond shall so provide. 2957

(2) The requirement under division (A) (5) of this section 2958
does not apply to a vocational or career-technical school 2959
program conducted by a city, exempted village, local, or joint 2960
vocational school district. 2961

(D) A school licensed under this section is an educational 2962
institution and is authorized to offer educational programs 2963
beyond secondary education, advanced practice programs, or both 2964
in accordance with rules adopted by the board pursuant to 2965
section 4713.08 of the Revised Code. 2966

(E) A school license issued to an applicant under division 2967
(A) of this section is not transferable from one owner to 2968
another or from one location to another. 2969

Sec. 4713.45. (A) A school may do any of the following: 2970

(1) In accordance with rules adopted under section 4713.08 2971
of the Revised Code, a school may offer clock hours, credit 2972
hours, or competency-based credits for the purpose of satisfying 2973
minimum hours of training and instruction; 2974

(2) Subject to division (B) of this section, employ an 2975
individual who does not hold a current, valid instructor or 2976
barber instructor license to teach subjects related to a branch 2977
of cosmetology or barbering; 2978

(3) If the school offers instruction in the theory and 2979
practice of one or more branches of cosmetology, both of the 2980
following: 2981

(a) Allow an apprentice cosmetology instructor the regular 2982
quota of students prescribed by the state cosmetology and barber 2983
board if a cosmetology instructor is present; 2984

(b) Compensate an apprentice cosmetology instructor. 2985

(4) If the school offers instruction in the theory and practice of barbering, establish entrance requirements for the acceptance of student applicants that are more stringent than those prescribed by the board under division (A)(20) of section 4713.08 of the Revised Code, but at a minimum require an applicant to meet both of the following: 2986
2987
2988
2989
2990
2991

(a) Be at least sixteen years of age; 2992

(b) Have an eighth grade education, or an equivalent education as determined by the state board of education. 2993
2994

(B) A school shall have a licensed cosmetology or barber instructor present when an individual employed pursuant to division (A)(4) of this section teaches at the school, unless the individual is one of the following: 2995
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(1) An individual with a current, valid teacher's certificate or educator license issued by the state board of education; 2999
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3001

(2) An individual with a bachelor's degree in the subject the person teaches at the school; 3002
3003

(3) An individual also employed by a university or college to teach the subject the person teaches at the school. 3004
3005

(C) A school annually shall review the subjects and coursework required to receive an initial practicing, advanced, or barber license and, in doing so, shall incorporate standards adopted by the board pursuant to division (A)(13) of section 4713.08 of the Revised Code. 3006
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3010

Sec. 4713.46. A student who is injured or damaged by 3011
reason of the failure of a school ~~of cosmetology~~ to continue 3012
instruction in the theory and practice of a branch of 3013

cosmetology or barbering may maintain an action on the bond 3014
against the school, or surety named therein, or both of them, 3015
for the recovery of any money or tuition paid in advance for 3016
instruction in the theory and practice of a branch of 3017
cosmetology or barbering that was not received. The aggregate 3018
liability of the surety to all students shall not exceed the sum 3019
of the bond. 3020

Sec. 4713.49. The owner or manager of a salon or school 3021
that has a permit issued under section 4713.48 of the Revised 3022
Code may operate a tanning facility at the salon or school. 3023

Sec. 4713.55. Every license issued by the state 3024
cosmetology and barber board shall be signed by the chairperson 3025
and attested by the executive director of the board, with the 3026
seal of the board attached. 3027

The board shall specify on each practicing and advanced 3028
license that the board issues the branch of cosmetology that the 3029
license entitles the holder to practice. ~~The board shall specify~~ 3030
~~on each advanced license that the board issues the type of salon~~ 3031
~~in which the license entitles the holder to work and the branch~~ 3032
~~of cosmetology that the license entitles the holder to practice.~~ 3033
The board shall specify on each instructor license that the 3034
board issues the branch of cosmetology that the license entitles 3035
the holder to teach. The board shall specify on each salon 3036
license that the board issues the branch of cosmetology that the 3037
license entitles the holder to offer. The board shall specify on 3038
each independent contractor license that the board issues that 3039
the holder is entitled to practice only the branch of 3040
cosmetology ~~that the~~ for which a current, valid license entitles 3041
~~the holder to offer is held~~ within a licensed salon. Such 3042
licenses are prima-facie evidence of the right of the holder to 3043

practice or teach the branch of cosmetology that the license 3044
specifies. 3045

Sec. 4713.56. Every holder of a practicing license, 3046
advanced license, instructor license, independent contractor 3047
license, or boutique service registration issued by the state 3048
cosmetology and barber board shall maintain the board-issued, 3049
wallet-sized license or electronically generated license 3050
certification or registration and a current government-issued 3051
photo identification that can be produced upon inspection or 3052
request. 3053

Every holder of a license to operate a salon issued by the 3054
board shall display the license in a public and conspicuous 3055
place in the salon. 3056

Every holder of a license to operate a school ~~of~~ 3057
~~cosmetology~~ issued by the board shall display the license in a 3058
public and conspicuous place in the school. 3059

Every individual who provides massage therapy or other 3060
professional service in a salon under section 4713.42 of the 3061
Revised Code shall maintain the individual's professional 3062
license or certificate or electronically generated license 3063
certification or registration and a state of Ohio issued photo 3064
identification that can be produced upon inspection or request. 3065

Sec. 4713.58. (A) Except as provided in division (B) of 3066
this section, on payment of the renewal fee and ~~submission of~~ 3067
~~proof satisfactory attestation~~ to the state cosmetology and 3068
barber board that any applicable continuing education 3069
requirements have been completed, an individual currently 3070
licensed as: 3071

(1) A cosmetology instructor who has previously been 3072

~~licensed as issued a practicing cosmetologist license~~ or an 3073
advanced ~~cosmetologist license to practice cosmetology,~~ is 3074
entitled to the reissuance of ~~a cosmetologist the practicing or~~ 3075
advanced cosmetologist license; 3076

(2) An esthetics instructor who has previously been 3077
~~licensed as an issued a practicing esthetician license~~ or an 3078
advanced ~~esthetician license to practice esthetics,~~ is entitled 3079
to the reissuance of ~~an esthetician the practicing or~~ advanced 3080
esthetician license; 3081

(3) A hair design instructor who has previously been 3082
~~licensed as issued a practicing hair designer license~~ or an 3083
advanced ~~hair designer license to practice hair design,~~ is 3084
entitled to the reissuance of ~~a hair designer the practicing or~~ 3085
advanced hair designer license; 3086

(4) A manicurist instructor who has previously been 3087
~~licensed as issued a practicing manicurist license~~ or an 3088
advanced ~~manicurist license to practice manicuring,~~ is entitled 3089
to the reissuance of ~~a manicurist the practicing or~~ advanced 3090
manicurist license; 3091

(5) A natural hair style instructor who has previously 3092
been ~~licensed as issued a practicing natural hair stylist~~ 3093
~~license~~ or an advanced ~~natural hair stylist license to practice~~ 3094
~~natural hair styling,~~ is entitled to the reissuance of ~~a natural~~ 3095
~~hair stylist the practicing or~~ advanced natural hair stylist 3096
license. 3097

(B) No individual is entitled to the reissuance of a 3098
license under division (A) of this section if the license was 3099
revoked or suspended or the individual has an outstanding unpaid 3100
fine levied under section 4713.64 of the Revised Code. 3101

Sec. 4713.59. If the state cosmetology and barber board 3102
adopts rules under section 4713.09 of the Revised Code to 3103
establish a continuing education requirement as a condition of 3104
renewal for a practicing license, advanced license, ~~or~~ 3105
instructor license, or boutique services registration, the board 3106
shall inform each affected licensee or registrant of the 3107
continuing education requirement that applies to the next 3108
biennial licensing period by including that information in the 3109
renewal notification it sends the licensee or registrant. The 3110
notification shall state that the licensee or registrant must 3111
complete the continuing education requirement by the fifteenth 3112
day of January of the next odd-numbered year. 3113

Hours completed in excess of the continuing education 3114
requirement may not be applied to the next biennial licensing 3115
period. 3116

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 3117
of this section, an individual seeking a renewal of a license to 3118
practice a branch of cosmetology, advanced license, instructor 3119
license, or boutique services registration shall ~~include~~ attest 3120
in the renewal application ~~proof satisfactory to the board of~~ 3121
completion of any applicable continuing education requirements 3122
established by rules adopted under section 4713.09 of the 3123
Revised Code. 3124

~~(B) If an applicant fails to provide satisfactory proof of~~ 3125
~~completion of any applicable continuing education requirements,~~ 3126
~~the board shall notify the applicant that the application is~~ 3127
~~incomplete. The board shall not renew the license or~~ 3128
~~registration until the applicant provides satisfactory proof of~~ 3129
~~completion of any applicable continuing education requirements.~~ 3130
~~The board may provide the applicant with an extension of up to~~ 3131

~~ninety days in which to complete the continuing education-~~ 3132
~~requirement. In providing for the extension, the board may-~~ 3133
~~charge the licensee or registrant a fine of up to one hundred-~~ 3134
~~dollars.~~ 3135

~~(C)~~The state cosmetology and barber board may waive, or 3136
extend the period for completing, any continuing education 3137
requirement if a licensee or registrant applies to the board and 3138
provides proof satisfactory to the board of being unable to 3139
complete the requirement within the time allowed because of any 3140
of the following: 3141

(1) An emergency; 3142

(2) An unusual or prolonged illness; 3143

(3) Active duty service in any branch of the armed forces 3144
of the United States or a reserve component of the armed forces 3145
of the United States, including the Ohio national guard or the 3146
national guard of any other state. 3147

The board shall determine the period of time during which 3148
each extension is effective and shall inform the applicant. The 3149
board shall also inform the applicant of the continuing 3150
education requirements that must be met to have the license or 3151
registration renewed. If an extension is granted for less than 3152
one year, the continuing education requirement for that year, in 3153
addition to the required continuing education for the succeeding 3154
year, must be completed in the succeeding year. In all other 3155
cases the board may waive all or part of the continuing 3156
education requirement on a case-by-case basis. Any required 3157
continuing education shall be completed ~~and satisfactory proof-~~ 3158
~~of its completion submitted to the board by a date specified by~~ 3159
the board. Every license or registration that has not been 3160

renewed in the timeframe specified in section 4713.57 of the Revised Code and for which the continuing education requirement has not been waived or extended shall be considered expired.

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

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

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

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

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

Sec. 4713.62. (A) An individual holding a practicing 3190
license, advanced license, instructor license, or boutique 3191
services registration may satisfy a continuing education 3192
requirement established by rules adopted under section 4713.09 3193
of the Revised Code only by completing continuing education 3194
programs approved under division (B) of this section. 3195

(B) The state cosmetology and barber board shall approve a 3196
continuing education program if all of the following conditions 3197
are satisfied: 3198

(1) The person operating the program submits to the board 3199
a written application for approval. 3200

(2) The person operating the program pays to the board a 3201
fee established by rules adopted under section 4713.08 of the 3202
Revised Code. 3203

(3) The program is operated by an employee, officer, or 3204
director of a nonprofit professional association, college or 3205
university, proprietary continuing education institutions 3206
providing programs approved by the board, vocational school, 3207
postsecondary proprietary school ~~of cosmetology~~ licensed by the 3208
board, salon licensed by the board, barber shop licensed by the 3209
board under section 4709.09 of the Revised Code, or manufacturer 3210
of supplies or equipment used in the practice of a branch of 3211
cosmetology or barbering. 3212

(4) The program will do at least one of the following: 3213

(a) Enhance the professional competency of the affected 3214
licensees or registrants; 3215

(b) Protect the public; 3216

(c) Educate the affected licensees or registrants in the 3217

application of the laws and rules regulating the practice of a 3218
branch of cosmetology or barbering. 3219

(5) The person operating the program provides the board a 3220
tentative schedule of when the program will be available so that 3221
the board can make the schedule readily available to all 3222
licensees and registrants throughout the state. 3223

Sec. 4713.63. A practicing license, advanced license, or 3224
instructor license that has not been renewed for any reason 3225
other than because it has been revoked, suspended, or classified 3226
inactive, or because the license holder has been given a waiver 3227
or extension under section 4713.60 of the Revised Code, is 3228
expired. An expired license may be restored if the individual 3229
who held the license meets all of the following applicable 3230
conditions: 3231

(A) Pays to the state cosmetology and barber board the 3232
restoration fee established under section 4713.10 of the Revised 3233
Code; 3234

(B) In the case of a practicing license or advanced 3235
license that has been expired for more than two consecutive 3236
license renewal periods, completes eight hours of continuing 3237
education for each license renewal period that has elapsed since 3238
the license was last issued or renewed, up to a maximum of 3239
twenty-four hours. 3240

At least four of those hours shall include a course 3241
pertaining to ~~sanitation~~ infection control and safety methods. 3242

~~The board shall deposit all fees it receives under~~ 3243
~~division (B) of this section into the general revenue fund.~~ 3244

Sec. 4713.64. (A) The state cosmetology and barber board 3245
may take disciplinary action under this chapter for any of the 3246

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| following: | 3247 |
| (1) Failure to comply with the safety, sanitation | 3248 |
| <u>infection control</u> , and licensing requirements of this chapter or | 3249 |
| rules adopted under it; | 3250 |
| (2) Continued practice by an individual knowingly having | 3251 |
| an infectious or contagious disease; | 3252 |
| (3) Habitual drunkenness or addiction to any habit-forming | 3253 |
| drug; | 3254 |
| (4) Willful false and fraudulent or deceptive advertising; | 3255 |
| (5) Falsification of any record or application required to | 3256 |
| be filed with the board; | 3257 |
| (6) Failure to pay a fine or abide by a suspension order | 3258 |
| issued by the board; | 3259 |
| (7) Failure to cooperate with an investigation or | 3260 |
| inspection; | 3261 |
| (8) Failure to respond to a subpoena; | 3262 |
| (9) Conviction of or plea of guilty to a violation of | 3263 |
| section 2905.32 of the Revised Code; | 3264 |
| (10) In the case of a salon, any individual's conviction | 3265 |
| of or plea of guilty to a violation of section 2905.32 of the | 3266 |
| Revised Code for an activity that took place on the premises of | 3267 |
| the salon. | 3268 |
| (B) On determining that there is cause for disciplinary | 3269 |
| action, the board may do one or more of the following: | 3270 |
| (1) Deny, revoke, or suspend , <u>or impose conditions on a</u> | 3271 |
| license, permit, or registration issued by the board under this | 3272 |
| chapter; | 3273 |

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| (2) Impose a fine; | 3274 |
| (3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses. | 3275 3276 3277 |
| (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. | 3278 3279 3280 |
| (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 division (A) (9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code. | 3281 3282 3283 3284 3285 3286 3287 |
| (3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code. | 3288 3289 3290 3291 3292 3293 3294 3295 3296 3297 |
| (D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code. | 3298 3299 3300 |
| (E) (1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of | 3301 3302 |

the first fine issued for a violation as the result of an 3303
inspection shall be not more than two hundred fifty dollars if 3304
the violator has not previously been fined for that offense. Any 3305
fines issued for additional violations during such an inspection 3306
shall not be more than one hundred dollars for each additional 3307
violation. The fine shall be not more than five hundred dollars 3308
if the violator has been fined for the same offense once before. 3309
Any fines issued for additional violations during a second 3310
inspection shall not be more than two hundred dollars for each 3311
additional violation. The fine shall be not more than one 3312
thousand dollars if the violator has been fined for the same 3313
offense two or more times before. Any fines issued for 3314
additional violations during a third inspection shall not be 3315
more than three hundred dollars for each additional violation. 3316

(2) The board shall issue an order notifying a violator of 3317
a fine imposed under division (E) (1) of this section. The notice 3318
shall specify the date by which the fine is to be paid. The date 3319
shall be less than forty-five days after the board issues the 3320
order. 3321

(3) At the request of a violator who is temporarily unable 3322
to pay a fine, or upon its own motion, the board may extend the 3323
time period within which the violator shall pay the fine up to 3324
ninety days after the date the board issues the order. 3325

~~(4) If a violator fails to pay a fine by the date 3326
specified in the board's order and does not request an extension 3327
within ten days after the date the board issues the order, or if 3328
the violator fails to pay the fine within the extended time 3329
period as described in division (E) (3) of this section, the 3330
board shall add to the fine an additional penalty equal to ten 3331
per cent of the fine. 3332~~

~~(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code.~~ 3333
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~~(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E) (2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.~~ 3337
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(F) In the case of an offense of failure to comply with division (A) or (B) (2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section. 3346
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(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the 3353
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individual or owner under division (A) of this section, the 3363
board by a majority vote of a quorum of the board members may 3364
take the action against the individual or owner without holding 3365
an adjudication hearing. 3366

(H) The board, after a hearing in accordance with Chapter 3367
119. of the Revised Code or pursuant to a consent agreement, may 3368
suspend a license, permit, or registration if the licensee, 3369
permit holder, or registrant fails to correct an unsafe 3370
condition that exists in violation of the board's rules or fails 3371
to cooperate in an inspection. If a violation of this chapter or 3372
rules adopted under it has resulted in a condition reasonably 3373
believed by an inspector to create an immediate danger to the 3374
health and safety of any individual using the facility, the 3375
inspector may suspend the license or permit of the facility or 3376
the individual responsible for the violation without a prior 3377
hearing until the condition is corrected or until a hearing in 3378
accordance with Chapter 119. of the Revised Code is held or a 3379
consent agreement is entered into and the board either upholds 3380
the suspension or reinstates the license, permit, or 3381
registration. 3382

(I) The board shall not take disciplinary action against 3383
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 3384
~~cosmetology~~ for a violation of this chapter that was committed 3385
by an individual licensed to practice a branch of cosmetology or 3386
barbering, while practicing within the salon or school, when the 3387
individual's actions were beyond the control of the salon owner 3388
or school. 3389

(J) In addition to the methods of notification required 3390
under section 119.07 of the Revised Code, the board may send the 3391
notices required under divisions (C) (2), (E) (2), and (G) of this 3392

section by any delivery method that is traceable and requires 3393
that the delivery person obtain a signature to verify that the 3394
notice has been delivered. The board also may send the notices 3395
by electronic mail, provided that the electronic mail delivery 3396
system certifies that a notice has been received. 3397

Sec. 4713.641. Any ~~student or former student of a school~~ 3398
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 3399
~~the Revised Code~~ individual may file a complaint with the state 3400
cosmetology and barber board alleging that ~~the~~ an individual, 3401
salon, barber shop, school, or tanning facility has violated 3402
~~division (A) of section 4713.64~~ this chapter or Chapter 4709. of 3403
the Revised Code or rules adopted under either chapter. ~~The~~ 3404
~~complaint shall be in writing and signed by the individual~~ 3405
~~bringing the complaint.~~ Upon receiving a complaint, the board 3406
shall initiate a preliminary investigation to determine whether 3407
it is probable that a violation was committed. If the board 3408
determines after preliminary investigation that it is not 3409
probable that a violation was committed, the board shall notify 3410
the individual who filed the complaint of the board's findings 3411
and that the board will not ~~issue a~~ pursue formal complaint 3412
action in the matter. If the board determines after a 3413
preliminary investigation that it is probable that a violation 3414
was committed, the board ~~shall~~ may proceed against the 3415
individual, salon, barber shop, school, or tanning facility 3416
pursuant to the board's authority under section 4709.13 or 3417
4713.64 of the Revised Code and in accordance with the hearing 3418
and notice requirements prescribed in Chapter 119. of the 3419
Revised Code. 3420

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, 3421
on its own motion or on receipt of a ~~written~~ complaint, may 3422
investigate or inspect the activities or premises of an 3423

individual or entity who is alleged to have violated this 3424
chapter or Chapter 4709. of the Revised Code or rules adopted 3425
under ~~it~~either chapter, regardless of whether the individual or 3426
entity holds a license ~~or, registration, or permit~~ issued under 3427
this chapter or Chapter 4709. of the Revised Code. 3428

~~(B) If, based on its investigation, the board determines~~ 3429
~~that there is reasonable cause to believe that an individual or~~ 3430
~~entity has violated this chapter or rules adopted under it, the~~ 3431
~~board shall afford the individual or entity an opportunity for a~~ 3432
~~hearing. Notice shall be given and any hearing conducted in~~ 3433
~~accordance with Chapter 119. of the Revised Code.~~ 3434

~~(C) The board shall maintain a transcript of the hearing~~ 3435
~~and issue a written opinion to all parties, citing its findings~~ 3436
~~and ground for any action it takes. Any action shall be taken in~~ 3437
~~accordance with section 4713.64 of the Revised Code.~~ 3438

Sec. 4713.69. (A) The state cosmetology and barber board 3439
shall issue a boutique services registration to an applicant who 3440
satisfies all of the following applicable conditions: 3441

(1) Is at least sixteen years of age; 3442

(2) ~~Has the equivalent of an Ohio public school tenth-~~ 3443
~~grade education;~~ 3444

~~(3) Has submitted a written application on a form~~ 3445
prescribed by the board containing all of the following: 3446

(a) The applicant's name and home address; 3447

(b) The applicant's home telephone number and cellular 3448
telephone number, if any; 3449

(c) The applicant's electronic mail address, if any; 3450

(d) The applicant's date of birth; 3451

~~(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.~~ 3452
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~~(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; 3455
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~~(g)~~ (f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state; 3459
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~~(h)~~ (g) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 3462
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~~(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.~~ 3465
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~~(C)~~ The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 3469
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Sec. 4713.99. Whoever violates section 4713.14 of the Revised Code ~~is guilty of a misdemeanor of the fourth degree on~~ 3472
shall be fined not less than one hundred nor more than five 3473
hundred dollars for a first offense; ~~on~~ for each subsequent 3474
offense violation of the same provision, such individual ~~is~~ 3475
guilty of a misdemeanor of the third degree shall be fined not 3476
less than five hundred nor more than one thousand dollars. 3477
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Section 2. That existing sections 2925.01, 3333.26, 3479
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 3480
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 3481
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 3482
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 3483
4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 3484
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 3485
4713.69, and 4713.99 of the Revised Code are hereby repealed. 3486

Section 3. That sections 4709.02, 4709.03, 4709.05, 3487
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 3488
4713.45 of the Revised Code are hereby repealed. 3489

Section 4. Section 4713.02 of the Revised Code, as amended 3490
by this act, does not affect the terms of members of the State 3491
Cosmetology and Barber Board serving on the Board on the 3492
effective date of this section. 3493

Section 5. Notwithstanding the amendment of sections in 3494
Chapter 4713. of the Revised Code in this act, which no longer 3495
provides for school of cosmetology licenses, a valid school of 3496
cosmetology license held by a person on or after the effective 3497
date of this section is valid for the duration of that license 3498
term. On the expiration of that license, the State Cosmetology 3499
and Barber Board shall issue to a license holder who wishes to 3500
renew that license a school license under section 4713.44 of the 3501
Revised Code, as enacted by this act, if the license holder 3502
meets the requirements to be issued the school license. 3503

Section 6. Notwithstanding the amendment of sections in 3504
Chapter 4709. of the Revised Code in this act, which no longer 3505
provides for barber school licenses, a valid barber school 3506
license held by a person on or after the effective date of this 3507
section that is set to expire on August 31, 2022, is valid until 3508

January 31, 2023. On the expiration of that license, the State 3509
Cosmetology and Barber Board shall issue to a license holder who 3510
wishes to renew that license a school license under section 3511
4713.44 of the Revised Code, as enacted by this act, if the 3512
license holder meets the requirements to be issued the school 3513
license. 3514