

As Passed by the Senate

134th General Assembly

Regular Session

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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**

Senators Hackett, Huffman, S., McColley, O'Brien, Roegner

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
4713.24, 4713.25, 4713.28, 4713.30, 4713.31, 6
4713.34, 4713.35, 4713.39, 4713.41, 4713.46, 7
4713.49, 4713.55, 4713.56, 4713.57, 4713.58, 8
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 9
4713.641, 4713.66, and 4713.99; to enact new 10
sections 4709.02, 4709.03, 4709.05, 4709.10, 11
4709.13, 4713.44, 4713.45, and 4713.69 and 12
sections 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, 4713.45, and 4713.69 of the Revised 17
Code to make changes to the law governing the 18
regulation of 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, 4713.24, 23
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 24
4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.57, 4713.58, 25
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 26
and 4713.99 be amended and new sections 4709.02, 4709.03, 27
4709.05, 4709.10, 4709.13, 4713.44, 4713.45, and 4713.69 and 28
sections 4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 29
4709.091, 4709.111, and 4709.112 of the Revised Code be enacted 30
to read as 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

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| fluid, gasoline, or other preparation containing a volatile | 163 |
| organic solvent; | 164 |
| (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 |

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| (O) "Counterfeit controlled substance" means any of the following: | 190 191 |
| (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark; | 192 193 194 195 |
| (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it; | 196 197 198 199 |
| (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; | 200 201 202 |
| (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. | 203 204 205 206 207 |
| (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. | 208 209 210 211 212 213 214 |
| (Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section | 215 216 217 218 |

3301.07 of the Revised Code, whether or not any instruction, 219
extracurricular activities, or training provided by the school 220
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 223
situated, whether or not any instruction, extracurricular 224
activities, or training provided by the school is being 225
conducted on the premises at the time a criminal offense is 226
committed; 227

(2) Any other parcel of real property that is owned or 228
leased by a board of education of a school, the governing 229
authority of a community school established under Chapter 3314. 230
of the Revised Code, or the governing body of a nonpublic school 231
for which the state board of education prescribes minimum 232
standards under section 3301.07 of the Revised Code and on which 233
some of the instruction, extracurricular activities, or training 234
of the school is conducted, whether or not any instruction, 235
extracurricular activities, or training provided by the school 236
is being conducted on the parcel of real property at the time a 237
criminal offense is committed. 238

(S) "School building" means any building in which any of 239
the instruction, extracurricular activities, or training 240
provided by a school is conducted, whether or not any 241
instruction, extracurricular activities, or training provided by 242
the school is being conducted in the school building at the time 243
a criminal offense is committed. 244

(T) "Disciplinary counsel" means the disciplinary counsel 245
appointed by the board of commissioners on grievances and 246
discipline of the supreme court under the Rules for the 247

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| Government of the Bar of Ohio. | 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 |

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| 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 |
| 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, cosmetology instructor's license, hair | 290 |
| design instructor's license, manicurist instructor's license, | 291 |
| esthetics instructor's license, natural hair style instructor's | 292 |
| license, independent contractor's license, or tanning facility | 293 |
| permit under Chapter 4713. of the Revised Code; | 294 |
| (8) A person who has been issued a license to practice | 295 |
| dentistry, a general anesthesia permit, a conscious sedation | 296 |
| permit, a limited resident's license, a limited teaching | 297 |
| license, a dental hygienist's license, or a dental hygienist's | 298 |
| teacher's certificate under Chapter 4715. of the Revised Code; | 299 |
| (9) A person who has been issued an embalmer's license, a | 300 |
| funeral director's license, a funeral home license, or a | 301 |
| crematory license, or who has been registered for an embalmer's | 302 |
| or funeral director's apprenticeship under Chapter 4717. of the | 303 |
| Revised Code; | 304 |

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| (10) A person who has been licensed as a registered nurse | 305 |
| or practical nurse, or who has been issued a certificate for the | 306 |
| practice of nurse-midwifery under Chapter 4723. of the Revised | 307 |
| Code; | 308 |
| (11) A person who has been licensed to practice optometry | 309 |
| or to engage in optical dispensing under Chapter 4725. of the | 310 |
| Revised Code; | 311 |
| (12) A person licensed to act as a pawnbroker under | 312 |
| Chapter 4727. of the Revised Code; | 313 |
| (13) A person licensed to act as a precious metals dealer | 314 |
| under Chapter 4728. of the Revised Code; | 315 |
| (14) A person licensed under Chapter 4729. of the Revised | 316 |
| Code as a pharmacist or pharmacy intern or registered under that | 317 |
| chapter as a registered pharmacy technician, certified pharmacy | 318 |
| technician, or pharmacy technician trainee; | 319 |
| (15) A person licensed under Chapter 4729. of the Revised | 320 |
| Code as a manufacturer of dangerous drugs, outsourcing facility, | 321 |
| third-party logistics provider, repackager of dangerous drugs, | 322 |
| wholesale distributor of dangerous drugs, or terminal | 323 |
| distributor of dangerous drugs; | 324 |
| (16) A person who is authorized to practice as a physician | 325 |
| assistant under Chapter 4730. of the Revised Code; | 326 |
| (17) A person who has been issued a license to practice | 327 |
| medicine and surgery, osteopathic medicine and surgery, or | 328 |
| podiatric medicine and surgery under Chapter 4731. of the | 329 |
| Revised Code or has been issued a certificate to practice a | 330 |
| limited branch of medicine under that chapter; | 331 |
| (18) A person licensed as a psychologist or school | 332 |

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| psychologist under Chapter 4732. of the Revised Code; | 333 |
| (19) A person registered to practice the profession of | 334 |
| engineering or surveying under Chapter 4733. of the Revised | 335 |
| Code; | 336 |
| (20) A person who has been issued a license to practice | 337 |
| chiropractic under Chapter 4734. of the Revised Code; | 338 |
| (21) A person licensed to act as a real estate broker or | 339 |
| real estate salesperson under Chapter 4735. of the Revised Code; | 340 |
| (22) A person registered as a registered environmental | 341 |
| health specialist under Chapter 4736. of the Revised Code; | 342 |
| (23) A person licensed to operate or maintain a junkyard | 343 |
| under Chapter 4737. of the Revised Code; | 344 |
| (24) A person who has been issued a motor vehicle salvage | 345 |
| dealer's license under Chapter 4738. of the Revised Code; | 346 |
| (25) A person who has been licensed to act as a steam | 347 |
| engineer under Chapter 4739. of the Revised Code; | 348 |
| (26) A person who has been issued a license or temporary | 349 |
| permit to practice veterinary medicine or any of its branches, | 350 |
| or who is registered as a graduate animal technician under | 351 |
| Chapter 4741. of the Revised Code; | 352 |
| (27) A person who has been issued a hearing aid dealer's | 353 |
| or fitter's license or trainee permit under Chapter 4747. of the | 354 |
| Revised Code; | 355 |
| (28) A person who has been issued a class A, class B, or | 356 |
| class C license or who has been registered as an investigator or | 357 |
| security guard employee under Chapter 4749. of the Revised Code; | 358 |
| (29) A person licensed to practice as a nursing home | 359 |

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| administrator under Chapter 4751. of the Revised Code; | 360 |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; | 361 362 363 |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; | 364 365 366 |
| (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; | 367 368 369 370 371 372 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; | 373 374 |
| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; | 375 376 377 |
| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; | 378 379 |
| (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; | 380 381 |
| (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. | 382 383 384 |
| (X) "Cocaine" means any of the following: | 385 |
| (1) A cocaine salt, isomer, or derivative, a salt of a | 386 |

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| cocaine isomer or derivative, or the base form of cocaine; | 387 |
| (2) Coca leaves or a salt, compound, derivative, or | 388 |
| preparation of coca leaves, including ecgonine, a salt, isomer, | 389 |
| or derivative of ecgonine, or a salt of an isomer or derivative | 390 |
| of ecgonine; | 391 |
| (3) A salt, compound, derivative, or preparation of a | 392 |
| substance identified in division (X) (1) or (2) of this section | 393 |
| that is chemically equivalent to or identical with any of those | 394 |
| substances, except that the substances shall not include | 395 |
| decocainized coca leaves or extraction of coca leaves if the | 396 |
| extractions do not contain cocaine or ecgonine. | 397 |
| (Y) "L.S.D." means lysergic acid diethylamide. | 398 |
| (Z) "Hashish" means a resin or a preparation of a resin to | 399 |
| which both of the following apply: | 400 |
| (1) It is contained in or derived from any part of the | 401 |
| plant of the genus cannabis, whether in solid form or in a | 402 |
| liquid concentrate, liquid extract, or liquid distillate form. | 403 |
| (2) It has a delta-9 tetrahydrocannabinol concentration of | 404 |
| more than three-tenths per cent. | 405 |
| "Hashish" does not include a hemp byproduct in the | 406 |
| possession of a licensed hemp processor under Chapter 928. of | 407 |
| the Revised Code, provided that the hemp byproduct is being | 408 |
| produced, stored, and disposed of in accordance with rules | 409 |
| adopted under section 928.03 of the Revised Code. | 410 |
| (AA) "Marihuana" has the same meaning as in section | 411 |
| 3719.01 of the Revised Code, except that it does not include | 412 |
| hashish. | 413 |
| (BB) An offense is "committed in the vicinity of a | 414 |

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

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

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

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

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

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

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

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

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

(II) "Methamphetamine" means methamphetamine, any salt, 443
isomer, or salt of an isomer of methamphetamine, or any 444
compound, mixture, preparation, or substance containing 445
methamphetamine or any salt, isomer, or salt of an isomer of 446
methamphetamine. 447

(JJ) "Deception" has the same meaning as in section 448
2913.01 of the Revised Code. 449

(KK) "Fentanyl-related compound" means any of the 450
following: 451

(1) Fentanyl; 452

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 453
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 454
phenylethyl)-4-(N-propanilido) piperidine); 455

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 456
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 457

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 458
piperidinyl] -N-phenylpropanamide); 459

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 460
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 461
phenylpropanamide); 462

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 463
piperidyl]-N- phenylpropanamide); 464

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 465
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 466

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 467
phenethyl)-4- piperidinyl]propanamide; 468

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 469

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| piperidinyl]- propanamide; | 470 |
| (10) Alfentanil; | 471 |
| (11) Carfentanil; | 472 |
| (12) Remifentanil; | 473 |
| (13) Sufentanil; | 474 |
| (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and | 475 476 |
| (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl: | 477 478 479 480 481 482 483 |
| (a) A chemical scaffold consisting of both of the following: | 484 485 |
| (i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted; | 486 487 |
| (ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen. | 488 489 490 |
| (b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester; | 491 492 493 |
| (c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and | 494 495 |
| (d) The compound has not been approved for medical use by | 496 |

the United States food and drug administration. 497

(LL) "First degree felony mandatory prison term" means one 498
of the definite prison terms prescribed in division (A) (1) (b) of 499
section 2929.14 of the Revised Code for a felony of the first 500
degree, except that if the violation for which sentence is being 501
imposed is committed on or after March 22, 2019, it means one of 502
the minimum prison terms prescribed in division (A) (1) (a) of 503
that section for a felony of the first degree. 504

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

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

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

degree. 527

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

(QQ) An offense is "committed in the vicinity of a 530
substance addiction services provider or a recovering addict" if 531
either of the following apply: 532

(1) The offender commits the offense on the premises of a 533
substance addiction services provider's facility, including a 534
facility licensed prior to June 29, 2019, under section 5119.391 535
of the Revised Code to provide methadone treatment or an opioid 536
treatment program licensed on or after that date under section 537
5119.37 of the Revised Code, or within five hundred feet of the 538
premises of a substance addiction services provider's facility 539
and the offender knows or should know that the offense is being 540
committed within the vicinity of the substance addiction 541
services provider's facility. 542

(2) The offender sells, offers to sell, delivers, or 543
distributes the controlled substance or controlled substance 544
analog to a person who is receiving treatment at the time of the 545
commission of the offense, or received treatment within thirty 546
days prior to the commission of the offense, from a substance 547
addiction services provider and the offender knows that the 548
person is receiving or received that treatment. 549

(RR) "Substance addiction services provider" means an 550
agency, association, corporation or other legal entity, 551
individual, or program that provides one or more of the 552
following at a facility: 553

(1) Either alcohol addiction services, or drug addiction 554
services, or both such services that are certified by the 555

director of mental health and addiction services under section 556
5119.36 of the Revised Code; 557

(2) Recovery supports that are related to either alcohol 558
addiction services, or drug addiction services, or both such 559
services and paid for with federal, state, or local funds 560
administered by the department of mental health and addiction 561
services or a board of alcohol, drug addiction, and mental 562
health services. 563

(SS) "Premises of a substance addiction services 564
provider's facility" means the parcel of real property on which 565
any substance addiction service provider's facility is situated. 566

(TT) "Alcohol and drug addiction services" has the same 567
meaning as in section 5119.01 of the Revised Code. 568

Sec. 3333.26. (A) Any citizen of this state who has 569
resided within the state for one year, who was in the active 570
service of the United States as a soldier, sailor, nurse, or 571
marine between April 6, 1917, and November 11, 1918, and who has 572
been honorably discharged from that service, shall be admitted 573
to any school, college, or university that receives state funds 574
in support thereof, without being required to pay any tuition or 575
matriculation fee, but is not relieved from the payment of 576
laboratory or similar fees. 577

(B) (1) As used in this section: 578

(a) "Volunteer firefighter" has the meaning as in division 579
(B) (1) of section 146.01 of the Revised Code. 580

(b) "Public service officer" means an Ohio firefighter, 581
volunteer firefighter, police officer, member of the state 582
highway patrol, employee designated to exercise the powers of 583
police officers pursuant to section 1545.13 of the Revised Code, 584

or other peace officer as defined by division (B) of section 585
2935.01 of the Revised Code, or a person holding any equivalent 586
position in another state. 587

(c) "Qualified former spouse" means the former spouse of a 588
public service officer, or of a member of the armed services of 589
the United States, who is the custodial parent of a minor child 590
of that marriage pursuant to an order allocating the parental 591
rights and responsibilities for care of the child issued 592
pursuant to section 3109.04 of the Revised Code. 593

(d) "Operation enduring freedom" means that period of 594
conflict which began October 7, 2001, and ends on a date 595
declared by the president of the United States or the congress. 596

(e) "Operation Iraqi freedom" means that period of 597
conflict which began March 20, 2003, and ends on a date declared 598
by the president of the United States or the congress. 599

(f) "Combat zone" means an area that the president of the 600
United States by executive order designates, for purposes of 26 601
U.S.C. 112, as an area in which armed forces of the United 602
States are or have engaged in combat. 603

(2) Subject to division (D) of this section, any resident 604
of this state who is under twenty-six years of age, or under 605
thirty years of age if the resident has been honorably 606
discharged from the armed services of the United States, who is 607
the child of a public service officer killed in the line of duty 608
or of a member of the armed services of the United States killed 609
in the line of duty during operation enduring freedom or 610
operation Iraqi freedom, and who is admitted to any state 611
university or college as defined in division (A)(1) of section 612
3345.12 of the Revised Code, community college, state community 613

college, university branch, or technical college shall not be 614
required to pay any tuition or any student fee for up to four 615
academic years of education, which shall be at the undergraduate 616
level, or a certificate program as prescribed under division (E) 617
of this section. 618

A child of a member of the armed services of the United 619
States killed in the line of duty during operation enduring 620
freedom or operation Iraqi freedom is eligible for a waiver of 621
tuition and student fees under this division only if the student 622
is not eligible for a war orphans and severely disabled 623
veterans' children scholarship authorized by Chapter 5910. of 624
the Revised Code. In any year in which the war orphans and 625
severely disabled veterans' children scholarship board reduces 626
the percentage of tuition covered by a war orphans and severely 627
disabled veterans' children scholarship below one hundred per 628
cent pursuant to division (A) of section 5910.04 of the Revised 629
Code, the waiver of tuition and student fees under this division 630
for a child of a member of the armed services of the United 631
States killed in the line of duty during operation enduring 632
freedom or operation Iraqi freedom shall be reduced by the same 633
percentage. 634

(3) Subject to division (D) of this section, any resident 635
of this state who is the spouse or qualified former spouse of a 636
public service officer killed in the line of duty, and who is 637
admitted to any state university or college as defined in 638
division (A)(1) of section 3345.12 of the Revised Code, 639
community college, state community college, university branch, 640
or technical college, shall not be required to pay any tuition 641
or any student fee for up to four academic years of education, 642
which shall be at the undergraduate level, or a certificate 643
program as prescribed under division (E) of this section. 644

(4) Any resident of this state who is the spouse or 645
qualified former spouse of a member of the armed services of the 646
United States killed in the line of duty while serving in a 647
combat zone after May 7, 1975, and who is admitted to any state 648
university or college as defined in division (A)(1) of section 649
3345.12 of the Revised Code, community college, state community 650
college, university branch, or technical college, shall not be 651
required to pay any tuition or any student fee for up to four 652
years of academic education, which shall be at the undergraduate 653
level, or a certificate program as prescribed under division (E) 654
of this section. In order to qualify under division (B)(4) of 655
this section, the spouse or qualified former spouse shall have 656
been a resident of this state at the time the member was killed 657
in the line of duty. 658

(C) Any institution that is not subject to division (B) of 659
this section and that holds a valid certificate of registration 660
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 661
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 662
valid license issued under Chapter 4713. of the Revised Code, or 663
that is nonprofit and has a certificate of authorization issued 664
under section 1713.02 of the Revised Code, or that is a private 665
institution exempt from regulation under Chapter 3332. of the 666
Revised Code as prescribed in section 3333.046 of the Revised 667
Code, which reduces tuition and student fees of a student who is 668
eligible to attend an institution of higher education under the 669
provisions of division (B) of this section by an amount 670
indicated by the chancellor of higher education shall be 671
eligible to receive a grant in that amount from the chancellor. 672

Each institution that enrolls students under division (B) 673
of this section shall report to the chancellor, by the first day 674
of July of each year, the number of students who were so 675

enrolled and the average amount of all such tuition and student 676
fees waived during the preceding year. The chancellor shall 677
determine the average amount of all such tuition and student 678
fees waived during the preceding year. The average amount of the 679
tuition and student fees waived under division (B) of this 680
section during the preceding year shall be the amount of grants 681
that participating institutions shall receive under this 682
division during the current year, but no grant under this 683
division shall exceed the tuition and student fees due and 684
payable by the student prior to the reduction referred to in 685
this division. The grants shall be made for two certificate 686
programs or four years of undergraduate education of an eligible 687
student. 688

(D) Notwithstanding anything to the contrary in section 689
3333.31 of the Revised Code, for the purposes of divisions (B) 690
(2) and (3) of this section, the child, spouse, or qualified 691
former spouse of a public service officer or a member of the 692
armed services of the United States killed in the line of duty 693
shall be considered a resident of this state for the purposes of 694
this section if the child, spouse, or qualified former spouse 695
was a resident of this state at the time that the public service 696
officer or member of the armed services was killed. 697

However, no child, spouse, or qualified former spouse of a 698
public service officer or a member of the armed services of the 699
United States killed in the line of duty shall be required to be 700
a resident of this state at the time the public service officer 701
or member of the armed services of the United States was killed 702
in order to receive benefits under divisions (B) (2) and (3) of 703
this section. 704

(E) A child, spouse, or qualified former spouse of a 705

public service officer or a member of the armed services killed 706
in the line of duty shall receive benefits for a certificate 707
program in accordance with division (B) or (C) of this section, 708
except that a particular child, spouse, or qualified former 709
spouse shall not receive benefits for: 710

(1) More than two certificate programs; 711

(2) A total number of academic credits or instructional 712
hours equivalent to more than four academic years; 713

(3) For any particular academic year, an amount that is 714
greater than eight thousand dollars. 715

Sec. 4709.01. As used in this chapter: 716

(A) (1) Except as provided in division (A) (2) of this 717
section, "the practice of barbering" means any one or more of 718
the following when performed upon the head, neck, or face for 719
cosmetic purposes and when performed upon the public for pay, 720
free, or otherwise: 721

(a) Shaving the face, shaving around the vicinity of the 722
ears and neckline, or trimming facial hair; 723

(b) Cutting or styling hair; 724

(c) Facials, skin care, or scalp massages; 725

(d) Shampooing, bleaching, coloring, straightening, or 726
permanent waving hair; 727

(e) Cutting, fitting, or forming head caps for wigs or 728
hair pieces. 729

(2) "The practice of barbering" does not include ~~the~~ 730
~~practice of natural hair styling~~braiding. 731

(B) ~~Sanitary means free of infectious agents, disease, or~~ 732

~~infestation by insects or vermin and free of soil, dust, or
foreign material.~~ 733
734

~~(C) "Barber" means any person an individual who engages in
or attempts to engage in the practice of barbering.~~ 735
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~~(D) Barber school means any establishment that engages in
or attempts to engage in the teaching of the practice of
barbering.~~ 737
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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.~~ 740
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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.~~ 744
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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.~~ 748
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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.~~ 752
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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.~~ 755
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~~(H) The practice of natural hair styling means work done
for a fee or other form of compensation, by any person,~~ 759
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~~utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.~~ 761-766

~~(I) "Braiding means intertwining the hair in a systematic motion to create patterns in a three dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers," "cosmetic therapy," and "school" have the same meanings as in section 4713.01 of the Revised Code.~~ 767-773

(I) "Independent contractor" means an individual who is not an employee of a barber shop but practices barbering within a barber shop. 774-776

(J) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a barber shop, including all equipment and implements in the barber shop, are maintained by doing all of the following, as applicable: 777-780

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water; 781-783

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses; 784-785

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid. 786-788

Sec. 4709.02. Except as otherwise provided in this 789

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| <u>chapter, no individual shall do any of the following:</u> | 790 |
| <u>(A) Engage in the practice of barbering without one of the</u> | 791 |
| <u>following:</u> | 792 |
| <u>(1) A current, valid barber license issued under section</u> | 793 |
| <u>4709.07 or 4709.08 of the Revised Code;</u> | 794 |
| <u>(2) A current, valid temporary pre-examination work permit</u> | 795 |
| <u>issued under section 4709.071 of the Revised Code.</u> | 796 |
| <u>(B) Operate a barber shop without a current, valid barber</u> | 797 |
| <u>shop license issued under section 4709.09 of the Revised Code;</u> | 798 |
| <u>(C) Except as provided in section 4713.45 of the Revised</u> | 799 |
| <u>Code, teach or assist in teaching the theory and practice of</u> | 800 |
| <u>barbering without a current, valid barber instructor or</u> | 801 |
| <u>assistant barber instructor license issued under section</u> | 802 |
| <u>4709.072 of the Revised Code;</u> | 803 |
| <u>(D) Use or display a barber pole for the purpose of</u> | 804 |
| <u>advertising or offering barber services without a current, valid</u> | 805 |
| <u>barber shop license issued under section 4709.09 of the Revised</u> | 806 |
| <u>Code;</u> | 807 |
| <u>(E) Use fraud or deceit in obtaining or applying for a</u> | 808 |
| <u>license or permit issued pursuant to this chapter;</u> | 809 |
| <u>(F) Employ an individual to perform the practice of</u> | 810 |
| <u>barbering unless the individual holds one of the following:</u> | 811 |
| <u>(1) A current, valid barber license issued under section</u> | 812 |
| <u>4709.07 of the Revised Code;</u> | 813 |
| <u>(2) A current, valid temporary pre-examination work permit</u> | 814 |
| <u>issued under section 4709.071 of the Revised Code.</u> | 815 |
| <u>(G) Practice barbering at a barber shop as an independent</u> | 816 |

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| <u>contractor without a current, valid independent contractor</u> | 817 |
| <u>license issued under section 4709.09 of the Revised Code;</u> | 818 |
| <u>(H) Provide any of the following at a barber shop for pay,</u> | 819 |
| <u>free, or otherwise:</u> | 820 |
| <u>(1) Massage therapy, unless the individual has a current,</u> | 821 |
| <u>valid license issued by the state medical board under section</u> | 822 |
| <u>4731.15 of the Revised Code;</u> | 823 |
| <u>(2) Any other professional service, unless the individual</u> | 824 |
| <u>has a current, valid license or certificate issued by the</u> | 825 |
| <u>professional regulatory board of this state that regulates the</u> | 826 |
| <u>profession;</u> | 827 |
| <u>(3) Cosmetic therapy, unless the individual is authorized</u> | 828 |
| <u>by rules adopted under section 4709.05 of the Revised Code.</u> | 829 |
| <u>(I) Practice barbering in a location other than a barber</u> | 830 |
| <u>shop unless exempted under section 4709.031 or 4713.351 of the</u> | 831 |
| <u>Revised Code;</u> | 832 |
| <u>(J) Aid or abet any individual or entity in any of the</u> | 833 |
| <u>following:</u> | 834 |
| <u>(1) Violating this chapter or a rule adopted under it;</u> | 835 |
| <u>(2) Obtaining a license or permit fraudulently;</u> | 836 |
| <u>(3) Falsely pretending to hold a current, valid license or</u> | 837 |
| <u>permit.</u> | 838 |
| Sec. 4709.03. <u>(A) The following individuals are exempt</u> | 839 |
| <u>from this chapter, except section 4709.091 of the Revised Code,</u> | 840 |
| <u>as applicable:</u> | 841 |
| <u>(1) All individuals licensed by this state to practice</u> | 842 |
| <u>medicine, surgery, dentistry, or any branch of medicine,</u> | 843 |

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| <u>surgery, or dentistry, while acting within the scope of practice</u> | 844 |
| <u>for the license, permit, or certificate held;</u> | 845 |
| <u>(2) Commissioned medical or surgical officers of the</u> | 846 |
| <u>United States army, navy, air force, or marine hospital service,</u> | 847 |
| <u>and attendants attached to the same, while acting within the</u> | 848 |
| <u>scope of practice for the license, permit, or certificate held;</u> | 849 |
| <u>(3) Nurses licensed under Chapter 4723. of the Revised</u> | 850 |
| <u>Code, while acting within the scope of practice for the license</u> | 851 |
| <u>or certificate held;</u> | 852 |
| <u>(4) Cosmetologists and hair designers licensed under</u> | 853 |
| <u>Chapter 4713. of the Revised Code, while acting within the scope</u> | 854 |
| <u>of practice for the license or permit held;</u> | 855 |
| <u>(5) Funeral directors, embalmers, and apprentices licensed</u> | 856 |
| <u>or certified under Chapter 4717. of the Revised Code, while</u> | 857 |
| <u>acting within the scope of practice for the license, permit, or</u> | 858 |
| <u>certificate held;</u> | 859 |
| <u>(6) Volunteers of hospitals and homes as defined in</u> | 860 |
| <u>section 3721.01 of the Revised Code, who render service to</u> | 861 |
| <u>registered patients and inpatients who reside in such hospitals</u> | 862 |
| <u>or homes;</u> | 863 |
| <u>(7) Nurse aides and other employees of hospitals and homes</u> | 864 |
| <u>as defined in section 3721.01 of the Revised Code, who engage in</u> | 865 |
| <u>the practice of barbering on registered patients only as part of</u> | 866 |
| <u>general patient care services and who do not charge patients</u> | 867 |
| <u>directly on a fee-for-service basis;</u> | 868 |
| <u>(8) Massage therapists who hold current, valid licenses to</u> | 869 |
| <u>practice massage therapy issued by the state medical board under</u> | 870 |
| <u>section 4731.15 of the Revised Code, while acting within the</u> | 871 |
| <u>scope of practice for the license held;</u> | 872 |

(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. 873
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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. 877
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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. 882
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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. 886
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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: 891
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(1) Regulate the practice of barbering in this state; 895

(2) Conduct or have conducted the examination for applicants to practice as licensed barbers; 896
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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; 898
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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; 902
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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: 905
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(a) Each individual or person to whom the board issues a barber license or license to operate a barber shop; 908
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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. 910
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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; 913
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(7) Comply with sections 4713.641 and 4713.66 of the Revised Code regarding investigations and inspections; 916
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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: 918
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(a) Infection control standards for the practice of barbering and the operation of barber shops; 921
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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; 923
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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; 926
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| <u>(d) Requirements for the licensure of barber instructors</u> | 930 |
| <u>and assistant barber instructors that are in addition to the</u> | 931 |
| <u>requirements specified in section 4709.072 of the Revised Code;</u> | 932 |
| <u>(e) Conditions under which the board will take into</u> | 933 |
| <u>account, under section 4709.073 of the Revised Code, instruction</u> | 934 |
| <u>an applicant for a license under section 4709.07 or 4709.072 of</u> | 935 |
| <u>the Revised Code received more than five years before the date</u> | 936 |
| <u>of application for the license;</u> | 937 |
| <u>(f) Conditions an applicant must satisfy for the board to</u> | 938 |
| <u>issue the applicant an independent contractor license under</u> | 939 |
| <u>section 4709.09 of the Revised Code and the fee for the issuance</u> | 940 |
| <u>and renewal of the license;</u> | 941 |
| <u>(g) Specify which professions regulated by a professional</u> | 942 |
| <u>regulatory board of this state may be practiced in a barber shop</u> | 943 |
| <u>under section 4709.091 of the Revised Code, including whether</u> | 944 |
| <u>cosmetic therapy may be practiced in a barber shop;</u> | 945 |
| <u>(h) Establish standards for the provision of cosmetic</u> | 946 |
| <u>therapy, massage therapy, or other professional service in a</u> | 947 |
| <u>barber shop pursuant to section 4709.091 of the Revised Code;</u> | 948 |
| <u>(i) If the board, under section 4709.111 of the Revised</u> | 949 |
| <u>Code, develops a procedure for classifying licenses inactive, do</u> | 950 |
| <u>both of the following:</u> | 951 |
| <u>(i) Establish a fee for having a license classified</u> | 952 |
| <u>inactive that reflects the cost to the board of providing the</u> | 953 |
| <u>inactive license service;</u> | 954 |
| <u>(ii) Specify the continuing education that an individual</u> | 955 |
| <u>whose license has been classified inactive must complete to have</u> | 956 |
| <u>the license restored.</u> | 957 |

(j) The designation of testing facilities in this state 958
that are authorized, beginning January 1, 2024, to administer 959
the examination required for an applicant for a barber license 960
on behalf of the board; 961

(k) Any other area the board determines appropriate to 962
administer or enforce this chapter. 963

(B) The infection control standards established under 964
division (A) (8) (a) of this section shall focus in particular on 965
precautions to be employed to prevent infectious or contagious 966
diseases being created or spread. 967

(C) The content of the examination specified in rules 968
adopted under division (A) (8) (b) of this section shall include a 969
practical demonstration and a written test, shall relate only to 970
the practice of barbering, and shall require the applicant to 971
demonstrate that the applicant has a thorough knowledge of and 972
competence in the proper techniques in the safe use of chemicals 973
used in the practice of barbering. 974

(D) The rules adopted under division (A) (8) (c) of this 975
section may establish additional conditions for a temporary pre- 976
examination work permit under section 4709.071 of the Revised 977
Code that are applicable to individuals who are licensed to 978
practice barbering in another state or country. 979

(E) The rules adopted under division (A) (8) (g) of this 980
section shall not include a profession if practice of the 981
profession in a barber shop is a violation of a statute or rule 982
governing the profession. 983

(F) If the board adopts a procedure for classifying 984
licenses inactive, the continuing education specified under 985
division (A) (8) (i) (ii) of this section shall be sufficient to 986

ensure the minimum competency in the use or administration of a 987
new procedure or product required by a licensee necessary to 988
protect public health and safety. The requirement shall not 989
exceed the cumulative number of hours of continuing education 990
that the individual would have been required to complete had the 991
individual retained an active license. 992

Sec. 4709.051. (A) The state cosmetology and barber board 993
may adopt rules in accordance with section 4709.05 of the 994
Revised Code to establish a continuing education requirement, 995
not to exceed eight hours in a biennial licensing period, as a 996
condition of renewal for a barber license, barber instructor 997
license, or assistant barber instructor license. 998

(B) If the board establishes a continuing education 999
requirement under division (A) of this section, an individual 1000
holding a barber license, barber instructor license, or 1001
assistant barber instructor license shall satisfy the 1002
requirement by completing a continuing education program 1003
approved in accordance with division (B) of section 4713.62 of 1004
the Revised Code. 1005

These hours may include training in identifying and 1006
addressing the crime of trafficking in persons as described in 1007
section 2905.32 of the Revised Code. At least two of the eight 1008
hours of the continuing education requirement must be achieved 1009
in courses concerning safety and infection control, and at least 1010
one hour of the eight hours of the continuing education 1011
requirement must be achieved in courses concerning law and rule 1012
updates. 1013

(C) The rules adopted in accordance with division (A) of 1014
this section shall permit the continuing education requirement 1015
to be satisfied by either classroom instruction or distance 1016

education. 1017

Sec. 4709.07. (A) Each ~~person~~ individual who ~~desires to~~ 1018
~~obtain an initial license to practice barbering shall apply to~~ 1019
~~the state cosmetology and barber board, on forms provided by the~~ 1020
~~board. The application form shall include the name of the person~~ 1021
~~applying for the license and evidence that the applicant meets~~ 1022
~~all of the requirements of division (B) of this section. The~~ 1023
~~application shall be accompanied by two signed current~~ 1024
~~photographs of the applicant, in the size determined by the~~ 1025
~~board, that show only the head and shoulders of the applicant,~~ 1026
~~and the examination application fee.~~ 1027

~~(B) In order~~ applies to take the required barber 1028
~~examination and to qualify for licensure as a barber, an~~ 1029
~~applicant must~~ shall demonstrate that the ~~applicant~~ individual 1030
meets all of the following: 1031

(1) Is at least ~~eighteen~~ sixteen years of age; 1032

(2) Has an eighth grade education or an equivalent 1033
education as determined by the state board of education in the 1034
state where the applicant resides; 1035

(3) Has submitted a written application on a form 1036
furnished by the board that contains all of the following: 1037

(a) The name of the individual and any other identifying 1038
information required by the board; 1039

(b) A photocopy of the individual's current driver's 1040
license or other proof of legal residence; 1041

(c) An oath verifying that the information in the 1042
application is true. 1043

(4) Submits to having a photograph and biometric 1044

fingerprint scan taken by the board; 1045

(5) Has graduated with at least one thousand ~~eight hundred~~ 1046
hours of ~~board-approved~~ training from a ~~board-approved barber~~ 1047
school or has graduated with at least ~~one thousand~~ four hundred 1048
hours of ~~board-approved~~ training from a ~~board-approved barber~~ 1049
school ~~in this state~~ and has a current cosmetology or hair 1050
designer license issued pursuant to Chapter 4713. of the Revised 1051
Code. ~~No hours of instruction earned by an applicant five or~~ 1052
~~more years prior to the examination apply to the hours of study~~ 1053
~~required by this division;~~ 1054

(6) Has paid the application fee. 1055

(B) The board shall issue a barber license to an applicant 1056
who passes the examination and pays the license fee. 1057

~~(C) Any applicant who meets all of the requirements of~~ 1058
~~divisions (A) and (B) of this section may take the barber~~ 1059
~~examination at the time and place specified by the board. If the~~ 1060
(C) (1) Beginning January 1, 2024, an applicant may elect to take 1061
the examination at a testing facility designated by the board 1062
under section 4709.05 of the Revised Code. The applicant is 1063
responsible for any additional costs associated with taking the 1064
examination at a testing facility. 1065

(2) If an applicant fails to ~~attain at least a seventy~~ 1066
~~five per cent pass rate on each~~ any part of the examination, the 1067
applicant is ineligible for licensure; however, the applicant 1068
may reapply for examination ~~within ninety days after the date of~~ 1069
~~the release of the examination scores by paying and pay~~ the 1070
required reexamination fee. An applicant is only required to 1071
take that part or parts of the examination ~~on which that~~ the 1072
applicant did not ~~receive a score of seventy five per cent or~~ 1073

~~higherpass. If the applicant fails to reapply for examination-~~ 1074
~~within ninety days or fails the second examination, in order to-~~ 1075
~~reapply for examination for licensure the applicant shall-~~ 1076
~~complete an additional course of study of not less than two-~~ 1077
~~hundred hours, in a board approved barber school. The board~~ 1078
shall provide to an applicant, upon request, a report which 1079
explains the reasons for the applicant's failure to pass the 1080
examination. 1081

~~(D) The board shall issue a license to practice barbering-~~ 1082
~~to any applicant who, to the satisfaction of the board, meets-~~ 1083
~~the requirements of divisions (A) and (B) of this section, who-~~ 1084
~~passes the required examination, and pays the initial licensure-~~ 1085
~~fee. Every licensed barber shall display maintain the~~ 1086
~~certificate of licensure in a conspicuous place adjacent to or-~~ 1087
~~near the licensed barber's work chair, along with a signed-~~ 1088
~~current photograph, in the size determined by the board, showing-~~ 1089
~~head and shoulders only~~board-issued, wallet-sized license or 1090
electronically generated license certification and a current 1091
government-issued photo identification that can be produced on 1092
inspection or request. 1093

Sec. 4709.071. (A) The state cosmetology and barber board 1094
shall issue a temporary pre-examination work permit to practice 1095
barbering to an individual who applies for and is eligible to 1096
take an examination conducted under section 4709.07 of the 1097
Revised Code, if the individual satisfies all of the following 1098
conditions: 1099

(1) The individual has not previously failed an 1100
examination conducted under section 4709.07 of the Revised Code. 1101

(2) The individual pays to the board the applicable fee. 1102

(3) The individual satisfies all other conditions 1103
established by rules adopted under section 4709.05 of the 1104
Revised Code. 1105

(B) An individual issued a temporary pre-examination work 1106
permit under this section may practice barbering until the date 1107
the individual is scheduled to take an examination under section 1108
4709.07 of the Revised Code. The individual shall practice under 1109
the supervision of an individual holding a current, valid barber 1110
license. 1111

(C) A temporary pre-examination work permit is renewable 1112
in accordance with rules adopted under section 4709.05 of the 1113
Revised Code. 1114

Sec. 4709.072. (A) The state cosmetology and barber board 1115
shall issue a barber instructor license to an applicant who 1116
meets all of the following requirements: 1117

(1) Is at least eighteen years of age; 1118

(2) Holds a current, valid barber license issued under 1119
section 4709.07 of the Revised Code and meets either of the 1120
following requirements: 1121

(a) Has at least eighteen months of work experience in a 1122
licensed barber shop; 1123

(b) Has been employed as an assistant barber instructor 1124
under the supervision of a licensed barber for at least one 1125
year. 1126

(3) Passes the required examination; 1127

(4) Pays the applicable license fee; 1128

(5) Meets any additional requirements specified in rules 1129

adopted by the board under section 4709.05 of the Revised Code. 1130

(B) The board shall issue an assistant barber instructor 1131
license to an applicant who holds a current, valid barber 1132
license issued under section 4709.07 of the Revised Code and 1133
meets the requirements listed in divisions (A) (1), (4), and (5) 1134
of this section. 1135

(C) Every holder of a barber instructor license or 1136
assistant barber instructor license shall maintain a board- 1137
issued, wallet-sized license or electronically generated license 1138
certification and a current government-issued photo 1139
identification that can be produced upon inspection or request. 1140

Sec. 4709.073. When determining the total hours of 1141
instruction received by an applicant under section 4709.07 or 1142
4709.072 of the Revised Code, the state cosmetology and barber 1143
board shall not take into account more than ten hours of 1144
instruction per day. The board shall take into account 1145
instruction received more than five years before the date of 1146
application for the license in accordance with rules adopted 1147
under section 4709.05 of the Revised Code. 1148

Sec. 4709.08. (A) Any ~~person~~ individual who holds a 1149
current license or registration to practice as a barber or teach 1150
the theory and practice of barbering in any other state or 1151
district of the United States or country ~~whose requirements for~~ 1152
~~licensure or registration of barbers are substantially~~ 1153
~~equivalent to the requirements of this chapter and rules adopted~~ 1154
~~under it and that extends similar reciprocity to persons~~ 1155
~~licensed as barbers in this state may apply to the state~~ 1156
cosmetology and barber board for a barber, barber instructor, or 1157
assistant barber instructor license. 1158

~~(B) The board shall, without examination, unless the board determines to require an examination, issue a license by endorsement to practice as a licensed barber in this state if the person an applicant who meets all of the requirements of this section, is~~ following applicable conditions: 1159
1160
1161
1162
1163

(1) Is at least eighteen years of age, and pays; 1164

(2) Pays the required fees; 1165

(3) If the applicant is licensed or registered in another state, submits to the board satisfactory evidence of that fact; 1166
1167

(4) If the applicant is licensed or registered or was trained in another country, submits to the board satisfactory evidence of that fact and that the standards for licensure, registration, or training in that country were substantially similar to those of this state at the time the applicant was licensed, registered, or trained. ~~The~~ 1168
1169
1170
1171
1172
1173

(C) The board may waive do either of the following for an applicant applying for a license under this section: 1174
1175

(1) Waive any of the requirements listed in division (B) of this section; 1176
1177

(2) Require the person to pass an examination. 1178

Sec. 4709.09. (A) Each ~~person~~ applicant who desires to obtain a barber shop license shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber shop license to ~~a person an~~ applicant if the board determines that the ~~person meets all of the requirements of division (B) of this section and pays~~ applicant has paid the ~~required license and inspection fees.~~ 1179
1180
1181
1182
1183
1184
1185

~~(B) In order for a person to qualify for a license to~~ 1186

~~operate a barber shop, fee and ensured that~~ the barber shop shall 1187
meet all of the following requirements: 1188

(1) Be in the charge and under the immediate supervision 1189
of a licensed barber; 1190

(2) Be equipped to provide running hot and cold water and 1191
proper drainage; 1192

(3) ~~Sanitize and maintain in a sanitary condition, all~~ 1193
~~instruments and supplies;~~ 1194

~~(4) Keep towels and linens clean and sanitary and in a~~ 1195
~~dry, dust proof container;~~ 1196

~~(5) Display~~ Be in compliance with the infection control 1197
standards adopted by the board in rule; 1198

(4) Pass an initial inspection as described in division 1199
(A) (10) of section 4713.07 of the Revised Code. 1200

(B) An applicant issued a barber shop license under 1201
division (A) of this section shall display the shop license and 1202
a copy of the board's sanitary rules-infection control standards 1203
provided by the board under division (A) (5) of section 4709.05 1204
of the Revised Code in a public and conspicuous place in the 1205
working areabarber shop. 1206

(C) (1) Any licensed barber who leases space in a licensed 1207
barber shop and engages in the practice of barbering independent 1208
and free from supervision of the owner or manager of the barber 1209
shop is considered to be engaged in the operation of a separate- 1210
and distinct barber shop and shall obtain a-an independent 1211
contractor license to operate a barber shop pursuant to this- 1212
section by submitting the form provided by the board, paying the 1213
applicable fee, and satisfying the conditions for the license 1214

established in rules adopted under section 4709.05 of the 1215
Revised Code. 1216

(2) Every holder of an independent contractor license 1217
shall maintain the board-issued, wallet-sized license or 1218
electronically generated license certification and a current 1219
government-issued photo identification that can be produced upon 1220
inspection or request. 1221

~~(D) A shop license is not transferable from one owner to~~ 1222
~~another and if an owner or operator of a barber shop permanently~~ 1223
~~ceases offering barber services at the shop, the owner or~~ 1224
~~operator shall return the barber shop license to the board~~ 1225
~~within ten days of the cessation of services or from one location~~ 1226
~~to another.~~ 1227

~~(E) (1) Manicurists licensed under Chapter 4713. of the~~ 1228
~~Revised Code may practice manicuring in a barber shop.~~ 1229

~~(2) (E) Tanning facilities issued a permit under section~~ 1230
~~4713.48 of the Revised Code may be operated in a barber shop.~~ 1231

~~(F) Clothing and related accessories may be sold at retail~~ 1232
~~in a barber shop so long as these sales maintain the integrity~~ 1233
~~of the facility as a barber shop.~~ 1234

Sec. 4709.091. (A) An individual holding a current, valid 1235
license issued under section 4731.15 of the Revised Code to 1236
provide massage therapy may provide massage therapy in a barber 1237
shop. An individual holding a current, valid license or 1238
certificate issued by a professional regulatory board of this 1239
state may practice the individual's profession in a barber shop 1240
if the individual's profession is authorized by rules adopted 1241
under section 4709.05 of the Revised Code to practice in a 1242
barber shop. An individual may provide cosmetic therapy in a 1243

barber shop if authorized by rules adopted under section 4709.05 1244
of the Revised Code to practice in a barber shop. 1245

(B) An individual providing cosmetic therapy, massage 1246
therapy, or other professional service in a barber shop pursuant 1247
to this section shall satisfy the standards established by rules 1248
adopted under section 4709.05 of the Revised Code. 1249

(C) An individual who provides massage therapy or other 1250
professional services in a barber shop under this section shall 1251
maintain the individual's professional license or certificate or 1252
electronically generated license certification or registration 1253
and a state of Ohio issued photo identification that can be 1254
produced on inspection or request. 1255

Sec. 4709.10. An applicant for a license to operate a 1256
school shall submit an application to the state cosmetology and 1257
barber board and satisfy the requirements under section 4713.44 1258
of the Revised Code to be issued the license. If the school for 1259
which the applicant is applying for a license under that section 1260
offers instruction in the theory and practice of barbering, the 1261
applicant shall do all of the following to be issued the 1262
license: 1263

(A) Provide sufficient licensed teaching personnel to meet 1264
the minimum student-instructor ratio established by the board in 1265
rules adopted under section 4713.08 of the Revised Code; 1266

(B) Establish minimum standards for acceptance of student 1267
applicants for admission to the school to learn the theory and 1268
practice of barbering; 1269

(C) Employ not more than two licensed assistant barber 1270
instructors for each licensed barber instructor employed or 1271
fewer than two licensed instructors or one licensed instructor 1272

and one licensed assistant instructor at each facility; 1273

(D) Pass an initial inspection as described in division 1274

(A) (10) of section 4713.07 of the Revised Code. 1275

Sec. 4709.11. Every license issued pursuant to this 1276
chapter expires on the thirty-first day of August of each even- 1277
numbered year. Each licensee desiring to do so shall, on or 1278
before the first day of September of each even-numbered year, 1279
renew the licensee's license pursuant to the standard renewal 1280
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1281
~~expired license shall restore the holder's license before~~ 1282
~~continuing the practice of barbering or the activity for which~~ 1283
~~the holder is licensed under this chapter and pay the~~ 1284
~~appropriate restoration fee. If the person fails to restore the~~ 1285
~~person's license within six years, the person shall pay any~~ 1286
~~required restoration fee and take any examination required for~~ 1287
~~the license under this chapter~~ 1288

If the state cosmetology and barber board adopts rules 1289
under section 4709.051 of the Revised Code to establish a 1290
continuing education requirement as a condition of renewal for a 1291
barber license, barber instructor license, or assistant barber 1292
instructor license, the board shall inform each licensee of the 1293
continuing education requirement that applies to the next 1294
biennial licensing period by including that information in the 1295
renewal notification the board sends the licensee. The board 1296
shall state in the notification that the licensee must complete 1297
the continuing education requirement by the fifteenth day of 1298
August of the next even-numbered year. Hours completed in excess 1299
of the continuing education requirement may not be applied to 1300
the next biennial licensing period. 1301

The board may waive or extend the period for a licensee to 1302

complete any applicable continuing education requirement in 1303
accordance with division (B) of section 4713.60 of the Revised 1304
Code. Every license that has not been renewed in the timeframe 1305
specified in this section and for which the continuing education 1306
requirement has not been waived or extended shall be considered 1307
expired. 1308

Sec. 4709.111. (A) If the state cosmetology and barber 1309
board adopts a continuing education requirement under section 1310
4709.051 of the Revised Code, it may develop a procedure by 1311
which an individual who holds a barber license, barber 1312
instructor license, or assistant barber instructor license and 1313
who is not currently engaged in the practice of barbering or 1314
teaching or assisting in teaching of the theory and practice of 1315
barbering, but who desires to be so engaged in the future, may 1316
apply to the board to have the individual's license classified 1317
inactive. If the board develops this procedure, an individual 1318
seeking to have the individual's license classified inactive 1319
shall apply to the board on a form provided by the board and pay 1320
the fee established by rules adopted under section 4709.05 of 1321
the Revised Code. 1322

(B) The board shall not restore an inactive license until 1323
the individual holding the license submits proof satisfactory to 1324
the board that the individual has completed the continuing 1325
education requirement established by the board in rules adopted 1326
under section 4709.05 of the Revised Code. 1327

Sec. 4709.112. (A) A barber license, barber instructor 1328
license, or assistant barber instructor license that has not 1329
been renewed for any reason other than because it has been 1330
revoked, suspended, classified inactive, or because the license 1331
holder has been given a waiver or extension under section 1332

4709.11 of the Revised Code, is expired. An expired license may 1333
be restored if the individual who held the license satisfies 1334
both of the following requirements: 1335

(1) Pays to the state cosmetology and barber board the 1336
restoration fee established under section 4709.12 of the Revised 1337
Code; 1338

(2) In the case of a barber license that has been expired 1339
for more than two consecutive license renewal periods, completes 1340
any outstanding continuing education requirements for each 1341
license renewal period that has elapsed since the license was 1342
last issued or renewed, up to a maximum of twenty-four hours. 1343

(B) At least four of the continuing education hours 1344
required under division (A)(2) of this section shall include a 1345
course pertaining to infection control and safety methods. 1346

Sec. 4709.12. (A) The state cosmetology and barber board 1347
shall charge and collect the following nonrefundable fees: 1348

(1) For the application to take the barber examination, 1349
ninety dollars~~not more than an amount determined by the board~~ 1350
annually; 1351

(2) For an application to retake any one part of the 1352
barber examination, ~~forty-five dollars~~not more than an amount 1353
determined by the board annually; 1354

(3) For an application to take the barber examination by 1355
an applicant who has previously applied to take but failed to 1356
appear for the examination, not more than an amount determined 1357
by the board annually; 1358

(4) For the initial issuance of a license to practice as a 1359
barber, not more than thirty dollars; 1360

| | |
|--|------------------------------|
| (4) -(5) For the biennial renewal of the license to practice as a barber, <u>not more than one hundred ten dollars;</u> | 1361 1362 |
| (5) -(6) For the restoration of an expired barber license, <u>not more than one hundred fifty dollars, and not more than seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;</u> | 1363 1364 1365 1366 |
| (6) -(7) For the issuance of a duplicate barber or shop license, <u>not more than forty-five dollars;</u> | 1367 1368 |
| (7) -(8) For the inspection-issuance of a new barber shop, license or a change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, <u>not more than one hundred ten dollars;</u> | 1369 1370 1371 1372 |
| (8) -(9) For the biennial renewal of a barber shop license, <u>not more than seventy-five dollars;</u> | 1373 1374 |
| (9) -(10) For the restoration of a barber shop license, <u>not more than one hundred ten dollars;</u> | 1375 1376 |
| (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; | 1377 1378 1379 |
| (11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license; | 1380 1381 1382 |
| (12) For the restoration of a barber school license, one thousand dollars; | 1383 1384 |
| (13) For the issuance of a student registration, forty dollars; | 1385 1386 |
| (14) -(11) For the examination and issuance of a biennial | 1387 |

~~teacher-barber instructor license, not more than one hundred~~ 1388
~~eighty-five dollars;~~ 1389

~~(15)~~ (12) For the issuance of a biennial assistant barber 1390
instructor license, not more than one hundred fifty dollars; 1391

(13) For the renewal of a biennial ~~teacher-barber~~ 1392
instructor or assistant barber instructor license, not more than 1393
one hundred fifty dollars; 1394

~~(16)~~ (14) For the restoration of an expired ~~teacher-barber~~ 1395
instructor or assistant barber instructor license, not more than 1396
two hundred twenty-five dollars, and not more than sixty dollars 1397
for each lapsed year, provided that the total fee shall not 1398
exceed four hundred fifty dollars; 1399

~~(17)~~ (15) For the issuance of a barber license by 1400
reciprocity pursuant to section 4709.08 of the Revised Code, not 1401
more than three hundred dollars; 1402

~~(18)~~ (16) For ~~providing licensure information concerning~~ 1403
an applicant, upon written request of the applicant 1404
the preparation and mailing of a licensee's records to another state 1405
for a reciprocal license, not more than forty dollars; 1406

(17) For a temporary pre-examination work permit under 1407
section 4709.071 of the Revised Code, not more than fifteen 1408
dollars. 1409

(B) Except for fees established under divisions (A) (1), 1410
(2), and (3) of this section, the board shall adjust the fees 1411
biennially, by rule, within the limits established by division 1412
(A) of this section, to provide sufficient revenues to meet its 1413
expenses. 1414

(C) The board, subject to the approval of the controlling 1415

board, may establish fees in excess of the amounts provided in 1416
this section, provided that the fees do not exceed the amounts 1417
permitted by this section by more than fifty per cent. 1418

~~(C) In addition to any other fee charged and collected 1419
under this section, the board shall ask each person renewing a 1420
license to practice as a barber whether the person wishes to 1421
make a two dollar voluntary contribution to the Ed Jeffers 1422
barber museum. The board shall transmit any contributions to the 1423
treasurer of state for deposit into the occupational licensing 1424
fund. 1425~~

(D) At the request of a person who is temporarily unable 1426
to pay a fee imposed under division (A) of this section, or on 1427
its own motion, the board may extend the date payment is due by 1428
up to ninety days. If the fee remains unpaid after the date 1429
payment is due, the amount of the fee shall be certified to the 1430
attorney general for collection in the form and manner 1431
prescribed by the attorney general. The attorney general may 1432
assess the collection cost to the amount certified in such a 1433
manner and amount as prescribed by the attorney general. 1434

Sec. 4709.13. (A) The state cosmetology and barber board 1435
may take disciplinary action under division (B) of this section 1436
for any of the following: 1437

(1) Willful, false, and fraudulent or deceptive 1438
advertising; 1439

(2) Habitual drunkenness or addiction to any habit-forming 1440
drug; 1441

(3) Failure to comply with the safety, infection control, 1442
and licensing requirements of this chapter or rules adopted 1443
under it; 1444

| | |
|--|------|
| <u>(4) Continued practice by an individual knowingly having</u> | 1445 |
| <u>an infectious or contagious disease;</u> | 1446 |
| <u>(5) Falsification of any record or application required to</u> | 1447 |
| <u>be filed with the board;</u> | 1448 |
| <u>(6) Failure to pay a fine or abide by a suspension order</u> | 1449 |
| <u>issued by the board;</u> | 1450 |
| <u>(7) Failure to cooperate with an investigation or</u> | 1451 |
| <u>inspection;</u> | 1452 |
| <u>(8) Failure to respond to a subpoena;</u> | 1453 |
| <u>(9) Conviction of or plea of guilty to a violation of</u> | 1454 |
| <u>section 2905.32 of the Revised Code;</u> | 1455 |
| <u>(10) In the case of a barber shop, any individual's</u> | 1456 |
| <u>conviction of or plea of guilty to a violation of section</u> | 1457 |
| <u>2905.32 of the Revised Code for an activity that took place on</u> | 1458 |
| <u>the premises of the barber shop.</u> | 1459 |
| <u>(B) On determining that there is cause for disciplinary</u> | 1460 |
| <u>action, the board may do one or more of the following:</u> | 1461 |
| <u>(1) Deny, suspend, revoke, or impose conditions on a</u> | 1462 |
| <u>license or permit issued by the board pursuant to this chapter;</u> | 1463 |
| <u>(2) Impose a fine;</u> | 1464 |
| <u>(3) Require the holder of a license or permit issued under</u> | 1465 |
| <u>this chapter to take corrective action courses.</u> | 1466 |
| <u>(C) (1) Except as provided in divisions (C) (2) and (3) of</u> | 1467 |
| <u>this section, the board shall take disciplinary action pursuant</u> | 1468 |
| <u>to an adjudication under Chapter 119. of the Revised Code.</u> | 1469 |
| <u>(2) The board may take disciplinary action without</u> | 1470 |
| <u>conducting an adjudication under Chapter 119. of the Revised</u> | 1471 |

Code against an individual who or barber shop that is subject to 1472
discipline under division (A) (9) or (10) of this section. After 1473
the board takes such disciplinary action, the board shall give 1474
written notice to the subject of the disciplinary action of the 1475
right to request a hearing under Chapter 119. of the Revised 1476
Code. 1477

(3) In lieu of an adjudication, the board may enter into a 1478
consent agreement with the holder of a license or permit issued 1479
under this chapter. A consent agreement that is ratified by a 1480
majority vote of a quorum of the board members is considered to 1481
constitute the findings and orders of the board with respect to 1482
the matter addressed in the agreement. If the board does not 1483
ratify a consent agreement, the admissions and findings 1484
contained in the agreement are of no effect, and the case shall 1485
be scheduled for adjudication under Chapter 119. of the Revised 1486
Code. 1487

(D) The amount and content of corrective action courses 1488
and other relevant criteria shall be established by the board in 1489
rules adopted under section 4709.05 of the Revised Code. 1490

(E) (1) The board may impose a separate fine for each 1491
offense listed in division (A) of this section. The amount of 1492
the first fine issued for a violation as the result of an 1493
inspection shall be not more than two hundred fifty dollars if 1494
the violator has not previously been fined for that offense. Any 1495
finest issued for additional violations during such an inspection 1496
shall not be more than one hundred dollars for each additional 1497
violation. The fine shall be not more than five hundred dollars 1498
if the violator has been fined for the same offense once before. 1499
Any fines issued for additional violations during a second 1500
inspection shall not be more than two hundred dollars for each 1501

additional violation. The fine shall be not more than one 1502
thousand dollars if the violator has been fined for the same 1503
offense two or more times before. Any fines issued for 1504
additional violations during a third inspection shall not be 1505
more than three hundred dollars for each additional violation. 1506

(2) The board shall issue an order notifying a violator of 1507
a fine imposed under division (E) (1) of this section. The notice 1508
shall specify the date by which the fine is to be paid. The date 1509
shall be less than forty-five days after the board issues the 1510
order. 1511

(3) At the request of a violator who is temporarily unable 1512
to pay a fine, or on the board's own motion, the board may 1513
extend the time period within which the violator shall pay the 1514
fine up to ninety days after the date the board issues the 1515
order. 1516

(4) If the fine remains unpaid on the ninety-first day 1517
after the board issues an order under division (E) (2) of this 1518
section, the amount of the fine shall be certified to the 1519
attorney general for collection in the form and manner 1520
prescribed by the attorney general. The attorney general may 1521
assess the collection cost to the amount certified in such a 1522
manner and amount as prescribed by the attorney general. 1523

(F) The board shall notify a licensee who is subject to 1524
discipline under division (A) of this section and the owner of 1525
the barber shop in which the conditions constituting the reason 1526
for discipline were found. The individual receiving the notice 1527
and the owner of the barber shop may request a hearing pursuant 1528
to section 119.07 of the Revised Code. If the individual or 1529
owner fails to request a hearing or enter into a consent 1530
agreement thirty days after the date the board, in accordance 1531

with section 119.07 of the Revised Code and division (I) of this 1532
section, notifies the individual or owner of the board's intent 1533
to act against the individual or owner under division (A) of 1534
this section, the board, by a majority vote of a quorum of the 1535
board members, may take the action against the individual or 1536
owner without holding an adjudication hearing. 1537

(G) The board, after a hearing in accordance with Chapter 1538
119. of the Revised Code or pursuant to a consent agreement, may 1539
suspend a license or permit if the licensee or permit holder 1540
fails to correct an unsafe condition that exists in violation of 1541
the board's rules or fails to cooperate in an inspection. If a 1542
violation of this chapter or rules adopted under it has resulted 1543
in a condition reasonably believed by an inspector to create an 1544
immediate danger to the health and safety of any individual 1545
using the facility, the inspector may suspend the license or 1546
permit of the facility or the individual responsible for the 1547
violation without a prior hearing until the condition is 1548
corrected or until a hearing in accordance with Chapter 119. of 1549
the Revised Code is held or a consent agreement is entered into 1550
and the board either upholds the suspension or reinstates the 1551
license or permit. 1552

(H) The board shall not take disciplinary action against a 1553
person licensed to operate a barber shop for a violation of this 1554
chapter that was committed by a licensed barber while practicing 1555
within the barber shop, when the barber's actions were beyond 1556
the control of the barber shop owner. 1557

(I) In addition to the methods of notification required 1558
under section 119.07 of the Revised Code, the board may send the 1559
notices required under divisions (C) (2), (E) (2), and (F) of this 1560
section by any delivery method that is traceable and requires 1561

that the delivery person obtain a signature to verify that the 1562
notice has been delivered. The board also may send the notices 1563
by electronic mail, provided that the electronic mail delivery 1564
system certifies that a notice has been received. 1565

Sec. 4709.14. ~~(A) If the state cosmetology and barber~~ 1566
~~board determines that any person individual is violating or~~ 1567
~~threatening is about to violate any provision of this chapter or~~ 1568
~~the rules adopted pursuant thereto and such violation or~~ 1569
~~threatened violation is a threat to the health or safety of~~ 1570
~~persons who use barber services, the board may apply to a court~~ 1571
~~of competent jurisdiction in the county in which the violation~~ 1572
~~or threatened violation occurred or will occur for injunctive~~ 1573
~~relief and such other relief to prevent further violations. The~~ 1574
~~attorney general shall, at the board's request, represent the~~ 1575
~~board in any such action.~~ 1576

~~(B) If the board determines, after a hearing conducted in~~ 1577
~~accordance with Chapter 119. of the Revised Code, that any~~ 1578
~~person has violated any provision of this chapter or the rules~~ 1579
~~adopted pursuant thereto, the board may, in addition to any~~ 1580
~~other action it may take or any other penalty imposed pursuant~~ 1581
~~to this chapter, impose one or more fines upon the person. In no~~ 1582
~~event, however, shall the fines imposed under this division~~ 1583
~~exceed five hundred dollars for a first offense or one thousand~~ 1584
~~dollars for each subsequent offense.~~ 1585

~~(C) A person who allegedly has violated a provision of~~ 1586
~~this chapter for which the board proposes to impose a fine may~~ 1587
~~pay the board the amount of the fine and waive the right to an~~ 1588
~~adjudicatory hearing conducted under Chapter 119. of the Revised~~ 1589
~~Code and described in division (B) of this section.~~ 1590

Sec. 4709.99. ~~Whoever violates this chapter or any rule~~ 1591

~~adopted pursuant thereto section 4709.02 of the Revised Code~~ 1592
shall be fined not less than one hundred nor more than five 1593
hundred dollars for a first offense; for each subsequent 1594
violation of the same provision, the person shall be fined not 1595
less than five hundred nor more than one thousand dollars. 1596

Sec. 4713.01. As used in this chapter: 1597

(A) "Apprentice instructor" means an individual holding a 1598
practicing license issued by the state cosmetology and barber 1599
board who is engaged in learning or acquiring knowledge of the 1600
occupation of an instructor of a branch of cosmetology at a 1601
~~school of cosmetology.~~ 1602

(B) "Barber," "barber instructor," "barber shop," and 1603
"practice of barbering" have the same meanings as in section 1604
4709.01 of the Revised Code. 1605

(C) "Beauty salon" means a salon in which an individual is 1606
authorized to engage in all branches of cosmetology. 1607

(D) "Biennial licensing period" means the two-year period 1608
beginning on the first day of February of an odd-numbered year 1609
and ending on the last day of January of the next odd-numbered 1610
year. 1611

(E) "Boutique salon" means a salon, facility, or residence 1612
in which an individual engages in the practice of boutique 1613
services and no other branch of cosmetology. 1614

~~"Boutique services" means braiding, threading, shampooing,~~ 1615
~~and makeup artistry.~~ 1616

(F) (1) "Blow-dry styling" means the practice of cleaning, 1617
drying, arranging, or styling hair and includes both of the 1618
following: 1619

(a) The use of hair sprays and topical agents, such as 1620
shampoos and conditioners; 1621

(b) The use and styling of hair extensions and wigs. 1622

(2) "Blow-dry styling" does not include cutting hair or 1623
the application of dyes, bleach, reactive chemicals, keratin, or 1624
other preparations to color or alter the structure of hair. 1625

(G)(1) "Braiding" means intertwining the hair in a 1626
systematic motion to create patterns in a three-dimensional 1627
form, inverting the hair—including patterns that are inverted, 1628
upright, or singled against the scalp that follow along part of 1629
a straight or curved row of intertwined hair, or partings. 1630
"Braiding" may include any of the following: 1631

(a) Accessorizing, twisting, locking, beading, crocheting, 1632
extending, weaving, wrapping, or similarly manipulating the hair 1633
in a systematic motion, and includes extending the while adding 1634
bulk or length with human hair with natural or, synthetic hair 1635
fibers, or both; 1636

(b) Using simple devices such as clips, combs, crochet 1637
hooks, blunt-tipped needles, and hairpins; 1638

(c) Using topical agents such as conditioners, gels, 1639
moisturizers, mousse, oils, pomades, shampoos, and water-based 1640
sprays; 1641

(d) Making wigs from natural hair, natural fibers, 1642
synthetic fibers, and hair extensions. 1643

(2) "Braiding" does not include any of the following: 1644

(a) The use of chemical hair-joining agents such as 1645
synthetic tape, keratin bonds, or fusion bonds to weave or fuse 1646
individual strands or wefts; 1647

(b) The applications of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; 1648
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(c) The cutting or singeing of hair, except as needed to finish the ends of synthetic hair used to add bulk to or lengthen hair, and except to trim the ends of natural hair if performed incidentally to providing services described under division (G) (1) of this section. 1651
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(H) "Branch of cosmetology" means the practice of 1656
~~cosmetology, practice of esthetics, practice of hair design,~~ 1657
~~practice of manicuring, practice of natural hair styling, or~~ 1658
~~practice of boutique services.~~ 1659

(I) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 1660
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(J) "Cosmetologist" means an individual authorized to engage in all branches of cosmetology in a licensed facility. 1664
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~~"Cosmetology" means the art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails.~~ 1666
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(K) "Cosmetology instructor" means an individual authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology. 1669
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(L) "Esthetician" means an individual who engages in the practice of esthetics but no other branch of cosmetology in a licensed facility. 1672
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(M) "Esthetics instructor" means an individual who teaches 1675

the theory and practice of esthetics, but no other branch of 1676
cosmetology, at a school ~~of cosmetology~~. 1677

(N) "Esthetics salon" means a salon in which an individual 1678
engages in the practice of esthetics but no other branch of 1679
cosmetology. 1680

(O) "Eye lash extensions" include temporary and semi- 1681
permanent enhancements designed to add length, thickness, and 1682
fullness to natural eyelashes. 1683

(P) "Hair designer" means an individual who engages in the 1684
practice of hair design but no other branch of cosmetology in a 1685
licensed facility. 1686

(Q) "Hair design instructor" means an individual who 1687
teaches the theory and practice of hair design, but no other 1688
branch of cosmetology, at a school ~~of cosmetology~~. 1689

(R) "Hair design salon" means a salon in which an 1690
individual engages in the practice of hair design but no other 1691
branch of cosmetology. 1692

(S) "Hair removal" includes tweezing, waxing, sugaring, 1693
and threading. "Hair removal" does not include electrolysis. 1694

(T) "Independent contractor" means an individual who is 1695
not an employee of a salon but practices a branch of 1696
cosmetology, other than the practice of boutique services, 1697
within a salon in a licensed facility. 1698

(U) "Infection control" means the practice of preventing 1699
the spread of infections and disease by ensuring that a salon, 1700
school, or tanning facility, including all equipment and 1701
implements in the salon, school, or tanning facility, are 1702
maintained by doing all of the following, as applicable: 1703

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water; 1704
1705
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(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses; 1707
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(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid. 1709
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(V) "Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 1712
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(W) "Licensed facility" means any premises, building, or 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. 1715
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~~"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.~~ 1720
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~~"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.~~ 1723
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~~"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.~~ 1727
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(X) "Advanced license" means a license issued under 1731

section 4713.30 of the Revised Code to work in a salon and 1732
practice the branch of cosmetology practiced at the salon. 1733

~~"Advanced manicurist" means an individual authorized to 1734
work in a nail salon, but no other type of salon, and engage in 1735
the practice of manicuring, but no other branch of cosmetology. 1736~~

~~"Advanced natural hair stylist" means an individual 1737
authorized to work in a natural hair style salon, but no other 1738
type of salon, and engage in the practice of natural hair 1739
styling, but no other branch of cosmetology. 1740~~

(Y) "Makeup artistry" means the application of cosmetics 1741
for the purpose of skin beautification. "Makeup artistry" does 1742
not include any other services described in the practice of any 1743
other branch of cosmetology. 1744

(Z) "Manicurist" means an individual who engages in the 1745
practice of manicuring but no other branch of cosmetology in a 1746
licensed facility. 1747

(AA) "Manicurist instructor" means an individual who 1748
teaches the theory and practice of manicuring, but no other 1749
branch of cosmetology, at a school ~~of cosmetology.~~ 1750

(BB) "Nail salon" means a salon in which an individual 1751
engages in the practice of manicuring but no other branch of 1752
cosmetology. 1753

~~"Natural hair stylist" means an individual who engages in 1754
the practice of natural hair styling but no other branch of 1755
cosmetology in a licensed facility. 1756~~

~~"Natural hair style instructor" means an individual who 1757
teaches the theory and practice of natural hair styling, but no 1758
other branch of cosmetology, at a school of cosmetology. 1759~~

~~"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.~~ 1760
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~~"Practice of braiding" means utilizing the technique of intertwinning 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 singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair.~~ 1763
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(CC) "Practice of boutique services" means braiding, threading, shampooing, blow-dry styling, eye lash extension services, wig styling and application, and makeup artistry. 1777
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(DD) "Practice of cosmetology" means the practice of all branches of cosmetology. 1780
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(EE) "Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus; enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services. 1782
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(FF) "Practice of hair design" means embellishing or 1789
beautifying hair, wigs, or hairpieces by arranging, dressing, 1790
pressing, curling, waving, permanent waving, cleansing, cutting, 1791
singeing, bleaching, coloring, braiding, weaving, bonding and 1792
fusion of individual strands or wefts, or similar work. 1793

"Practice of hair design" includes utilizing techniques 1794
performed by hand that result in tension on hair roots such as 1795
twisting, wrapping, weaving, extending, locking, or braiding of 1796
the hair. 1797

(GG) "Practice of manicuring" means cleaning, trimming, 1798
shaping the free edge of, or applying polish to the nails of any 1799
individual; applying nail enhancements and embellishments to any 1800
individual; massaging the hands and lower arms up to the elbow 1801
of any individual; massaging the feet and lower legs up to the 1802
knee of any individual; using lotions or softeners on the hands 1803
and feet of any individual; or any combination of these types of 1804
services. 1805

~~"Practice of natural hair styling" means utilizing 1806
techniques performed by hand that result in tension on hair 1807
roots such as twisting, wrapping, weaving, extending, locking, 1808
or braiding of the hair. "Practice of natural hair styling" does 1809
not include the application of dyes, reactive chemicals, or 1810
other preparations to alter the color or to straighten, curl, or 1811
alter the structure of the hair. "Practice of natural hair 1812
styling" also does not include embellishing or beautifying hair 1813
by cutting or singeing, except as needed to finish off the end 1814
of a braid, or by dressing, pressing, curling, waving, permanent 1815
waving, or similar work. 1816~~

(HH) "Practicing license" means a license to practice a 1817
branch of cosmetology in a licensed facility. 1818

(II) "Salon" means a licensed facility on any premises, 1819
building, or part of a building in which an individual engages 1820
in the practice of one or more branches of cosmetology. "Salon" 1821
does not include a barber shop licensed under Chapter 4709. of 1822
the Revised Code. "Salon" does not mean a tanning facility, 1823
although a tanning facility may be located in a salon. 1824

(JJ) ~~"School of cosmetology"~~ means any premises, building, 1825
or part of a building in which students are instructed in the 1826
theories and practices of one or more branches of cosmetology or 1827
barbering. 1828

(KK) "Shampooing" means the act of cleansing and 1829
conditioning an individual's hair ~~under the supervision of an~~ 1830
~~individual licensed under this chapter and in preparation to~~ 1831
~~immediately receive a service from a licensee.~~ 1832

(LL) "Student" means ~~an~~ both of the following: 1833

(1) An individual, other than an apprentice instructor, 1834
who is engaged in learning or acquiring knowledge of the 1835
practice of a branch of cosmetology at a ~~school of cosmetology;~~ 1836

(2) An individual engaged in learning or acquiring 1837
knowledge of the practice of barbering at a school. 1838

(MM) "Tanning facility" means any premises, building, or 1839
part of a building that contains one or more rooms or booths 1840
with any of the following: 1841

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1842
the use of fluorescent sun lamps using ultraviolet or other 1843
artificial radiation; 1844

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1845
human skin, including chemical applications commonly referred to 1846

as spray-on, mist-on, or sunless tans; 1847

~~(C)~~ (3) Equipment or beds that use visible light for 1848
cosmetic purposes. 1849

(NN) "Threading" includes a service that results in the 1850
removal of hair from its follicle from around the eyebrows and 1851
from other parts of the face with the use of a single strand of 1852
thread and an astringent, if the service does not use chemicals 1853
of any kind, wax, or any implements, instruments, or tools to 1854
remove hair. 1855

Sec. 4713.02. (A) There is hereby created the state 1856
cosmetology and barber board, consisting of all of the following 1857
members appointed by the governor, with the advice and consent 1858
of the senate: 1859

(1) One individual holding a current, valid cosmetologist 1860
or cosmetology instructor license at the time of appointment; 1861

(2) Two individuals holding current, valid cosmetologist 1862
licenses and actively engaged in managing beauty salons for a 1863
period of not less than five years at the time of appointment; 1864

(3) One individual who holds a current, valid independent 1865
contractor license issued under this chapter or Chapter 4709. of 1866
the Revised Code at the time of appointment ~~and practices a~~ 1867
~~branch of cosmetology;~~ 1868

(4) One individual who represents individuals who teach 1869
the theory and practice of a branch of cosmetology at a 1870
vocational or career-technical school; 1871

(5) One owner or executive actively engaged in the daily 1872
operations of a licensed school ~~of cosmetology;~~ 1873

(6) One owner of at least five licensed salons; 1874

- (7) One individual who is either a certified nurse 1875
practitioner or clinical nurse specialist holding a current, 1876
valid license to practice nursing as an advanced practice 1877
registered nurse issued under Chapter 4723. of the Revised Code 1878
or a physician authorized under Chapter 4731. of the Revised 1879
Code to practice medicine and surgery or osteopathic medicine 1880
and surgery; 1881
- (8) One individual representing the general public; 1882
- (9) One individual who holds a current, valid tanning 1883
permit and who has owned or managed a tanning facility for at 1884
least five years immediately preceding the individual's 1885
appointment; 1886
- (10) One individual who holds a current, valid esthetician 1887
license and who has been actively practicing esthetics for a 1888
period of not less than five years immediately preceding the 1889
individual's appointment; 1890
- (11) One individual who is an employer barber and who has 1891
been licensed as a barber in this state for at least five years 1892
immediately preceding the individual's appointment; 1893
- (12) One individual who holds a current, valid barber or 1894
barber ~~teacher~~instructor license at the time of appointment and 1895
who has been licensed as a barber or barber ~~teacher~~instructor 1896
in this state for at least five years immediately preceding the 1897
individual's appointment. 1898
- (B) The superintendent of public instruction shall 1899
nominate three individuals for the governor to choose from when 1900
making an appointment under division (A) (4) of this section. 1901
- (C) All members shall be at least twenty-five years of 1902
age, residents of the state, and citizens of the United States. 1903

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

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

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

(D) The board shall prescribe the duties of its officers 1934
and establish an office within Franklin county. The board shall 1935
keep all records and files at the office and have the records 1936
and files at all reasonable hours open to public inspection in 1937
accordance with section 149.43 of the Revised Code and any rules 1938
adopted by the board in compliance with this state's record 1939
retention policy. The board also shall adopt a seal for the 1940
authentication of its orders, communications, and records. 1941

(E) The governor may remove any member for cause prior to 1942
the expiration of the member's term of office. 1943

(F) Whenever the term "state board of cosmetology" is 1944
used, referred to, or designated in statute, rule, contract, 1945
grant, or other document, the use, reference, or designation 1946
shall be deemed to mean the "state cosmetology and barber board" 1947
or the executive director of the state cosmetology and barber 1948
board, whichever is appropriate in context. Whenever the term 1949
"barber board" is used, referred to, or designated in statute, 1950
rule, contract, grant, or other document, the use, reference, or 1951
designation shall be deemed to mean the "state cosmetology and 1952
barber board" or the executive director of the state cosmetology 1953
and barber board, whichever is appropriate in context. 1954

Sec. 4713.06. The state cosmetology and barber board shall 1955
annually appoint an executive director. The executive director 1956
may not be a member of the board, but subsequent to appointment, 1957
shall serve as secretary of the board. The executive director, 1958
before entering upon the discharge of the executive director's 1959
duties, shall file with the secretary of state a good and 1960
sufficient bond payable to the state, to ensure the faithful 1961
performance of duties of the office of executive director. The 1962
bond shall be in an amount the board requires. The premium of 1963

the bond shall be paid from appropriations made to the board for 1964
operating purposes. Whenever the term "executive director of the 1965
state board of cosmetology" or the term "executive director of 1966
the barber board," or variations thereof, is used, referred to, 1967
or designated in statute, rule, contract, grant, or other 1968
document, the use, reference, or designation shall be deemed to 1969
mean the "executive director of the state cosmetology and barber 1970
board." 1971

The board may employ inspectors, examiners, consultants on 1972
contents of examinations, clerks, or other individuals as 1973
necessary for the administration of this chapter and Chapter 1974
4709. of the Revised Code. All inspectors and examiners shall be 1975
licensed cosmetologists pursuant to this chapter or licensed 1976
barbers pursuant to Chapter 4709. of the Revised Code. 1977

The board may appoint inspectors to inspect and 1978
investigate all facilities regulated by this chapter and Chapter 1979
4709. of the Revised Code, including tanning facilities, to 1980
ensure compliance with this chapter and Chapter 4709. of the 1981
Revised Code, the rules adopted by the board, and the board's 1982
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 1983
4713.07 of the Revised Code. 1984

Sec. 4713.07. (A) The state cosmetology and barber board 1985
shall do all of the following: 1986

(1) Regulate the practice of cosmetology and all of its 1987
branches in this state; 1988

(2) Investigate or inspect, when evidence appears to 1989
demonstrate that an individual has violated any provision of 1990
this chapter or Chapter 4709. of the Revised Code or any rule 1991
adopted ~~pursuant to it~~ under either chapter, the activities or 1992

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| premises of a license holder or unlicensed individual; | 1993 |
| (3) Adopt rules in accordance with section 4713.08 of the Revised Code; | 1994 1995 |
| (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter; | 1996 1997 1998 1999 |
| (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter; | 2000 2001 2002 |
| (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code; | 2003 2004 2005 |
| (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware; | 2006 2007 |
| (8) Submit a written report annually to the governor that provides all of the following: | 2008 2009 |
| (a) A discussion of the conditions in this state of the <u>practice of barbering, cosmetology, and the branches of cosmetology;</u> | 2010 2011 2012 |
| (b) An evaluation of board activities intended to aid or protect consumers; | 2013 2014 |
| (c) A brief summary of the board's proceedings during the year the report covers; | 2015 2016 |
| (d) A statement of all money that the board received and expended during the year the report covers. | 2017 2018 |
| (9) <u>(8)</u> Keep a record of all of the following: | 2019 |

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| (a) The board's proceedings; | 2020 |
| (b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter <u>or Chapter 4709. of the Revised Code;</u> | 2021 2022 2023 2024 |
| (c) The date and number of each license, permit, and registration that the board issues. | 2025 2026 |
| (10) <u>(9)</u> Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons, <u>barber shops</u> , or other facilities within this state; | 2027 2028 2029 |
| (11) <u>(10)</u> Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons , schools of cosmetology , barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor <u>licensed under this chapter or Chapter</u> | 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 |

4709. of the Revised Code shall be added to the board's records 2050
as an individual salon or barber shop. 2051

~~(12)~~ (11) Supply a copy of the poster created pursuant to 2052
division (B) of section 5502.63 of the Revised Code to each 2053
person authorized to operate a salon, school ~~of cosmetology~~, 2054
tanning facility, or other type of facility under this chapter; 2055

~~(13)~~ (12) All other duties that this chapter imposes on 2056
the board. 2057

(B) The board may ~~delegate~~ do either of the following: 2058

(1) Report to the proper prosecuting officer violations of 2059
section 4709.02 or 4713.14 of the Revised Code; 2060

(2) Delegate any of the duties listed in division (A) of 2061
this section to the executive director of the board or to an 2062
individual designated by the executive director. 2063

Sec. 4713.071. (A) ~~The~~ Before the fifteenth day of 2064
November of each year, the state cosmetology and barber board 2065
shall annually submit a written report to the governor, 2066
president of the senate, and speaker of the house of 2067
representatives. The report shall list all of the following for 2068
the preceding ~~twelve-month period~~ fiscal year: 2069

(1) The number of students enrolled in courses at licensed 2070
public and private schools ~~of cosmetology and barbering;~~ 2071

(2) The number of students graduating from licensed public 2072
and private schools ~~of cosmetology and barbering;~~ 2073

(3) The annual cost for students to attend each licensed 2074
public or private school ~~of cosmetology and barbering;~~ 2075

(4) The loan default rates for licensed public and private 2076

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| schools of cosmetology and barbering; | 2077 |
| (5) The first-time licensure passage rate for graduates of | 2078 |
| all public and private schools of cosmetology and barbering; | 2079 |
| (6) The total number of new and renewal licenses in each | 2080 |
| profession; | 2081 |
| (7) The total number of complaint-driven inspections | 2082 |
| conducted by the board; | 2083 |
| (8) The total number and type of violations, including a | 2084 |
| list of the top ten violations, which shall aid in the | 2085 |
| identification of focus areas for continuing education purposes; | 2086 |
| (9) The twenty salons and individuals cited with the most | 2087 |
| violations for unlicensed workers; | 2088 |
| (10) The number of adjudications or other disciplinary | 2089 |
| action taken by the board. | 2090 |
| (B) The board shall include in the final report under | 2091 |
| division (A) of this section any recommendations it has for | 2092 |
| changes to this chapter or Chapter 4709. of the Revised Code. | 2093 |
| Sec. 4713.08. (A) The state cosmetology and barber board | 2094 |
| shall adopt rules in accordance with Chapter 119. of the Revised | 2095 |
| Code as necessary to implement this chapter. The rules shall do | 2096 |
| all of the following: | 2097 |
| (1) Govern the practice of the branches of cosmetology; | 2098 |
| (2) Specify conditions an individual must satisfy to | 2099 |
| qualify for a temporary pre-examination work permit under | 2100 |
| section 4713.22 of the Revised Code and the conditions and | 2101 |
| method of renewing a temporary pre-examination work permit under | 2102 |
| that section; | 2103 |

- (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; 2104
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- (4) Designate testing facilities in this state that are authorized, beginning January 1, 2024, to administer the examination required by section 4713.24 of the Revised Code for an applicant seeking a practicing license on behalf of the board; 2106
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- (5) 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; 2111
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- ~~(5)-(6) Provide for the granting of waivers under section 4713.29 of the Revised Code;~~ 2116
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- ~~(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;~~ 2118
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- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 2122
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- (8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid; 2125
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- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; 2129
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- (10) Establish conditions under which food may be sold at a salon; 2133
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- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code, including whether cosmetic therapy may be practiced in a salon; 2135
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- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code; 2139
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- (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology or barbering at schools ~~of cosmetology~~-licensed in this state offered through classroom instruction or distance education; 2142
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- (14) Establish the manner in which a school ~~of cosmetology~~-licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs, including classroom instruction or distance education; 2146
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- (15) Establish ~~sanitary-infection control~~ standards for the practice of the branches of cosmetology, and the operation of salons, and schools ~~of cosmetology;~~ 2150
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- (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit; 2153
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- (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including infection control standards and standards that do all of the following: 2157
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| (a) Establish a maximum safe time of exposure to radiation | 2161 |
| and a maximum safe temperature at which sun lamps may be | 2162 |
| operated; | 2163 |
| (b) Require consumers to wear protective eyeglasses; | 2164 |
| (c) Require consumers to be supervised as to the length of | 2165 |
| time consumers use the facility's sun lamps; | 2166 |
| (d) Require the operator to prohibit consumers from | 2167 |
| standing too close to sun lamps and to post signs warning | 2168 |
| consumers of the potential effects of radiation on individuals | 2169 |
| taking certain medications and of the possible relationship of | 2170 |
| the radiation to skin cancer; | 2171 |
| (e) Require the installation of protective shielding for | 2172 |
| sun lamps and handrails for consumers; | 2173 |
| (f) Require floors to be dry during operation of lamps; | 2174 |
| (g) Establish procedures an operator must follow in making | 2175 |
| reasonable efforts in compliance with section 4713.50 of the | 2176 |
| Revised Code to determine the age of an individual seeking to | 2177 |
| use sun lamp tanning services. | 2178 |
| (18) <u>(a)</u> <u>(18)</u> If the board, under section 4713.61 of the | 2179 |
| Revised Code, develops a procedure for classifying licenses | 2180 |
| inactive, do both of the following: | 2181 |
| (i) <u>(a)</u> Establish a fee for having a license classified | 2182 |
| inactive that reflects the cost to the board of providing the | 2183 |
| inactive license service. If one or more renewal periods have | 2184 |
| elapsed since the license was valid, the fee shall not include | 2185 |
| lapsed renewal fees for more than three of those renewal | 2186 |
| periods; | 2187 |
| (i) <u>(b)</u> Specify the continuing education that an | 2188 |

individual whose license has been classified inactive must 2189
complete to have the license restored. The continuing education 2190
shall be sufficient to ensure the minimum competency in the use 2191
or administration of a new procedure or product required by a 2192
licensee necessary to protect public health and safety. The 2193
requirement shall not exceed the cumulative number of hours of 2194
continuing education that the individual would have been 2195
required to complete had the individual retained an active 2196
license. 2197

~~(b) In addition, the board may specify the conditions and 2198
method for granting a temporary work permit to practice a branch 2199
of cosmetology to an individual whose license has been 2200
classified inactive. 2201~~

(19) Establish a fee for approval of a continuing 2202
education program under section 4713.62 of the Revised Code that 2203
is adequate to cover any expense the board incurs in the 2204
approval process; 2205

(20) Establish requirements for students of schools who 2206
are engaged in learning the theory and practice of barbering; 2207

(21) Establish the minimum student-instructor ratio that a 2208
school offering instruction in the theory and practice of 2209
barbering must meet; 2210

(22) Establish conditions under which a cosmetology 2211
student seeking a practicing license may take the written 2212
portion of the examination required by section 4713.24 of the 2213
Revised Code before the student has completed the minimum number 2214
of hours of training required under section 4713.28 of the 2215
Revised Code for the license; 2216

(23) Anything else necessary to implement this chapter. 2217

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

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

~~(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.~~

~~(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.

~~(E)~~ (D) 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.~~

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

(F) The rules adopted under division (A) (22) of this

section shall do all of the following: 2247

(1) Permit a cosmetology student to take the written 2248
portion of the examination required by section 4713.24 of the 2249
Revised Code after the student has completed the minimum hours 2250
of training for that license described in division (H) of 2251
section 4713.24 of the Revised Code; 2252

(2) Require the student to complete the remainder of the 2253
required training before licensure; 2254

(3) Require the board to grant the student a license on 2255
successful completion of the requirements established in the 2256
rules, unless the individual is subject to potential 2257
disciplinary action under section 4713.64 of the Revised Code. 2258

Sec. 4713.081. (A) The state cosmetology and barber board 2259
shall furnish a copy of the ~~sanitary-infection control~~ standards 2260
established by rules adopted under section 4713.08 of the 2261
Revised Code to ~~each~~ both of the following: 2262

(1) Each individual or person to whom the board issues a 2263
practicing license, advanced license, or license to operate a 2264
salon or school of cosmetology, or boutique services 2265
registration. The board also shall furnish a copy of the 2266
sanitary standards to each; 2267

(2) Each individual providing cosmetic therapy, massage 2268
therapy, or other professional service in a salon under section 2269
4713.42 of the Revised Code. 2270

(B) A salon or school of cosmetology provided a copy of 2271
the ~~sanitary-infection control~~ standards under division (A) of 2272
this section shall post the standards in a public and 2273
conspicuous place in the salon or school. 2274

Sec. 4713.09. (A) The state cosmetology and barber board 2275
may adopt rules in accordance with section 4713.08 of the 2276
Revised Code to establish a continuing education requirement, 2277
not to exceed eight hours in a biennial licensing period, as a 2278
condition of renewal for a practicing license, advanced license, 2279
or instructor license, ~~or boutique services registration.~~ These 2280
hours may include training in identifying and addressing the 2281
crime of trafficking in persons as described in section 2905.32 2282
of the Revised Code. At least two of the eight hours of the 2283
continuing education requirement must be achieved in courses 2284
concerning safety and ~~sanitation~~ infection control, and at least 2285
one hour of the eight hours of the continuing education 2286
requirement must be achieved in courses concerning law and rule 2287
updates. 2288

(B) The rules adopted in accordance with division (A) of 2289
this section shall permit the continuing education requirement 2290
to be satisfied by either classroom instruction or distance 2291
education. 2292

Sec. 4713.10. (A) The state cosmetology and barber board 2293
shall charge and collect the following nonrefundable fees: 2294

(1) For a temporary pre-examination work permit under 2295
section 4713.22 of the Revised Code, not more than fifteen 2296
dollars; 2297

(2) For initial application to take an examination under 2298
section 4713.24 of the Revised Code, not more than ~~forty-~~ 2299
~~dollars~~ an amount determined by the board annually; 2300

(3) For application to take an examination under section 2301
4713.24 of the Revised Code by an applicant who has previously 2302
applied to take, but failed to appear for, the examination, not 2303

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| more than fifty-five dollars <u>an amount determined by the board</u> | 2304 |
| <u>annually;</u> | 2305 |
| (4) For application to re-take an examination under | 2306 |
| section 4713.24 of the Revised Code by an applicant who has | 2307 |
| previously appeared for, but failed to pass, the examination, | 2308 |
| not more than forty dollars; | 2309 |
| (5) For the issuance of a license under section 4713.28, | 2310 |
| 4713.30, or 4713.31 of the Revised Code, not more than seventy- | 2311 |
| five dollars; | 2312 |
| (6) For the issuance of a license under section 4713.34 of | 2313 |
| the Revised Code, not more than seventy dollars; | 2314 |
| (7) For renewal of a license issued under section 4713.28, | 2315 |
| 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than | 2316 |
| seventy dollars; | 2317 |
| (8) For the issuance or renewal of a cosmetology school | 2318 |
| license, <u>or the change of name or ownership of a licensed</u> | 2319 |
| <u>school,</u> not more than two hundred fifty dollars; | 2320 |
| (9) For the issuance of a new salon license or the change | 2321 |
| of name or ownership of a salon license under section 4713.41 of | 2322 |
| the Revised Code, not more than one hundred dollars; | 2323 |
| (10) For the renewal of a salon license under section | 2324 |
| 4713.41 of the Revised Code, not more than ninety dollars; | 2325 |
| (11) For the restoration of an expired license that may be | 2326 |
| restored pursuant to section 4713.63 of the Revised Code, an | 2327 |
| amount equal to the sum of the current license renewal fee and a | 2328 |
| lapsed renewal fee of not more than forty-five dollars per | 2329 |
| license renewal period that has elapsed since the license was | 2330 |
| last issued or renewed <u>for up to three license renewal periods;</u> | 2331 |

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

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

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

(15) For the issuance of a boutique salon registration
under section 4713.69 of the Revised Code, not more than twenty-
five dollars.

(B) ~~The~~ Except for fees established under divisions (A) (2)
and (3) of this section, the board shall adjust the fees
biennially, by rule, within the limits established by division
(A) of this section, to provide sufficient revenues to meet its
expenses.

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

(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.

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| Sec. 4713.14. No individual shall do any of the following: | 2361 |
| (A) Use fraud or deceit in <u>obtaining or</u> making application for a license, permit, or registration; | 2362 2363 |
| (B) Aid or abet any individual or entity in any of the following: | 2364 2365 |
| (1) Violating this chapter or a rule adopted under it; | 2366 |
| (2) Obtaining a license, permit, or registration fraudulently; | 2367 2368 |
| (3) Falsely pretending to hold a current, valid license or permit. | 2369 2370 |
| (C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology: | 2371 2372 2373 |
| (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; | 2374 2375 |
| (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code; | 2376 2377 |
| (3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code; | 2378 2379 |
| (4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code; | 2380 2381 2382 |
| (5) A current, valid registration under section 4713.69 of the Revised Code. | 2383 2384 |
| (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: | 2385 2386 2387 |

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| (1) A current, valid license under section 4713.28, | 2388 |
| 4713.30, or 4713.34 of the Revised Code; | 2389 |
| (2) A current, valid temporary pre-examination work permit | 2390 |
| issued under section 4713.22 of the Revised Code; | 2391 |
| (3) A current, valid temporary special occasion work | 2392 |
| permit issued under section 4713.37 of the Revised Code; | 2393 |
| (4) A current, valid temporary work permit issued under | 2394 |
| rules adopted by the board pursuant to section 4713.08 of the | 2395 |
| Revised Code; | 2396 |
| (5) A current, valid registration under section 4713.69 of | 2397 |
| the Revised Code. | 2398 |
| (E) Except for apprentice instructors and as provided in | 2399 |
| section 4713.45 of the Revised Code, teach the theory or | 2400 |
| practice of a branch of cosmetology at a school of cosmetology | 2401 |
| without either of the following authorizing the teaching of that | 2402 |
| branch of cosmetology: | 2403 |
| (1) A current, valid license under section 4713.31 or | 2404 |
| 4713.34 of the Revised Code; | 2405 |
| (2) A current, valid temporary special occasion work | 2406 |
| permit issued under section 4713.37 of the Revised Code. | 2407 |
| (F) Advertise or operate a glamour photography service in | 2408 |
| which a branch of cosmetology is practiced unless the individual | 2409 |
| practicing the branch of cosmetology holds either of the | 2410 |
| following authorizing the practice of that branch of | 2411 |
| cosmetology: | 2412 |
| (1) A current, valid license under section 4713.28, | 2413 |
| 4713.30, or 4713.34 of the Revised Code; | 2414 |

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| (2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. | 2415 2416 |
| (G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code; | 2417 2418 2419 2420 |
| (H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code; | 2421 2422 2423 2424 |
| (I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code; | 2425 2426 |
| (J) Provide any of the following at a salon for pay, free, or otherwise: | 2427 2428 |
| (1) Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code; | 2429 2430 2431 |
| (2) Any other professional service, unless the individual has a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession; | 2432 2433 2434 2435 |
| (3) Cosmetic therapy, unless the individual is authorized by rules adopted under section 4713.08 of the Revised Code. | 2436 2437 |
| (K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology: | 2438 2439 2440 2441 |
| (1) A current, valid license under section 4713.28, | 2442 |

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| 4713.30, or 4713.34 of the Revised Code; | 2443 |
| (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code. | 2444 2445 |
| (L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code; | 2446 2447 |
| (M) At a salon or school of cosmetology , do any of the following: | 2448 2449 |
| (1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation; | 2450 2451 2452 |
| (2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation; | 2453 2454 2455 |
| (3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA). | 2456 2457 |
| (N) While in charge of a salon or school of cosmetology , permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology ; | 2458 2459 2460 2461 |
| (O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes; | 2462 2463 2464 |
| (P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code; | 2465 2466 2467 |
| (Q) Practice a branch of cosmetology <u>other than the practice of boutique services</u> in a location other than a | 2468 2469 |

licensed facility unless otherwise exempted under section 2470
4713.16 ~~or~~, 4713.17, or 4713.351 of the Revised Code; 2471

(R) Use any of the services or arts that are part of the 2472
practice of a branch of cosmetology to treat or attempt to cure 2473
a physical or mental disease or ailment. 2474

Sec. 4713.141. An inspector employed by the state 2475
cosmetology and barber board may take a sample of a product used 2476
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2477
examining the sample, or causing an examination of the sample to 2478
be made, to determine whether division (M) of section 4713.14 of 2479
the Revised Code has been violated. 2480

Should the results of the test prove that division (M) of 2481
section 4713.14 of the Revised Code has been violated, the board 2482
shall take action in accordance with section 4713.64 of the 2483
Revised Code. A fine imposed under that section shall include 2484
the cost of the test. The person's license may be suspended or 2485
revoked. 2486

Sec. 4713.16. (A) This chapter does not prohibit any of 2487
the following: 2488

(1) Practicing a branch of cosmetology without a license 2489
or registration if the individual does so for free at the 2490
individual's home for a family member who resides in the same 2491
household as the individual; 2492

(2) The retail sale, or trial demonstration by application 2493
to the skin for purposes of retail sale, of cosmetics, 2494
preparations, tonics, antiseptics, creams, lotions, wigs, or 2495
hairpieces without a practicing license or registration; 2496

(3) The retailing, at a salon, of cosmetics, preparations, 2497
tonics, antiseptics, creams, lotions, wigs, hairpieces, 2498

| | |
|---|------|
| clothing, or any other items that pose no risk of creating | 2499 |
| unsanitary conditions at the salon; | 2500 |
| (4) The provision of glamour photography services at a | 2501 |
| licensed salon if either of the following is the case: | 2502 |
| (a) A branch of cosmetology is not practiced as part of | 2503 |
| the services. | 2504 |
| (b) If a branch of cosmetology is practiced as part of the | 2505 |
| services, the part of the services that is a branch of | 2506 |
| cosmetology is performed by an individual who holds either of | 2507 |
| the following authorizing the individual to practice that branch | 2508 |
| of cosmetology: | 2509 |
| (i) A current, valid license under section 4713.28, | 2510 |
| 4713.30, or 4713.34 of the Revised Code; | 2511 |
| (ii) A current, valid temporary special occasion work | 2512 |
| permit issued under section 4713.37 of the Revised Code. | 2513 |
| (5) A student engaging, as a student, in work connected | 2514 |
| with a branch of cosmetology taught at the school of cosmetology | 2515 |
| at which the student is enrolled; | 2516 |
| (6) Practicing a branch of cosmetology without a license | 2517 |
| or registration if the individual does so for free for the | 2518 |
| purpose of researching or developing a cosmetic as defined in | 2519 |
| section 3715.01 of the Revised Code; | 2520 |
| <u>(7) An individual who holds a license or registration</u> | 2521 |
| <u>issued under this chapter practicing a branch of cosmetology on</u> | 2522 |
| <u>a dead human body at a funeral home or embalming facility</u> | 2523 |
| <u>licensed under section 4717.06 of the Revised Code.</u> | 2524 |
| (B) A student in a career-technical program learning a | 2525 |
| branch of cosmetology may continue developing skills in the | 2526 |

respective branch of cosmetology after completing the required 2527
coursework or obtaining a license in the respective branch of 2528
cosmetology by working in the licensed career-technical school 2529
clinic if the student does not receive any compensation. This 2530
allowance terminates upon the graduation of the student from the 2531
career-technical school. 2532

Sec. 4713.17. (A) The following persons are exempt from 2533
the provisions of this chapter, except, as applicable, section 2534
4713.42 of the Revised Code: 2535

(1) All individuals authorized to practice medicine, 2536
surgery, dentistry, and nursing or any of its branches in this 2537
state, while acting within the scope of practice for the 2538
license, permit, or certificate held; 2539

(2) Commissioned surgical and medical officers of the 2540
United States army, navy, air force, or marine hospital service 2541
when engaged in the actual performance of their official duties, 2542
and attendants attached to same, while acting within the scope 2543
of practice for the license, permit, or certificate held; 2544

(3) Funeral directors, embalmers, and apprentices licensed 2545
or ~~registered~~ certified under Chapter 4717. of the Revised Code, 2546
while acting within the scope of practice for the license, 2547
permit, or certificate held; 2548

(4) Persons who are engaged in the retail sale, cleaning, 2549
or beautification of wigs and hairpieces but who do not engage 2550
in any other act constituting the practice of a branch of 2551
cosmetology; 2552

(5) Volunteers of hospitals, and homes as defined in 2553
section 3721.01 of the Revised Code, who render service to 2554
registered patients and inpatients who reside in such hospitals 2555

or homes. Such volunteers shall not use or work with any 2556
chemical products such as permanent wave, hair dye, or chemical 2557
hair relaxer, which without proper training would pose a health 2558
or safety problem to the patient. 2559

(6) Nurse aides and other employees of hospitals and homes 2560
as defined in section 3721.01 of the Revised Code, who practice 2561
a branch of cosmetology on registered patients only as part of 2562
general patient care services and who do not charge patients 2563
directly on a fee for service basis; 2564

(7) Massage therapists who hold current, valid licenses to 2565
practice massage therapy issued by the state medical board under 2566
section 4731.15 of the Revised Code, ~~to the extent their actions~~ 2567
~~are authorized by their licenses~~ while acting within the scope of 2568
practice for the license held; 2569

(8) Inmates who provide services related to the practice 2570
of a branch of cosmetology to other inmates, except when those 2571
services are provided in a licensed school ~~of cosmetology~~ within 2572
a state correctional institution ~~for females~~. 2573

(B) The director of rehabilitation and correction shall 2574
oversee the services described in division (A) (8) of this 2575
section with respect to ~~sanitation~~ infection control and adopt 2576
rules governing those types of services provided by inmates. 2577

Sec. 4713.24. (A) The state cosmetology and barber board 2578
shall conduct an examination for each individual who satisfies 2579
the requirements established by section 4713.20 of the Revised 2580
Code for admission to the examination. 2581

~~Examinations~~ Beginning January 1, 2024, an individual may 2582
elect to take the examination at a testing facility designated 2583
by the board in rules adopted in accordance with section 4713.08 2584

of the Revised Code. The applicant is responsible for any 2585
additional costs associated with taking the examination at a 2586
testing facility. 2587

(B) Examinations for licensure for any branch of 2588
cosmetology shall assess the ability of a prospective 2589
cosmetology professional to maintain a safe and sanitary place 2590
of service delivery. The board may develop and administer the 2591
appropriate examination or enter into an agreement with a 2592
national testing service to develop the examination, administer 2593
the examination, or both. The examination shall be specific to 2594
the type of license the individual seeks and satisfy all of the 2595
following conditions: 2596

(1) Include both practical demonstrations and written or 2597
oral tests related to the type of license the individual seeks; 2598

(2) Relate only to a branch of cosmetology, but not be 2599
confined to any special system or method; 2600

(3) Be consistent in both practical and technical 2601
requirements for the type of license the individual seeks; 2602

(4) Be of sufficient thoroughness to satisfy the board as 2603
to the individual's skill in and knowledge of the branch of 2604
cosmetology for which the examination is conducted. 2605

~~(B) Not later than two years after September 13, 2016, the~~ 2606
(C) The board shall create a curriculum and an examination for 2607
individuals seeking licensure to become an instructor and shall 2608
conduct an examination for each individual who satisfies the 2609
requirements established pursuant to section 4713.31 of the 2610
Revised Code for admission to the examination. 2611

~~(C)~~ (D) The board shall adopt rules regarding the 2612
equipment or supplies an individual is required to bring to an 2613

examination described in this section. 2614

~~(D)~~ (E) The board shall not release the questions 2615
developed for the examinations and the practical demonstrations 2616
used in the testing process, except for the following purposes: 2617

(1) Reviewing or rewriting of any part of the examination 2618
on a periodic basis as prescribed in rules adopted under section 2619
4713.08 of the Revised Code; 2620

(2) Testing of individuals in another state for admission 2621
to the profession of cosmetology or any of its branches as 2622
required under a contract or by means of a license with that 2623
state; 2624

(3) Complying with a public records request after which 2625
the questions or the demonstrations have become a public record 2626
under division ~~(F)~~ (G) of this section and otherwise may 2627
lawfully be released. 2628

~~(E)~~ (F) The examination papers and the scored results of 2629
the practical demonstrations of each individual examined by the 2630
board shall be open for inspection by the individual or the 2631
individual's attorney for at least ninety days following the 2632
announcement of the individual's grade, except for papers that 2633
under the terms of a contract with a testing service are not 2634
available for inspection. On written request of an individual or 2635
the individual's attorney made to the board not later than 2636
ninety days after announcement of the individual's grade, the 2637
board shall have the individual's practical examination papers 2638
regraded manually. 2639

~~(F)~~ (G) Test materials, examinations, or evaluation tools 2640
used in an examination for licensure under this chapter that the 2641
board develops or contracts with a private or government entity 2642

to administer shall become public records under section 149.43 2643
of the Revised Code fifteen years after the materials, 2644
examinations, or tools were first used in an assessment for 2645
licensure, unless the release of the record is otherwise 2646
prohibited by state or federal law, or the record is deemed to 2647
be the proprietary information of a private entity. 2648

(H) The board shall adopt rules in accordance with section 2649
4713.08 of the Revised Code to permit an individual to take any 2650
written portion of the examination required by division (B) of 2651
this section when the individual has completed the following 2652
amount of hours of instruction at a licensed school in this 2653
state: 2654

(1) For an individual seeking a cosmetology license, at 2655
least seven hundred fifty hours; 2656

(2) For an individual seeking an esthetics license, at 2657
least four hundred fifty hours; 2658

(3) For an individual seeking a hair designer license, at 2659
least six hundred hours; 2660

(4) For an individual seeking a manicurist license, at 2661
least one hundred fifty hours. 2662

Sec. 4713.25. (A) The state cosmetology and barber board 2663
may administer a separate ~~advanced cosmetologist~~ examination for 2664
an advanced license to practice cosmetology for individuals who 2665
complete an advanced cosmetologist training course separate from 2666
a cosmetologist training course. The board may combine the 2667
advanced cosmetologist examination with the cosmetologist 2668
examination for individuals who complete a combined 2669
cosmetologist and advanced cosmetologist training course. 2670

(B) The board may administer a separate ~~advanced~~ 2671

~~esthetician~~ examination for an advanced license to practice 2672
esthetics for individuals who complete an advanced esthetician 2673
training course separate from an esthetician training course. 2674
The board may combine the advanced esthetician examination with 2675
the esthetician examination for individuals who complete an 2676
esthetician and advanced esthetician training course. 2677

(C) The board may administer a separate ~~advanced hair-~~ 2678
~~designer~~ examination for an advanced license to practice hair 2679
design for individuals who complete an advanced hair designer 2680
training course separate from a hair designer training course. 2681
The board may combine the advanced hair designer examination 2682
with the hair designer examination for individuals who complete 2683
a hair designer and advanced hair designer training course. 2684

(D) The board may administer a separate ~~advanced-~~ 2685
~~manicurist~~ examination for an advanced license to practice 2686
manicuring for individuals who complete an advanced manicurist 2687
training course separate from a manicurist training course. The 2688
board may combine the advanced manicurist examination with the 2689
manicurist examination for individuals who complete a manicurist 2690
and advanced manicurist training course. 2691

~~(E) The board may administer a separate advanced natural-~~ 2692
~~hair stylist examination for individuals who complete an-~~ 2693
~~advanced natural hair stylist training course separate from a-~~ 2694
~~natural hair stylist training course. The board may combine the-~~ 2695
~~advanced natural hair stylist examination with the natural hair-~~ 2696
~~stylist examination for individuals who complete a natural hair-~~ 2697
~~stylist and advanced natural hair stylist training course.~~ 2698

Sec. 4713.28. (A) The state cosmetology and barber board 2699
shall issue a practicing license to an applicant who satisfies 2700
all of the following applicable conditions: 2701

- (1) Is at least sixteen years of age; 2702
- (2) Has the equivalent of an Ohio public school tenth grade education; 2703
2704
- (3) Has submitted a written application on a form furnished by the board that contains all of the following: 2705
2706
- (a) The name of the individual and any other identifying information required by the board; 2707
2708
- ~~(b) A recent photograph of the individual that meets the specifications established by the board;~~ 2709
2710
- ~~(c)~~ A photocopy of the individual's current driver's license or other proof of legal residence; 2711
2712
- ~~(d)~~ (c) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code; 2713
2714
2715
- ~~(e)~~ (d) An oath verifying that the information in the application is true; 2716
2717
- ~~(f)~~ (e) The applicable application fee. 2718
- (4) Submits to having a photograph taken by the board; 2719
- (5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; 2720
2721
2722
- ~~(5)~~ (6) Pays to the board the applicable license fee; 2723
- ~~(6)~~ (7) 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,~~ 2724
2725
2726
2727
2728
except that only ~~one thousand~~ four hundred hours of board-

approved cosmetology training in a school ~~of cosmetology~~ 2729
~~licensed in this state~~ is required of an individual licensed as 2730
a barber under Chapter 4709. of the Revised Code; 2731

~~(7)~~ (8) In the case of an applicant for an initial 2732
esthetician license, has successfully completed at least six 2733
hundred hours of board-approved esthetics training in a school 2734
~~of cosmetology licensed in this state;~~ 2735

~~(8)~~ (9) In the case of an applicant for an initial hair 2736
designer license, has successfully completed at least ~~one~~ 2737
~~thousand two~~ eight hundred hours of board-approved hair designer 2738
training in a school ~~of cosmetology licensed in this state,~~ 2739
except that only ~~one thousand two~~ hundred hours of board- 2740
approved hair designer training in a school ~~of cosmetology~~ 2741
~~licensed in this state~~ is required of an individual licensed as 2742
a barber under Chapter 4709. of the Revised Code; 2743

~~(9)~~ (10) In the case of an applicant for an initial 2744
manicurist license, has successfully completed at least two 2745
hundred hours of board-approved manicurist training in a school 2746
~~of cosmetology licensed in this state;~~ 2747

~~(10)~~ In the case of an applicant for an initial natural 2748
hair stylist license, has successfully completed at least four 2749
hundred fifty hours of instruction in subjects relating to 2750
sanitation, scalp care, anatomy, hair styling, communication 2751
skills, and laws and rules governing the practice of 2752
~~cosmetology.~~ 2753

(B) The board shall not deny a license to any applicant 2754
based on prior incarceration or conviction for any crime. If the 2755
board denies an individual a license or license renewal, the 2756
reasons for such denial shall be put in writing. 2757

Sec. 4713.30. The state cosmetology and barber board shall 2758
issue an advanced license to an applicant who satisfies all of 2759
the following applicable conditions: 2760

(A) Is at least sixteen years of age; 2761

(B) Has the equivalent of an Ohio public school tenth 2762
grade education; 2763

(C) Pays to the board the applicable application fee; 2764

(D) Submits to having a photograph taken by the board; 2765

(E) Passes the appropriate advanced license examination; 2766

~~(E)~~ (F) In the case of an applicant for an initial 2767
advanced ~~cosmetologist~~ license to practice cosmetology, does 2768
either of the following: 2769

(1) ~~Has a licensed advanced cosmetologist or owner of a~~ 2770
~~licensed beauty salon located in this or another state certify~~ 2771
~~to~~ Submits proof, as determined by the board, that the applicant 2772
has practiced as a cosmetologist for at least one thousand eight 2773
hundred hours in a licensed beauty salon; 2774

(2) Has a school ~~of cosmetology~~ licensed in this state 2775
certify to the board that the applicant has successfully 2776
completed, in addition to the hours required for licensure as a 2777
cosmetologist, at least three hundred hours of board-approved 2778
advanced cosmetologist training. 2779

~~(F)~~ (G) In the case of an applicant for an initial 2780
advanced ~~esthetician~~ license to practice esthetics, does either 2781
of the following: 2782

(1) ~~Has the licensed advanced esthetician, licensed~~ 2783
~~advanced cosmetologist, or owner of a licensed esthetics salon~~ 2784

~~or licensed beauty salon located in this or another state~~ 2785
~~certify to~~ Submits proof, as determined by the board, that the 2786
applicant has practiced esthetics for at least one thousand 2787
eight hundred hours as an esthetician in a licensed esthetics 2788
salon or as a cosmetologist in a licensed beauty salon; 2789

(2) Has a school ~~of cosmetology~~ licensed in this state 2790
certify to the board that the applicant has successfully 2791
completed, in addition to the hours required for licensure as an 2792
esthetician or cosmetologist, at least one hundred fifty hours 2793
of board-approved advanced esthetician training. 2794

~~(G)~~ (H) In the case of an applicant for an initial 2795
advanced ~~hair designer~~ license to practice hair design, does 2796
either of the following: 2797

(1) ~~Has the licensed advanced hair designer, licensed~~ 2798
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 2799
~~or licensed beauty salon located in this or another state~~ 2800
~~certify to~~ Submits proof, as determined by the board, that the 2801
applicant has practiced hair design for at least one thousand 2802
eight hundred hours as a hair designer in a licensed hair design 2803
salon or as a cosmetologist in a licensed beauty salon; 2804

(2) Has a school ~~of cosmetology~~ licensed in this state 2805
certify to the board that the applicant has successfully 2806
completed, in addition to the hours required for licensure as a 2807
hair designer or cosmetologist, at least two hundred forty hours 2808
of board-approved advanced hair designer training. 2809

~~(H)~~ (I) In the case of an applicant for an initial 2810
advanced ~~manicurist~~ license to practice manicuring, does either 2811
of the following: 2812

(1) ~~Has the licensed advanced manicurist, licensed~~ 2813

~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2814
~~licensed beauty salon, or licensed barber shop located in this~~ 2815
~~or another state certify to~~ Submits proof, as determined by the 2816
board, that the applicant has practiced manicuring for at least 2817
one thousand eight hundred hours as a manicurist in a licensed 2818
nail salon or licensed barber shop or as a cosmetologist in a 2819
licensed beauty salon or licensed barber shop; 2820

(2) Has a school ~~of cosmetology~~ licensed in this state 2821
certify to the board that the applicant has successfully 2822
completed, in addition to the hours required for licensure as a 2823
manicurist or cosmetologist, at least one hundred hours of 2824
board-approved advanced manicurist training. 2825

~~(I) In the case of an applicant for an initial advanced~~ 2826
~~natural hair stylist license, does either of the following:~~ 2827

~~(1) Has the licensed advanced natural hair stylist,~~ 2828
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 2829
~~hair style salon or licensed beauty salon located in this or~~ 2830
~~another state certify to the board that the applicant has~~ 2831
~~practiced natural hair styling for at least one thousand eight~~ 2832
~~hundred hours as a natural hair stylist in a licensed natural~~ 2833
~~hair style salon or as a cosmetologist in a licensed beauty~~ 2834
~~salon;~~ 2835

~~(2) Has a school of cosmetology licensed in this state~~ 2836
~~certify to the board that the applicant has successfully~~ 2837
~~completed, in addition to the hours required for licensure as~~ 2838
~~natural hair stylist or cosmetologist, at least one hundred~~ 2839
~~fifty hours of board approved advanced natural hair stylist~~ 2840
~~training.~~ 2841

(J) Pays to the board the applicable license fee. 2842

Sec. 4713.31. The state cosmetology and barber board shall 2843
issue an instructor license to an applicant who satisfies all of 2844
the following applicable conditions: 2845

(A) Is at least eighteen years of age; 2846

(B) Has the equivalent of an Ohio public school twelfth 2847
grade education; 2848

(C) Pays to the board the applicable application fee; 2849

(D) Submits to having a photograph taken by the board; 2850

(E) In the case of an applicant for an initial cosmetology 2851
instructor license, holds a current, valid advanced 2852
~~cosmetologist~~ license to practice cosmetology issued in this 2853
state and does either of the following: 2854

(1) ~~Has the licensed advanced cosmetologist or owner of~~ 2855
~~the licensed beauty salon in which the applicant has been~~ 2856
~~employed certify to~~ Submits proof, as determined by the board, 2857
that the applicant has engaged in the practice of cosmetology in 2858
a licensed beauty salon for at least one thousand eight hundred 2859
hours; 2860

(2) Has a school ~~of cosmetology~~ licensed in this state 2861
certify to the board that the applicant has successfully 2862
completed one thousand hours of board-approved cosmetology 2863
instructor training as an apprentice instructor. 2864

~~(E)~~ (F) In the case of an applicant for an initial 2865
esthetics instructor license, holds a current, valid advanced 2866
~~esthetician or advanced cosmetologist~~ license to practice 2867
esthetics or cosmetology issued in this state and does either of 2868
the following: 2869

(1) ~~Has the licensed advanced esthetician, licensed~~ 2870

~~advanced cosmetologist, or owner of the licensed esthetics salon-~~ 2871
~~or licensed beauty salon in which the applicant has been-~~ 2872
~~employed certify to~~ Submits proof, as determined by the board, 2873
that the applicant has engaged in the practice of esthetics in a 2874
licensed esthetics salon or practice of cosmetology in a 2875
licensed beauty salon for at least one thousand eight hundred 2876
hours; 2877

(2) Has a school ~~of cosmetology~~ licensed in this state 2878
certify to the board that the applicant has successfully 2879
completed at least five hundred hours of board-approved 2880
esthetics instructor training as an apprentice instructor. 2881

~~(F)~~ (G) In the case of an applicant for an initial hair 2882
design instructor license, holds a current, valid advanced ~~hair-~~ 2883
~~designer or advanced cosmetologist~~ license to practice hair 2884
design or cosmetology and does either of the following: 2885

(1) ~~Has the licensed advanced hair designer, licensed-~~ 2886
~~advanced cosmetologist, or owner of the licensed hair design-~~ 2887
~~salon or licensed beauty salon in which the applicant has been-~~ 2888
~~employed certify to~~ Submits proof, as determined by the board, 2889
that the applicant has engaged in the practice of hair design in 2890
a licensed hair design salon or practice of cosmetology in a 2891
licensed beauty salon for at least one thousand eight hundred 2892
hours; 2893

(2) Has a school ~~of cosmetology~~ licensed in this state 2894
certify to the board that the applicant has successfully 2895
completed at least eight hundred hours of board-approved hair 2896
design ~~instructor's~~ instructor training as an apprentice 2897
instructor. 2898

~~(G)~~ (H) In the case of an applicant for an initial 2899

manicurist instructor license, holds a current, valid advanced 2900
~~manicurist or advanced cosmetologist~~ license to practice 2901
manicuring or cosmetology and does either of the following: 2902

(1) ~~Has the licensed advanced manicurist, licensed~~ 2903
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2904
~~licensed beauty salon in which the applicant has been employed~~ 2905
~~certify to~~ Submits proof, as determined by the board, that the 2906
applicant has engaged in the practice of manicuring in a 2907
licensed nail salon or practice of cosmetology in a licensed 2908
beauty salon for at least one thousand eight hundred hours; 2909

(2) Has a school ~~of cosmetology~~ licensed in this state 2910
certify to the board that the applicant has successfully 2911
completed at least three hundred hours of board-approved 2912
manicurist instructor training as an apprentice instructor. 2913

~~(H) In the case of an applicant for an initial natural~~ 2914
~~hair style instructor license, holds a current, valid advanced~~ 2915
~~natural hair stylist or advanced cosmetologist license and does~~ 2916
~~either of the following:~~ 2917

~~(1) Has the licensed advanced natural hair stylist,~~ 2918
~~licensed advanced cosmetologist, or owner of the licensed~~ 2919
~~natural hair style salon or licensed beauty salon in which the~~ 2920
~~applicant has been employed certify to the board that the~~ 2921
~~applicant has engaged in the practice of natural hair styling in~~ 2922
~~a licensed natural hair style salon or practice of cosmetology~~ 2923
~~in a licensed beauty salon for at least one thousand eight~~ 2924
~~hundred hours;~~ 2925

~~(2) Has a school of cosmetology licensed in this state~~ 2926
~~certify to the board that the applicant has successfully~~ 2927
~~completed at least four hundred hours of board approved natural~~ 2928

~~hair style instructor training as an apprentice instructor.~~ 2929

(I) In the case of all applicants, passes an examination 2930
conducted under division ~~(B)~~ (C) of section 4713.24 of the 2931
Revised Code for the branch of cosmetology the applicant seeks 2932
to instruct. 2933

(J) Pays to the board the applicable license fee. 2934

Sec. 4713.34. The state cosmetology and barber board shall 2935
issue a license by endorsement to practice a branch of 2936
cosmetology or instructor license to an applicant who is 2937
licensed or registered in another state or country to practice 2938
that branch of cosmetology or teach the theory and practice of 2939
that branch of cosmetology, as appropriate, if ~~all of the~~ 2940
~~following conditions are satisfied:~~ 2941

~~(A) The applicant satisfies all of the following~~ 2942
applicable conditions: 2943

~~(1) (A) Is not less than eighteen years of age;~~ 2944

~~(2) In the case of an applicant for a practicing license,~~ 2945
~~passes an examination conducted under section 4713.24 of the~~ 2946
~~Revised Code for the license the applicant seeks, unless the~~ 2947
~~applicant satisfies conditions specified in rules adopted under~~ 2948
~~section 4713.08 of the Revised Code for the board to issue the~~ 2949
~~applicant a license without taking the examination;~~ 2950

~~(3) (B) Pays the applicable fee;~~ 2951

(C) If the person is licensed or registered in another 2952
state, submits to the board satisfactory evidence of that fact; 2953

(D) If the person is licensed or registered or was trained 2954
in another country, submits to the board satisfactory evidence 2955
of that fact and that the standards for licensure, registration, 2956

or training in that country were substantially similar to those 2957
of this state at the time the person was licensed, registered, 2958
or trained. 2959

~~(B) At the time the applicant obtained the license or~~ 2960
~~registration in the other state or country, the requirements in~~ 2961
~~this state for obtaining the license the applicant seeks were~~ 2962
~~substantially equal to the other state or country's~~ 2963
~~requirements.~~ 2964

~~(C) The jurisdiction that issued the applicant's license~~ 2965
~~or registration extends similar reciprocity to individuals~~ 2966
~~holding a license issued by the board.~~ 2967

Sec. 4713.35. An individual who holds a current, valid 2968
cosmetologist license or an advanced cosmetologist license to 2969
practice cosmetology issued by the state cosmetology and barber 2970
board may engage in the practice of one or more branches of 2971
cosmetology as the individual chooses in a licensed facility. 2972

An individual who holds a current, valid esthetician 2973
license or an advanced esthetician license to practice esthetics 2974
issued by the board may engage in the practice of esthetics but 2975
no other branch of cosmetology in a licensed facility. 2976

An individual who holds a current, valid hair designer 2977
license or an advanced hair designer license to practice hair 2978
design issued by the board may engage in the practice of hair 2979
design but no other branch of cosmetology in a licensed 2980
facility. 2981

An individual who holds a current, valid manicurist 2982
license or an advanced manicurist license to practice manicuring 2983
issued by the board may engage in the practice of manicuring but 2984
no other branch of cosmetology in a licensed facility. 2985

~~An individual who holds a current, valid natural hair-~~ 2986
~~stylist or advanced natural hair stylist license issued by the-~~ 2987
~~board may engage in the practice of natural hair styling but no-~~ 2988
~~other branch of cosmetology in a licensed facility.~~ 2989

An individual who holds a current, valid cosmetology 2990
instructor license issued by the board may teach the theory and 2991
practice of one or more branches of cosmetology at a school ~~of-~~ 2992
~~cosmetology~~ as the individual chooses. 2993

An individual who holds a current, valid esthetics 2994
instructor license issued by the board may teach the theory and 2995
practice of esthetics, but no other branch of cosmetology, at a 2996
school ~~of cosmetology.~~ 2997

An individual who holds a current, valid hair design 2998
instructor license issued by the board may teach the theory and 2999
practice of hair design, but no other branch of cosmetology, at 3000
a school ~~of cosmetology.~~ 3001

An individual who holds a current, valid manicurist 3002
instructor license issued by the board may teach the theory and 3003
practice of manicuring, but no other branch of cosmetology, at a 3004
school ~~of cosmetology.~~ 3005

~~An individual who holds a current, valid natural hair-~~ 3006
~~style instructor license issued by the board may teach the-~~ 3007
~~theory and practice of natural hair styling, but no other branch-~~ 3008
~~of cosmetology, at a school of cosmetology.~~ 3009

~~An individual who holds a current, valid boutique-~~ 3010
~~registration with the board may engage in the practice of-~~ 3011
~~boutique services but no other branch of cosmetology.~~ 3012

Sec. 4713.39. The state cosmetology and barber board shall 3013
issue a license to engage in the practice of a branch of 3014

cosmetology as an independent contractor to an applicant who 3015
pays the applicable fee; holds a current, valid license for the 3016
~~type of salon in which the applicant will practice that branch~~ 3017
of cosmetology that the applicant practices; and satisfies the 3018
conditions for the license established by rules adopted under 3019
section 4713.08 of the Revised Code. 3020

Sec. 4713.41. The state cosmetology and barber board shall 3021
issue a license to operate a salon, ~~including a boutique salon,~~ 3022
to an applicant who pays the applicable fee and affirms that all 3023
of the following conditions will be met: 3024

(A) (1) An individual holding a current, valid 3025
cosmetologist license ~~or boutique services registration~~ 3026
pertaining to the branch of cosmetology services performed at 3027
the salon ~~or boutique salon,~~ shall have charge of and immediate 3028
supervision over the salon at all times when the salon is open 3029
for business except as permitted under division (A) (2) of this 3030
section. 3031

(2) A business establishment that is engaged primarily in 3032
retail sales but is also licensed as a salon shall have present 3033
an individual holding a current, valid license ~~or registration~~ 3034
to practice in that type of salon in charge of and in immediate 3035
supervision of the salon during posted or advertised service 3036
hours, if the practice of cosmetology is restricted to those 3037
posted or advertised service hours. 3038

(B) The salon is equipped to do all of the following: 3039

(1) Provide potable running hot and cold water and proper 3040
drainage; 3041

(2) ~~Sanitize~~ Disinfect all instruments and supplies used 3042
in the branch of cosmetology provided at the salon; 3043

(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, and 4713.69 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;

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

(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; 3073
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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; 3078
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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; 3082
3083
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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; 3087
3088
3089
3090

(7) Complies with the requirements of division (B) of this section if the school offers instruction in theory and practice of one or more branches of cosmetology; 3091
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(8) Complies with the requirements of section 4709.10 of the Revised Code if the school offers instruction in the theory and practice of barbering; 3094
3095
3096

(9) Pays the licensure fee. 3097

(B) If the school for which an applicant is applying for a license under division (A) of this section offers instruction in the theory and practice of one or more branches of cosmetology, the applicant shall do all of the following to be issued the 3098
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3100
3101

license: 3102

(1) Maintain individuals licensed under section 4713.31 or 3103
4713.34 of the Revised Code to teach the theory and practice of 3104
the branch or branches of cosmetology offered at the school; 3105

(2) On the date that an apprentice cosmetology instructor 3106
begins cosmetology instructor training at the school, certify 3107
the name of the apprentice cosmetology instructor to the board 3108
along with the date on which the apprentice's instructor 3109
training began; 3110

(3) Instruct not more than six apprentice cosmetology 3111
instructors at any one time. 3112

(C) (1) The bond required under division (A) (5) of this 3113
section shall be in the form prescribed by the board and be 3114
conditioned on the school's continued instruction in the theory 3115
and practice of one or more branches of cosmetology or 3116
barbering. The bond shall continue in effect until notice of its 3117
termination is given to the board by registered mail and every 3118
bond shall so provide. 3119

(2) The requirement under division (A) (5) of this section 3120
does not apply to a vocational or career-technical school 3121
program conducted by a city, exempted village, local, or joint 3122
vocational school district. 3123

(D) (1) A school licensed under this section is an 3124
educational institution and is authorized to offer educational 3125
programs beyond secondary education, advanced practice programs, 3126
or both in accordance with rules adopted by the board pursuant 3127
to section 4713.08 of the Revised Code. 3128

(2) Nothing in this chapter or Chapter 4709. of the 3129
Revised Code prohibits either of the following: 3130

(a) A school licensed under this section from offering educational programs that are in addition to the curriculum required under division (A) (1) of this section; 3131
3132
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(b) An employer from requiring an individual to complete additional training beyond the curriculum required under division (A) (1) of this section as a condition of employment. 3134
3135
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(E) A school license issued to an applicant under division (A) of this section is not transferable from one owner to another or from one location to another. 3137
3138
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Sec. 4713.45. (A) A school may do any of the following: 3140

(1) In accordance with rules adopted under section 4713.08 of the Revised Code, a school may offer clock hours, credit hours, or competency-based credits by classroom instruction or distance education for the purpose of satisfying minimum hours of training and instruction; 3141
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(2) Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor or barber instructor license to teach subjects related to a branch of cosmetology or barbering; 3146
3147
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3149

(3) If the school offers instruction in the theory and practice of one or more branches of cosmetology, both of the following: 3150
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3152

(a) Allow an apprentice cosmetology instructor the regular quota of students prescribed by the state cosmetology and barber board if a cosmetology instructor is present; 3153
3154
3155

(b) Compensate an apprentice cosmetology instructor. 3156

(4) If the school offers instruction in the theory and practice of barbering, establish entrance requirements for the 3157
3158

acceptance of student applicants that are more stringent than 3159
those prescribed by the board under division (A) (20) of section 3160
4713.08 of the Revised Code, but at a minimum require an 3161
applicant to meet both of the following: 3162

(a) Be at least sixteen years of age; 3163

(b) Have an eighth grade education, or an equivalent 3164
education as determined by the state board of education. 3165

(B) A school shall have a licensed cosmetology or barber 3166
instructor present when an individual employed pursuant to 3167
division (A) (2) of this section teaches at the school, unless 3168
the individual is one of the following: 3169

(1) An individual with a current, valid teacher's 3170
certificate or educator license issued by the state board of 3171
education; 3172

(2) An individual with a bachelor's degree in the subject 3173
the person teaches at the school; 3174

(3) An individual also employed by a university or college 3175
to teach the subject the person teaches at the school. 3176

(C) A school annually shall review the subjects and 3177
coursework required to receive an initial practicing, advanced, 3178
or barber license and, in doing so, shall incorporate standards 3179
adopted by the board pursuant to division (A) (13) of section 3180
4713.08 of the Revised Code. 3181

Sec. 4713.46. A student who is injured or damaged by 3182
reason of the failure of a school ~~of cosmetology~~ to continue 3183
instruction in the theory and practice of a branch of 3184
cosmetology or barbering may maintain an action on the bond 3185
against the school, or surety named therein, or both of them, 3186

for the recovery of any money or tuition paid in advance for 3187
instruction in the theory and practice of a branch of 3188
cosmetology or barbering that was not received. The aggregate 3189
liability of the surety to all students shall not exceed the sum 3190
of the bond. 3191

Sec. 4713.49. The owner or manager of a salon or school 3192
that has a permit issued under section 4713.48 of the Revised 3193
Code may operate a tanning facility at the salon or school. 3194

Sec. 4713.55. Every license issued by the state 3195
cosmetology and barber board shall be signed by the chairperson 3196
and attested by the executive director of the board, with the 3197
seal of the board attached. 3198

The board shall specify on each practicing and advanced 3199
license that the board issues the branch of cosmetology that the 3200
license entitles the holder to practice. ~~The board shall specify~~ 3201
~~on each advanced license that the board issues the type of salon~~ 3202
~~in which the license entitles the holder to work and the branch~~ 3203
~~of cosmetology that the license entitles the holder to practice.~~ 3204
The board shall specify on each instructor license that the 3205
board issues the branch of cosmetology that the license entitles 3206
the holder to teach. The board shall specify on each salon 3207
license that the board issues the branch of cosmetology that the 3208
license entitles the holder to offer. The board shall specify on 3209
each independent contractor license that the board issues that 3210
the holder is entitled to practice only the branch of 3211
cosmetology ~~that the~~ for which a current, valid license entitles 3212
~~the holder to offer~~ is held within a licensed salon. Such 3213
licenses are prima-facie evidence of the right of the holder to 3214
practice or teach the branch of cosmetology that the license 3215
specifies. 3216

Sec. 4713.56. Every holder of a practicing license, 3217
advanced license, instructor license, or independent contractor 3218
license, or boutique service registration issued by the state 3219
cosmetology and barber board shall maintain the board-issued, 3220
wallet-sized license or electronically generated license 3221
certification ~~or registration~~ and a current government-issued 3222
photo identification that can be produced upon inspection or 3223
request. 3224

Every holder of a license to operate a salon issued by the 3225
board shall display the license in a public and conspicuous 3226
place in the salon. 3227

Every holder of a license to operate a school ~~of~~ 3228
~~cosmetology~~ issued by the board shall display the license in a 3229
public and conspicuous place in the school. 3230

Every individual who provides massage therapy or other 3231
professional service in a salon under section 4713.42 of the 3232
Revised Code shall maintain the individual's professional 3233
license or certificate or electronically generated license 3234
certification or registration and a state of Ohio issued photo 3235
identification that can be produced upon inspection or request. 3236

Sec. 4713.57. A license ~~or registration~~ issued by the 3237
state cosmetology and barber board pursuant to this chapter is 3238
valid until the last day of January of the odd-numbered year 3239
following its original issuance or renewal, unless the license 3240
is revoked or suspended prior to that date. Renewal shall be 3241
done in accordance with the standard renewal procedure of 3242
Chapter 4745. of the Revised Code. The board may refuse to renew 3243
a license if the individual holding the license has an 3244
outstanding unpaid fine levied under section 4713.64 of the 3245
Revised Code. 3246

Sec. 4713.58. (A) Except as provided in division (B) of 3247
this section, on payment of the renewal fee and ~~submission of~~ 3248
~~proof satisfactory attestation~~ to the state cosmetology and 3249
barber board that any applicable continuing education 3250
requirements have been completed, an individual currently 3251
licensed as: 3252

(1) A cosmetology instructor who has previously been 3253
~~licensed as issued a practicing cosmetologist license~~ or an 3254
advanced ~~cosmetologist license to practice cosmetology~~, is 3255
entitled to the reissuance of ~~a cosmetologist the practicing or~~ 3256
advanced cosmetologist license; 3257

(2) An esthetics instructor who has previously been 3258
~~licensed as an issued a practicing esthetician license~~ or an 3259
advanced ~~esthetician license to practice esthetics~~, is entitled 3260
to the reissuance of ~~an esthetician the practicing or~~ advanced 3261
esthetician license; 3262

(3) A hair design instructor who has previously been 3263
~~licensed as issued a practicing hair designer license~~ or an 3264
advanced ~~hair designer license to practice hair design~~, is 3265
entitled to the reissuance of ~~a hair designer the practicing or~~ 3266
advanced hair designer license; 3267

(4) A manicurist instructor who has previously been 3268
~~licensed as issued a practicing manicurist license~~ or an 3269
advanced ~~manicurist license to practice manicuring~~, is entitled 3270
to the reissuance of ~~a manicurist the practicing or~~ advanced 3271
manicurist license; 3272

~~(5) A natural hair style instructor who has previously~~ 3273
~~been licensed as a natural hair stylist or an advanced natural~~ 3274
~~hair stylist, is entitled to the reissuance of a natural hair~~ 3275

~~stylist or advanced natural hair stylist license.~~ 3276

(B) No individual is entitled to the reissuance of a 3277
license under division (A) of this section if the license was 3278
revoked or suspended or the individual has an outstanding unpaid 3279
fine levied under section 4713.64 of the Revised Code. 3280

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 3281
of this section, an individual seeking a renewal of a license to 3282
practice a branch of cosmetology, advanced license, or 3283
instructor license, ~~or boutique services registration~~ shall 3284
~~include attest~~ in the renewal application ~~proof satisfactory to~~ 3285
the ~~board of~~ completion of any applicable continuing education 3286
requirements established by rules adopted under section 4713.09 3287
of the Revised Code. 3288

~~(B) If an applicant fails to provide satisfactory proof of~~ 3289
~~completion of any applicable continuing education requirements,~~ 3290
~~the board shall notify the applicant that the application is~~ 3291
~~incomplete. The board shall not renew the license or~~ 3292
~~registration until the applicant provides satisfactory proof of~~ 3293
~~completion of any applicable continuing education requirements.~~ 3294
~~The board may provide the applicant with an extension of up to~~ 3295
~~ninety days in which to complete the continuing education~~ 3296
~~requirement. In providing for the extension, the board may~~ 3297
~~charge the licensee or registrant a fine of up to one hundred~~ 3298
~~dollars.~~ 3299

~~(C)~~ The state cosmetology and barber board may waive, or 3300
extend the period for completing, any continuing education 3301
requirement if a licensee ~~or registrant~~ applies to the board and 3302
provides proof satisfactory to the board of being unable to 3303
complete the requirement within the time allowed because of any 3304
of the following: 3305

- (1) An emergency; 3306
- (2) An unusual or prolonged illness; 3307
- (3) Active duty service in any branch of the armed forces 3308
of the United States or a reserve component of the armed forces 3309
of the United States, including the Ohio national guard or the 3310
national guard of any other state. 3311

The board shall determine the period of time during which 3312
each extension is effective and shall inform the applicant. The 3313
board shall also inform the applicant of the continuing 3314
education requirements that must be met to have the license ~~or~~ 3315
~~registration~~ renewed. If an extension is granted for less than 3316
one year, the continuing education requirement for that year, in 3317
addition to the required continuing education for the succeeding 3318
year, must be completed in the succeeding year. In all other 3319
cases the board may waive all or part of the continuing 3320
education requirement on a case-by-case basis. Any required 3321
continuing education shall be completed ~~and satisfactory proof~~ 3322
~~of its completion submitted to the board~~ by a date specified by 3323
the board. Every license ~~or registration~~ that has not been 3324
renewed in the timeframe specified in section 4713.57 of the 3325
Revised Code and for which the continuing education requirement 3326
has not been waived or extended shall be considered expired. 3327

Sec. 4713.61. (A) If the state cosmetology and barber 3328
board adopts a continuing education requirement under section 3329
4713.09 of the Revised Code, it may develop a procedure by which 3330
an individual who holds a license to practice a branch of 3331
cosmetology, advanced license, or instructor license and who is 3332
not currently engaged in the practice of the branch of 3333
cosmetology or teaching the theory and practice of the branch of 3334
cosmetology, but who desires to be so engaged in the future, may 3335

apply to the board to have the individual's license classified 3336
inactive. If the board develops such a procedure, an individual 3337
seeking to have the individual's license classified inactive 3338
shall apply to the board on a form provided by the board and pay 3339
the fee established by rules adopted under section 4713.08 of 3340
the Revised Code. 3341

(B) The board shall not restore an inactive license until 3342
~~the later of the following:~~ 3343

~~(1) The date that the individual holding the license 3344
submits proof satisfactory to the board that the individual has 3345
completed the continuing education that a rule adopted under 3346
section 4713.08 of the Revised Code requires.~~ 3347

~~(2) The last day of January of the next odd-numbered year 3348
following the year the license is classified inactive.~~ 3349

~~(C) An individual who holds an inactive license may engage 3350
in the practice of a branch of cosmetology if the individual 3351
holds a temporary work permit as specified in rules adopted by 3352
the board under section 4713.08 of the Revised Code.~~ 3353

Sec. 4713.62. (A) An individual holding a practicing 3354
license, advanced license, or instructor license, ~~or boutique-~~ 3355
~~services registration~~ may satisfy a continuing education 3356
requirement established by rules adopted under section 4713.09 3357
of the Revised Code only by completing continuing education 3358
programs approved under division (B) of this section. 3359

(B) The state cosmetology and barber board shall approve a 3360
continuing education program if all of the following conditions 3361
are satisfied: 3362

(1) The person operating the program submits to the board 3363
a written application for approval. 3364

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

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

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

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

(b) Protect the public;

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

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

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

who held the license meets all of the following applicable 3394
conditions: 3395

(A) Pays to the state cosmetology and barber board the 3396
restoration fee established under section 4713.10 of the Revised 3397
Code; 3398

(B) In the case of a practicing license or advanced 3399
license that has been expired for more than two consecutive 3400
license renewal periods, completes eight hours of continuing 3401
education for each license renewal period that has elapsed since 3402
the license was last issued or renewed, up to a maximum of 3403
twenty-four hours. 3404

At least four of those hours shall include a course 3405
pertaining to ~~sanitation~~ infection control and safety methods. 3406

~~The board shall deposit all fees it receives under~~ 3407
~~division (B) of this section into the general revenue fund.~~ 3408

Sec. 4713.64. (A) The state cosmetology and barber board 3409
may take disciplinary action under this chapter for any of the 3410
following: 3411

(1) Failure to comply with the safety, ~~sanitation~~ 3412
infection control, and licensing requirements of this chapter or 3413
rules adopted under it; 3414

(2) Continued practice by an individual knowingly having 3415
an infectious or contagious disease; 3416

(3) Habitual drunkenness or addiction to any habit-forming 3417
drug; 3418

(4) Willful false and fraudulent or deceptive advertising; 3419

(5) Falsification of any record or application required to 3420

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| be filed with the board; | 3421 |
| (6) Failure to pay a fine or abide by a suspension order issued by the board; | 3422 3423 |
| (7) Failure to cooperate with an investigation or inspection; | 3424 3425 |
| (8) Failure to respond to a subpoena; | 3426 |
| (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code; | 3427 3428 |
| (10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon. | 3429 3430 3431 3432 |
| (B) On determining that there is cause for disciplinary action, the board may do one or more of the following: | 3433 3434 |
| (1) Deny, revoke, or <u>suspend, or impose conditions on</u> a license, permit, or registration issued by the board under this chapter; | 3435 3436 3437 |
| (2) Impose a fine; | 3438 |
| (3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses. | 3439 3440 3441 |
| (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. | 3442 3443 3444 |
| (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 | 3445 3446 3447 |

division (A) (9) or (10) of this section. After the board takes 3448
such disciplinary action, the board shall give written notice to 3449
the subject of the disciplinary action of the right to request a 3450
hearing under Chapter 119. of the Revised Code. 3451

(3) In lieu of an adjudication, the board may enter into a 3452
consent agreement with the holder of a license, permit, or 3453
registration issued under this chapter. A consent agreement that 3454
is ratified by a majority vote of a quorum of the board members 3455
is considered to constitute the findings and orders of the board 3456
with respect to the matter addressed in the agreement. If the 3457
board does not ratify a consent agreement, the admissions and 3458
findings contained in the agreement are of no effect, and the 3459
case shall be scheduled for adjudication under Chapter 119. of 3460
the Revised Code. 3461

(D) The amount and content of corrective action courses 3462
and other relevant criteria shall be established by the board in 3463
rules adopted under section 4713.08 of the Revised Code. 3464

(E) (1) The board may impose a separate fine for each 3465
offense listed in division (A) of this section. The amount of 3466
the first fine issued for a violation as the result of an 3467
inspection shall be not more than two hundred fifty dollars if 3468
the violator has not previously been fined for that offense. Any 3469
fines issued for additional violations during such an inspection 3470
shall not be more than one hundred dollars for each additional 3471
violation. The fine shall be not more than five hundred dollars 3472
if the violator has been fined for the same offense once before. 3473
Any fines issued for additional violations during a second 3474
inspection shall not be more than two hundred dollars for each 3475
additional violation. The fine shall be not more than one 3476
thousand dollars if the violator has been fined for the same 3477

offense two or more times before. Any fines issued for 3478
additional violations during a third inspection shall not be 3479
more than three hundred dollars for each additional violation. 3480

(2) The board shall issue an order notifying a violator of 3481
a fine imposed under division (E) (1) of this section. The notice 3482
shall specify the date by which the fine is to be paid. The date 3483
shall be less than forty-five days after the board issues the 3484
order. 3485

(3) At the request of a violator who is temporarily unable 3486
to pay a fine, or upon its own motion, the board may extend the 3487
time period within which the violator shall pay the fine up to 3488
ninety days after the date the board issues the order. 3489

~~(4) If a violator fails to pay a fine by the date 3490
specified in the board's order and does not request an extension 3491
within ten days after the date the board issues the order, or if 3492
the violator fails to pay the fine within the extended time 3493
period as described in division (E) (3) of this section, the 3494
board shall add to the fine an additional penalty equal to ten 3495
per cent of the fine. 3496~~

~~(5) If a violator fails to pay a fine within ninety days 3497
after the board issues the order, the board shall add to the 3498
fine interest at a rate specified by the board in rules adopted 3499
under section 4713.08 of the Revised Code. 3500~~

~~(6) If the fine, including any interest or additional 3501
penalty, remains unpaid on the ninety-first day after the board 3502
issues an order under division (E) (2) of this section, the 3503
amount of the fine and any interest or additional penalty shall 3504
be certified to the attorney general for collection in the form 3505
and manner prescribed by the attorney general. The attorney 3506~~

general may assess the collection cost to the amount certified 3507
in such a manner and amount as prescribed by the attorney 3508
general. 3509

(F) In the case of an offense of failure to comply with 3510
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 3511
Code, the board shall impose a fine of five hundred dollars if 3512
the violator has not previously been fined for that offense. If 3513
the violator has previously been fined for the offense, the 3514
board may impose a fine in accordance with this division or take 3515
another action in accordance with division (B) of this section. 3516

(G) The board shall notify a licensee or registrant who is 3517
in violation of division (A) of this section and the owner of 3518
the salon in which the conditions constituting the violation 3519
were found. The individual receiving the notice of violation and 3520
the owner of the salon may request a hearing pursuant to section 3521
119.07 of the Revised Code. If the individual or owner fails to 3522
request a hearing or enter into a consent agreement thirty days 3523
after the date the board, in accordance with section 119.07 of 3524
the Revised Code and division (J) of this section, notifies the 3525
individual or owner of the board's intent to act against the 3526
individual or owner under division (A) of this section, the 3527
board by a majority vote of a quorum of the board members may 3528
take the action against the individual or owner without holding 3529
an adjudication hearing. 3530

(H) The board, after a hearing in accordance with Chapter 3531
119. of the Revised Code or pursuant to a consent agreement, may 3532
suspend a license, permit, or registration if the licensee, 3533
permit holder, or registrant fails to correct an unsafe 3534
condition that exists in violation of the board's rules or fails 3535
to cooperate in an inspection. If a violation of this chapter or 3536

rules adopted under it has resulted in a condition reasonably 3537
believed by an inspector to create an immediate danger to the 3538
health and safety of any individual using the facility, the 3539
inspector may suspend the license or permit of the facility or 3540
the individual responsible for the violation without a prior 3541
hearing until the condition is corrected or until a hearing in 3542
accordance with Chapter 119. of the Revised Code is held or a 3543
consent agreement is entered into and the board either upholds 3544
the suspension or reinstates the license, permit, or 3545
registration. 3546

(I) The board shall not take disciplinary action against 3547
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 3548
~~cosmetology~~ for a violation of this chapter that was committed 3549
by an individual licensed to practice a branch of cosmetology or 3550
barbering, while practicing within the salon or school, when the 3551
individual's actions were beyond the control of the salon owner 3552
or school. 3553

(J) In addition to the methods of notification required 3554
under section 119.07 of the Revised Code, the board may send the 3555
notices required under divisions (C) (2), (E) (2), and (G) of this 3556
section by any delivery method that is traceable and requires 3557
that the delivery person obtain a signature to verify that the 3558
notice has been delivered. The board also may send the notices 3559
by electronic mail, provided that the electronic mail delivery 3560
system certifies that a notice has been received. 3561

Sec. 4713.641. Any ~~student or former student of a school~~ 3562
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 3563
~~the Revised Code~~ individual may file a complaint with the state 3564
cosmetology and barber board alleging that ~~the~~ an individual, 3565
salon, barber shop, school, or tanning facility has violated 3566

~~division (A) of section 4713.64 this chapter or Chapter 4709. of~~ 3567
~~the Revised Code or rules adopted under either chapter. The~~ 3568
~~complaint shall be in writing and signed by the individual~~ 3569
~~bringing the complaint. Upon receiving a complaint, the board~~ 3570
shall initiate a preliminary investigation to determine whether 3571
it is probable that a violation was committed. If the board 3572
determines after preliminary investigation that it is not 3573
probable that a violation was committed, the board shall notify 3574
the individual who filed the complaint of the board's findings 3575
and that the board will not ~~issue a~~ pursue formal complaint
action in the matter. If the board determines after a 3577
preliminary investigation that it is probable that a violation 3578
was committed, the board ~~shall~~ may proceed against the 3579
individual, salon, barber shop, school, or tanning facility 3580
pursuant to the board's authority under section 4709.13 or 3581
4713.64 of the Revised Code and in accordance with the hearing 3582
and notice requirements prescribed in Chapter 119. of the 3583
Revised Code. 3584

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, 3585
on its own motion or on receipt of a ~~written~~ complaint, may 3586
investigate or inspect the activities or premises of an 3587
individual or entity who is alleged to have violated this 3588
chapter or Chapter 4709. of the Revised Code or rules adopted 3589
under ~~it~~ either chapter, regardless of whether the individual or 3590
entity holds a license ~~or, registration, or permit~~ issued under 3591
this chapter or Chapter 4709. of the Revised Code. 3592

~~(B) If, based on its investigation, the board determines~~ 3593
~~that there is reasonable cause to believe that an individual or~~ 3594
~~entity has violated this chapter or rules adopted under it, the~~ 3595
~~board shall afford the individual or entity an opportunity for a~~ 3596
~~hearing. Notice shall be given and any hearing conducted in~~ 3597

~~accordance with Chapter 119. of the Revised Code.~~ 3598

~~(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code.~~ 3599
3600
3601
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Sec. 4713.69. (A) An individual who engages in the practice of boutique services shall obtain a boutique salon registration. 3603
3604
3605

(B) An individual wishing to obtain a boutique salon registration shall do both of the following: 3606
3607

(1) Submit an application on a form prescribed by the state cosmetology and barber board containing all of the following: 3608
3609
3610

(a) The applicant's name; 3611

(b) The address of the physical location where an applicant engages in the practice of boutique services or the applicant's primary home address if the applicant primarily engages in the practice of boutique services at multiple locations; 3612
3613
3614
3615
3616

(c) The applicant's primary telephone number; 3617

(d) The applicant's primary electronic mail address. 3618

(2) Pay the applicable fee, if any, to the board. 3619

(C) The board shall issue a boutique salon registration to an individual who submits a boutique salon registration application on the form prescribed by the board and pays to the board the applicable fee, if any. 3620
3621
3622
3623

(D) An individual with a boutique salon registration shall 3624

- do all of the following: 3625
- (1) Inform the board whenever the information provided in the individual's application for a registration changes; 3626
3627
- (2) Sanitize all instruments and supplies used in the practice of boutique services; 3628
3629
- (3) Engage in the practice of boutique services only at a salon or boutique salon that is in clean and sanitary condition with proper ventilation, potable running hot and cold water, and proper drainage. 3630
3631
3632
3633
- (E) An individual with a valid boutique salon registration may engage in the practice of boutique services at a salon. 3634
3635
- (F) The board shall not require initial inspection of a boutique salon as a condition for issuing a boutique salon registration. The board shall require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of boutique salons only under one of the following conditions: 3636
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3638
3639
3640
3641
- (1) The inspection is to occur after a complaint is reported to the board in accordance with division (A) (10) of section 4713.07 of the Revised Code; 3642
3643
3644
- (2) The inspection is to occur within ninety days after a violation was documented at a boutique salon. 3645
3646
- (G) The board shall maintain a registry of boutique salons. 3647
3648
- (H) A registration issued under division (C) of this section does not expire. 3649
3650
- (I) An individual who engages in the practice of boutique 3651

services and no other branch of cosmetology is exempt from any 3652
requirement under this chapter to obtain a current, valid 3653
license under section 4713.28, 4713.30, or 4713.34 of the 3654
Revised Code. 3655

(J) If an individual holds a license issued under section 3656
4713.28, 4713.30, or 4713.34 of the Revised Code, the individual 3657
is not required to register under this section if the 3658
individual's practice of boutique services falls under the scope 3659
of practice of that license. 3660

Sec. 4713.99. Whoever violates section 4713.14 of the 3661
Revised Code ~~is guilty of a misdemeanor of the fourth degree on~~ 3662
shall be fined not less than one hundred nor more than five 3663
hundred dollars for a first offense; ~~on~~ for each subsequent 3664
offense violation of the same provision, such individual ~~is~~ 3665
guilty of a misdemeanor of the third degree shall be fined not 3666
less than five hundred nor more than one thousand dollars. 3667

Section 2. That existing sections 2925.01, 3333.26, 3668
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 3669
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 3670
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 3671
4713.24, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 3672
4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.57, 3673
4713.58, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 3674
4713.66, and 4713.99 of the Revised Code are hereby repealed. 3675

Section 3. That sections 4709.02, 4709.03, 4709.05, 3676
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, 4713.45, 3677
and 4713.69 of the Revised Code are hereby repealed. 3678

Section 4. Section 4713.02 of the Revised Code, as amended 3679
by this act, does not affect the terms of members of the State 3680

Cosmetology and Barber Board serving on the Board on the 3681
effective date of this section. 3682

Section 5. Not later than two years after the effective 3683
date of this section and in accordance with division (A) (22) of 3684
section 4713.08 of the Revised Code, the State Cosmetology and 3685
Barber Board shall adopt rules under Chapter 119. of the Revised 3686
Code to specify the circumstances under which an applicant for a 3687
practicing license may take the examination required by section 3688
4713.24 of the Revised Code before having successfully completed 3689
the minimum number of hours required for the license under 3690
section 4713.28 of the Revised Code. 3691

Section 6. Notwithstanding the amendment of sections in 3692
Chapter 4713. of the Revised Code in this act, which no longer 3693
provides for school of cosmetology licenses, a valid school of 3694
cosmetology license held by a person on or after the effective 3695
date of this section is valid for the duration of that license 3696
term. On the expiration of that license, the State Cosmetology 3697
and Barber Board shall issue to a license holder who wishes to 3698
renew that license a school license under section 4713.44 of the 3699
Revised Code, as enacted by this act, if the license holder 3700
meets the requirements to be issued the school license. 3701

Section 7. Notwithstanding the amendment of sections in 3702
Chapter 4709. of the Revised Code in this act, which no longer 3703
provides for barber school licenses, a valid barber school 3704
license held by a person on or after the effective date of this 3705
section that is set to expire on August 31, 2024, is valid until 3706
January 31, 2025. On the expiration of that license, the State 3707
Cosmetology and Barber Board shall issue to a license holder who 3708
wishes to renew that license a school license under section 3709
4713.44 of the Revised Code, as enacted by this act, if the 3710

license holder meets the requirements to be issued the school 3711
license. 3712

Section 8. Notwithstanding the amendment of sections in 3713
Chapter 4713. of the Revised Code in this act, which no longer 3714
provides for natural hair stylist licenses, advanced natural 3715
hair stylist licenses, or natural hair style instructor 3716
licenses, a valid natural hair stylist license, valid advanced 3717
natural hair stylist license, or valid natural hair style 3718
instructor license held by a person on or after the effective 3719
date of this section is valid for the duration of that license 3720
term. 3721