

H. B. No. 169
As Introduced

_____ moved to amend as follows:

- In line 1 of the title, delete ", 4713.51" 1
- In line 2 of the title, delete "to" 2
- In line 3 of the title, delete "prohibit" and insert "regarding" 3
- In line 4 of the title, delete "individuals under age 18" and insert "minors" 4 5
- In line 7, delete ", 4713.51" 6
- In line 13, reinsert "whether"; delete "the age of" 7
- In line 14, reinsert "is less than" 8
- In line 15, reinsert "eighteen years of age" 9
- In line 17, reinsert "(B) (1)"; delete "(B) A tanning facility operator or employee shall" 10 11
- Delete lines 18 and 19 12
- In line 20, delete "(C)" 13
- Reinsert line 27 14



In line 28, reinsert "allow an individual who is"; reinsert "less than" 15
16

Reinsert lines 29 and 30 17

In line 31, reinsert "legal guardian of the individual" and insert "each time the individual seeks to use the facility's sun lamp tanning services"; reinsert ". The consent shall be evidenced" 18
19
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Reinsert lines 32 through 34 21

In line 35, reinsert "an employee of the tanning facility." 22

In line 40, after "~~consent~~" insert "A parent or legal guardian of the individual shall be present at the tanning facility for the duration of each session when the individual uses the facility's sun lamp tanning services"; reinsert ". No" 23
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Reinsert lines 41 through 43 27

Delete lines 62 through 223 28

After line 223, insert: 29

"Sec. 4713.64. (A) The state cosmetology and barber board 30
may take disciplinary action under this chapter for any of the 31
following: 32

(1) Failure to comply with the safety, sanitation, and 33
licensing requirements of this chapter or rules adopted under 34
it; 35

(2) Continued practice by an individual knowingly having 36
an infectious or contagious disease; 37

(3) Habitual drunkenness or addiction to any habit-forming 38
drug; 39

(4) Willful false and fraudulent or deceptive advertising;	40
(5) Falsification of any record or application required to be filed with the board;	41 42
(6) Failure to pay a fine or abide by a suspension order issued by the board;	43 44
(7) Failure to cooperate with an investigation or inspection;	45 46
(8) Failure to respond to a subpoena;	47
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	48 49
(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.	50 51 52 53
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	54 55
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	56 57
(2) Impose a fine;	58
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	59 60 61
(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.	62 63 64
(2) The board may take disciplinary action without	65

conducting an adjudication under Chapter 119. of the Revised 66
Code against an individual or salon who violates division (A) (9) 67
or (10) of this section. After the board takes such disciplinary 68
action, the board shall give written notice to the subject of 69
the disciplinary action of the right to request a hearing under 70
Chapter 119. of the Revised Code. 71

(3) In lieu of an adjudication, the board may enter into a 72
consent agreement with the holder of a license, permit, or 73
registration issued under this chapter. A consent agreement that 74
is ratified by a majority vote of a quorum of the board members 75
is considered to constitute the findings and orders of the board 76
with respect to the matter addressed in the agreement. If the 77
board does not ratify a consent agreement, the admissions and 78
findings contained in the agreement are of no effect, and the 79
case shall be scheduled for adjudication under Chapter 119. of 80
the Revised Code. 81

(D) The amount and content of corrective action courses 82
and other relevant criteria shall be established by the board in 83
rules adopted under section 4713.08 of the Revised Code. 84

(E) (1) The board may impose a separate fine for each 85
offense listed in division (A) of this section. The amount of 86
the first fine issued for a violation as the result of an 87
inspection shall be not more than two hundred fifty dollars if 88
the violator has not previously been fined for that offense. Any 89
fines issued for additional violations during such an inspection 90
shall not be more than one hundred dollars for each additional 91
violation. The fine shall be not more than five hundred dollars 92
if the violator has been fined for the same offense once before. 93
Any fines issued for additional violations during a second 94
inspection shall not be more than two hundred dollars for each 95

additional violation. The fine shall be not more than one 96
thousand dollars if the violator has been fined for the same 97
offense two or more times before. Any fines issued for 98
additional violations during a third inspection shall not be 99
more than three hundred dollars for each additional violation. 100

(2) The board shall issue an order notifying a violator of 101
a fine imposed under division (E) (1) of this section. The notice 102
shall specify the date by which the fine is to be paid. The date 103
shall be less than forty-five days after the board issues the 104
order. 105

(3) At the request of a violator who is temporarily unable 106
to pay a fine, or upon its own motion, the board may extend the 107
time period within which the violator shall pay the fine up to 108
ninety days after the date the board issues the order. 109

(4) If a violator fails to pay a fine by the date 110
specified in the board's order and does not request an extension 111
within ten days after the date the board issues the order, or if 112
the violator fails to pay the fine within the extended time 113
period as described in division (E) (3) of this section, the 114
board shall add to the fine an additional penalty equal to ten 115
per cent of the fine. 116

(5) If a violator fails to pay a fine within ninety days 117
after the board issues the order, the board shall add to the 118
fine interest at a rate specified by the board in rules adopted 119
under section 4713.08 of the Revised Code. 120

(6) If the fine, including any interest or additional 121
penalty, remains unpaid on the ninety-first day after the board 122
issues an order under division (E) (2) of this section, the 123
amount of the fine and any interest or additional penalty shall 124

be certified to the attorney general for collection in the form 125
and manner prescribed by the attorney general. The attorney 126
general may assess the collection cost to the amount certified 127
in such a manner and amount as prescribed by the attorney 128
general. 129

(F) In the case of an offense of failure to comply with 130
~~division (A) or (B) (2) or (3) of~~ section 4713.50 of the Revised 131
Code, the board shall impose a fine of five hundred dollars if 132
the violator has not previously been fined for that offense. If 133
the violator has previously been fined for the offense, the 134
board may impose a fine in accordance with this division or take 135
another action in accordance with division (B) of this section. 136

(G) The board shall notify a licensee or registrant who is 137
in violation of division (A) of this section and the owner of 138
the salon in which the conditions constituting the violation 139
were found. The individual receiving the notice of violation and 140
the owner of the salon may request a hearing pursuant to section 141
119.07 of the Revised Code. If the individual or owner fails to 142
request a hearing or enter into a consent agreement thirty days 143
after the date the board, in accordance with sections 119.05 and 144
119.07 of the Revised Code ~~and division (J) of this section,~~ 145
notifies the individual or owner of the board's intent to act 146
against the individual or owner under division (A) of this 147
section, the board by a majority vote of a quorum of the board 148
members may take the action against the individual or owner 149
without holding an adjudication hearing. 150

(H) The board, after a hearing in accordance with Chapter 151
119. of the Revised Code or pursuant to a consent agreement, may 152
suspend a license, permit, or registration if the licensee, 153
permit holder, or registrant fails to correct an unsafe 154

condition that exists in violation of the board's rules or fails 155
to cooperate in an inspection. If a violation of this chapter or 156
rules adopted under it has resulted in a condition reasonably 157
believed by an inspector to create an immediate danger to the 158
health and safety of any individual using the facility, the 159
inspector may suspend the license or permit of the facility or 160
the individual responsible for the violation without a prior 161
hearing until the condition is corrected or until a hearing in 162
accordance with Chapter 119. of the Revised Code is held or a 163
consent agreement is entered into and the board either upholds 164
the suspension or reinstates the license, permit, or 165
registration. 166

(I) The board shall not take disciplinary action against 167
an individual licensed to operate a salon or school of 168
cosmetology for a violation of this chapter that was committed 169
by an individual licensed to practice a branch of cosmetology, 170
while practicing within the salon or school, when the 171
individual's actions were beyond the control of the salon owner 172
or school." 173

In line 295, delete ", 4713.51" 174

The motion was _____ agreed to.

SYNOPSIS 175

Use of sun lamp tanning services by minors 176

R.C. 4713.50, 4713.51, and 4713.64 177

Modifies the bill's prohibition against minors using a 178

tanning facility's sun lamp tanning services to instead specify 179
that an individual who is under 18 may use sun lamp tanning 180
services if (1) the individual's parent or legal guardian signs 181
a consent form required by continuing law each time services are 182
used and (2) the parent or legal guardian is present for the 183
duration of the minor's use of sun lamp tanning services. 184