

As Reported by the Senate Government Oversight Committee

135th General Assembly

Regular Session

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Sub. H. B. No. 158

Representatives Roemer, Miller, M.

Cosponsors: Representatives Ferguson, Fowler Arthur, Gross, Johnson, Brennan, Carruthers, Creech, Edwards, Forhan, Jones, Kick, Lorenz, Loychik, Mathews, Merrin, Peterson, Ray, Rogers, Upchurch, Willis, Young, T.

A BILL

To amend sections 2925.01, 3333.26, 3937.41, 1
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 2
4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 3
4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 5
4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 6
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 7
4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 8
4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 9
4713.64, 4713.641, 4713.66, 4713.69, 4713.99, 10
and 4973.17; to enact new sections 4709.02, 11
4709.03, 4709.05, 4709.10, 4709.13, 4713.44, and 12
4713.45 and sections 4709.031, 4709.051, 13
4709.071, 4709.072, 4709.073, 4709.091, 14
4709.111, 4709.112, 4713.33, and 4713.331; and 15
to repeal sections 4709.02, 4709.03, 4709.05, 16
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 17
4713.44, and 4713.45 of the Revised Code to make 18
changes to the law governing the regulation of 19
cosmetologists and barbers, to enter into the 20
Cosmetology Licensure Compact, and to revise the 21

law governing hospital police officer 22
commissions. 23

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

Section 1. That sections 2925.01, 3333.26, 3937.41, 24
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 25
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 26
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 27
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.37, 28
4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 29
4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 30
4713.66, 4713.69, 4713.99, and 4973.17 be amended and new 31
sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, 32
and 4713.45 and sections 4709.031, 4709.051, 4709.071, 4709.072, 33
4709.073, 4709.091, 4709.111, 4709.112, 4713.33, and 4713.331 of 34
the Revised Code be enacted to read as follows: 35

Sec. 2925.01. As used in this chapter: 36

(A) "Administer," "controlled substance," "controlled 37
substance analog," "dispense," "distribute," "hypodermic," 38
"manufacturer," "official written order," "person," 39
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 40
"schedule III," "schedule IV," "schedule V," and "wholesaler" 41
have the same meanings as in section 3719.01 of the Revised 42
Code. 43

(B) "Drug of abuse" and "person with a drug dependency" 44
have the same meanings as in section 3719.011 of the Revised 45
Code. 46

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

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

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

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

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

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

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

(e) An amount equal to or exceeding five grams or ten unit 76
doses of a compound, mixture, preparation, or substance that is 77
or contains any amount of phencyclidine; 78

(f) An amount equal to or exceeding one hundred twenty 79
grams or thirty times the maximum daily dose in the usual dose 80
range specified in a standard pharmaceutical reference manual of 81
a compound, mixture, preparation, or substance that is or 82
contains any amount of a schedule II stimulant that is in a 83
final dosage form manufactured by a person authorized by the 84
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 85
U.S.C.A. 301, as amended, and the federal drug abuse control 86
laws, as defined in section 3719.01 of the Revised Code, that is 87
or contains any amount of a schedule II depressant substance or 88
a schedule II hallucinogenic substance; 89

(g) An amount equal to or exceeding three grams of a 90
compound, mixture, preparation, or substance that is or contains 91
any amount of a schedule II stimulant, or any of its salts or 92
isomers, that is not in a final dosage form manufactured by a 93
person authorized by the Federal Food, Drug, and Cosmetic Act 94
and the federal drug abuse control laws. 95

(2) An amount equal to or exceeding one hundred twenty 96
grams or thirty times the maximum daily dose in the usual dose 97
range specified in a standard pharmaceutical reference manual of 98
a compound, mixture, preparation, or substance that is or 99
contains any amount of a schedule III or IV substance other than 100
an anabolic steroid or a schedule III opiate or opium 101
derivative; 102

(3) An amount equal to or exceeding twenty grams or five 103
times the maximum daily dose in the usual dose range specified 104
in a standard pharmaceutical reference manual of a compound, 105

mixture, preparation, or substance that is or contains any 106
amount of a schedule III opiate or opium derivative; 107

(4) An amount equal to or exceeding two hundred fifty 108
milliliters or two hundred fifty grams of a compound, mixture, 109
preparation, or substance that is or contains any amount of a 110
schedule V substance; 111

(5) An amount equal to or exceeding two hundred solid 112
dosage units, sixteen grams, or sixteen milliliters of a 113
compound, mixture, preparation, or substance that is or contains 114
any amount of a schedule III anabolic steroid; 115

(6) For any compound, mixture, preparation, or substance 116
that is a combination of a fentanyl-related compound and any 117
other compound, mixture, preparation, or substance included in 118
schedule III, schedule IV, or schedule V, if the defendant is 119
charged with a violation of section 2925.11 of the Revised Code 120
and the sentencing provisions set forth in divisions (C)(10)(b) 121
and (C)(11) of that section will not apply regarding the 122
defendant and the violation, the bulk amount of the controlled 123
substance for purposes of the violation is the amount specified 124
in division (D)(1), (2), (3), (4), or (5) of this section for 125
the other schedule III, IV, or V controlled substance that is 126
combined with the fentanyl-related compound. 127

(E) "Unit dose" means an amount or unit of a compound, 128
mixture, or preparation containing a controlled substance that 129
is separately identifiable and in a form that indicates that it 130
is the amount or unit by which the controlled substance is 131
separately administered to or taken by an individual. 132

(F) "Cultivate" includes planting, watering, fertilizing, 133
or tilling. 134

(G) "Drug abuse offense" means any of the following:	135
(1) A violation of division (A) of section 2913.02 that	136
constitutes theft of drugs, or a violation of section 2925.02,	137
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	138
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	139
or 2925.37 of the Revised Code;	140
(2) A violation of an existing or former law of this or	141
any other state or of the United States that is substantially	142
equivalent to any section listed in division (G)(1) of this	143
section;	144
(3) An offense under an existing or former law of this or	145
any other state, or of the United States, of which planting,	146
cultivating, harvesting, processing, making, manufacturing,	147
producing, shipping, transporting, delivering, acquiring,	148
possessing, storing, distributing, dispensing, selling, inducing	149
another to use, administering to another, using, or otherwise	150
dealing with a controlled substance is an element;	151
(4) A conspiracy to commit, attempt to commit, or	152
complicity in committing or attempting to commit any offense	153
under division (G)(1), (2), or (3) of this section.	154
(H) "Felony drug abuse offense" means any drug abuse	155
offense that would constitute a felony under the laws of this	156
state, any other state, or the United States.	157
(I) "Harmful intoxicant" does not include beer or	158
intoxicating liquor but means any of the following:	159
(1) Any compound, mixture, preparation, or substance the	160
gas, fumes, or vapor of which when inhaled can induce	161
intoxication, excitement, giddiness, irrational behavior,	162
depression, stupefaction, paralysis, unconsciousness,	163

asphyxiation, or other harmful physiological effects, and	164
includes, but is not limited to, any of the following:	165
(a) Any volatile organic solvent, plastic cement, model	166
cement, fingernail polish remover, lacquer thinner, cleaning	167
fluid, gasoline, or other preparation containing a volatile	168
organic solvent;	169
(b) Any aerosol propellant;	170
(c) Any fluorocarbon refrigerant;	171
(d) Any anesthetic gas.	172
(2) Gamma Butyrolactone;	173
(3) 1,4 Butanediol.	174
(J) "Manufacture" means to plant, cultivate, harvest,	175
process, make, prepare, or otherwise engage in any part of the	176
production of a drug, by propagation, extraction, chemical	177
synthesis, or compounding, or any combination of the same, and	178
includes packaging, repackaging, labeling, and other activities	179
incident to production.	180
(K) "Possess" or "possession" means having control over a	181
thing or substance, but may not be inferred solely from mere	182
access to the thing or substance through ownership or occupation	183
of the premises upon which the thing or substance is found.	184
(L) "Sample drug" means a drug or pharmaceutical	185
preparation that would be hazardous to health or safety if used	186
without the supervision of a licensed health professional	187
authorized to prescribe drugs, or a drug of abuse, and that, at	188
one time, had been placed in a container plainly marked as a	189
sample by a manufacturer.	190

(M) "Standard pharmaceutical reference manual" means the	191
current edition, with cumulative changes if any, of references	192
that are approved by the state board of pharmacy.	193
(N) "Juvenile" means a person under eighteen years of age.	194
(O) "Counterfeit controlled substance" means any of the	195
following:	196
(1) Any drug that bears, or whose container or label	197
bears, a trademark, trade name, or other identifying mark used	198
without authorization of the owner of rights to that trademark,	199
trade name, or identifying mark;	200
(2) Any unmarked or unlabeled substance that is	201
represented to be a controlled substance manufactured,	202
processed, packed, or distributed by a person other than the	203
person that manufactured, processed, packed, or distributed it;	204
(3) Any substance that is represented to be a controlled	205
substance but is not a controlled substance or is a different	206
controlled substance;	207
(4) Any substance other than a controlled substance that a	208
reasonable person would believe to be a controlled substance	209
because of its similarity in shape, size, and color, or its	210
markings, labeling, packaging, distribution, or the price for	211
which it is sold or offered for sale.	212
(P) An offense is "committed in the vicinity of a school"	213
if the offender commits the offense on school premises, in a	214
school building, or within one thousand feet of the boundaries	215
of any school premises, regardless of whether the offender knows	216
the offense is being committed on school premises, in a school	217
building, or within one thousand feet of the boundaries of any	218
school premises.	219

(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 director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

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

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time

a criminal offense is committed.	250
(T) "Disciplinary counsel" means the disciplinary counsel	251
appointed by the board of commissioners on grievances and	252
discipline of the supreme court under the Rules for the	253
Government of the Bar of Ohio.	254
(U) "Certified grievance committee" means a duly	255
constituted and organized committee of the Ohio state bar	256
association or of one or more local bar associations of the	257
state of Ohio that complies with the criteria set forth in Rule	258
V, section 6 of the Rules for the Government of the Bar of Ohio.	259
(V) "Professional license" means any license, permit,	260
certificate, registration, qualification, admission, temporary	261
license, temporary permit, temporary certificate, or temporary	262
registration that is described in divisions (W) (1) to (37) of	263
this section and that qualifies a person as a professionally	264
licensed person.	265
(W) "Professionally licensed person" means any of the	266
following:	267
(1) A person who has received a certificate or temporary	268
certificate as a certified public accountant or who has	269
registered as a public accountant under Chapter 4701. of the	270
Revised Code and who holds an Ohio permit issued under that	271
chapter;	272
(2) A person who holds a certificate of qualification to	273
practice architecture issued or renewed and registered under	274
Chapter 4703. of the Revised Code;	275
(3) A person who is registered as a landscape architect	276
under Chapter 4703. of the Revised Code or who holds a permit as	277
a landscape architect issued under that chapter;	278

(4) A person licensed under Chapter 4707. of the Revised Code;	279 280
(5) A person who has been issued a certificate of registration as a registered barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under Chapter 4709. of the Revised Code;	281 282 283 284 285
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	286 287 288
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license to practice cosmetology, advanced hair designer's license to practice hair design, advanced manicurist's license to practice manicuring, advanced esthetician's license to practice esthetics, advanced natural hair stylist's license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	289 290 291 292 293 294 295 296 297 298 299 300 301
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	302 303 304 305 306
(9) A person who has been issued an embalmer's license, a	307

funeral director's license, a funeral home license, or a 308
crematory license, or who has been registered for an embalmer's 309
or funeral director's apprenticeship under Chapter 4717. of the 310
Revised Code; 311

(10) A person who has been licensed as a registered nurse 312
or practical nurse, or who has been issued a certificate for the 313
practice of nurse-midwifery under Chapter 4723. of the Revised 314
Code; 315

(11) A person who has been licensed to practice optometry 316
or to engage in optical dispensing under Chapter 4725. of the 317
Revised Code; 318

(12) A person licensed to act as a pawnbroker under 319
Chapter 4727. of the Revised Code; 320

(13) A person licensed to act as a precious metals dealer 321
under Chapter 4728. of the Revised Code; 322

(14) A person licensed under Chapter 4729. of the Revised 323
Code as a pharmacist or pharmacy intern or registered under that 324
chapter as a registered pharmacy technician, certified pharmacy 325
technician, or pharmacy technician trainee; 326

(15) A person licensed under Chapter 4729. of the Revised 327
Code as a manufacturer of dangerous drugs, outsourcing facility, 328
third-party logistics provider, repackager of dangerous drugs, 329
wholesale distributor of dangerous drugs, or terminal 330
distributor of dangerous drugs; 331

(16) A person who is authorized to practice as a physician 332
assistant under Chapter 4730. of the Revised Code; 333

(17) A person who has been issued a license to practice 334
medicine and surgery, osteopathic medicine and surgery, or 335

podiatric medicine and surgery under Chapter 4731. of the	336
Revised Code or has been issued a certificate to practice a	337
limited branch of medicine under that chapter;	338
(18) A person licensed as a psychologist, independent	339
school psychologist, or school psychologist under Chapter 4732.	340
of the Revised Code;	341
(19) A person registered to practice the profession of	342
engineering or surveying under Chapter 4733. of the Revised	343
Code;	344
(20) A person who has been issued a license to practice	345
chiropractic under Chapter 4734. of the Revised Code;	346
(21) A person licensed to act as a real estate broker or	347
real estate salesperson under Chapter 4735. of the Revised Code;	348
(22) A person registered as a registered environmental	349
health specialist under Chapter 3776. of the Revised Code;	350
(23) A person licensed to operate or maintain a junkyard	351
under Chapter 4737. of the Revised Code;	352
(24) A person who has been issued a motor vehicle salvage	353
dealer's license under Chapter 4738. of the Revised Code;	354
(25) A person who has been licensed to act as a steam	355
engineer under Chapter 4739. of the Revised Code;	356
(26) A person who has been issued a license or temporary	357
permit to practice veterinary medicine or any of its branches,	358
or who is registered as a graduate animal technician under	359
Chapter 4741. of the Revised Code;	360
(27) A person who has been issued a hearing aid dealer's	361
or fitter's license or trainee permit under Chapter 4747. of the	362

Revised Code;	363
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	364 365 366
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	367 368
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	369 370 371
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	372 373 374
(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;	375 376 377 378 379 380
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	381 382
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	383 384 385
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	386 387
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	388 389

(37) A person who has been admitted to the bar by order of 390
the supreme court in compliance with its prescribed and 391
published rules. 392

(X) "Cocaine" means any of the following: 393

(1) A cocaine salt, isomer, or derivative, a salt of a 394
cocaine isomer or derivative, or the base form of cocaine; 395

(2) Coca leaves or a salt, compound, derivative, or 396
preparation of coca leaves, including ecgonine, a salt, isomer, 397
or derivative of ecgonine, or a salt of an isomer or derivative 398
of ecgonine; 399

(3) A salt, compound, derivative, or preparation of a 400
substance identified in division (X) (1) or (2) of this section 401
that is chemically equivalent to or identical with any of those 402
substances, except that the substances shall not include 403
decocainized coca leaves or extraction of coca leaves if the 404
extractions do not contain cocaine or ecgonine. 405

(Y) "L.S.D." means lysergic acid diethylamide. 406

(Z) "Hashish" means a resin or a preparation of a resin to 407
which both of the following apply: 408

(1) It is contained in or derived from any part of the 409
plant of the genus cannabis, whether in solid form or in a 410
liquid concentrate, liquid extract, or liquid distillate form. 411

(2) It has a delta-9 tetrahydrocannabinol concentration of 412
more than three-tenths per cent. 413

"Hashish" does not include a hemp byproduct in the 414
possession of a licensed hemp processor under Chapter 928. of 415
the Revised Code, provided that the hemp byproduct is being 416
produced, stored, and disposed of in accordance with rules 417

adopted under section 928.03 of the Revised Code. 418

(AA) "Marihuana" has the same meaning as in section 419
3719.01 of the Revised Code, except that it does not include 420
hashish. 421

(BB) An offense is "committed in the vicinity of a 422
juvenile" if the offender commits the offense within one hundred 423
feet of a juvenile or within the view of a juvenile, regardless 424
of whether the offender knows the age of the juvenile, whether 425
the offender knows the offense is being committed within one 426
hundred feet of or within view of the juvenile, or whether the 427
juvenile actually views the commission of the offense. 428

(CC) "Presumption for a prison term" or "presumption that 429
a prison term shall be imposed" means a presumption, as 430
described in division (D) of section 2929.13 of the Revised 431
Code, that a prison term is a necessary sanction for a felony in 432
order to comply with the purposes and principles of sentencing 433
under section 2929.11 of the Revised Code. 434

(DD) "Major drug offender" has the same meaning as in 435
section 2929.01 of the Revised Code. 436

(EE) "Minor drug possession offense" means either of the 437
following: 438

(1) A violation of section 2925.11 of the Revised Code as 439
it existed prior to July 1, 1996; 440

(2) A violation of section 2925.11 of the Revised Code as 441
it exists on and after July 1, 1996, that is a misdemeanor or a 442
felony of the fifth degree. 443

(FF) "Mandatory prison term" has the same meaning as in 444
section 2929.01 of the Revised Code. 445

(GG) "Adulterate" means to cause a drug to be adulterated	446
as described in section 3715.63 of the Revised Code.	447
(HH) "Public premises" means any hotel, restaurant,	448
tavern, store, arena, hall, or other place of public	449
accommodation, business, amusement, or resort.	450
(II) "Methamphetamine" means methamphetamine, any salt,	451
isomer, or salt of an isomer of methamphetamine, or any	452
compound, mixture, preparation, or substance containing	453
methamphetamine or any salt, isomer, or salt of an isomer of	454
methamphetamine.	455
(JJ) "Deception" has the same meaning as in section	456
2913.01 of the Revised Code.	457
(KK) "Fentanyl-related compound" means any of the	458
following:	459
(1) Fentanyl;	460
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	461
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	462
phenylethyl)-4-(N-propanilido) piperidine);	463
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	464
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	465
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	466
piperidinyl] -N-phenylpropanamide);	467
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	468
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	469
phenylpropanamide);	470
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	471
piperidyl]-N- phenylpropanamide);	472

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 473
474
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide); 475
476
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide); 477
478
- (10) Alfentanil; 479
- (11) Carfentanil; 480
- (12) Remifentanil; 481
- (13) Sufentanil; 482
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 483
484
- (15) Any compound that meets all of the following fentanyl 485
pharmacophore requirements to bind at the mu receptor, as 486
identified by a report from an established forensic laboratory, 487
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 488
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 489
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 490
fluorofentanyl: 491
- (a) A chemical scaffold consisting of both of the 492
following: 493
- (i) A five, six, or seven member ring structure containing 494
a nitrogen, whether or not further substituted; 495
- (ii) An attached nitrogen to the ring, whether or not that 496
nitrogen is enclosed in a ring structure, including an attached 497
aromatic ring or other lipophilic group to that nitrogen. 498
- (b) A polar functional group attached to the chemical 499

scaffold, including but not limited to a hydroxyl, ketone, 500
amide, or ester; 501

(c) An alkyl or aryl substitution off the ring nitrogen of 502
the chemical scaffold; and 503

(d) The compound has not been approved for medical use by 504
the United States food and drug administration. 505

(LL) "First degree felony mandatory prison term" means one 506
of the definite prison terms prescribed in division (A) (1) (b) of 507
section 2929.14 of the Revised Code for a felony of the first 508
degree, except that if the violation for which sentence is being 509
imposed is committed on or after March 22, 2019, it means one of 510
the minimum prison terms prescribed in division (A) (1) (a) of 511
that section for a felony of the first degree. 512

(MM) "Second degree felony mandatory prison term" means 513
one of the definite prison terms prescribed in division (A) (2) 514
(b) of section 2929.14 of the Revised Code for a felony of the 515
second degree, except that if the violation for which sentence 516
is being imposed is committed on or after March 22, 2019, it 517
means one of the minimum prison terms prescribed in division (A) 518
(2) (a) of that section for a felony of the second degree. 519

(NN) "Maximum first degree felony mandatory prison term" 520
means the maximum definite prison term prescribed in division 521
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 522
the first 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) (1) (a) of that section for a felony of the first 526
degree. 527

(OO) "Maximum second degree felony mandatory prison term" 528

means the maximum definite prison term prescribed in division 529
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 530
the second degree, except that if the violation for which 531
sentence is being imposed is committed on or after March 22, 532
2019, it means the longest minimum prison term prescribed in 533
division (A) (2) (a) of that section for a felony of the second 534
degree. 535

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 536
as in section 928.01 of the Revised Code. 537

(QQ) An offense is "committed in the vicinity of a 538
substance addiction services provider or a recovering addict" if 539
either of the following apply: 540

(1) The offender commits the offense on the premises of a 541
substance addiction services provider's facility, including a 542
facility licensed prior to June 29, 2019, under section 5119.391 543
of the Revised Code to provide methadone treatment or an opioid 544
treatment program licensed on or after that date under section 545
5119.37 of the Revised Code, or within five hundred feet of the 546
premises of a substance addiction services provider's facility 547
and the offender knows or should know that the offense is being 548
committed within the vicinity of the substance addiction 549
services provider's facility. 550

(2) The offender sells, offers to sell, delivers, or 551
distributes the controlled substance or controlled substance 552
analog to a person who is receiving treatment at the time of the 553
commission of the offense, or received treatment within thirty 554
days prior to the commission of the offense, from a substance 555
addiction services provider and the offender knows that the 556
person is receiving or received that treatment. 557

(RR) "Substance addiction services provider" means an 558
agency, association, corporation or other legal entity, 559
individual, or program that provides one or more of the 560
following at a facility: 561

(1) Either alcohol addiction services, or drug addiction 562
services, or both such services that are certified by the 563
director of mental health and addiction services under section 564
5119.36 of the Revised Code; 565

(2) Recovery supports that are related to either alcohol 566
addiction services, or drug addiction services, or both such 567
services and paid for with federal, state, or local funds 568
administered by the department of mental health and addiction 569
services or a board of alcohol, drug addiction, and mental 570
health services. 571

(SS) "Premises of a substance addiction services 572
provider's facility" means the parcel of real property on which 573
any substance addiction service provider's facility is situated. 574

(TT) "Alcohol and drug addiction services" has the same 575
meaning as in section 5119.01 of the Revised Code. 576

Sec. 3333.26. (A) Any citizen of this state who has 577
resided within the state for one year, who was in the active 578
service of the United States as a soldier, sailor, nurse, or 579
marine between September 1, 1939, and September 2, 1945, and who 580
has been honorably discharged from that service, shall be 581
admitted to any school, college, or university that receives 582
state funds in support thereof, without being required to pay 583
any tuition or matriculation fee, but is not relieved from the 584
payment of laboratory or similar fees. 585

(B) (1) As used in this section: 586

(a) "Volunteer firefighter" has the meaning as in division 587
(B) (1) of section 146.01 of the Revised Code. 588

(b) "Public service officer" means an Ohio firefighter, 589
volunteer firefighter, police officer, member of the state 590
highway patrol, employee designated to exercise the powers of 591
police officers pursuant to section 1545.13 of the Revised Code, 592
or other peace officer as defined by division (B) of section 593
2935.01 of the Revised Code, or a person holding any equivalent 594
position in another state. 595

(c) "Qualified former spouse" means the former spouse of a 596
public service officer, or of a member of the armed services of 597
the United States, who is the custodial parent of a minor child 598
of that marriage pursuant to an order allocating the parental 599
rights and responsibilities for care of the child issued 600
pursuant to section 3109.04 of the Revised Code. 601

(d) "Operation enduring freedom" means that period of 602
conflict which began October 7, 2001, and ends on a date 603
declared by the president of the United States or the congress. 604

(e) "Operation Iraqi freedom" means that period of 605
conflict which began March 20, 2003, and ends on a date declared 606
by the president of the United States or the congress. 607

(f) "Combat zone" means an area that the president of the 608
United States by executive order designates, for purposes of 26 609
U.S.C. 112, as an area in which armed forces of the United 610
States are or have engaged in combat. 611

(2) Subject to division (D) of this section, any resident 612
of this state who is under twenty-six years of age, or under 613
thirty years of age if the resident has been honorably 614
discharged from the armed services of the United States, who is 615

the child of a public service officer killed in the line of duty 616
or of a member of the armed services of the United States killed 617
in the line of duty during operation enduring freedom or 618
operation Iraqi freedom, and who is admitted to any state 619
university or college as defined in division (A)(1) of section 620
3345.12 of the Revised Code, community college, state community 621
college, university branch, or technical college shall not be 622
required to pay any tuition or any student fee for up to four 623
academic years of education, which shall be at the undergraduate 624
level, or a certificate program as prescribed under division (E) 625
of this section. 626

A child of a member of the armed services of the United 627
States killed in the line of duty during operation enduring 628
freedom or operation Iraqi freedom is eligible for a waiver of 629
tuition and student fees under this division only if the student 630
is not eligible for a war orphans and severely disabled 631
veterans' children scholarship authorized by Chapter 5910. of 632
the Revised Code. In any year in which the war orphans and 633
severely disabled veterans' children scholarship board reduces 634
the percentage of tuition covered by a war orphans and severely 635
disabled veterans' children scholarship below one hundred per 636
cent pursuant to division (A) of section 5910.04 of the Revised 637
Code, the waiver of tuition and student fees under this division 638
for a child of a member of the armed services of the United 639
States killed in the line of duty during operation enduring 640
freedom or operation Iraqi freedom shall be reduced by the same 641
percentage. 642

(3) Subject to division (D) of this section, any resident 643
of this state who is the spouse or qualified former spouse of a 644
public service officer killed in the line of duty, and who is 645
admitted to any state university or college as defined in 646

division (A) (1) of section 3345.12 of the Revised Code, 647
community college, state community college, university branch, 648
or technical college, shall not be required to pay any tuition 649
or any student fee for up to four academic years of education, 650
which shall be at the undergraduate level, or a certificate 651
program as prescribed under division (E) of this section. 652

(4) Any resident of this state who is the spouse or 653
qualified former spouse of a member of the armed services of the 654
United States killed in the line of duty while serving in a 655
combat zone after May 7, 1975, and who is admitted to any state 656
university or college as defined in division (A) (1) of section 657
3345.12 of the Revised Code, community college, state community 658
college, university branch, or technical college, shall not be 659
required to pay any tuition or any student fee for up to four 660
years of academic education, which shall be at the undergraduate 661
level, or a certificate program as prescribed under division (E) 662
of this section. In order to qualify under division (B) (4) of 663
this section, the spouse or qualified former spouse shall have 664
been a resident of this state at the time the member was killed 665
in the line of duty. 666

(C) Any institution that is not subject to division (B) of 667
this section and that holds a valid certificate of registration 668
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 669
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 670
valid license issued under Chapter 4713. of the Revised Code, or 671
that is nonprofit and has a certificate of authorization issued 672
under section 1713.02 of the Revised Code, or that is a private 673
institution exempt from regulation under Chapter 3332. of the 674
Revised Code as prescribed in section 3333.046 of the Revised 675
Code, which reduces tuition and student fees of a student who is 676
eligible to attend an institution of higher education under the 677

provisions of division (B) of this section by an amount 678
indicated by the chancellor of higher education shall be 679
eligible to receive a grant in that amount from the chancellor. 680

Each institution that enrolls students under division (B) 681
of this section shall report to the chancellor, by the first day 682
of July of each year, the number of students who were so 683
enrolled and the average amount of all such tuition and student 684
fees waived during the preceding year. The chancellor shall 685
determine the average amount of all such tuition and student 686
fees waived during the preceding year. The average amount of the 687
tuition and student fees waived under division (B) of this 688
section during the preceding year shall be the amount of grants 689
that participating institutions shall receive under this 690
division during the current year, but no grant under this 691
division shall exceed the tuition and student fees due and 692
payable by the student prior to the reduction referred to in 693
this division. The grants shall be made for two certificate 694
programs or four years of undergraduate education of an eligible 695
student. 696

(D) Notwithstanding anything to the contrary in section 697
3333.31 of the Revised Code, for the purposes of divisions (B) 698
(2) and (3) of this section, the child, spouse, or qualified 699
former spouse of a public service officer or a member of the 700
armed services of the United States killed in the line of duty 701
shall be considered a resident of this state for the purposes of 702
this section if the child, spouse, or qualified former spouse 703
was a resident of this state at the time that the public service 704
officer or member of the armed services was killed. 705

However, no child, spouse, or qualified former spouse of a 706
public service officer or a member of the armed services of the 707

United States killed in the line of duty shall be required to be 708
a resident of this state at the time the public service officer 709
or member of the armed services of the United States was killed 710
in order to receive benefits under divisions (B)(2) and (3) of 711
this section. 712

(E) A child, spouse, or qualified former spouse of a 713
public service officer or a member of the armed services killed 714
in the line of duty shall receive benefits for a certificate 715
program in accordance with division (B) or (C) of this section, 716
except that a particular child, spouse, or qualified former 717
spouse shall not receive benefits for: 718

(1) More than two certificate programs; 719

(2) A total number of academic credits or instructional 720
hours equivalent to more than four academic years; 721

(3) For any particular academic year, an amount that is 722
greater than eight thousand dollars. 723

Sec. 3937.41. (A) As used in this section: 724

(1) "Ambulance" has the same meaning as in section 4765.01 725
of the Revised Code and also includes private ambulance 726
companies under contract to a municipal corporation, township, 727
or county. 728

(2) "Emergency vehicle" means any of the following: 729

(a) Any vehicle, as defined in section 4511.01 of the 730
Revised Code, that is an emergency vehicle of a municipal, 731
township, or county department or public utility corporation and 732
that is identified as such as required by law, the director of 733
public safety, or local authorities; 734

(b) Any motor vehicle, as defined in section 4511.01 of 735

the Revised Code, when commandeered by a police officer; 736

(c) Any vehicle, as defined in section 4511.01 of the 737
Revised Code, that is an emergency vehicle of a qualified 738
nonprofit corporation police department established pursuant to 739
section 1702.80 of the Revised Code and that is identified as an 740
emergency vehicle; 741

(d) Any vehicle, as defined in section 4511.01 of the 742
Revised Code, that is an emergency vehicle of a proprietary 743
police department or security department of a hospital ~~operated~~ 744
~~by a public hospital agency or a nonprofit hospital agency that~~ 745
~~employs police officers under described in section 4973.17 of~~ 746
the Revised Code, and that is identified as an emergency 747
vehicle. 748

(3) "Firefighter" means any regular, paid, member of a 749
lawfully constituted fire department of a municipal corporation 750
or township. 751

(4) "Law enforcement officer" means any of the following: 752

(a) A sheriff, deputy sheriff, constable, marshal, deputy 753
marshal, municipal police officer, police officer of a township 754
or joint police district, state highway patrol trooper, or 755
member of a police force employed by a metropolitan housing 756
authority under division (D) of section 3735.31 of the Revised 757
Code; 758

(b) A police officer employed by a qualified nonprofit 759
police department pursuant to section 1702.80 of the Revised 760
Code, or police officer employed by a proprietary police 761
department or security department of a hospital ~~operated by a~~ 762
~~public hospital agency or nonprofit hospital agency pursuant to~~ 763
~~described in section 4973.17 of the Revised Code;~~ 764

(c) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(d) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(e) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code.

(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person.

(6) "Investigator" means an investigator of the bureau of criminal identification and investigation as defined in section 2903.11 of the Revised Code.

(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance	794
upon a private automobile, or increasing the rate to be charged	795
for such a policy;	796
(2) Increasing the premium rate, canceling, or failing to	797
renew an existing policy of insurance upon a private automobile.	798
(C) Any applicant or policyholder affected by an action of	799
an insurer in violation of this section may appeal to the	800
superintendent of insurance. After a hearing held upon not less	801
than ten days' notice to the applicant or policyholder and to	802
the insurer and if the superintendent determines that the	803
insurer has violated this section, the superintendent may direct	804
the issuance of a policy, decrease the premium rate on a policy,	805
or reinstate insurance coverage.	806
(D) The employer of the law enforcement officer,	807
firefighter, investigator, or operator of an emergency vehicle	808
or ambulance, operator of a vehicle engaged in mowing or snow	809
and ice removal, or operator of a vehicle who is a member of the	810
motor carrier enforcement unit, except as otherwise provided in	811
division (F) of this section, shall certify to the state highway	812
patrol or law enforcement agency that investigates the accident	813
whether the officer, firefighter, investigator, or operator of	814
an emergency vehicle or ambulance, operator of a vehicle engaged	815
in mowing or snow and ice removal, or operator of a vehicle who	816
is a member of the motor carrier enforcement unit, was engaged	817
in the performance of the person's official duties as such	818
employee at the time of the accident. The employer shall	819
designate an official authorized to make the certifications. The	820
state highway patrol or law enforcement agency shall include the	821
certification in any report of the accident forwarded to the	822
department of public safety pursuant to sections 5502.11 and	823

5502.12 of the Revised Code and shall forward the certification 824
to the department if received after the report of the accident 825
has been forwarded to the department. The registrar of motor 826
vehicles shall not include an accident in a certified abstract 827
of information under division (A) of section 4509.05 of the 828
Revised Code, if the person involved has been so certified as 829
having been engaged in the performance of the person's official 830
duties at the time of the accident. 831

(E) Division (B) of this section does not apply to an 832
insurer whose policy covers the motor vehicle at the time the 833
motor vehicle is involved in an accident described in division 834
(B) of this section. 835

(F) Division (B) of this section does not apply if an 836
applicant or policyholder, on the basis of the applicant's or 837
policyholder's involvement in an accident described in that 838
division, is convicted of or pleads guilty or no contest to a 839
violation of section 4511.19 of the Revised Code or a municipal 840
OVI ordinance as defined in section 4511.181 of the Revised 841
Code. 842

Sec. 4709.01. As used in this chapter: 843

(A) (1) Except as provided in division (A) (2) of this 844
section, "the practice of barbering" means any one or more of 845
the following when performed upon the head, neck, or face for 846
cosmetic purposes and when performed upon the public for pay, 847
free, or otherwise: 848

(a) Shaving the face, shaving around the vicinity of the 849
ears and neckline, or trimming facial hair; 850

(b) Cutting or styling hair; 851

(c) Facials, skin care, or scalp massages; 852

(d) Shampooing, bleaching, coloring, straightening, or permanent waving hair; 853
854

(e) Cutting, fitting, or forming head caps for wigs or hair pieces. 855
856

(2) "The practice of barbering" does not include the practice of natural hair styling. 857
858

~~(B) Sanitary means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.~~ 859
860
861

~~(C) "Barber" means any person an individual who engages in or attempts to engage in the practice of barbering.~~ 862
863

~~(D) Barber school means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.~~ 864
865
866

~~(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.~~ 867
868
869
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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.~~ 871
872
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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.~~ 875
876
877
878

(F) "Barber shop" means any premises, building, or part of a building in which an individual engages in the practice of 879
880

barbering. 881

(G) "Biennial licensing period" means the two-year period 882
beginning on the first day of September of an even-numbered year 883
and ending on the last day of August of the next even-numbered 884
year. 885

(H) ~~The "Cosmetic therapy," "practice of natural hair~~ 886
~~styling means work done for a fee or other form of compensation,~~ 887
~~by any person, utilizing techniques performed by hand that~~ 888
~~result in tension on hair roots such as twisting, wrapping,~~ 889
~~weaving, extending, locking, or braiding of the hair, and which~~ 890
~~work does not include the application of dyes, reactive~~ 891
~~chemicals, or other preparations to alter the color or to~~ 892
~~straighten, curl, or alter the structure of the hair," and~~ 893
"school" have the same meanings as in section 4713.01 of the 894
Revised Code. 895

(I) ~~Braiding means intertwining the hair in a systematic~~ 896
~~motion to create patterns in a three dimensional form, inverting~~ 897
~~the hair against the scalp along part of a straight or curved~~ 898
~~row of intertwined hair, or twisting the hair in a systematic~~ 899
~~motion, and includes extending the hair with natural or~~ 900
~~synthetic hair fibers."~~ 901
"Independent contractor" means an 902
individual who is not an employee of a barber shop but practices 903
barbering within a barber shop. 903

(J) "Infection control" means the practice of preventing 904
the spread of infections and disease by ensuring that a barber 905
shop, including all equipment and implements in the barber shop, 906
are maintained by doing all of the following, as applicable: 907

(1) Removing surface or visible dirt or debris by cleaning 908
with soap, detergent, or a chemical cleaner, followed by rinsing 909

<u>with clean water;</u>	910
<u>(2) Using a chemical disinfectant to kill or denature</u>	911
<u>bacteria, fungi, and viruses;</u>	912
<u>(3) Applying heat or using other procedures to eliminate,</u>	913
<u>remove, or kill all forms of microbial life present on a surface</u>	914
<u>or contained in a fluid.</u>	915
<u>Sec. 4709.02. Except as otherwise provided in this</u>	916
<u>chapter, no individual shall do any of the following:</u>	917
<u>(A) Engage in the practice of barbering without one of the</u>	918
<u>following:</u>	919
<u>(1) A current, valid barber license issued under section</u>	920
<u>4709.07 or 4709.08 of the Revised Code;</u>	921
<u>(2) A current, valid temporary pre-examination work permit</u>	922
<u>issued under section 4709.071 of the Revised Code.</u>	923
<u>(B) Operate a barber shop without a current, valid barber</u>	924
<u>shop license issued under section 4709.09 of the Revised Code;</u>	925
<u>(C) Except as provided in section 4713.45 of the Revised</u>	926
<u>Code, teach or assist in teaching the theory and practice of</u>	927
<u>barbering without a current, valid barber instructor or</u>	928
<u>assistant barber instructor license issued under section</u>	929
<u>4709.072 of the Revised Code;</u>	930
<u>(D) Use or display a barber pole for the purpose of</u>	931
<u>advertising or offering barber services without a current, valid</u>	932
<u>barber shop license issued under section 4709.09 of the Revised</u>	933
<u>Code;</u>	934
<u>(E) Use fraud or deceit in obtaining or applying for a</u>	935
<u>license or permit issued pursuant to this chapter;</u>	936

<u>(F) Employ an individual to perform the practice of</u>	937
<u>barbering unless the individual holds one of the following:</u>	938
<u>(1) A current, valid barber license issued under section</u>	939
<u>4709.07 or 4709.08 of the Revised Code;</u>	940
<u>(2) A current, valid temporary pre-examination work permit</u>	941
<u>issued under section 4709.071 of the Revised Code.</u>	942
<u>(G) Practice barbering at a barber shop as an independent</u>	943
<u>contractor without a current, valid independent contractor</u>	944
<u>license issued under section 4709.09 of the Revised Code;</u>	945
<u>(H) Provide any of the following at a barber shop for pay,</u>	946
<u>free, or otherwise:</u>	947
<u>(1) Massage therapy, unless the individual has a current,</u>	948
<u>valid license issued by the state medical board under section</u>	949
<u>4731.15 of the Revised Code;</u>	950
<u>(2) Any other professional service, unless the individual</u>	951
<u>has a current, valid license or certificate issued by the</u>	952
<u>professional regulatory board of this state that regulates the</u>	953
<u>profession;</u>	954
<u>(3) Cosmetic therapy, unless the individual is authorized</u>	955
<u>by rules adopted under section 4709.05 of the Revised Code.</u>	956
<u>(I) Practice barbering in a location other than a barber</u>	957
<u>shop unless exempted under section 4709.031 or 4713.351 of the</u>	958
<u>Revised Code;</u>	959
<u>(J) Aid or abet any individual or entity in any of the</u>	960
<u>following:</u>	961
<u>(1) Violating this chapter or a rule adopted under it;</u>	962
<u>(2) Obtaining a license or permit fraudulently;</u>	963

<u>(3) Falsely pretending to hold a current, valid license or permit.</u>	964
	965
<u>Sec. 4709.03. (A) The following individuals are exempt from this chapter, except section 4709.091 of the Revised Code, as applicable:</u>	966
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	968
<u>(1) All individuals licensed by this state to practice medicine, surgery, dentistry, or any branch of medicine, surgery, or dentistry, while acting within the scope of practice for the license, permit, or certificate held;</u>	969
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	972
<u>(2) Commissioned medical or surgical officers of the United States army, navy, air force, or marine hospital service, and attendants attached to the same, while acting within the scope of practice for the license, permit, or certificate held;</u>	973
	974
	975
	976
<u>(3) Nurses licensed under Chapter 4723. of the Revised Code, while acting within the scope of practice for the license or certificate held;</u>	977
	978
	979
<u>(4) Cosmetologists and hair designers licensed under Chapter 4713. of the Revised Code, while acting within the scope of practice for the license or permit held;</u>	980
	981
	982
<u>(5) Funeral directors, embalmers, and apprentices licensed or certified under Chapter 4717. of the Revised Code, while acting within the scope of practice for the license, permit, or certificate held;</u>	983
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	986
<u>(6) Volunteers of hospitals and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes;</u>	987
	988
	989
	990
<u>(7) Nurse aides and other employees of hospitals and homes</u>	991

as defined in section 3721.01 of the Revised Code, who engage in 992
the practice of barbering on registered patients only as part of 993
general patient care services and who do not charge patients 994
directly on a fee-for-service basis; 995

(8) Massage therapists who hold current, valid licenses to 996
practice massage therapy issued by the state medical board under 997
section 4731.15 of the Revised Code, while acting within the 998
scope of practice for the license held; 999

(9) Inmates who provide services related to the practice 1000
of barbering to other inmates, except when those services are 1001
provided in a licensed barber shop or school within a state 1002
correctional institution. 1003

(B) A volunteer described in division (A) (6) of this 1004
section shall not use or work with any chemical products such as 1005
permanent wave, hair dye, or chemical hair relaxer, which 1006
without proper training would pose a health or safety problem to 1007
a patient. 1008

(C) The director of rehabilitation and correction shall 1009
oversee the services described in division (A) (9) of this 1010
section with respect to infection control and adopt rules 1011
governing those types of services provided by inmates. 1012

Sec. 4709.031. Nothing in this chapter prohibits an 1013
individual holding a license issued under this chapter from 1014
practicing barbering on a dead human body at a funeral home or 1015
embalming facility licensed under section 4717.06 of the Revised 1016
Code. 1017

Sec. 4709.05. (A) In addition to any other duty imposed on 1018
the state cosmetology and barber board under this chapter or 1019
Chapter 4713. of the Revised Code, the board shall do all of the 1020

<u>following:</u>	1021
<u>(1) Regulate the practice of barbering in this state;</u>	1022
<u>(2) Conduct or have conducted the examination for</u> <u>applicants to practice as licensed barbers;</u>	1023 1024
<u>(3) Prescribe and make available application forms to be</u> <u>used by individuals seeking admission to an examination</u> <u>conducted under section 4709.07 of the Revised Code or a license</u> <u>or permit issued under this chapter;</u>	1025 1026 1027 1028
<u>(4) Prescribe and make available application forms to be</u> <u>used by individuals seeking renewal of a license or permit</u> <u>issued under this chapter;</u>	1029 1030 1031
<u>(5) Furnish a copy of the infection control standards</u> <u>adopted pursuant to division (A) (8) (a) of this section to both</u> <u>of the following:</u>	1032 1033 1034
<u>(a) Each individual or person to whom the board issues a</u> <u>barber license or license to operate a barber shop;</u>	1035 1036
<u>(b) Each individual providing cosmetic therapy, massage</u> <u>therapy, or other professional service in a barber shop under</u> <u>section 4709.091 of the Revised Code.</u>	1037 1038 1039
<u>(6) Supply a copy of the poster created pursuant to</u> <u>division (B) of section 5502.63 of the Revised Code to each</u> <u>person authorized to operate a barber shop under this chapter;</u>	1040 1041 1042
<u>(7) Comply with sections 4713.641 and 4713.66 of the</u> <u>Revised Code regarding investigations and inspections;</u>	1043 1044
<u>(8) Adopt rules, in accordance with Chapter 119. of the</u> <u>Revised Code, to administer and enforce this chapter and that</u> <u>cover all of the following:</u>	1045 1046 1047

<u>(a) Infection control standards for the practice of</u>	1048
<u>barbering and the operation of barber shops;</u>	1049
<u>(b) The content of the examination required of an</u>	1050
<u>applicant for a barber license under section 4709.07 of the</u>	1051
<u>Revised Code and the passing score required for the examination;</u>	1052
<u>(c) Conditions an individual must satisfy to qualify for a</u>	1053
<u>temporary pre-examination work permit under section 4709.071 of</u>	1054
<u>the Revised Code and the conditions and method of renewing a</u>	1055
<u>temporary pre-examination work permit under that section;</u>	1056
<u>(d) Requirements for the licensure of barber instructors</u>	1057
<u>and assistant barber instructors that are in addition to the</u>	1058
<u>requirements specified in section 4709.072 of the Revised Code;</u>	1059
<u>(e) Conditions under which the board will take into</u>	1060
<u>account, under section 4709.073 of the Revised Code, instruction</u>	1061
<u>an applicant for a license under section 4709.07 or 4709.072 of</u>	1062
<u>the Revised Code received more than five years before the date</u>	1063
<u>of application for the license;</u>	1064
<u>(f) Conditions an applicant must satisfy for the board to</u>	1065
<u>issue the applicant a license under section 4709.08 of the</u>	1066
<u>Revised Code without the applicant taking an examination</u>	1067
<u>conducted under section 4709.07 of the Revised Code;</u>	1068
<u>(g) Conditions an applicant must satisfy for the board to</u>	1069
<u>issue the applicant an independent contractor license under</u>	1070
<u>section 4709.09 of the Revised Code and the fee for the issuance</u>	1071
<u>and renewal of the license;</u>	1072
<u>(h) Specify which professions regulated by a professional</u>	1073
<u>regulatory board of this state may be practiced in a barber shop</u>	1074
<u>under section 4709.091 of the Revised Code, including whether</u>	1075
<u>cosmetic therapy may be practiced in a barber shop;</u>	1076

(i) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a barber shop pursuant to section 4709.091 of the Revised Code; 1077
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(j) If the board, under section 4709.111 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following: 1080
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(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service; 1083
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(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. 1086
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(k) Any other area the board determines appropriate to administer or enforce this chapter. 1089
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(B) The infection control standards established under division (A) (8) (a) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. 1091
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(C) The content of the examination specified in rules adopted under division (A) (8) (b) of this section shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering. The minimum passing score of the examination shall not exceed seventy-five per cent. 1095
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(D) The rules adopted under division (A) (8) (c) of this section may establish additional conditions for a temporary pre-examination work permit under section 4709.071 of the Revised 1103
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Code that are applicable to individuals who are licensed to 1106
practice barbering in another state or country. 1107

(E) The conditions specified in rules adopted under 1108
division (A) (8) (f) of this section may include that an applicant 1109
is applying for a barber license for which the board determines 1110
an examination is unnecessary. 1111

(F) The rules adopted under division (A) (8) (h) of this 1112
section shall not include a profession if practice of the 1113
profession in a barber shop is a violation of a statute or rule 1114
governing the profession. 1115

(G) If the board adopts a procedure for classifying 1116
licenses inactive, the continuing education specified under 1117
division (A) (8) (j) (ii) of this section shall be sufficient to 1118
ensure the minimum competency in the use or administration of a 1119
new procedure or product required by a licensee necessary to 1120
protect public health and safety. The requirement shall not 1121
exceed the cumulative number of hours of continuing education 1122
that the individual would have been required to complete had the 1123
individual retained an active license. 1124

Sec. 4709.051. (A) The state cosmetology and barber board 1125
may adopt rules in accordance with section 4709.05 of the 1126
Revised Code to establish a continuing education requirement, 1127
not to exceed eight hours in a biennial licensing period, as a 1128
condition of renewal for a barber license, barber instructor 1129
license, or assistant barber instructor license. 1130

(B) If the board establishes a continuing education 1131
requirement under division (A) of this section, an individual 1132
holding a barber license, barber instructor license, or 1133
assistant barber instructor license shall satisfy the 1134

requirement by completing a continuing education program 1135
approved in accordance with division (B) of section 4713.62 of 1136
the Revised Code. 1137

These hours may include training in identifying and 1138
addressing the crime of trafficking in persons as described in 1139
section 2905.32 of the Revised Code. At least two of the eight 1140
hours of the continuing education requirement must be achieved 1141
in courses concerning safety and infection control, and at least 1142
one hour of the eight hours of the continuing education 1143
requirement must be achieved in courses concerning law and rule 1144
updates. 1145

Sec. 4709.07. (A) ~~Each person individual who desires to~~ 1146
~~obtain an initial license to practice barbering shall apply to~~ 1147
~~the state cosmetology and barber board, on forms provided by the~~ 1148
~~board. The application form shall include the name of the person~~ 1149
~~applying for the license and evidence that the applicant meets~~ 1150
~~all of the requirements of division (B) of this section. The~~ 1151
~~application shall be accompanied by the examination application~~ 1152
~~fee.~~ 1153

~~(B) In order applies to take the required barber~~ 1154
~~examination and to qualify for licensure as a barber, an~~ 1155
~~applicant must shall demonstrate that the applicant individual~~ 1156
meets all of the following: 1157

(1) Is at least ~~eighteen~~ sixteen years of age; 1158

(2) Has an eighth grade education or an equivalent 1159
education as determined by the department of education and 1160
workforce, or equivalent organization in the state where the 1161
applicant resides; 1162

(3) Has submitted a written application on a form 1163

furnished by the board that contains all of the following: 1164

(a) The name of the individual and any other identifying information required by the board; 1165
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(b) A photocopy of the individual's current driver's license or other proof of legal residence; 1167
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(c) An oath verifying that the information in the application is true. 1169
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(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph and biometric fingerprint scan taken by the board; 1171
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(5) Has graduated with at least one thousand eight hundred hours of board-approved training from a board-approved barber school or has graduated with at least one thousand hours of board-approved training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division; 1174
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(6) Has paid the application fee. 1183

(B) The board shall issue a barber license to an applicant who passes the examination and pays the license fee. 1184
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(C) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the an applicant fails to attain at least a seventy five per cent pass rate on each any part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for 1186
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~~examination within ninety days after the date of the release of~~ 1192
~~the examination scores by paying and pay the required~~ 1193
reexamination fee. An applicant is only required to take that 1194
part or parts of the examination ~~on which that~~ the applicant did 1195
not ~~receive a score of seventy five per cent or higher~~ pass. If 1196
~~the applicant fails to reapply for examination within ninety~~ 1197
~~days or fails the second examination, in order to reapply for~~ 1198
~~examination for licensure the applicant shall complete an~~ 1199
~~additional course of study of not less than two hundred hours,~~ 1200
~~in a board approved barber school.~~ The board shall provide to an 1201
applicant, upon request, a report which explains the reasons for 1202
the applicant's failure to pass the examination. 1203

(D) ~~The board shall issue a license to practice barbering~~ 1204
~~to any applicant who, to the satisfaction of the board, meets~~ 1205
~~the requirements of divisions (A) and (B) of this section, who~~ 1206
~~passes the required examination, and pays the initial licensure~~ 1207
~~fee.~~ Every licensed barber shall ~~display~~ maintain the 1208
~~certificate of licensure in a conspicuous place adjacent to or~~ 1209
~~near the licensed barber's work chair~~ board-issued, wallet-sized 1210
license or electronically generated license certification and a 1211
current government-issued photo identification that can be 1212
produced on inspection or request. 1213

(E) The board shall issue a license to practice barbering 1214
in accordance with Chapter 4796. of the Revised Code to an 1215
applicant if either of the following applies: 1216

(1) The applicant holds a license to practice barbering in 1217
another state. 1218

(2) The applicant has satisfactory work experience, a 1219
government certification, or a private certification as 1220
described in that chapter as a barber in a state that does not 1221

issue that license. 1222

Sec. 4709.071. (A) The state cosmetology and barber board 1223
shall issue a temporary pre-examination work permit to practice 1224
barbering to an individual who applies for and is eligible to 1225
take an examination conducted under section 4709.07 of the 1226
Revised Code, if the individual satisfies all of the following 1227
conditions: 1228

(1) The individual has not previously failed an 1229
examination conducted under section 4709.07 of the Revised Code. 1230

(2) The individual pays to the board the applicable fee. 1231

(3) The individual satisfies all other conditions 1232
established by rules adopted under section 4709.05 of the 1233
Revised Code. 1234

(B) An individual issued a temporary pre-examination work 1235
permit under this section may practice barbering until the date 1236
the individual is scheduled to take an examination under section 1237
4709.07 of the Revised Code. The individual shall practice under 1238
the supervision of an individual holding a current, valid barber 1239
license. 1240

(C) A temporary pre-examination work permit is renewable 1241
in accordance with rules adopted under section 4709.05 of the 1242
Revised Code. 1243

Sec. 4709.072. (A) The state cosmetology and barber board 1244
shall issue a barber instructor license to an applicant who 1245
meets all of the following requirements: 1246

(1) Is at least eighteen years of age; 1247

(2) Holds a current, valid barber license issued under 1248
section 4709.07 of the Revised Code and meets either of the 1249

<u>following requirements:</u>	1250
<u>(a) Has at least eighteen months of work experience in a</u>	1251
<u>licensed barber shop;</u>	1252
<u>(b) Has been employed as an assistant barber instructor</u>	1253
<u>under the supervision of a licensed barber for at least one</u>	1254
<u>year.</u>	1255
<u>(3) Passes the required examination;</u>	1256
<u>(4) Pays the applicable license fee;</u>	1257
<u>(5) Meets any additional requirements specified in rules</u>	1258
<u>adopted by the board under section 4709.05 of the Revised Code.</u>	1259
<u>(B) The board shall issue an assistant barber instructor</u>	1260
<u>license to an applicant who holds a current, valid barber</u>	1261
<u>license issued under section 4709.07 of the Revised Code and</u>	1262
<u>meets the requirements listed in divisions (A) (1), (4), and (5)</u>	1263
<u>of this section.</u>	1264
<u>(C) Every holder of a barber instructor license or</u>	1265
<u>assistant barber instructor license shall maintain a board-</u>	1266
<u>issued, wallet-sized license or electronically generated license</u>	1267
<u>certification and a current government-issued photo</u>	1268
<u>identification that can be produced upon inspection or request.</u>	1269
<u>Sec. 4709.073. When determining the total hours of</u>	1270
<u>instruction received by an applicant under section 4709.07 or</u>	1271
<u>4709.072 of the Revised Code, the state cosmetology and barber</u>	1272
<u>board shall not take into account more than ten hours of</u>	1273
<u>instruction per day. The board shall take into account</u>	1274
<u>instruction received more than five years before the date of</u>	1275
<u>application for the license in accordance with rules adopted</u>	1276
<u>under section 4709.05 of the Revised Code.</u>	1277

Sec. 4709.08. ~~(A) Any person~~individual who holds a 1278
current license or registration to practice as a barber or teach 1279
the theory and practice of barbering in any other country whose 1280
requirements for licensure or registration of barbers, barber 1281
instructors, or assistant barber instructors are substantially 1282
equivalent to the requirements of this chapter and rules adopted 1283
under it ~~and that extends similar reciprocity to persons~~ 1284
~~licensed as barbers in this state~~ may apply to the state 1285
cosmetology and barber board for a barber, barber instructor, or 1286
assistant barber instructor license. 1287

~~(B) The board shall, without examination, unless the board~~ 1288
~~determines to require an examination,~~ issue a license to 1289
~~practice as a licensed barber in this state if the person an~~ 1290
applicant who meets all of the following requirements of this 1291
section, is: 1292

(1) Is at least eighteen years of age, and pays; 1293

(2) In the case of an applicant for a barber license, 1294
passes an examination conducted under section 4709.07 of the 1295
Revised Code, unless the applicant satisfies conditions 1296
specified in rules adopted under section 4709.05 of the Revised 1297
Code for the board to issue the applicant a license without 1298
taking the examination; 1299

(3) Pays the required fees. ~~The board may waive any of the~~ 1300
~~requirements of this section.~~ 1301

Sec. 4709.09. (A) Each ~~person~~applicant who desires to 1302
obtain a barber shop license shall apply to the state 1303
cosmetology and barber board, on forms provided by the board. 1304
The board shall issue a barber shop license to a ~~person an~~ 1305
applicant if the board determines that the ~~person meets all of~~ 1306

~~the requirements of division (B) of this section and pays~~ 1307
~~applicant has paid the required license and inspection fees.~~ 1308

~~(B) In order for a person to qualify for a license to~~ 1309
~~operate a barber shop, fee and ensured that~~ the barber shop shall 1310
meet all of the following requirements: 1311

(1) Be in the charge and under the immediate supervision 1312
of a licensed barber; 1313

(2) Be equipped to provide running hot and cold water and 1314
proper drainage; 1315

~~(3) Sanitize and maintain in a sanitary condition, all~~ 1316
~~instruments and supplies;~~ 1317

~~(4) Keep towels and linens clean and sanitary and in a~~ 1318
~~dry, dust proof container;~~ 1319

~~(5) Display~~ Be in compliance with the infection control 1320
standards adopted by the board in rule; 1321

(4) Pass an initial inspection as described in division 1322
(A) (10) of section 4713.07 of the Revised Code. 1323

(B) An applicant issued a barber shop license under 1324
division (A) of this section shall display the shop license and 1325
a copy of the board's sanitary rules infection control standards 1326
provided by the board under division (A) (5) of section 4709.05 1327
of the Revised Code in a public and conspicuous place in the 1328
working area barber shop. 1329

(C) (1) Any licensed barber who leases space in a licensed 1330
barber shop and engages in the practice of barbering independent 1331
and free from supervision of the owner or manager of the barber 1332
shop ~~is considered to be engaged in the operation of a separate~~ 1333
~~and distinct barber shop and shall obtain a~~ an independent 1334

~~contractor license to operate a barber shop pursuant to this section by submitting the form provided by the board, paying the applicable fee, and satisfying the conditions for the license established in rules adopted under section 4709.05 of the Revised Code.~~ 1335
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(2) Every holder of an independent contractor license shall maintain the board-issued, wallet-sized license or electronically generated license certification and a current government-issued photo identification that can be produced upon inspection or request. 1340
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(D) A shop license is not transferable from one owner to another and ~~if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services or from one location to another.~~ 1345
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~~(E) (1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.~~ 1351
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~~(2) (E) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.~~ 1353
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~~(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.~~ 1355
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Sec. 4709.091. (A) An individual holding a current, valid license issued under section 4731.15 of the Revised Code to provide massage therapy may provide massage therapy in a barber shop. An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the individual's profession in a barber shop. 1358
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if the individual's profession is authorized by rules adopted 1364
under section 4709.05 of the Revised Code to practice in a 1365
barber shop. An individual may provide cosmetic therapy in a 1366
barber shop if authorized by rules adopted under section 4709.05 1367
of the Revised Code to practice in a barber shop. 1368

(B) An individual providing cosmetic therapy, massage 1369
therapy, or other professional service in a barber shop pursuant 1370
to this section shall satisfy the standards established by rules 1371
adopted under section 4709.05 of the Revised Code. 1372

(C) An individual who provides massage therapy or other 1373
professional services in a barber shop under this section shall 1374
maintain the individual's professional license or certificate or 1375
electronically generated license certification or registration 1376
and a state of Ohio issued photo identification that can be 1377
produced on inspection or request. 1378

Sec. 4709.10. An applicant for a license to operate a 1379
school shall submit an application to the state cosmetology and 1380
barber board and satisfy the requirements under section 4713.44 1381
of the Revised Code to be issued the license. If the school for 1382
which the applicant is applying for a license under that section 1383
offers instruction in the theory and practice of barbering, the 1384
applicant shall do all of the following to be issued the 1385
license: 1386

(A) Provide sufficient licensed teaching personnel to meet 1387
the minimum student-instructor ratio established by the board in 1388
rules adopted under section 4713.08 of the Revised Code; 1389

(B) Establish minimum standards for acceptance of student 1390
applicants for admission to the school to learn the theory and 1391
practice of barbering; 1392

(C) Employ not more than two licensed assistant barber 1393
instructors for each licensed barber instructor employed or 1394
fewer than two licensed instructors or one licensed instructor 1395
and one licensed assistant instructor at each facility; 1396

(D) Pass an initial inspection as described in division 1397
(A) (10) of section 4713.07 of the Revised Code. 1398

Sec. 4709.11. Every license issued pursuant to this 1399
chapter expires on the thirty-first day of August of each even- 1400
numbered year. Each licensee desiring to do so shall, on or 1401
before the first day of September of each even-numbered year, 1402
renew the licensee's license pursuant to the standard renewal 1403
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1404
~~expired license shall restore the holder's license before~~ 1405
~~continuing the practice of barbering or the activity for which~~ 1406
~~the holder is licensed under this chapter and pay the~~ 1407
~~appropriate restoration fee. If the person fails to restore the~~ 1408
~~person's license within six years, the person shall pay any~~ 1409
~~required restoration fee and take any examination required for~~ 1410
~~the license under this chapter~~ 1411

If the state cosmetology and barber board adopts rules 1412
under section 4709.051 of the Revised Code to establish a 1413
continuing education requirement as a condition of renewal for a 1414
barber license, barber instructor license, or assistant barber 1415
instructor license, the board shall inform each licensee of the 1416
continuing education requirement that applies to the next 1417
biennial licensing period by including that information in the 1418
renewal notification the board sends the licensee. The board 1419
shall state in the notification that the licensee must complete 1420
the continuing education requirement by the fifteenth day of 1421
August of the next even-numbered year. Hours completed in excess 1422

of the continuing education requirement may not be applied to 1423
the next biennial licensing period. 1424

The board may waive or extend the period for a licensee to 1425
complete any applicable continuing education requirement in 1426
accordance with division (B) of section 4713.60 of the Revised 1427
Code. Every license that has not been renewed in the timeframe 1428
specified in this section and for which the continuing education 1429
requirement has not been waived or extended shall be considered 1430
expired. 1431

Sec. 4709.111. (A) If the state cosmetology and barber 1432
board adopts a continuing education requirement under section 1433
4709.051 of the Revised Code, it may develop a procedure by 1434
which an individual who holds a barber license, barber 1435
instructor license, or assistant barber instructor license and 1436
who is not currently engaged in the practice of barbering or 1437
teaching or assisting in teaching of the theory and practice of 1438
barbering, but who desires to be so engaged in the future, may 1439
apply to the board to have the individual's license classified 1440
inactive. If the board develops this procedure, an individual 1441
seeking to have the individual's license classified inactive 1442
shall apply to the board on a form provided by the board and pay 1443
the fee established by rules adopted under section 4709.05 of 1444
the Revised Code. 1445

(B) The board shall not restore an inactive license until 1446
the individual holding the license submits proof satisfactory to 1447
the board that the individual has completed the continuing 1448
education requirement established by the board in rules adopted 1449
under section 4709.05 of the Revised Code. 1450

Sec. 4709.112. A barber license, barber instructor 1451
license, or assistant barber instructor license that has not 1452

been renewed for any reason other than because it has been 1453
revoked, suspended, classified inactive, or because the license 1454
holder has been given a waiver or extension under section 1455
4709.11 of the Revised Code, is expired. An expired license may 1456
be restored if the individual who held the license satisfies 1457
both of the following requirements: 1458

(A) Pays to the state cosmetology and barber board the 1459
restoration fee established under section 4709.12 of the Revised 1460
Code; 1461

(B) Completes the continuing education requirement for 1462
renewal of a license established by the board in rules adopted 1463
under section 4709.051 of the Revised Code. 1464

Sec. 4709.12. (A) The state cosmetology and barber board 1465
shall charge and collect the following nonrefundable fees: 1466

(1) For the application to take the barber examination, 1467
not more than ninety dollars; 1468

(2) For an application to retake any one part of the 1469
barber examination, not more than forty-five dollars; 1470

(3) For an application to take the barber examination by 1471
an applicant who has previously applied to take but failed to 1472
appear for the examination, not more than one hundred dollars; 1473

(4) For the initial issuance of a license to practice as a 1474
barber, not more than thirty dollars; 1475

~~(4)~~(5) For the biennial renewal of the license to 1476
practice as a barber, not more than one hundred ten dollars; 1477

~~(5)~~(6) For the restoration of an expired barber license, 1478
not more than one hundred fifty dollars, and not more than 1479
seventy-five dollars for each lapsed year, provided that the 1480

total fee shall not exceed six hundred ninety dollars;	1481
(6) <u>(7)</u> For the issuance of a duplicate barber or shop license, <u>not more than</u> forty-five dollars;	1482
	1483
(7) <u>(8)</u> For the inspection <u>issuance</u> of a new barber shop, license or a change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, <u>not more than</u> one hundred ten dollars;	1484
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(8) <u>(9)</u> For the biennial renewal of a barber shop license, <u>not more than</u> seventy-five dollars;	1488
	1489
(9) <u>(10)</u> For the restoration of a barber shop license, <u>not more than</u> one hundred ten dollars;	1490
	1491
(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;	1492
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(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	1495
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(12) For the restoration of a barber school license, one thousand dollars;	1498
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(13) For the issuance of a student registration, forty dollars;	1500
	1501
(14) <u>(11)</u> For the examination and issuance of a biennial teacher <u>barber instructor</u> license, <u>not more than</u> one hundred eighty-five dollars;	1502
	1503
	1504
(15) <u>(12)</u> For the issuance of a biennial assistant barber <u>instructor license, not more than one hundred fifty dollars;</u>	1505
	1506
<u>(13)</u> For the renewal of a biennial teacher <u>barber</u>	1507

instructor or assistant barber instructor license, not more than 1508
one hundred fifty dollars; 1509

~~(16)~~ (14) For the restoration of an expired teacher barber 1510
instructor or assistant barber instructor license, not more than 1511
two hundred twenty-five dollars, and not more than sixty dollars 1512
for each lapsed year, provided that the total fee shall not 1513
exceed four hundred fifty dollars; 1514

~~(17)~~ (15) For the issuance of a barber license by 1515
reciprocity pursuant to section 4709.08 of the Revised Code, not 1516
more than three hundred dollars; 1517

~~(18)~~ (16) For providing licensure information concerning 1518
an applicant, upon written request of the applicant the 1519
preparation and mailing of a licensee's records to another state 1520
for a reciprocal license, not more than forty dollars; 1521

(17) For a temporary pre-examination work permit under 1522
section 4709.071 of the Revised Code, not more than fifteen 1523
dollars. 1524

(B) The board shall adjust the fees biennially, by rule, 1525
within the limits established by division (A) of this section, 1526
to provide sufficient revenues to meet its expenses. 1527

(C) The board, subject to the approval of the controlling 1528
board, may establish fees in excess of the amounts provided in 1529
this section, provided that the fees do not exceed the amounts 1530
permitted by this section by more than fifty per cent. 1531

~~(C) In addition to any other fee charged and collected~~ 1532
~~under this section, the board shall ask each person renewing a~~ 1533
~~license to practice as a barber whether the person wishes to~~ 1534
~~make a two-dollar voluntary contribution to the Ed Jeffers~~ 1535
~~barber museum. The board shall transmit any contributions to the~~ 1536

~~treasurer of state for deposit into the occupational licensing
fund.~~ 1537
1538

(D) At the request of a person who is temporarily unable 1539
to pay a fee imposed under division (A) of this section, or on 1540
its own motion, the board may extend the date payment is due by 1541
up to ninety days. If the fee remains unpaid after the date 1542
payment is due, the amount of the fee shall be certified to the 1543
attorney general for collection in the form and manner 1544
prescribed by the attorney general. The attorney general may 1545
assess the collection cost to the amount certified in such a 1546
manner and amount as prescribed by the attorney general. 1547

Sec. 4709.13. (A) The state cosmetology and barber board 1548
may take disciplinary action under division (B) of this section 1549
for any of the following: 1550

(1) Willful, false, and fraudulent or deceptive 1551
advertising; 1552

(2) Habitual drunkenness or addiction to any habit-forming 1553
drug; 1554

(3) Failure to comply with the safety, infection control, 1555
and licensing requirements of this chapter or rules adopted 1556
under it; 1557

(4) Continued practice by an individual knowingly having 1558
an infectious or contagious disease; 1559

(5) Falsification of any record or application required to 1560
be filed with the board; 1561

(6) Failure to pay a fine or abide by a suspension order 1562
issued by the board; 1563

(7) Failure to cooperate with an investigation or 1564

<u>inspection;</u>	1565
<u>(8) Failure to respond to a subpoena;</u>	1566
<u>(9) Conviction of or plea of guilty to a violation of</u> <u>section 2905.32 of the Revised Code;</u>	1567 1568
<u>(10) In the case of a barber shop, any individual's</u> <u>conviction of or plea of guilty to a violation of section</u> <u>2905.32 of the Revised Code for an activity that took place on</u> <u>the premises of the barber shop.</u>	1569 1570 1571 1572
<u>(B) On determining that there is cause for disciplinary</u> <u>action, the board may do one or more of the following:</u>	1573 1574
<u>(1) Deny, suspend, revoke, or impose conditions on a</u> <u>license or permit issued by the board pursuant to this chapter;</u>	1575 1576
<u>(2) Impose a fine;</u>	1577
<u>(3) Require the holder of a license or permit issued under</u> <u>this chapter to take corrective action courses.</u>	1578 1579
<u>(C) (1) Except as provided in divisions (C) (2) and (3) of</u> <u>this section, the board shall take disciplinary action pursuant</u> <u>to an adjudication under Chapter 119. of the Revised Code.</u>	1580 1581 1582
<u>(2) The board may take disciplinary action without</u> <u>conducting an adjudication under Chapter 119. of the Revised</u> <u>Code against an individual who or barber shop that is subject to</u> <u>discipline under division (A) (9) or (10) of this section. After</u> <u>the board takes such disciplinary action, the board shall give</u> <u>written notice to the subject of the disciplinary action of the</u> <u>right to request a hearing under Chapter 119. of the Revised</u> <u>Code.</u>	1583 1584 1585 1586 1587 1588 1589 1590
<u>(3) In lieu of an adjudication, the board may enter into a</u>	1591

consent agreement with the holder of a license or permit issued 1592
under this chapter. A consent agreement that is ratified by a 1593
majority vote of a quorum of the board members is considered to 1594
constitute the findings and orders of the board with respect to 1595
the matter addressed in the agreement. If the board does not 1596
ratify a consent agreement, the admissions and findings 1597
contained in the agreement are of no effect, and the case shall 1598
be scheduled for adjudication under Chapter 119. of the Revised 1599
Code. 1600

(D) The amount and content of corrective action courses 1601
and other relevant criteria shall be established by the board in 1602
rules adopted under section 4709.05 of the Revised Code. 1603

(E) (1) The board may impose a separate fine for each 1604
offense listed in division (A) of this section. The amount of 1605
the first fine issued for a violation as the result of an 1606
inspection shall be not more than two hundred fifty dollars if 1607
the violator has not previously been fined for that offense. Any 1608
fines issued for additional violations during such an inspection 1609
shall not be more than one hundred dollars for each additional 1610
violation. The fine shall be not more than five hundred dollars 1611
if the violator has been fined for the same offense once before. 1612
Any fines issued for additional violations during a second 1613
inspection shall not be more than two hundred dollars for each 1614
additional violation. The fine shall be not more than one 1615
thousand dollars if the violator has been fined for the same 1616
offense two or more times before. Any fines issued for 1617
additional violations during a third inspection shall not be 1618
more than three hundred dollars for each additional violation. 1619

(2) The board shall issue an order notifying a violator of 1620
a fine imposed under division (E) (1) of this section. The notice 1621

shall specify the date by which the fine is to be paid. The date 1622
shall be less than forty-five days after the board issues the 1623
order. 1624

(3) At the request of a violator who is temporarily unable 1625
to pay a fine, or on the board's own motion, the board may 1626
extend the time period within which the violator shall pay the 1627
fine up to ninety days after the date the board issues the 1628
order. 1629

(4) If the fine remains unpaid on the ninety-first day 1630
after the board issues an order under division (E) (2) of this 1631
section, the amount of the fine shall be certified to the 1632
attorney general for collection in the form and manner 1633
prescribed by the attorney general. The attorney general may 1634
assess the collection cost to the amount certified in such a 1635
manner and amount as prescribed by the attorney general. 1636

(F) The board shall notify a licensee who is subject to 1637
discipline under division (A) of this section and the owner of 1638
the barber shop in which the conditions constituting the reason 1639
for discipline were found. The individual receiving the notice 1640
and the owner of the barber shop may request a hearing pursuant 1641
to section 119.07 of the Revised Code. If the individual or 1642
owner fails to request a hearing or enter into a consent 1643
agreement thirty days after the date the board, in accordance 1644
with sections 119.05 and 119.07 of the Revised Code, notifies 1645
the individual or owner of the board's intent to act against the 1646
individual or owner under division (A) of this section, the 1647
board, by a majority vote of a quorum of the board members, may 1648
take the action against the individual or owner without holding 1649
an adjudication hearing. 1650

(G) The board, after a hearing in accordance with Chapter 1651

119. of the Revised Code or pursuant to a consent agreement, may 1652
suspend a license or permit if the licensee or permit holder 1653
fails to correct an unsafe condition that exists in violation of 1654
the board's rules or fails to cooperate in an inspection. If a 1655
violation of this chapter or rules adopted under it has resulted 1656
in a condition reasonably believed by an inspector to create an 1657
immediate danger to the health and safety of any individual 1658
using the facility, the inspector may suspend the license or 1659
permit of the facility or the individual responsible for the 1660
violation without a prior hearing until the condition is 1661
corrected or until a hearing in accordance with Chapter 119. of 1662
the Revised Code is held or a consent agreement is entered into 1663
and the board either upholds the suspension or reinstates the 1664
license or permit. 1665

(H) The board shall not take disciplinary action against a 1666
person licensed to operate a barber shop for a violation of this 1667
chapter that was committed by a licensed barber while practicing 1668
within the barber shop, when the barber's actions were beyond 1669
the control of the barber shop owner. 1670

Sec. 4709.14. ~~(A)~~ If the state cosmetology and barber 1671
board determines that any ~~person~~ individual is violating or 1672
~~threatening is about~~ to violate any provision of this chapter or 1673
the rules adopted pursuant thereto ~~and such violation or~~ 1674
~~threatened violation is a threat to the health or safety of~~ 1675
~~persons who use barber services,~~ the board may apply to a court 1676
of competent jurisdiction ~~in the county in which the violation~~ 1677
~~or threatened violation occurred or will occur~~ for injunctive 1678
relief and such other relief to prevent further violations. The 1679
attorney general shall, at the board's request, represent the 1680
board in any such action. 1681

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

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

Sec. 4709.99. ~~Whoever violates this chapter or any rule adopted pursuant thereto~~ section 4709.02 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars for a first offense; for each subsequent violation of the same provision, the person shall be fined not less than five hundred nor more than one thousand dollars.

Sec. 4713.01. As used in this chapter:

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

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

(C) "Beauty salon" means a salon in which an individual is 1711
authorized to engage in all branches of cosmetology. 1712

(D) "Biennial licensing period" means the two-year period 1713
beginning on the first day of February of an odd-numbered year 1714
and ending on the last day of January of the next odd-numbered 1715
year. 1716

(E) "Boutique salon" means a salon in which an individual 1717
engages in the practice of boutique services and no other branch 1718
of cosmetology. 1719

~~"Boutique services" means braiding, threading, shampooing,~~ 1720
~~and makeup artistry.~~ 1721

(F) "Braiding" means intertwining the hair in a systematic 1722
motion to create patterns in a three-dimensional form, ~~inverting~~ 1723
~~the hair including patterns that are inverted, upright, or~~ 1724
~~singled~~ against the scalp that follow along part of a straight 1725
or curved row of intertwined hair, or partings. "Braiding" may 1726
include twisting, locking, beading, crocheting, wrapping, or 1727
similarly manipulating the hair in a systematic motion, and 1728
includes extending the while adding bulk or length with human 1729
hair with natural or, synthetic hair fibers, or both, and using 1730
simple devices such as clips, combs, crochet hooks, blunt- 1731
tipped needles, and hairpins. "Braiding" does not include the 1732
use of chemical hair-joining agents such as synthetic tape, 1733
keratin bonds, or fusion bonds to weave or fuse individual 1734
strands or wefts; applications of dyes, reactive chemicals, or 1735
other preparations to alter the color or straighten, curl, or 1736
alter the structure of hair; or embellishing or beautifying hair 1737
by cutting or singeing, except as needed to finish the ends of 1738
synthetic hair used to add bulk to or lengthen hair. 1739

(G) "Branch of cosmetology" means the ~~practice of~~ 1740
~~cosmetology,~~ practice of esthetics, practice of hair design, 1741
practice of manicuring, practice of natural hair styling, or 1742
practice of boutique services. 1743

(H) "Cosmetic therapy" means the permanent removal of hair 1744
from the human body through the use of electric modalities and 1745
may include the systematic friction, stroking, slapping, and 1746
kneading or tapping of the face, neck, scalp, or shoulders. 1747

(I) "Cosmetologist" means an individual authorized to 1748
engage in all branches of cosmetology in a licensed facility. 1749

~~"Cosmetology" means the art or practice of embellishment,~~ 1750
~~cleansing, beautification, and styling of hair, wigs, postiches,~~ 1751
~~face, body, or nails.~~ 1752

(J) "Cosmetology instructor" means an individual 1753
authorized to teach the theory and practice of all branches of 1754
cosmetology at a school ~~of cosmetology.~~ 1755

(K) "Esthetician" means an individual who engages in the 1756
practice of esthetics but no other branch of cosmetology in a 1757
licensed facility. 1758

(L) "Esthetics instructor" means an individual who teaches 1759
the theory and practice of esthetics, but no other branch of 1760
cosmetology, at a school ~~of cosmetology.~~ 1761

(M) "Esthetics salon" means a salon in which an individual 1762
engages in the practice of esthetics but no other branch of 1763
cosmetology. 1764

(N) "Eye lash extensions" include temporary and semi- 1765
permanent enhancements designed to add length, thickness, and 1766
fullness to natural eyelashes. 1767

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

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

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

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

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

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

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

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

(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.

(U) "Instructor license" means a license to teach the

theory and practice of a branch of cosmetology at a school ~~of~~ 1796
~~cosmetology.~~ 1797

(V) "Licensed facility" means any premises, building, or 1798
part of a building licensed under section 4713.41 of the Revised 1799
Code in which the practice of one or more branches of 1800
cosmetology ~~services~~ are authorized by the state cosmetology and 1801
barber board to be performed. 1802

~~"Advanced cosmetologist" means an individual authorized to~~ 1803
~~work in a beauty salon and engage in all branches of~~ 1804
~~cosmetology.~~ 1805

~~"Advanced esthetician" means an individual authorized to~~ 1806
~~work in an esthetics salon, but no other type of salon, and~~ 1807
~~engage in the practice of esthetics, but no other branch of~~ 1808
~~cosmetology.~~ 1809

~~"Advanced hair designer" means an individual authorized to~~ 1810
~~work in a hair design salon, but no other type of salon, and~~ 1811
~~engage in the practice of hair design, but no other branch of~~ 1812
~~cosmetology.~~ 1813

(W) "Advanced license" means a license issued under 1814
section 4713.30 of the Revised Code to work in a salon and 1815
practice the branch of cosmetology practiced at the salon. 1816

~~"Advanced manicurist" means an individual authorized to~~ 1817
~~work in a nail salon, but no other type of salon, and engage in~~ 1818
~~the practice of manicuring, but no other branch of cosmetology.~~ 1819

~~"Advanced natural hair stylist" means an individual~~ 1820
~~authorized to work in a natural hair style salon, but no other~~ 1821
~~type of salon, and engage in the practice of natural hair~~ 1822
~~styling, but no other branch of cosmetology.~~ 1823

(X) "Makeup artistry" means the application of cosmetics 1824
for the purpose of skin beautification. "Makeup artistry" does 1825
not include any other services described in the practice of any 1826
other branch of cosmetology. 1827

(Y) "Manicurist" means an individual who engages in the 1828
practice of manicuring but no other branch of cosmetology in a 1829
licensed facility. 1830

(Z) "Manicurist instructor" means an individual who 1831
teaches the theory and practice of manicuring, but no other 1832
branch of cosmetology, at a school ~~of cosmetology~~. 1833

(AA) "Nail salon" means a salon in which an individual 1834
engages in the practice of manicuring but no other branch of 1835
cosmetology. 1836

(BB) "Natural hair stylist" means an individual who 1837
engages in the practice of natural hair styling but no other 1838
branch of cosmetology in a licensed facility. 1839

(CC) "Natural hair style instructor" means an individual 1840
who teaches the theory and practice of natural hair styling, but 1841
no other branch of cosmetology, at a school ~~of cosmetology~~. 1842

(DD) "Natural hair style salon" means a salon in which an 1843
individual engages in the practice of natural hair styling but 1844
no other branch of cosmetology. 1845

~~"Practice of braiding" means utilizing the technique of 1846
intertwining hair in a systematic motion to create patterns in a 1847
three dimensional form, including patterns that are inverted, 1848
upright, or singled against the scalp that follow along straight 1849
or curved partings. It may include twisting or locking the hair 1850
while adding bulk or length with human hair, synthetic hair, or 1851
both and using simple devices such as clips, combs, and 1852~~

~~hairpins. "Practice of braiding" does not include application of 1853~~
~~weaving, bonding, and fusion of individual strands or wefts; 1854~~
~~application of dyes, reactive chemicals, or other preparations 1855~~
~~to alter the color or straighten, curl, or alter the structure 1856~~
~~of hair; embellishing or beautifying hair by cutting or 1857~~
~~singeing, except as needed to finish the ends of synthetic 1858~~
~~fibers used to add bulk to or lengthen hair. 1859~~

(EE) "Practice of boutique services" means braiding, 1860
threading, shampooing, and makeup artistry. 1861

(FF) "Practice of cosmetology" means the practice of all 1862
branches of cosmetology. 1863

(GG) "Practice of esthetics" means the application of 1864
cosmetics, tonics, antiseptics, creams, lotions, or other 1865
preparations for the purpose of skin beautification and includes 1866
preparation of the skin by manual massage techniques or by use 1867
of electrical, mechanical, or other apparatus; enhancement of 1868
the skin by skin care, facials, body treatments, hair removal, 1869
and other treatments; and eye lash extension services. 1870

(HH) "Practice of hair design" means embellishing or 1871
beautifying hair, wigs, or hairpieces by arranging, dressing, 1872
pressing, curling, waving, permanent waving, cleansing, cutting, 1873
singeing, bleaching, coloring, braiding, weaving, bonding and 1874
fusion of individual strands or wefts, or similar work. 1875

"Practice of hair design" includes utilizing techniques 1876
performed by hand that result in tension on hair roots such as 1877
twisting, wrapping, weaving, extending, locking, or braiding of 1878
the hair. 1879

(II) "Practice of manicuring" means cleaning, trimming, 1880
shaping the free edge of, or applying polish to the nails of any 1881

individual; applying nail enhancements and embellishments to any 1882
individual; massaging the hands and lower arms up to the elbow 1883
of any individual; massaging the feet and lower legs up to the 1884
knee of any individual; using lotions or softeners on the hands 1885
and feet of any individual; or any combination of these types of 1886
services. 1887

(JJ) "Practice of natural hair styling" means utilizing 1888
techniques performed by hand that result in tension on hair 1889
roots such as twisting, wrapping, weaving, bonding and fusion of 1890
individual strands or wefts, extending, locking, or braiding of 1891
the hair and includes cleansing the hair in preparation for 1892
performing such techniques on the hair. "Practice of natural 1893
hair styling" does not include the application of dyes, reactive 1894
chemicals, or other preparations to alter the color or to 1895
straighten, curl, or alter the structure of the hair. "Practice 1896
of natural hair styling" also does not include embellishing or 1897
beautifying hair by cutting or singeing, except as needed to 1898
finish off the end of a braid, or by dressing, pressing, 1899
curling, waving, permanent waving, or similar work. 1900

(KK) "Practicing license" means a license to practice a 1901
branch of cosmetology in a licensed facility. 1902

(LL) "Salon" means a licensed facility on any premises, 1903
building, or part of a building in which an individual engages 1904
in the practice of one or more branches of cosmetology. "Salon" 1905
does not include a barber shop licensed under Chapter 4709. of 1906
the Revised Code. "Salon" does not mean a tanning facility, 1907
although a tanning facility may be located in a salon. 1908

(MM) "~~School of cosmetology~~" means any premises, building, 1909
or part of a building in which students are instructed in the 1910
theories and practices of one or more branches of cosmetology or 1911

barbering. 1912

(NN) "Shampooing" means the act of cleansing and 1913
conditioning an individual's hair under the supervision of an 1914
individual licensed under this chapter and in preparation to 1915
immediately receive a service from a licensee. 1916

(OO) "Student" means ~~an~~ both of the following: 1917

(1) An individual, other than an apprentice instructor, 1918
who is engaged in learning or acquiring knowledge of the 1919
practice of a branch of cosmetology at a school ~~of cosmetology;~~ 1920

(2) An individual engaged in learning or acquiring 1921
knowledge of the practice of barbering at a school. 1922

(PP) "Tanning facility" means any premises, building, or 1923
part of a building that contains one or more rooms or booths 1924
with any of the following: 1925

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1926
the use of fluorescent sun lamps using ultraviolet or other 1927
artificial radiation; 1928

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1929
human skin, including chemical applications commonly referred to 1930
as spray-on, mist-on, or sunless tans; 1931

~~(C)~~ (3) Equipment or beds that use visible light for 1932
cosmetic purposes. 1933

(QQ) "Threading" includes a service that results in the 1934
removal of hair from its follicle from around the eyebrows and 1935
from other parts of the face with the use of a single strand of 1936
thread and an astringent, if the service does not use chemicals 1937
of any kind, wax, or any implements, instruments, or tools to 1938
remove hair. 1939

Sec. 4713.02. (A) There is hereby created the state 1940
cosmetology and barber board, consisting of all of the following 1941
members appointed by the governor, with the advice and consent 1942
of the senate: 1943

(1) One individual holding a current, valid cosmetologist 1944
or cosmetology instructor license at the time of appointment; 1945

(2) Two individuals holding current, valid cosmetologist 1946
licenses and actively engaged in managing beauty salons for a 1947
period of not less than five years at the time of appointment; 1948

(3) One individual who holds a current, valid independent 1949
contractor license issued under this chapter or Chapter 4709. of 1950
the Revised Code at the time of appointment ~~and practices a~~ 1951
~~branch of cosmetology;~~ 1952

(4) One individual who represents individuals who teach 1953
the theory and practice of a branch of cosmetology at a 1954
vocational or career-technical school; 1955

(5) One owner or executive actively engaged in the daily 1956
operations of a licensed school ~~of cosmetology;~~ 1957

(6) One owner of at least five licensed salons; 1958

(7) One individual who is either a certified nurse 1959
practitioner or clinical nurse specialist holding a current, 1960
valid license to practice nursing as an advanced practice 1961
registered nurse issued under Chapter 4723. of the Revised Code 1962
or a physician authorized under Chapter 4731. of the Revised 1963
Code to practice medicine and surgery or osteopathic medicine 1964
and surgery; 1965

(8) One individual representing the general public; 1966

(9) One individual who holds a current, valid tanning 1967

permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;

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

(11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment;

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

(B) The director of education and workforce shall nominate three individuals for the governor to choose from when making an appointment under division (A) (4) of this section.

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

Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in

the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member 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 and establish an office within Franklin county. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection in accordance with section 149.43 of the Revised Code and any rules adopted by the board in compliance with this state's record retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

(E) The governor may remove any member for cause prior to

the expiration of the member's term of office. 2027

(F) Whenever the term "state board of cosmetology" is 2028
used, referred to, or designated in statute, rule, contract, 2029
grant, or other document, the use, reference, or designation 2030
shall be deemed to mean the "state cosmetology and barber board" 2031
or the executive director of the state cosmetology and barber 2032
board, whichever is appropriate in context. Whenever the term 2033
"barber board" is used, referred to, or designated in statute, 2034
rule, contract, grant, or other document, the use, reference, or 2035
designation shall be deemed to mean the "state cosmetology and 2036
barber board" or the executive director of the state cosmetology 2037
and barber board, whichever is appropriate in context. 2038

Sec. 4713.06. The state cosmetology and barber board shall 2039
annually appoint an executive director. The executive director 2040
may not be a member of the board, but subsequent to appointment, 2041
shall serve as secretary of the board. The executive director, 2042
before entering upon the discharge of the executive director's 2043
duties, shall file with the secretary of state a good and 2044
sufficient bond payable to the state, to ensure the faithful 2045
performance of duties of the office of executive director. The 2046
bond shall be in an amount the board requires. The premium of 2047
the bond shall be paid from appropriations made to the board for 2048
operating purposes. Whenever the term "executive director of the 2049
state board of cosmetology" or the term "executive director of 2050
the barber board," or variations thereof, is used, referred to, 2051
or designated in statute, rule, contract, grant, or other 2052
document, the use, reference, or designation shall be deemed to 2053
mean the "executive director of the state cosmetology and barber 2054
board." 2055

The board may employ inspectors, examiners, consultants on 2056

contents of examinations, clerks, or other individuals as 2057
necessary for the administration of this chapter and Chapter 2058
4709. of the Revised Code. All inspectors and examiners shall be 2059
licensed cosmetologists pursuant to this chapter or licensed 2060
barbers pursuant to Chapter 4709. of the Revised Code. 2061

The board may appoint inspectors to inspect and 2062
investigate all facilities regulated by this chapter and Chapter 2063
4709. of the Revised Code, including tanning facilities, to 2064
ensure compliance with this chapter and Chapter 4709. of the 2065
Revised Code, the rules adopted by the board, and the board's 2066
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 2067
4713.07 of the Revised Code. 2068

Sec. 4713.07. (A) The state cosmetology and barber board 2069
shall do all of the following: 2070

(1) Regulate the practice of cosmetology and all of its 2071
branches in this state; 2072

(2) Investigate or inspect, when evidence appears to 2073
demonstrate that an individual has violated any provision of 2074
this chapter or Chapter 4709. of the Revised Code or any rule 2075
adopted pursuant to it under either chapter, the activities or 2076
premises of a license holder or unlicensed individual; 2077

(3) Adopt rules in accordance with section 4713.08 of the 2078
Revised Code; 2079

(4) Prescribe and make available application forms to be 2080
used by individuals seeking admission to an examination 2081
conducted under section 4713.24 of the Revised Code or a license 2082
or registration issued under this chapter; 2083

(5) Prescribe and make available application forms to be 2084
used by individuals seeking renewal of a license or registration 2085

issued under this chapter;	2086
(6) Provide a toll-free number and an online service to	2087
receive complaints alleging violations of this chapter or	2088
Chapter 4709. of the Revised Code;	2089
(7) Report to the proper prosecuting officer violations of	2090
section 4713.14 of the Revised Code of which the board is aware;	2091
(8) Submit a written report annually to the governor that	2092
provides all of the following:	2093
(a) A discussion of the conditions in this state of the	2094
<u>practice of barbering, cosmetology, and the branches of</u>	2095
cosmetology;	2096
(b) An evaluation of board activities intended to aid or	2097
protect consumers;	2098
(c) A brief summary of the board's proceedings during the	2099
year the report covers;	2100
(d) A statement of all money that the board received and	2101
expended during the year the report covers.	2102
(9) <u>(8)</u> Keep a record of all of the following:	2103
(a) The board's proceedings;	2104
(b) The name and last known physical address, electronic	2105
mail address, and telephone number of each individual issued a	2106
license or registration under this chapter <u>or Chapter 4709. of</u>	2107
<u>the Revised Code;</u>	2108
(c) The date and number of each license, permit, and	2109
registration that the board issues.	2110
(10) <u>(9)</u> Assist ex-offenders and military veterans who	2111
hold licenses issued by the board to find employment within	2112

salons, barber shops, or other facilities within this state; 2113

~~(11)~~ (10) Require inspectors appointed pursuant to section 2114
4713.06 of the Revised Code to conduct inspections of licensed 2115
or permitted facilities, including salons and boutique salons, 2116
schools of cosmetology, barber schools, barber shops, and 2117
tanning facilities, within ninety days of the opening for 2118
business of a licensed facility, upon complaints reported to the 2119
board, within ninety days after a violation was documented at a 2120
facility, and at least once every two years. Any individual, 2121
after providing the individual's name and contact information, 2122
may report to the board any information the individual may have 2123
that appears to show a violation of any provision of this 2124
chapter or rule adopted under it or a violation of any provision 2125
of Chapter 4709. of the Revised Code or rule adopted by the 2126
board pursuant to Chapter 4709. of the Revised Code. In the 2127
absence of bad faith, any individual who reports information of 2128
that nature or who testifies before the board in any 2129
adjudication conducted under Chapter 119. of the Revised Code 2130
shall not be liable for damages in a civil action as a result of 2131
the report or testimony. For the purpose of inspections, an 2132
independent contractor licensed under this chapter or Chapter 2133
4709. of the Revised Code shall be added to the board's records 2134
as an individual salon or barber shop. 2135

~~(12)~~ (11) Supply a copy of the poster created pursuant to 2136
division (B) of section 5502.63 of the Revised Code to each 2137
person authorized to operate a salon, school of cosmetology, 2138
tanning facility, or other type of facility under this chapter; 2139

~~(13)~~ (12) All other duties that this chapter imposes on 2140
the board. 2141

(B) The board may ~~delegate~~ do either of the following: 2142

<u>(1) Report to the proper prosecuting officer violations of</u>	2143
<u>section 4709.02 or 4713.14 of the Revised Code;</u>	2144
<u>(2) Delegate</u> any of the duties listed in division (A) of	2145
this section to the executive director of the board or to an	2146
individual designated by the executive director.	2147
Sec. 4713.071. (A) The <u>Before the fifteenth day of</u>	2148
<u>November of each year,</u> the state cosmetology and barber board	2149
shall annually submit a written report to the governor,	2150
president of the senate, and speaker of the house of	2151
representatives. The report shall list all of the following for	2152
the preceding twelve-month period <u>fiscal year</u> :	2153
(1) The number of students enrolled in courses at licensed	2154
public and private schools of cosmetology and barbering;	2155
(2) The number of students graduating from licensed public	2156
and private schools of cosmetology and barbering;	2157
(3) The annual cost for students to attend each licensed	2158
public or private school of cosmetology and barbering;	2159
(4) The loan default rates for licensed public and private	2160
schools of cosmetology and barbering;	2161
(5) The first-time licensure passage rate for graduates of	2162
all public and private schools of cosmetology and barbering;	2163
(6) The total number of new and renewal licenses in each	2164
profession;	2165
(7) The total number of complaint-driven inspections	2166
conducted by the board;	2167
(8) The total number and type of violations, including a	2168
list of the top ten violations, which shall aid in the	2169

identification of focus areas for continuing education purposes;	2170
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	2171 2172
(10) The number of adjudications or other disciplinary action taken by the board.	2173 2174
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	2175 2176 2177
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	2178 2179 2180 2181
(1) Govern the practice of the branches of cosmetology;	2182
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	2183 2184 2185 2186 2187
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	2188 2189
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	2190 2191 2192 2193 2194
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	2195 2196

- (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; 2197
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- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 2201
2202
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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; 2204
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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; 2208
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- (10) Establish conditions under which food may be sold at a salon; 2212
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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; 2214
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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; 2218
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2220
- (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; 2221
2222
2223
- (14) Establish the manner in which a school ~~of cosmetology~~ 2224

licensed under section 4713.44 of the Revised Code may offer	2225
post-secondary and advanced practice programs;	2226
(15) Establish sanitary <u>infection control</u> standards for	2227
the practice of the branches of cosmetology, and the operation	2228
<u>of salons</u> , and schools of cosmetology ;	2229
(16) Establish the application process for obtaining a	2230
tanning facility permit under section 4713.48 of the Revised	2231
Code, including the amount of the fee for an initial or renewed	2232
permit;	2233
(17) Establish standards for installing and operating a	2234
tanning facility in a manner that ensures the health and safety	2235
of consumers, including <u>infection control standards and</u>	2236
standards that do all of the following:	2237
(a) Establish a maximum safe time of exposure to radiation	2238
and a maximum safe temperature at which sun lamps may be	2239
operated;	2240
(b) Require consumers to wear protective eyeglasses;	2241
(c) Require consumers to be supervised as to the length of	2242
time consumers use the facility's sun lamps;	2243
(d) Require the operator to prohibit consumers from	2244
standing too close to sun lamps and to post signs warning	2245
consumers of the potential effects of radiation on individuals	2246
taking certain medications and of the possible relationship of	2247
the radiation to skin cancer;	2248
(e) Require the installation of protective shielding for	2249
sun lamps and handrails for consumers;	2250
(f) Require floors to be dry during operation of lamps;	2251

(g) Establish procedures an operator must follow in making 2252
reasonable efforts in compliance with section 4713.50 of the 2253
Revised Code to determine the age of an individual seeking to 2254
use sun lamp tanning services. 2255

~~(18)(a)~~ (18) If the board, under section 4713.61 of the 2256
Revised Code, develops a procedure for classifying licenses 2257
inactive, do both of the following: 2258

~~(i)(a)~~ (a) Establish a fee for having a license classified 2259
inactive that reflects the cost to the board of providing the 2260
inactive license service. ~~If one or more renewal periods have~~ 2261
~~elapsed since the license was valid, the fee shall not include~~ 2262
~~lapsed renewal fees for more than three of those renewal~~ 2263
~~periods;~~ 2264

~~(ii)(b)~~ (b) Specify the continuing education that an 2265
individual whose license has been classified inactive must 2266
complete to have the license restored. The continuing education 2267
shall be sufficient to ensure the minimum competency in the use 2268
or administration of a new procedure or product required by a 2269
licensee necessary to protect public health and safety. The 2270
requirement shall not exceed the cumulative number of hours of 2271
continuing education that the individual would have been 2272
required to complete had the individual retained an active 2273
license. 2274

~~(b) In addition, the board may specify the conditions and~~ 2275
~~method for granting a temporary work permit to practice a branch~~ 2276
~~of cosmetology to an individual whose license has been~~ 2277
~~classified inactive.~~ 2278

(19) Establish a fee for approval of a continuing 2279
education program under section 4713.62 of the Revised Code that 2280

is adequate to cover any expense the board incurs in the 2281
approval process; 2282

(20) Establish requirements for students of schools who 2283
are engaged in learning the theory and practice of barbering; 2284

(21) Establish the minimum student-instructor ratio that a 2285
school offering instruction in the theory and practice of 2286
barbering must meet; 2287

(22) Anything else necessary to implement this chapter. 2288

~~(B) (1)~~ (B) The rules adopted under division (A) (2) of this 2289
section may establish additional conditions for a temporary pre- 2290
examination work permit under section 4713.22 of the Revised 2291
Code that are applicable to individuals who practice a branch of 2292
cosmetology in another state or country. 2293

~~(2) The rules adopted under division (A) (18) (b) of this~~ 2294
~~section may establish additional conditions for a temporary work~~ 2295
~~permit that are applicable to individuals who practice a branch~~ 2296
~~of cosmetology in another state.~~ 2297

(C) The conditions specified in rules adopted under 2298
division (A) (6) of this section may include that an applicant is 2299
applying for a license to practice a branch of cosmetology for 2300
which the board determines an examination is unnecessary. 2301

(D) The rules adopted under division (A) (11) of this 2302
section shall not include a profession if practice of the 2303
profession in a salon is a violation of a statute or rule 2304
governing the profession. 2305

(E) The ~~sanitary~~ infection control standards established 2306
under division (A) (15) of this section shall focus in particular 2307
on precautions to be employed to prevent infectious or 2308

contagious diseases being created or spread. ~~The board shall~~ 2309
~~consult with the Ohio department of health when establishing the~~ 2310
~~sanitary standards.~~ 2311

(F) The fee established by rules adopted under division 2312
(A) (16) of this section shall cover the cost the board incurs in 2313
inspecting tanning facilities and enforcing the board's rules 2314
but may not exceed one hundred dollars per location of such 2315
facilities. 2316

Sec. 4713.081. (A) The state cosmetology and barber board 2317
shall furnish a copy of the ~~sanitary-infection control~~ standards 2318
established by rules adopted under section 4713.08 of the 2319
Revised Code to ~~each~~ both of the following: 2320

(1) Each individual or person to whom the board issues a 2321
practicing license, advanced license, license to operate a salon 2322
or school ~~of cosmetology~~, or boutique services registration. ~~The~~ 2323
~~board also shall furnish a copy of the sanitary standards to~~ 2324
~~each;~~ 2325

(2) Each individual providing cosmetic therapy, massage 2326
therapy, or other professional service in a salon under section 2327
4713.42 of the Revised Code. 2328

(B) A salon or school ~~of cosmetology~~ provided a copy of 2329
the ~~sanitary-infection control~~ standards under division (A) of 2330
this section shall post the standards in a public and 2331
conspicuous place in the salon or school. 2332

Sec. 4713.09. The state cosmetology and barber board may 2333
adopt rules in accordance with section 4713.08 of the Revised 2334
Code to establish a continuing education requirement, not to 2335
exceed eight hours in a biennial licensing period, as a 2336
condition of renewal for a practicing license, advanced license, 2337

instructor license, or boutique services registration. These 2338
hours may include training in identifying and addressing the 2339
crime of trafficking in persons as described in section 2905.32 2340
of the Revised Code. At least two of the eight hours of the 2341
continuing education requirement must be achieved in courses 2342
concerning safety and ~~sanitation~~infection control, and at least 2343
one hour of the eight hours of the continuing education 2344
requirement must be achieved in courses concerning law and rule 2345
updates. 2346

Sec. 4713.10. (A) The state cosmetology and barber board 2347
shall charge and collect the following nonrefundable fees: 2348

(1) For a temporary pre-examination work permit under 2349
section 4713.22 of the Revised Code, not more than fifteen 2350
dollars; 2351

(2) For initial application to take an examination under 2352
section 4713.24 of the Revised Code, not more than forty 2353
dollars; 2354

(3) For application to take an examination under section 2355
4713.24 of the Revised Code by an applicant who has previously 2356
applied to take, but failed to appear for, the examination, not 2357
more than fifty-five dollars; 2358

(4) For application to re-take an examination under 2359
section 4713.24 of the Revised Code by an applicant who has 2360
previously appeared for, but failed to pass, the examination, 2361
not more than forty dollars; 2362

(5) For the issuance of a license by examination under 2363
section 4713.28, 4713.30, or 4713.31 of the Revised Code, not 2364
more than seventy-five dollars; 2365

(6) For the issuance of a license under section 4713.34 of 2366

the Revised Code, not more than seventy dollars;	2367
(7) For renewal of a license issued under section 4713.28,	2368
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	2369
seventy dollars;	2370
(8) For the issuance or renewal of a cosmetology school	2371
license, <u>or the change of name or ownership of a licensed</u>	2372
<u>school, not more than two hundred fifty dollars;</u>	2373
(9) For the issuance of a new salon license or the change	2374
of name or ownership of a salon license under section 4713.41 of	2375
the Revised Code, not more than one hundred dollars;	2376
(10) For the renewal of a salon license under section	2377
4713.41 of the Revised Code, not more than ninety dollars;	2378
(11) For the restoration of an expired license that may be	2379
restored pursuant to section 4713.63 of the Revised Code, an	2380
amount equal to the sum of the current license renewal fee and a	2381
lapsed renewal fee of not more than forty-five dollars per	2382
license renewal period that has elapsed since the license was	2383
last issued or renewed <u>for up to three license renewal periods;</u>	2384
(12) For the issuance of a duplicate of any salon license,	2385
<u>school license, or tanning facility permit, not more than thirty</u>	2386
dollars;	2387
(13) For the preparation and mailing of a licensee's	2388
records to another state for a reciprocity license, not more	2389
than fifty dollars;	2390
(14) For the processing of any fees related to a check	2391
from a licensee returned to the board for insufficient funds, an	2392
additional thirty dollars.	2393
(B) The board shall adjust the fees biennially, by rule,	2394

within the limits established by division (A) of this section, 2395
to provide sufficient revenues to meet its expenses. 2396

(C) The board may ~~establish an installment plan for the~~ 2397
~~payment of fines and fees and may reduce fees as considered~~ 2398
appropriate by the board. 2399

(D) At the request of a person who is temporarily unable 2400
to pay a fee imposed under division (A) of this section, or on 2401
its own motion, the board may extend the date payment is due by 2402
up to ninety days. If the fee remains unpaid after the date 2403
payment is due, the amount of the fee shall be certified to the 2404
attorney general for collection in the form and manner 2405
prescribed by the attorney general. The attorney general may 2406
assess the collection cost to the amount certified in such a 2407
manner and amount as prescribed by the attorney general. 2408

Sec. 4713.14. No individual shall do any of the following: 2409

(A) Use fraud or deceit in obtaining or making application 2410
for a license, permit, or registration; 2411

(B) Aid or abet any individual or entity in any of the 2412
following: 2413

(1) Violating this chapter or a rule adopted under it; 2414

(2) Obtaining a license, permit, or registration 2415
fraudulently; 2416

(3) Falsely pretending to hold a current, valid license or 2417
permit. 2418

(C) Practice a branch of cosmetology, for pay, free, or 2419
otherwise, without one of the following authorizing the practice 2420
of that branch of cosmetology: 2421

(1) A current, valid license under section 4713.28,	2422
4713.30, or 4713.34 of the Revised Code;	2423
(2) A current, valid temporary pre-examination work permit	2424
issued under section 4713.22 of the Revised Code;	2425
(3) A current, valid temporary special occasion work	2426
permit issued under section 4713.37 of the Revised Code;	2427
(4) A current, valid temporary work permit issued under	2428
rules adopted by the board pursuant to section 4713.08 of the	2429
Revised Code;	2430
(5) A current, valid registration under section 4713.69 of	2431
the Revised Code.	2432
(D) Employ an individual to practice a branch of	2433
cosmetology if the individual does not hold one of the following	2434
authorizing the practice of that branch of cosmetology:	2435
(1) A current, valid license under section 4713.28,	2436
4713.30, or 4713.34 of the Revised Code;	2437
(2) A current, valid temporary pre-examination work permit	2438
issued under section 4713.22 of the Revised Code;	2439
(3) A current, valid temporary special occasion work	2440
permit issued under section 4713.37 of the Revised Code;	2441
(4) A current, valid temporary work permit issued under	2442
rules adopted by the board pursuant to section 4713.08 of the	2443
Revised Code;	2444
(5) A current, valid registration under section 4713.69 of	2445
the Revised Code.	2446
(E) Except for apprentice instructors and as provided in	2447
section 4713.45 of the Revised Code, teach the theory or	2448

practice of a branch of cosmetology at a school ~~of cosmetology~~ 2449
without either of the following authorizing the teaching of that 2450
branch of cosmetology: 2451

(1) A current, valid license under section 4713.31 or 2452
4713.34 of the Revised Code; 2453

(2) A current, valid temporary special occasion work 2454
permit issued under section 4713.37 of the Revised Code. 2455

(F) Advertise or operate a glamour photography service in 2456
which a branch of cosmetology is practiced unless the individual 2457
practicing the branch of cosmetology holds either of the 2458
following authorizing the practice of that branch of 2459
cosmetology: 2460

(1) A current, valid license under section 4713.28, 2461
4713.30, or 4713.34 of the Revised Code; 2462

(2) A current, valid temporary special occasion work 2463
permit issued under section 4713.37 of the Revised Code. 2464

(G) Advertise or operate a glamour photography service in 2465
which a branch of cosmetology is practiced at a location not 2466
specified by rules adopted under section 4713.08 of the Revised 2467
Code; 2468

(H) Practice a branch of cosmetology at a salon as an 2469
independent contractor without a current, valid independent 2470
contractor license issued under section 4713.39 of the Revised 2471
Code; 2472

(I) Operate a salon without a current, valid license under 2473
section 4713.41 of the Revised Code; 2474

(J) Provide any of the following at a salon for pay, free, 2475
or otherwise: 2476

(1) Massage therapy, unless the individual has a current,	2477
valid license issued by the state medical board under section	2478
4731.15 of the Revised Code;	2479
(2) Any other professional service, unless the individual	2480
has a current, valid license or certificate issued by the	2481
professional regulatory board of this state that regulates the	2482
profession;	2483
(3) Cosmetic therapy, unless the individual is authorized	2484
by rules adopted under section 4713.08 of the Revised Code.	2485
(K) Teach a branch of cosmetology at a salon, unless the	2486
individual receiving the instruction holds either of the	2487
following authorizing the practice of that branch of	2488
cosmetology:	2489
(1) A current, valid license under section 4713.28,	2490
4713.30, or 4713.34 of the Revised Code;	2491
(2) A current, valid temporary pre-examination work permit	2492
issued under section 4713.22 of the Revised Code.	2493
(L) Operate a school of cosmetology without a current,	2494
valid license under section 4713.44 of the Revised Code;	2495
(M) At a salon or school of cosmetology , do any of the	2496
following:	2497
(1) Use or possess a cosmetic product containing an	2498
ingredient that the United States food and drug administration	2499
has prohibited by regulation;	2500
(2) Use a cosmetic product in a manner inconsistent with a	2501
restriction established by the United States food and drug	2502
administration by regulation;	2503

(3) Use or possess a liquid nail monomer containing any 2504
trace of methyl methacrylate (MMA). 2505

(N) While in charge of a salon or school ~~of cosmetology~~, 2506
permit any individual to sleep in, or use for residential 2507
purposes, any room used wholly or in part as the salon or school 2508
~~of cosmetology~~; 2509

(O) Maintain, as an established place of business for the 2510
practice of one or more of the branches of cosmetology, a room 2511
used wholly or in part for sleeping or residential purposes; 2512

(P) Operate a tanning facility that is offered to the 2513
public for a fee or other compensation without a current, valid 2514
permit under section 4713.48 of the Revised Code; 2515

(Q) Practice a branch of cosmetology in a location other 2516
than a licensed facility unless otherwise exempted under section 2517
4713.16 ~~or~~, 4713.17, or 4713.351 of the Revised Code; 2518

(R) Use any of the services or arts that are part of the 2519
practice of a branch of cosmetology to treat or attempt to cure 2520
a physical or mental disease or ailment. 2521

Sec. 4713.141. An inspector employed by the state 2522
cosmetology and barber board may take a sample of a product used 2523
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2524
examining the sample, or causing an examination of the sample to 2525
be made, to determine whether division (M) of section 4713.14 of 2526
the Revised Code has been violated. 2527

Should the results of the test prove that division (M) of 2528
section 4713.14 of the Revised Code has been violated, the board 2529
shall take action in accordance with section 4713.64 of the 2530
Revised Code. A fine imposed under that section shall include 2531
the cost of the test. The person's license may be suspended or 2532

revoked.	2533
Sec. 4713.16. (A) This chapter does not prohibit any of	2534
the following:	2535
(1) Practicing a branch of cosmetology without a license	2536
or registration if the individual does so for free at the	2537
individual's home for a family member who resides in the same	2538
household as the individual;	2539
(2) The retail sale, or trial demonstration by application	2540
to the skin for purposes of retail sale, of cosmetics,	2541
preparations, tonics, antiseptics, creams, lotions, wigs, or	2542
hairpieces without a practicing license or registration;	2543
(3) The retailing, at a salon, of cosmetics, preparations,	2544
tonics, antiseptics, creams, lotions, wigs, hairpieces,	2545
clothing, or any other items that pose no risk of creating	2546
unsanitary conditions at the salon;	2547
(4) The provision of glamour photography services at a	2548
licensed salon if either of the following is the case:	2549
(a) A branch of cosmetology is not practiced as part of	2550
the services.	2551
(b) If a branch of cosmetology is practiced as part of the	2552
services, the part of the services that is a branch of	2553
cosmetology is performed by an individual who holds either of	2554
the following authorizing the individual to practice that branch	2555
of cosmetology:	2556
(i) A current, valid license under section 4713.28,	2557
4713.30, or 4713.34 of the Revised Code;	2558
(ii) A current, valid temporary special occasion work	2559
permit issued under section 4713.37 of the Revised Code.	2560

(5) A student engaging, as a student, in work connected 2561
with a branch of cosmetology taught at the school ~~of cosmetology~~ 2562
at which the student is enrolled; 2563

(6) Practicing a branch of cosmetology without a license 2564
or registration if the individual does so for free for the 2565
purpose of researching or developing a cosmetic as defined in 2566
section 3715.01 of the Revised Code; 2567

(7) An individual who holds a license or registration 2568
issued under this chapter practicing a branch of cosmetology on 2569
a dead human body at a funeral home or embalming facility 2570
licensed under section 4717.06 of the Revised Code. 2571

(B) A student in a career-technical program learning a 2572
branch of cosmetology may continue developing skills in the 2573
respective branch of cosmetology after completing the required 2574
coursework or obtaining a license in the respective branch of 2575
cosmetology by working in the licensed career-technical school 2576
clinic if the student does not receive any compensation. This 2577
allowance terminates upon the graduation of the student from the 2578
career-technical school. 2579

Sec. 4713.17. (A) The following persons are exempt from 2580
the provisions of this chapter, except, as applicable, section 2581
4713.42 of the Revised Code: 2582

(1) All individuals authorized to practice medicine, 2583
surgery, dentistry, and nursing or any of its branches in this 2584
state, while acting within the scope of practice for the 2585
license, permit, or certificate held; 2586

(2) Commissioned surgical and medical officers of the 2587
United States army, navy, air force, or marine hospital service 2588
when engaged in the actual performance of their official duties, 2589

and attendants attached to same, while acting within the scope 2590
of practice for the license, permit, or certificate held; 2591

(3) Funeral directors, embalmers, and apprentices licensed 2592
or ~~registered-certified~~ under Chapter 4717. of the Revised Code, 2593
while acting within the scope of practice for the license, 2594
permit, or certificate held; 2595

(4) Persons who are engaged in the retail sale, cleaning, 2596
or beautification of wigs and hairpieces but who do not engage 2597
in any other act constituting the practice of a branch of 2598
cosmetology; 2599

(5) Volunteers of hospitals, and homes as defined in 2600
section 3721.01 of the Revised Code, who render service to 2601
registered patients and inpatients who reside in such hospitals 2602
or homes. Such volunteers shall not use or work with any 2603
chemical products such as permanent wave, hair dye, or chemical 2604
hair relaxer, which without proper training would pose a health 2605
or safety problem to the patient. 2606

(6) Nurse aides and other employees of hospitals and homes 2607
as defined in section 3721.01 of the Revised Code, who practice 2608
a branch of cosmetology on registered patients only as part of 2609
general patient care services and who do not charge patients 2610
directly on a fee for service basis; 2611

(7) Massage therapists who hold current, valid licenses to 2612
practice massage therapy issued by the state medical board under 2613
section 4731.15 of the Revised Code, ~~to the extent their actions~~ 2614
~~are authorized by their licenses~~while acting within the scope of 2615
practice for the license held; 2616

(8) Inmates who provide services related to the practice 2617
of a branch of cosmetology to other inmates, except when those 2618

services are provided in a licensed school ~~of cosmetology~~ within 2619
a state correctional institution ~~for females~~. 2620

(B) The director of rehabilitation and correction shall 2621
oversee the services described in division (A)(8) of this 2622
section with respect to ~~sanitation~~ infection control and adopt 2623
rules governing those types of services provided by inmates. 2624

Sec. 4713.25. (A) The state cosmetology and barber board 2625
may administer a separate ~~advanced cosmetologist~~ examination for 2626
an advanced license to practice cosmetology for individuals who 2627
complete an advanced cosmetologist training course separate from 2628
a cosmetologist training course. The board may combine the 2629
advanced cosmetologist examination with the cosmetologist 2630
examination for individuals who complete a combined 2631
cosmetologist and advanced cosmetologist training course. 2632

(B) The board may administer a separate ~~advanced~~ 2633
~~esthetician~~ examination for an advanced license to practice 2634
esthetics for individuals who complete an advanced esthetician 2635
training course separate from an esthetician training course. 2636
The board may combine the advanced esthetician examination with 2637
the esthetician examination for individuals who complete an 2638
esthetician and advanced esthetician training course. 2639

(C) The board may administer a separate ~~advanced hair~~ 2640
~~designer~~ examination for an advanced license to practice hair 2641
design for individuals who complete an advanced hair designer 2642
training course separate from a hair designer training course. 2643
The board may combine the advanced hair designer examination 2644
with the hair designer examination for individuals who complete 2645
a hair designer and advanced hair designer training course. 2646

(D) The board may administer a separate ~~advanced~~ 2647

~~manicurist~~ examination for an advanced license to practice 2648
manicuring for individuals who complete an advanced manicurist 2649
training course separate from a manicurist training course. The 2650
board may combine the advanced manicurist examination with the 2651
manicurist examination for individuals who complete a manicurist 2652
and advanced manicurist training course. 2653

(E) The board may administer a separate ~~advanced natural~~ 2654
~~hair stylist~~ examination for an advanced license to practice 2655
natural hair styling for individuals who complete an advanced 2656
natural hair stylist training course separate from a natural 2657
hair stylist training course. The board may combine the advanced 2658
natural hair stylist examination with the natural hair stylist 2659
examination for individuals who complete a natural hair stylist 2660
and advanced natural hair stylist training course. 2661

Sec. 4713.28. (A) ~~The~~ Except as provided in division (C) 2662
of this section, the state cosmetology and barber board shall 2663
issue a practicing license to an applicant who satisfies all of 2664
the following applicable conditions: 2665

(1) Is at least sixteen years of age; 2666

(2) Has the equivalent of an Ohio public school tenth 2667
grade education; 2668

(3) Has submitted a written application on a form 2669
furnished by the board that contains all of the following: 2670

(a) The name of the individual and any other identifying 2671
information required by the board; 2672

(b) A photocopy of the individual's current driver's 2673
license or other proof of legal residence; 2674

(c) Proof that the individual is qualified to take the 2675

applicable examination as required by section 4713.20 of the Revised Code; 2676
2677

(d) An oath verifying that the information in the application is true; 2678
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(e) The applicable application fee. 2680

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph taken by the board; 2681
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(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; 2683
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~~(5)~~ (6) Pays to the board the applicable license fee; 2686

~~(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,~~ except that only one thousand hours of board-approved cosmetology training in a school ~~of cosmetology licensed in this state~~ is required of an individual licensed as a barber under Chapter 4709. of the Revised Code; 2687
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~~(7)~~ (8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school ~~of cosmetology licensed in this state;~~ 2695
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~~(8)~~ (9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand hours of board-approved hair designer training in a school ~~of cosmetology licensed in this state,~~ except that only one thousand hours of board-approved hair designer training in a 2699
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~~school of cosmetology licensed in this state~~ is required of an 2704
individual licensed as a barber under Chapter 4709. of the 2705
Revised Code; 2706

~~(9)~~ (10) In the case of an applicant for an initial 2707
manicurist license, has successfully completed at least two 2708
hundred hours of board-approved manicurist training in a school 2709
~~of cosmetology licensed in this state;~~ 2710

~~(10)~~ (11) In the case of an applicant for an initial 2711
natural hair stylist license, has successfully completed at 2712
least four hundred fifty hours of instruction in subjects 2713
relating to ~~sanitation~~ infection control, scalp care, anatomy, 2714
hair styling, communication skills, and laws and rules governing 2715
the practice of cosmetology. 2716

(B) The board shall not deny a license to any applicant 2717
based on prior incarceration or conviction for any crime. If the 2718
board denies an individual a license or license renewal, the 2719
reasons for such denial shall be put in writing. 2720

(C) The board shall issue a practicing license in a branch 2721
of cosmetology in accordance with Chapter 4796. of the Revised 2722
Code to an applicant if either of the following applies: 2723

(1) The applicant holds a license in that branch of 2724
cosmetology in another state. 2725

(2) The applicant has satisfactory work experience, a 2726
government certification, or a private certification as 2727
described in that chapter in that branch of cosmetology in a 2728
state that does not issue that license. 2729

Sec. 4713.30. (A) Except as provided in division (B) of 2730
this section, the state cosmetology and barber board shall issue 2731
an advanced license to an applicant who satisfies all of the 2732

following applicable conditions:	2733
(1) Is at least sixteen years of age;	2734
(2) Has the equivalent of an Ohio public school tenth grade education;	2735 2736
(3) Pays to the board the applicable <u>application fee</u> ;	2737
(4) <u>Notwithstanding section 4798.05 of the Revised Code,</u> <u>submits to having a photograph taken by the board;</u>	2738 2739
<u>(5)</u> Passes the appropriate advanced license examination;	2740
(5) <u>(6)</u> In the case of an applicant for an initial advanced cosmetologist <u>license to practice cosmetology</u> , does either of the following:	2741 2742 2743
(a) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to <u>Submits proof, as determined by the board,</u> that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;	2744 2745 2746 2747 2748
(b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.	2749 2750 2751 2752 2753
(6) <u>(7)</u> In the case of an applicant for an initial advanced esthetician <u>license to practice esthetics</u> , does either of the following:	2754 2755 2756
(a) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state	2757 2758 2759

~~certify to~~ Submits proof, as determined by the board, that the 2760
applicant has practiced esthetics for at least one thousand 2761
eight hundred hours as an esthetician in a licensed esthetics 2762
salon or as a cosmetologist in a licensed beauty salon; 2763

(b) Has a school ~~of cosmetology~~ licensed in this state 2764
certify to the board that the applicant has successfully 2765
completed, in addition to the hours required for licensure as an 2766
esthetician or cosmetologist, at least one hundred fifty hours 2767
of board-approved advanced esthetician training. 2768

~~(7)~~ (8) In the case of an applicant for an initial 2769
advanced ~~hair designer~~ license to practice hair design, does 2770
either of the following: 2771

(a) ~~Has the licensed advanced hair designer, licensed~~ 2772
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 2773
~~or licensed beauty salon located in this or another state~~ 2774
~~certify to~~ Submits proof, as determined by the board, that the 2775
applicant has practiced hair design for at least one thousand 2776
eight hundred hours as a hair designer in a licensed hair design 2777
salon or as a cosmetologist in a licensed beauty salon; 2778

(b) Has a school ~~of cosmetology~~ licensed in this state 2779
certify to the board that the applicant has successfully 2780
completed, in addition to the hours required for licensure as a 2781
hair designer or cosmetologist, at least two hundred forty hours 2782
of board-approved advanced hair designer training. 2783

~~(8)~~ (9) In the case of an applicant for an initial 2784
advanced ~~manicurist~~ license to practice manicuring, does either 2785
of the following: 2786

(a) ~~Has the licensed advanced manicurist, licensed~~ 2787
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2788

~~licensed beauty salon, or licensed barber shop located in this~~ 2789
~~or another state certify to~~ Submits proof, as determined by the 2790
board, that the applicant has practiced manicuring for at least 2791
one thousand eight hundred hours as a manicurist in a licensed 2792
nail salon or licensed barber shop or as a cosmetologist in a 2793
licensed beauty salon or licensed barber shop; 2794

(b) Has a school ~~of cosmetology~~ licensed in this state 2795
certify to the board that the applicant has successfully 2796
completed, in addition to the hours required for licensure as a 2797
manicurist or cosmetologist, at least one hundred hours of 2798
board-approved advanced manicurist training. 2799

~~(9)~~ (10) In the case of an applicant for an initial 2800
advanced ~~natural hair stylist license~~ to practice natural hair 2801
styling, does either of the following: 2802

(a) ~~Has the licensed advanced natural hair stylist,~~ 2803
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 2804
~~hair style salon or licensed beauty salon located in this or~~ 2805
~~another state certify to~~ Submits proof, as determined by the 2806
board, that the applicant has practiced natural hair styling for 2807
at least one thousand eight hundred hours as a natural hair 2808
stylist in a licensed natural hair style salon or as a 2809
cosmetologist in a licensed beauty salon; 2810

(b) Has a school ~~of cosmetology~~ licensed in this state 2811
certify to the board that the applicant has successfully 2812
completed, in addition to the hours required for licensure as a 2813
natural hair stylist or cosmetologist, at least one hundred 2814
fifty hours of board-approved advanced natural hair stylist 2815
training. 2816

(11) Pays to the board the applicable license fee. 2817

(B) The board shall issue an advanced license in a branch of cosmetology in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds an advanced license in that branch of cosmetology in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in that branch of cosmetology in a state that does not issue that license.

Sec. 4713.31. (A) ~~The~~ Except as provided in division (B) of this section, the state cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least eighteen years of age;

(2) Has the equivalent of an Ohio public school twelfth grade education;

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

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph taken by the board;

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

(a) ~~Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been~~

~~employed certify to~~ Submits proof, as determined by the board,

that the applicant has engaged in the practice of cosmetology in

a licensed beauty salon for at least one thousand eight hundred

hours; 2846

(b) Has a school ~~of cosmetology~~ licensed in this state 2847
certify to the board that the applicant has successfully 2848
completed one thousand hours of board-approved cosmetology 2849
instructor training as an apprentice instructor. 2850

~~(5)~~ (6) In the case of an applicant for an initial 2851
esthetics instructor license, holds a current, valid advanced 2852
~~esthetician or advanced cosmetologist~~ license to practice 2853
esthetics or cosmetology issued in this state and does either of 2854
the following: 2855

(a) ~~Has the licensed advanced esthetician, licensed~~ 2856
~~advanced cosmetologist, or owner of the licensed esthetics salon~~ 2857
~~or licensed beauty salon in which the applicant has been~~ 2858
~~employed~~ certify to Submits proof, as determined by the board, 2859
that the applicant has engaged in the practice of esthetics in a 2860
licensed esthetics salon or practice of cosmetology in a 2861
licensed beauty salon for at least one thousand eight hundred 2862
hours; 2863

(b) Has a school ~~of cosmetology~~ licensed in this state 2864
certify to the board that the applicant has successfully 2865
completed at least five hundred hours of board-approved 2866
esthetics instructor training as an apprentice instructor. 2867

~~(6)~~ (7) In the case of an applicant for an initial hair 2868
design instructor license, holds a current, valid advanced ~~hair~~ 2869
~~designer or advanced cosmetologist~~ license to practice hair 2870
design or cosmetology and does either of the following: 2871

(a) ~~Has the licensed advanced hair designer, licensed~~ 2872
~~advanced cosmetologist, or owner of the licensed hair design~~ 2873
~~salon or licensed beauty salon in which the applicant has been~~ 2874

~~employed certify to~~ Submits proof, as determined by the board, 2875
that the applicant has engaged in the practice of hair design in 2876
a licensed hair design salon or practice of cosmetology in a 2877
licensed beauty salon for at least one thousand eight hundred 2878
hours; 2879

(b) Has a school ~~of cosmetology~~ licensed in this state 2880
certify to the board that the applicant has successfully 2881
completed at least eight hundred hours of board-approved hair 2882
design ~~instructor's~~ instructor training as an apprentice 2883
instructor. 2884

~~(7)~~ (8) In the case of an applicant for an initial 2885
manicurist instructor license, holds a current, valid advanced 2886
~~manicurist or advanced cosmetologist~~ license to practice 2887
manicuring or cosmetology and does either of the following: 2888

(a) ~~Has the licensed advanced manicurist, licensed~~ 2889
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2890
~~licensed beauty salon in which the applicant has been employed~~ 2891
~~certify to~~ Submits proof, as determined by the board, that the 2892
applicant has engaged in the practice of manicuring in a 2893
licensed nail salon or practice of cosmetology in a licensed 2894
beauty salon for at least one thousand eight hundred hours; 2895

(b) Has a school ~~of cosmetology~~ licensed in this state 2896
certify to the board that the applicant has successfully 2897
completed at least three hundred hours of board-approved 2898
manicurist instructor training as an apprentice instructor. 2899

~~(8)~~ (9) In the case of an applicant for an initial natural 2900
hair style instructor license, holds a current, valid advanced 2901
~~natural hair stylist or advanced cosmetologist~~ license to 2902
practice natural hair styling or cosmetology and does either of 2903

the following: 2904

(a) ~~Has the licensed advanced natural hair stylist,~~ 2905
~~licensed advanced cosmetologist, or owner of the licensed~~ 2906
~~natural hair style salon or licensed beauty salon in which the~~ 2907
~~applicant has been employed certify to~~ Submits proof, as 2908
determined by the board, that the applicant has engaged in the 2909
practice of natural hair styling in a licensed natural hair 2910
style salon or practice of cosmetology in a licensed beauty 2911
salon for at least one thousand eight hundred hours; 2912

(b) Has a school ~~of cosmetology~~ licensed in this state 2913
certify to the board that the applicant has successfully 2914
completed at least four hundred hours of board-approved natural 2915
hair style instructor training as an apprentice instructor. 2916

~~(9)~~ (10) In the case of all applicants, passes an 2917
examination conducted under division (B) of section 4713.24 of 2918
the Revised Code for the branch of cosmetology the applicant 2919
seeks to instruct. 2920

(11) Pays to the board the applicable license fee. 2921

(B) The board shall issue an instructor license for a 2922
branch of cosmetology in accordance with Chapter 4796. of the 2923
Revised Code to an applicant if either of the following applies: 2924

(1) The applicant holds an instructor license in that 2925
branch of cosmetology in another state. 2926

(2) The applicant has satisfactory work experience, a 2927
government certification, or a private certification as 2928
described in that chapter as an instructor in that branch of 2929
cosmetology in a state that does not issue that license. 2930

Sec. 4713.33. The "Cosmetology Licensure Compact" is 2931

hereby ratified, enacted into law, and entered into by the state 2932
of Ohio as a party to the compact with any other state that has 2933
legally joined in the compact as follows: 2934

COSMETOLOGY LICENSURE COMPACT 2935

ARTICLE 1- PURPOSE 2936

The purpose of this Compact is to facilitate the 2937
interstate practice and regulation of Cosmetology with the goal 2938
of improving public access to, and the safety of, Cosmetology 2939
Services and reducing unnecessary burdens related to Cosmetology 2940
licensure. Through this Compact, the Member States seek to 2941
establish a regulatory framework which provides for a new 2942
multistate licensing program. Through this new licensing 2943
program, the Member States seek to provide increased value and 2944
mobility to licensed Cosmetologists in the Member States, while 2945
ensuring the provision of safe, effective, and reliable services 2946
to the public. 2947

This Compact is designed to achieve the following 2948
objectives, and the Member States hereby ratify the same 2949
intentions by subscribing hereto: 2950

A. Provide opportunities for interstate practice by 2951
Cosmetologists who meet uniform requirements for multistate 2952
licensure; 2953

B. Enhance the abilities of Member States to protect 2954
public health and safety, and prevent fraud and unlicensed 2955
activity within the profession; 2956

C. Ensure and encourage cooperation between Member States 2957
in the licensure and regulation of the Practice of Cosmetology; 2958

D. Support relocating military members and their spouses; 2959

E. Facilitate the exchange of information between Member States related to the licensure, investigation, and discipline of the Practice of Cosmetology; 2960
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F. Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the Member States. 2963
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ARTICLE 2- DEFINITIONS 2966

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein: 2967
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A. "Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve. 2969
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B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a State Licensing Authority or other regulatory body against a Cosmetologist, including actions against an individual's license or Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on a license affecting an individual's ability to participate in the Cosmetology industry, including the issuance of a cease and desist order. 2972
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C. "Authorization to Practice" means a legal authorization associated with a Multistate License permitting the Practice of Cosmetology in that Remote State, which shall be subject to the enforcement jurisdiction of the State Licensing Authority in that Remote State. 2982
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D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's 2987
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<u>State Licensing Authority.</u>	2989
<u>E. "Background Check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining State criminal or disciplinary history in the applicant's Home State.</u>	2990 2991 2992 2993 2994 2995
<u>F. "Charter Member State" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 13.</u>	2996 2997 2998 2999
<u>G. "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission, as defined in Article 9, and which shall operate as an instrumentality of the Member States.</u>	3000 3001 3002 3003 3004
<u>H. "Cosmetologist" means an individual licensed in their Home State to practice Cosmetology.</u>	3005 3006
<u>I. "Cosmetology", "Cosmetology Services", and the "Practice of Cosmetology" mean the care and services provided by a Cosmetologist as set forth in the Member State's statutes and regulations in the State where the services are being provided.</u>	3007 3008 3009 3010
<u>J. "Current Significant Investigative Information" means:</u>	3011
<u>1. Investigative Information that a State Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding fraud or the Practice of Cosmetology; or</u>	3012 3013 3014 3015 3016 3017

2. Investigative Information that indicates that a Licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the Licensee has been notified and had an opportunity to respond. 3018
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- K. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, and Adverse Actions. 3022
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- L. "Disqualifying Event" means any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule or order specify. 3025
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- M. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Cosmetology by a Licensee, or where said Adverse Action has been reported to the Commission. 3028
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- N. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted Practice of Cosmetology by a State Licensing Authority. 3031
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- O. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission. 3034
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- P. "Home State" means the Member State which is a Licensee's primary State of residence, and where that Licensee holds an active and unencumbered license to practice Cosmetology. 3037
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- Q. "Investigative Information" means information, records, or documents received or generated by a State Licensing Authority pursuant to an investigation or other inquiry. 3040
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- R. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Cosmetology in a State. 3043
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<u>S. "Licensee" means an individual who currently holds a license</u>	3046
<u>from a Member State to practice as a Cosmetologist.</u>	3047
<u>T. "Member State" means any State that has adopted this Compact.</u>	3048
<u>U. "Multistate License" means a license issued by and subject to</u>	3049
<u>the enforcement jurisdiction of the State Licensing Authority in</u>	3050
<u>a Licensee's Home State, which authorizes the Practice of</u>	3051
<u>Cosmetology in Member States and includes Authorizations to</u>	3052
<u>Practice Cosmetology in all Remote States pursuant to this</u>	3053
<u>Compact.</u>	3054
<u>V. "Remote State" means any Member State, other than the</u>	3055
<u>Licensee's Home State.</u>	3056
<u>W. "Rule" means any rule or regulation promulgated by the</u>	3057
<u>Commission under this Compact which has the force of law.</u>	3058
<u>X. "Single-State License" means a Cosmetology license issued by</u>	3059
<u>a Member State that authorizes practice of Cosmetology only</u>	3060
<u>within the issuing State and does not include any authorization</u>	3061
<u>outside of the issuing State.</u>	3062
<u>Y. "State" means a State, territory, or possession of the United</u>	3063
<u>States and the District of Columbia.</u>	3064
<u>Z. "State Licensing Authority" means a Member State's regulatory</u>	3065
<u>body responsible for issuing Cosmetology licenses or otherwise</u>	3066
<u>overseeing the Practice of Cosmetology in that State.</u>	3067
<u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u>	3068
<u>A. To be eligible to join this Compact, and to maintain</u>	3069
<u>eligibility as a Member State, a State must:</u>	3070
<u>1. License and regulate Cosmetology;</u>	3071
<u>2. Have a mechanism or entity in place to receive and</u>	3072

<u>investigate complaints about Licensees practicing in that State;</u>	3073
<u>3. Require that Licensees within the State pass a</u>	3074
<u>Cosmetology competency examination prior to being licensed to</u>	3075
<u>provide Cosmetology Services to the public in that State;</u>	3076
<u>4. Require that Licensees satisfy educational or training</u>	3077
<u>requirements in Cosmetology prior to being licensed to provide</u>	3078
<u>Cosmetology Services to the public in that State;</u>	3079
<u>5. Implement procedures for considering one or more of the</u>	3080
<u>following categories of information from applicants for</u>	3081
<u>licensure: criminal history; disciplinary history; or Background</u>	3082
<u>Check. Such procedures may include the submission of information</u>	3083
<u>by applicants for the purpose of obtaining an applicant's</u>	3084
<u>Background Check as defined herein;</u>	3085
<u>6. Participate in the Data System, including through the</u>	3086
<u>use of unique identifying numbers;</u>	3087
<u>7. Share information related to Adverse Actions with the</u>	3088
<u>Commission and other Member States, both through the Data System</u>	3089
<u>and otherwise;</u>	3090
<u>8. Notify the Commission and other Member States, in</u>	3091
<u>compliance with the terms of the Compact and Rules of the</u>	3092
<u>Commission, of the existence of Investigative Information or</u>	3093
<u>Current Significant Investigative Information in the State's</u>	3094
<u>possession regarding a Licensee practicing in that State;</u>	3095
<u>9. Comply with such Rules as may be enacted by the</u>	3096
<u>Commission to administer the Compact; and</u>	3097
<u>10. Accept Licensees from other Member States as</u>	3098
<u>established herein.</u>	3099
<u>B. Member States may charge a fee for granting a license to</u>	3100

practice Cosmetology. 3101

C. Individuals not residing in a Member State shall continue to 3102
be able to apply for a Member State's Single-State License as 3103
provided under the laws of each Member State. However, the 3104
Single-State License granted to these individuals shall not be 3105
recognized as granting a Multistate License to provide services 3106
in any other Member State. 3107

D. Nothing in this Compact shall affect the requirements 3108
established by a Member State for the issuance of a Single-State 3109
License. 3110

E. A Multistate License issued to a Licensee by a Home State to 3111
a resident of that State shall be recognized by each Member 3112
State as authorizing a Licensee to practice Cosmetology in each 3113
Member State. 3114

F. At no point shall the Commission have the power to define the 3115
educational or professional requirements for a license to 3116
practice Cosmetology. The Member States shall retain sole 3117
jurisdiction over the provision of these requirements. 3118

ARTICLE 4- MULTISTATE LICENSE 3119

A. To be eligible to apply to their Home State's State Licensing 3120
Authority for an initial Multistate License under this Compact, 3121
a Licensee must hold an active and unencumbered Single-State 3122
License to practice Cosmetology in their Home State. 3123

B. Upon the receipt of an application for a Multistate License, 3124
according to the Rules of the Commission, a Member State's State 3125
Licensing Authority shall ascertain whether the applicant meets 3126
the requirements for a Multistate License under this Compact. 3127

C. If an applicant meets the requirements for a Multistate 3128

License under this Compact and any applicable Rules of the 3129
Commission, the State Licensing Authority in receipt of the 3130
application shall, within a reasonable time, grant a Multistate 3131
License to that applicant, and inform all Member States of the 3132
grant of said Multistate License. 3133

D. A Multistate License to practice Cosmetology issued by a 3134
Member State's State Licensing Authority shall be recognized by 3135
each Member State as authorizing the practice thereof as though 3136
that Licensee held a Single-State License to do so in each 3137
Member State, subject to the restrictions herein. 3138

E. A Multistate License granted pursuant to this Compact may be 3139
effective for a definite period of time, concurrent with the 3140
licensure renewal period in the Home State. 3141

F. To maintain a Multistate License under this Compact, a 3142
Licensee must: 3143

1. Agree to abide by the rules of the State Licensing 3144
Authority, and the State scope of practice laws governing the 3145
Practice of Cosmetology, of any Member State in which the 3146
Licensee provides services; 3147

2. Pay all required fees related to the application and 3148
process, and any other fees which the Commission may by Rule 3149
require; and 3150

3. Comply with any and all other requirements regarding 3151
Multistate Licenses which the Commission may by Rule provide. 3152

G. A Licensee practicing in a Member State is subject to all 3153
scope of practice laws governing Cosmetology Services in that 3154
State. 3155

H. The Practice of Cosmetology under a Multistate License 3156

granted pursuant to this Compact will subject the Licensee to 3157
the jurisdiction of the State Licensing Authority, the courts, 3158
and the laws of the Member State in which the Cosmetology 3159
Services are provided. 3160

ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME 3161
STATE 3162

A. A Licensee may hold a Multistate License, issued by their 3163
Home State, in only one Member State at any given time. 3164

B. If a Licensee changes their Home State by moving between two 3165
Member States: 3166

1. The Licensee shall immediately apply for the reissuance 3167
of their Multistate License in their new Home State. The 3168
Licensee shall pay all applicable fees and notify the prior Home 3169
State in accordance with the Rules of the Commission. 3170

2. Upon receipt of an application to reissue a Multistate 3171
License, the new Home State shall verify that the Multistate 3172
License is active, unencumbered and eligible for reissuance 3173
under the terms of the Compact and the Rules of the Commission. 3174
The Multistate License issued by the prior Home State will be 3175
deactivated and all Member States notified in accordance with 3176
the applicable Rules adopted by the Commission. 3177

3. If required for initial licensure, the new Home State 3178
may require a Background Check as specified in the laws of that 3179
State, or the compliance with any Jurisprudence Requirements of 3180
the new Home State. 3181

4. Notwithstanding any other provision of this Compact, if 3182
a Licensee does not meet the requirements set forth in this 3183
Compact for the reissuance of a Multistate License by the new 3184
Home State, then the Licensee shall be subject to the new Home 3185

<u>State requirements for the issuance of a Single-State License in</u>	3186
<u>that State.</u>	3187
<u>C. If a Licensee changes their primary state of residence by</u>	3188
<u>moving from a Member State to a non-Member State, or from a non-</u>	3189
<u>Member State to a Member State, then the Licensee shall be</u>	3190
<u>subject to the State requirements for the issuance of a Single-</u>	3191
<u>State License in the new Home State.</u>	3192
<u>D. Nothing in this Compact shall interfere with a Licensee's</u>	3193
<u>ability to hold a Single-State License in multiple States;</u>	3194
<u>however, for the purposes of this Compact, a Licensee shall have</u>	3195
<u>only one Home State, and only one Multistate License.</u>	3196
<u>E. Nothing in this Compact shall interfere with the requirements</u>	3197
<u>established by a Member State for the issuance of a Single-State</u>	3198
<u>License.</u>	3199
<u>ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE</u>	3200
<u>LICENSING AUTHORITIES</u>	3201
<u>A. Nothing in this Compact, nor any Rule or regulation of the</u>	3202
<u>Commission, shall be construed to limit, restrict, or in any way</u>	3203
<u>reduce the ability of a Member State to enact and enforce laws,</u>	3204
<u>regulations, or other rules related to the Practice of</u>	3205
<u>Cosmetology in that State, where those laws, regulations, or</u>	3206
<u>other rules are not inconsistent with the provisions of this</u>	3207
<u>Compact.</u>	3208
<u>B. Insofar as practical, a Member State's State Licensing</u>	3209
<u>Authority shall cooperate with the Commission and with each</u>	3210
<u>entity exercising independent regulatory authority over the</u>	3211
<u>Practice of Cosmetology according to the provisions of this</u>	3212
<u>Compact.</u>	3213
<u>C. Discipline shall be the sole responsibility of the State in</u>	3214

which Cosmetology Services are provided. Accordingly, each 3215
Member State's State Licensing Authority shall be responsible 3216
for receiving complaints about individuals practicing 3217
Cosmetology in that State, and for communicating all relevant 3218
Investigative Information about any such Adverse Action to the 3219
other Member States through the Data System in addition to any 3220
other methods the Commission may by Rule require. 3221

ARTICLE 7- ADVERSE ACTIONS 3222

A. A Licensee's Home State shall have exclusive power to impose 3223
an Adverse Action against a Licensee's Multistate License issued 3224
by the Home State. 3225

B. A Home State may take Adverse Action on a Multistate License 3226
based on the Investigative Information, Current Significant 3227
Investigative Information, or Adverse Action of a Remote State. 3228

C. In addition to the powers conferred by State law, each Remote 3229
State's State Licensing Authority shall have the power to: 3230

1. Take Adverse Action against a Licensee's Authorization 3231
to Practice Cosmetology through the Multistate License in that 3232
Member State, provided that: 3233

a. Only the Licensee's Home State shall have the power to 3234
take Adverse Action against the Multistate License issued by the 3235
Home State; and 3236

b. For the purposes of taking Adverse Action, the Home 3237
State's State Licensing Authority shall give the same priority 3238
and effect to reported conduct received from a Remote State as 3239
it would if such conduct had occurred within the Home State. In 3240
so doing, the Home State shall apply its own State laws to 3241
determine the appropriate action. 3242

<u>2. Issue cease and desist orders or impose an Encumbrance</u>	3243
<u>on a Licensee's Authorization to Practice within that Member</u>	3244
<u>State.</u>	3245
<u>3. Complete any pending investigations of a Licensee who</u>	3246
<u>changes their primary state of residence during the course of</u>	3247
<u>such an investigation. The State Licensing Authority shall also</u>	3248
<u>be empowered to report the results of such an investigation to</u>	3249
<u>the Commission through the Data System as described herein.</u>	3250
<u>4. Issue subpoenas for both hearings and investigations</u>	3251
<u>that require the attendance and testimony of witnesses, as well</u>	3252
<u>as the production of evidence. Subpoenas issued by a State</u>	3253
<u>Licensing Authority in a Member State for the attendance and</u>	3254
<u>testimony of witnesses or the production of evidence from</u>	3255
<u>another Member State shall be enforced in the latter State by</u>	3256
<u>any court of competent jurisdiction, according to the practice</u>	3257
<u>and procedure of that court applicable to subpoenas issued in</u>	3258
<u>proceedings before it. The issuing State Licensing Authority</u>	3259
<u>shall pay any witness fees, travel expenses, mileage, and other</u>	3260
<u>fees required by the service statutes of the State in which the</u>	3261
<u>witnesses or evidence are located.</u>	3262
<u>5. If otherwise permitted by State law, recover from the</u>	3263
<u>affected Licensee the costs of investigations and disposition of</u>	3264
<u>cases resulting from any Adverse Action taken against that</u>	3265
<u>Licensee.</u>	3266
<u>6. Take Adverse Action against the Licensee's</u>	3267
<u>Authorization to Practice in that State based on the factual</u>	3268
<u>findings of another Remote State.</u>	3269
<u>D. A Licensee's Home State shall complete any pending</u>	3270
<u>investigation(s) of a Cosmetologist who changes their primary</u>	3271

state of residence during the course of the investigation(s). 3272
The Home State shall also have the authority to take appropriate 3273
action(s) and shall promptly report the conclusions of the 3274
investigations to the Data System. 3275

E. If an Adverse Action is taken by the Home State against a 3276
Licensee's Multistate License, the Licensee's Authorization to 3277
Practice in all other Member States shall be deactivated until 3278
all Encumbrances have been removed from the Home State license. 3279
All Home State disciplinary orders that impose an Adverse Action 3280
against a Licensee's Multistate License shall include a 3281
statement that the Cosmetologist's Authorization to Practice is 3282
deactivated in all Member States during the pendency of the 3283
order. 3284

F. Nothing in this Compact shall override a Member State's 3285
authority to accept a Licensee's participation in an Alternative 3286
Program in lieu of Adverse Action. A Licensee's Multistate 3287
License shall be suspended for the duration of the Licensee's 3288
participation in any Alternative Program. 3289

G. Joint Investigations 3290

1. In addition to the authority granted to a Member State 3291
by its respective scope of practice laws or other applicable 3292
State law, a Member State may participate with other Member 3293
States in joint investigations of Licensees. 3294

2. Member States shall share any investigative, 3295
litigation, or compliance materials in furtherance of any joint 3296
or individual investigation initiated under the Compact. 3297

ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES 3298

Active Military Members, or their spouses, shall designate a 3299
Home State where the individual has a current license to 3300

practice Cosmetology in good standing. The individual may retain 3301
their Home State designation during any period of service when 3302
that individual or their spouse is on active duty assignment. 3303

ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY 3304

LICENSURE COMPACT COMMISSION 3305

A. The Compact Member States hereby create and establish a joint 3306
government agency whose membership consists of all Member States 3307
that have enacted the Compact known as the Cosmetology Licensure 3308
Compact Commission. The Commission is an instrumentality of the 3309
Compact Member States acting jointly and not an instrumentality 3310
of any one State. The Commission shall come into existence on or 3311
after the effective date of the Compact as set forth in Article 3312
13. 3313

B. Membership, Voting, and Meetings 3314

1. Each Member State shall have and be limited to one (1) 3315
delegate selected by that Member State's State Licensing 3316
Authority. 3317

2. The delegate shall be an administrator of the State 3318
Licensing Authority of the Member State or their designee. 3319

3. The Commission shall by Rule or bylaw establish a term 3320
of office for delegates and may by Rule or bylaw establish term 3321
limits. 3322

4. The Commission may recommend removal or suspension of 3323
any delegate from office. 3324

5. A Member State's State Licensing Authority shall fill 3325
any vacancy of its delegate occurring on the Commission within 3326
60 days of the vacancy. 3327

6. Each delegate shall be entitled to one vote on all 3328

<u>matters that are voted on by the Commission.</u>	3329
<u>7. The Commission shall meet at least once during each</u>	3330
<u>calendar year. Additional meetings may be held as set forth in</u>	3331
<u>the bylaws. The Commission may meet by telecommunication, video</u>	3332
<u>conference or other similar electronic means.</u>	3333
<u>C. The Commission shall have the following powers:</u>	3334
<u>1. Establish the fiscal year of the Commission;</u>	3335
<u>2. Establish code of conduct and conflict of interest</u>	3336
<u>policies;</u>	3337
<u>3. Adopt Rules and bylaws;</u>	3338
<u>4. Maintain its financial records in accordance with the</u>	3339
<u>bylaws;</u>	3340
<u>5. Meet and take such actions as are consistent with the</u>	3341
<u>provisions of this Compact, the Commission's Rules, and the</u>	3342
<u>bylaws;</u>	3343
<u>6. Initiate and conclude legal proceedings or actions in</u>	3344
<u>the name of the Commission, provided that the standing of any</u>	3345
<u>State Licensing Authority to sue or be sued under applicable law</u>	3346
<u>shall not be affected;</u>	3347
<u>7. Maintain and certify records and information provided</u>	3348
<u>to a Member State as the authenticated business records of the</u>	3349
<u>Commission, and designate an agent to do so on the Commission's</u>	3350
<u>behalf;</u>	3351
<u>8. Purchase and maintain insurance and bonds;</u>	3352
<u>9. Borrow, accept, or contract for services of personnel,</u>	3353
<u>including, but not limited to, employees of a Member State;</u>	3354
<u>10. Conduct an annual financial review;</u>	3355

11. Hire employees, elect or appoint officers, fix 3356
compensation, define duties, grant such individuals appropriate 3357
authority to carry out the purposes of the Compact, and 3358
establish the Commission's personnel policies and programs 3359
relating to conflicts of interest, qualifications of personnel, 3360
and other related personnel matters; 3361
12. As set forth in the Commission Rules, charge a fee to 3362
a Licensee for the grant of a Multistate License and thereafter, 3363
as may be established by Commission Rule, charge the Licensee a 3364
Multistate License renewal fee for each renewal period. Nothing 3365
herein shall be construed to prevent a Home State from charging 3366
a Licensee a fee for a Multistate License or renewals of a 3367
Multistate License, or a fee for the jurisprudence requirement 3368
if the Member State imposes such a requirement for the grant of 3369
Multistate License; 3370
13. Assess and collect fees; 3371
14. Accept any and all appropriate gifts, donations, 3372
grants of money, other sources of revenue, equipment, supplies, 3373
materials, and services, and receive, utilize, and dispose of 3374
the same; provided that at all times the Commission shall avoid 3375
any appearance of impropriety or conflict of interest; 3376
15. Lease, purchase, retain, own, hold, improve, or use 3377
any property, real, personal, or mixed, or any undivided 3378
interest therein; 3379
16. Sell, convey, mortgage, pledge, lease, exchange, 3380
abandon, or otherwise dispose of any property real, personal, or 3381
mixed; 3382
17. Establish a budget and make expenditures; 3383
18. Borrow money; 3384

19. Appoint committees, including standing committees, 3385
composed of members, State regulators, State legislators or 3386
their representatives, and consumer representatives, and such 3387
other interested persons as may be designated in this Compact 3388
and the bylaws; 3389

20. Provide and receive information from, and cooperate 3390
with, law enforcement agencies 3391

21. Elect a Chair, Vice Chair, Secretary and Treasurer and 3392
such other officers of the Commission as provided in the 3393
Commission's bylaws; 3394

22. Establish and elect an Executive Committee, including 3395
a chair and a vice chair; 3396

23. Adopt and provide to the Member States an annual 3397
report. 3398

24. Determine whether a State's adopted language is 3399
materially different from the model Compact language such that 3400
the State would not qualify for participation in the Compact; 3401
and 3402

25. Perform such other functions as may be necessary or 3403
appropriate to achieve the purposes of this Compact. 3404

D. The Executive Committee 3405

1. The Executive Committee shall have the power to act on 3406
behalf of the Commission according to the terms of this Compact. 3407
The powers, duties, and responsibilities of the Executive 3408
Committee shall include: 3409

a. Overseeing the day-to-day activities of the 3410
administration of the Compact including compliance with the 3411
provisions of the Compact, the Commission's Rules and bylaws, 3412

<u>and other such duties as deemed necessary;</u>	3413
<u>b. Recommending to the Commission changes to the Rules or</u>	3414
<u>bylaws, changes to this Compact legislation, fees charged to</u>	3415
<u>Compact Member States, fees charged to Licensees, and other</u>	3416
<u>fees;</u>	3417
<u>c. Ensuring Compact administration services are</u>	3418
<u>appropriately provided, including by contract;</u>	3419
<u>d. Preparing and recommending the budget;</u>	3420
<u>e. Maintaining financial records on behalf of the</u>	3421
<u>Commission;</u>	3422
<u>f. Monitoring Compact compliance of Member States and</u>	3423
<u>providing compliance reports to the Commission;</u>	3424
<u>g. Establishing additional committees as necessary;</u>	3425
<u>h. Exercising the powers and duties of the Commission</u>	3426
<u>during the interim between Commission meetings, except for</u>	3427
<u>adopting or amending Rules, adopting or amending bylaws, and</u>	3428
<u>exercising any other powers and duties expressly reserved to the</u>	3429
<u>Commission by Rule or bylaw; and</u>	3430
<u>i. Other duties as provided in the Rules or bylaws of the</u>	3431
<u>Commission.</u>	3432
<u>2. The Executive Committee shall be composed of up to</u>	3433
<u>seven voting members:</u>	3434
<u>a. The chair and vice chair of the Commission and any</u>	3435
<u>other members of the Commission who serve on the Executive</u>	3436
<u>Committee shall be voting members of the Executive Committee;</u>	3437
<u>and</u>	3438
<u>b. Other than the chair, vice-chair, secretary and</u>	3439

treasurer, the Commission shall elect three voting members from 3440
the current membership of the Commission. 3441

c. The Commission may elect ex-officio, nonvoting members 3442
from a recognized national Cosmetology professional association 3443
as approved by the Commission. The Commission's bylaws shall 3444
identify qualifying organizations and the manner of appointment 3445
if the number of organizations seeking to appoint an ex officio 3446
member exceeds the number of members specified in this Article. 3447

3. The Commission may remove any member of the Executive 3448
Committee as provided in the Commission's bylaws. 3449

4. The Executive Committee shall meet at least annually. 3450

a. Annual Executive Committee meetings, as well as any 3451
Executive Committee meeting at which it does not take or intend 3452
to take formal action on a matter for which a Commission vote 3453
would otherwise be required, shall be open to the public, except 3454
that the Executive Committee may meet in a closed, non-public 3455
session of a public meeting when dealing with any of the matters 3456
covered under Article 9.F.4. 3457

b. The Executive Committee shall give five business days 3458
advance notice of its public meetings, posted on its website and 3459
as determined to provide notice to persons with an interest in 3460
the public matters the Executive Committee intends to address at 3461
those meetings. 3462

5. The Executive Committee may hold an emergency meeting 3463
when acting for the Commission to: 3464

a. Meet an imminent threat to public health, safety, or 3465
welfare; 3466

b. Prevent a loss of Commission or Member State funds; or 3467

<u>c. Protect public health and safety.</u>	3468
<u>E. The Commission shall adopt and provide to the Member States</u>	3469
<u>an annual report.</u>	3470
<u>F. Meetings of the Commission</u>	3471
<u>1. All meetings of the Commission that are not closed</u>	3472
<u>pursuant to Article 9.F.4 shall be open to the public. Notice of</u>	3473
<u>public meetings shall be posted on the Commission's website at</u>	3474
<u>least thirty (30) days prior to the public meeting.</u>	3475
<u>2. Notwithstanding Article 9.F.1, the Commission may</u>	3476
<u>convene an emergency public meeting by providing at least</u>	3477
<u>twenty-four (24) hours prior notice on the Commission's website,</u>	3478
<u>and any other means as provided in the Commission's Rules, for</u>	3479
<u>any of the reasons it may dispense with notice of proposed</u>	3480
<u>rulemaking under Article 11.L. The Commission's legal counsel</u>	3481
<u>shall certify that one of the reasons justifying an emergency</u>	3482
<u>public meeting has been met.</u>	3483
<u>3. Notice of all Commission meetings shall provide the</u>	3484
<u>time, date, and location of the meeting, and if the meeting is</u>	3485
<u>to be held or accessible via telecommunication, video</u>	3486
<u>conference, or other electronic means, the notice shall include</u>	3487
<u>the mechanism for access to the meeting.</u>	3488
<u>4. The Commission may convene in a closed, non-public</u>	3489
<u>meeting for the Commission to discuss:</u>	3490
<u>a. Non-compliance of a Member State with its obligations</u>	3491
<u>under the Compact;</u>	3492
<u>b. The employment, compensation, discipline or other</u>	3493
<u>matters, practices or procedures related to specific employees</u>	3494
<u>or other matters related to the Commission's internal personnel</u>	3495

<u>practices and procedures;</u>	3496
<u>c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;</u>	3497
	3498
<u>d. Current, threatened, or reasonably anticipated litigation;</u>	3499
	3500
<u>e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;</u>	3501
	3502
<u>f. Accusing any person of a crime or formally censuring any person;</u>	3503
	3504
<u>g. Trade secrets or commercial or financial information that is privileged or confidential;</u>	3505
	3506
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	3507
	3508
<u>i. Investigative records compiled for law enforcement purposes;</u>	3509
	3510
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	3511
	3512
	3513
	3514
<u>k. Legal advice;</u>	3515
<u>l. Matters specifically exempted from disclosure to the public by federal or Member State law; or</u>	3516
	3517
<u>m. Other matters as promulgated by the Commission by Rule.</u>	3518
5. <u>If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	3519
	3520
	3521
	3522

6. The Commission shall keep minutes that fully and 3523
clearly describe all matters discussed in a meeting and shall 3524
provide a full and accurate summary of actions taken, and the 3525
reasons therefore, including a description of the views 3526
expressed. All documents considered in connection with an action 3527
shall be identified in such minutes. All minutes and documents 3528
of a closed meeting shall remain under seal, subject to release 3529
only by a majority vote of the Commission or order of a court of 3530
competent jurisdiction. 3531

G. Financing of the Commission 3532

1. The Commission shall pay, or provide for the payment 3533
of, the reasonable expenses of its establishment, organization, 3534
and ongoing activities. 3535

2. The Commission may accept any and all appropriate 3536
sources of revenue, donations, and grants of money, equipment, 3537
supplies, materials, and services. 3538

3. The Commission may levy on and collect an annual 3539
assessment from each Member State and impose fees on Licensees 3540
of Member States to whom it grants a Multistate License to cover 3541
the cost of the operations and activities of the Commission and 3542
its staff, which must be in a total amount sufficient to cover 3543
its annual budget as approved each year for which revenue is not 3544
provided by other sources. The aggregate annual assessment 3545
amount for Member States shall be allocated based upon a formula 3546
that the Commission shall promulgate by Rule. 3547

4. The Commission shall not incur obligations of any kind 3548
prior to securing the funds adequate to meet the same; nor shall 3549
the Commission pledge the credit of any Member States, except by 3550
and with the authority of the Member State. 3551

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties,

or responsibilities, or as determined by the Commission that the 3582
person against whom the claim is made had a reasonable basis for 3583
believing occurred within the scope of Commission employment, 3584
duties, or responsibilities; provided that nothing herein shall 3585
be construed to prohibit that person from retaining their own 3586
counsel at their own expense; and provided further, that the 3587
actual or alleged act, error, or omission did not result from 3588
that person's intentional or willful or wanton misconduct. 3589

3. The Commission shall indemnify and hold harmless any 3590
member, officer, executive director, employee, and 3591
representative of the Commission for the amount of any 3592
settlement or judgment obtained against that person arising out 3593
of any actual or alleged act, error, or omission that occurred 3594
within the scope of Commission employment, duties, or 3595
responsibilities, or that such person had a reasonable basis for 3596
believing occurred within the scope of Commission employment, 3597
duties, or responsibilities, provided that the actual or alleged 3598
act, error, or omission did not result from the intentional or 3599
willful or wanton misconduct of that person. 3600

4. Nothing herein shall be construed as a limitation on 3601
the liability of any Licensee for professional malpractice or 3602
misconduct, which shall be governed solely by any other 3603
applicable State laws. 3604

5. Nothing in this Compact shall be interpreted to waive 3605
or otherwise abrogate a Member State's State action immunity or 3606
State action affirmative defense with respect to antitrust 3607
claims under the Sherman Act, Clayton Act, or any other State or 3608
federal antitrust or anticompetitive law or regulation. 3609

6. Nothing in this Compact shall be construed to be a 3610
waiver of sovereign immunity by the Member States or by the 3611

<u>Commission.</u>	3612
<u>ARTICLE 10- DATA SYSTEM</u>	3613
<u>A. The Commission shall provide for the development,</u>	3614
<u>maintenance, operation, and utilization of a coordinated</u>	3615
<u>database and reporting system.</u>	3616
<u>B. The Commission shall assign each applicant for a Multistate</u>	3617
<u>License a unique identifier, as determined by the Rules of the</u>	3618
<u>Commission.</u>	3619
<u>C. Notwithstanding any other provision of State law to the</u>	3620
<u>contrary, a Member State shall submit a uniform data set to the</u>	3621
<u>Data System on all individuals to whom this Compact is</u>	3622
<u>applicable as required by the Rules of the Commission,</u>	3623
<u>including:</u>	3624
<u>1. Identifying information;</u>	3625
<u>2. Licensure data;</u>	3626
<u>3. Adverse Actions against a license and information</u>	3627
<u>related thereto;</u>	3628
<u>4. Non-confidential information related to Alternative</u>	3629
<u>Program participation, the beginning and ending dates of such</u>	3630
<u>participation, and other information related to such</u>	3631
<u>participation;</u>	3632
<u>5. Any denial of application for licensure, and the</u>	3633
<u>reason(s) for such denial (excluding the reporting of any</u>	3634
<u>criminal history record information where prohibited by law);</u>	3635
<u>6. The existence of Investigative Information;</u>	3636
<u>7. The existence of Current Significant Investigative</u>	3637
<u>Information; and</u>	3638

8. Other information that may facilitate the 3639
administration of this Compact or the protection of the public, 3640
as determined by the Rules of the Commission. 3641

D. The records and information provided to a Member State 3642
pursuant to this Compact or through the Data System, when 3643
certified by the Commission or an agent thereof, shall 3644
constitute the authenticated business records of the Commission, 3645
and shall be entitled to any associated hearsay exception in any 3646
relevant judicial, quasi-judicial or administrative proceedings 3647
in a Member State. 3648

E. The existence of Current Significant Investigative 3649
Information and the existence of Investigative Information 3650
pertaining to a Licensee in any Member State will only be 3651
available to other Member States. 3652

F. It is the responsibility of the Member States to monitor the 3653
database to determine whether Adverse Action has been taken 3654
against such a Licensee or License applicant. Adverse Action 3655
information pertaining to a Licensee or License applicant in any 3656
Member State will be available to any other Member State. 3657

G. Member States contributing information to the Data System may 3658
designate information that may not be shared with the public 3659
without the express permission of the contributing State. 3660

H. Any information submitted to the Data System that is 3661
subsequently expunged pursuant to federal law or the laws of the 3662
Member State contributing the information shall be removed from 3663
the Data System. 3664

ARTICLE 11- RULEMAKING 3665

A. The Commission shall promulgate reasonable Rules in order to 3666
effectively and efficiently implement and administer the 3667

purposes and provisions of the Compact. A Rule shall be invalid 3668
and have no force or effect only if a court of competent 3669
jurisdiction holds that the Rule is invalid because the 3670
Commission exercised its rulemaking authority in a manner that 3671
is beyond the scope and purposes of the Compact, or the powers 3672
granted hereunder, or based upon another applicable standard of 3673
review. 3674

B. The Rules of the Commission shall have the force of law in 3675
each Member State, provided however that where the Rules of the 3676
Commission conflict with the laws of the Member State that 3677
establish the Member State's scope of practice laws governing 3678
the Practice of Cosmetology as held by a court of competent 3679
jurisdiction, the Rules of the Commission shall be ineffective 3680
in that State to the extent of the conflict. 3681

C. The Commission shall exercise its rulemaking powers pursuant 3682
to the criteria set forth in this Article and the Rules adopted 3683
thereunder. Rules shall become binding as of the date specified 3684
by the Commission for each Rule. 3685

D. If a majority of the legislatures of the Member States 3686
rejects a Rule or portion of a Rule, by enactment of a statute 3687
or resolution in the same manner used to adopt the Compact 3688
within four (4) years of the date of adoption of the Rule, then 3689
such Rule shall have no further force and effect in any Member 3690
State or to any State applying to participate in the Compact. 3691

E. Rules shall be adopted at a regular or special meeting of the 3692
Commission. 3693

F. Prior to adoption of a proposed Rule, the Commission shall 3694
hold a public hearing and allow persons to provide oral and 3695
written comments, data, facts, opinions, and arguments. 3696

G. Prior to adoption of a proposed Rule by the Commission, and 3697
at least thirty (30) days in advance of the meeting at which the 3698
Commission will hold a public hearing on the proposed Rule, the 3699
Commission shall provide a notice of proposed rulemaking: 3700

1. On the website of the Commission or other publicly 3701
accessible platform; 3702

2. To persons who have requested notice of the 3703
Commission's notices of proposed rulemaking, and 3704

3. In such other way(s) as the Commission may by Rule 3705
specify. 3706

H. The notice of proposed rulemaking shall include: 3707

1. The time, date, and location of the public hearing at 3708
which the Commission will hear public comments on the proposed 3709
Rule and, if different, the time, date, and location of the 3710
meeting where the Commission will consider and vote on the 3711
proposed Rule; 3712

2. If the hearing is held via telecommunication, video 3713
conference, or other electronic means, the Commission shall 3714
include the mechanism for access to the hearing in the notice of 3715
proposed rulemaking; 3716

3. The text of the proposed Rule and the reason therefor; 3717

4. A request for comments on the proposed Rule from any 3718
interested person; and 3719

5. The manner in which interested persons may submit 3720
written comments. 3721

I. All hearings will be recorded. A copy of the recording and 3722
all written comments and documents received by the Commission in 3723

response to the proposed Rule shall be available to the public. 3724

J. Nothing in this Article shall be construed as requiring a 3725
separate hearing on each Rule. Rules may be grouped for the 3726
convenience of the Commission at hearings required by this 3727
Article. 3728

K. The Commission shall, by majority vote of all members, take 3729
final action on the proposed Rule based on the rulemaking record 3730
and the full text of the Rule. 3731

1. The Commission may adopt changes to the proposed Rule 3732
provided the changes do not enlarge the original purpose of the 3733
proposed Rule. 3734

2. The Commission shall provide an explanation of the 3735
reasons for substantive changes made to the proposed Rule as 3736
well as reasons for substantive changes not made that were 3737
recommended by commenters. 3738

3. The Commission shall determine a reasonable effective 3739
date for the Rule. Except for an emergency as provided in 3740
Article 11.L, the effective date of the Rule shall be no sooner 3741
than forty-five (45) days after the Commission issuing the 3742
notice that it adopted or amended the Rule. 3743

L. Upon determination that an emergency exists, the Commission 3744
may consider and adopt an emergency Rule with five (5) days' 3745
notice, with opportunity to comment, provided that the usual 3746
rulemaking procedures provided in the Compact and in this 3747
Article shall be retroactively applied to the Rule as soon as 3748
reasonably possible, in no event later than ninety (90) days 3749
after the effective date of the Rule. For the purposes of this 3750
provision, an emergency Rule is one that must be adopted 3751
immediately to: 3752

<u>1. Meet an imminent threat to public health, safety, or</u>	3753
<u>welfare;</u>	3754
<u>2. Prevent a loss of Commission or Member State funds;</u>	3755
<u>3. Meet a deadline for the promulgation of a Rule that is</u>	3756
<u>established by federal law or rule; or</u>	3757
<u>4. Protect public health and safety.</u>	3758
<u>M. The Commission or an authorized committee of the Commission</u>	3759
<u>may direct revisions to a previously adopted Rule for purposes</u>	3760
<u>of correcting typographical errors, errors in format, errors in</u>	3761
<u>consistency, or grammatical errors. Public notice of any</u>	3762
<u>revisions shall be posted on the website of the Commission. The</u>	3763
<u>revision shall be subject to challenge by any person for a</u>	3764
<u>period of thirty (30) days after posting. The revision may be</u>	3765
<u>challenged only on grounds that the revision results in a</u>	3766
<u>material change to a Rule. A challenge shall be made in writing</u>	3767
<u>and delivered to the Commission prior to the end of the notice</u>	3768
<u>period. If no challenge is made, the revision will take effect</u>	3769
<u>without further action. If the revision is challenged, the</u>	3770
<u>revision may not take effect without the approval of the</u>	3771
<u>Commission.</u>	3772
<u>N. No Member State's rulemaking requirements shall apply under</u>	3773
<u>this Compact.</u>	3774
<u>ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u>	3775
<u>A. Oversight</u>	3776
<u>1. The executive and judicial branches of State government</u>	3777
<u>in each Member State shall enforce this Compact and take all</u>	3778
<u>actions necessary and appropriate to implement the Compact.</u>	3779
<u>2. Venue is proper and judicial proceedings by or against</u>	3780

the Commission shall be brought solely and exclusively in a 3781
court of competent jurisdiction where the principal office of 3782
the Commission is located. The Commission may waive venue and 3783
jurisdictional defenses to the extent it adopts or consents to 3784
participate in alternative dispute resolution proceedings. 3785
Nothing herein shall affect or limit the selection or propriety 3786
of venue in any action against a Licensee for professional 3787
malpractice, misconduct or any such similar matter. 3788

3. The Commission shall be entitled to receive service of 3789
process in any proceeding regarding the enforcement or 3790
interpretation of the Compact and shall have standing to 3791
intervene in such a proceeding for all purposes. Failure to 3792
provide the Commission service of process shall render a 3793
judgment or order void as to the Commission, this Compact, or 3794
promulgated Rules. 3795

B. Default, Technical Assistance, and Termination 3796

1. If the Commission determines that a Member State has 3797
defaulted in the performance of its obligations or 3798
responsibilities under this Compact or the promulgated Rules, 3799
the Commission shall provide written notice to the defaulting 3800
State. The notice of default shall describe the default, the 3801
proposed means of curing the default, and any other action that 3802
the Commission may take, and shall offer training and specific 3803
technical assistance regarding the default. 3804

2. The Commission shall provide a copy of the notice of 3805
default to the other Member States. 3806

3. If a State in default fails to cure the default, the 3807
defaulting State may be terminated from the Compact upon an 3808
affirmative vote of a majority of the delegates of the Member 3809

States, and all rights, privileges and benefits conferred on 3810
that State by this Compact may be terminated on the effective 3811
date of termination. A cure of the default does not relieve the 3812
offending State of obligations or liabilities incurred during 3813
the period of default. 3814

4. Termination of membership in the Compact shall be 3815
imposed only after all other means of securing compliance have 3816
been exhausted. Notice of intent to suspend or terminate shall 3817
be given by the Commission to the governor, the majority and 3818
minority leaders of the defaulting State's legislature, the 3819
defaulting State's State Licensing Authority and each of the 3820
Member States' State Licensing Authority. 3821

5. A State that has been terminated is responsible for all 3822
assessments, obligations, and liabilities incurred through the 3823
effective date of termination, including obligations that extend 3824
beyond the effective date of termination. 3825

6. Upon the termination of a State's membership from this 3826
Compact, that State shall immediately provide notice to all 3827
Licensees who hold a Multistate License within that State of 3828
such termination. The terminated State shall continue to 3829
recognize all licenses granted pursuant to this Compact for a 3830
minimum of one hundred eighty (180) days after the date of said 3831
notice of termination. 3832

7. The Commission shall not bear any costs related to a 3833
State that is found to be in default or that has been terminated 3834
from the Compact, unless agreed upon in writing between the 3835
Commission and the defaulting State. 3836

8. The defaulting State may appeal the action of the 3837
Commission by petitioning the United States District Court for 3838

the District of Columbia or the federal district where the 3839
Commission has its principal offices. The prevailing party shall 3840
be awarded all costs of such litigation, including reasonable 3841
attorney's fees. 3842

C. Dispute Resolution 3843

1. Upon request by a Member State, the Commission shall 3844
attempt to resolve disputes related to the Compact that arise 3845
among Member States and between Member and non-Member States. 3846

2. The Commission shall promulgate a Rule providing for 3847
both mediation and binding dispute resolution for disputes as 3848
appropriate. 3849

D. Enforcement 3850

1. The Commission, in the reasonable exercise of its 3851
discretion, shall enforce the provisions of this Compact and the 3852
Commission's Rules. 3853

2. By majority vote as provided by Commission Rule, the 3854
Commission may initiate legal action against a Member State in 3855
default in the United States District Court for the District of 3856
Columbia or the federal district where the Commission has its 3857
principal offices to enforce compliance with the provisions of 3858
the Compact and its promulgated Rules. The relief sought may 3859
include both injunctive relief and damages. In the event 3860
judicial enforcement is necessary, the prevailing party shall be 3861
awarded all costs of such litigation, including reasonable 3862
attorney's fees. The remedies herein shall not be the exclusive 3863
remedies of the Commission. The Commission may pursue any other 3864
remedies available under federal or the defaulting Member 3865
State's law. 3866

3. A Member State may initiate legal action against the 3867

Commission in the United States District Court for the District 3868
of Columbia or the federal district where the Commission has its 3869
principal offices to enforce compliance with the provisions of 3870
the Compact and its promulgated Rules. The relief sought may 3871
include both injunctive relief and damages. In the event 3872
judicial enforcement is necessary, the prevailing party shall be 3873
awarded all costs of such litigation, including reasonable 3874
attorney's fees. 3875

4. No individual or entity other than a Member State may 3876
enforce this Compact against the Commission. 3877

ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 3878

A. The Compact shall come into effect on the date on which the 3879
Compact statute is enacted into law in the seventh Member State. 3880

1. On or after the effective date of the Compact, the 3881
Commission shall convene and review the enactment of each of the 3882
Charter Member States to determine if the statute enacted by 3883
each such Charter Member State is materially different than the 3884
model Compact statute. 3885

a. A Charter Member State whose enactment is found to be 3886
materially different from the model Compact statute shall be 3887
entitled to the default process set forth in Article 12. 3888

b. If any Member State is later found to be in default, or 3889
is terminated or withdraws from the Compact, the Commission 3890
shall remain in existence and the Compact shall remain in effect 3891
even if the number of Member States should be less than seven 3892
(7). 3893

2. Member States enacting the Compact subsequent to the 3894
Charter Member States shall be subject to the process set forth 3895
in Article 9.C.24 to determine if their enactments are 3896

materially different from the model Compact statute and whether 3897
they qualify for participation in the Compact. 3898

3. All actions taken for the benefit of the Commission or 3899
in furtherance of the purposes of the administration of the 3900
Compact prior to the effective date of the Compact or the 3901
Commission coming into existence shall be considered to be 3902
actions of the Commission unless specifically repudiated by the 3903
Commission. 3904

4. Any State that joins the Compact shall be subject to 3905
the Commission's Rules and bylaws as they exist on the date on 3906
which the Compact becomes law in that State. Any Rule that has 3907
been previously adopted by the Commission shall have the full 3908
force and effect of law on the day the Compact becomes law in 3909
that State. 3910

B. Any Member State may withdraw from this Compact by enacting a 3911
statute repealing that State's enactment of the Compact. 3912

1. A Member State's withdrawal shall not take effect until 3913
one hundred eighty (180) days after enactment of the repealing 3914
statute. 3915

2. Withdrawal shall not affect the continuing requirement 3916
of the withdrawing State's State Licensing Authority to comply 3917
with the investigative and Adverse Action reporting requirements 3918
of this Compact prior to the effective date of withdrawal. 3919

3. Upon the enactment of a statute withdrawing from this 3920
Compact, a State shall immediately provide notice of such 3921
withdrawal to all Licensees within that State. Notwithstanding 3922
any subsequent statutory enactment to the contrary, such 3923
withdrawing State shall continue to recognize all licenses 3924
granted pursuant to this Compact for a minimum of one hundred 3925

<u>eighty (180) days after the date of such notice of withdrawal.</u>	3926
<u>C. Nothing contained in this Compact shall be construed to</u>	3927
<u>invalidate or prevent any licensure agreement or other</u>	3928
<u>cooperative arrangement between a Member State and a non-Member</u>	3929
<u>State that does not conflict with the provisions of this</u>	3930
<u>Compact.</u>	3931
<u>D. This Compact may be amended by the Member States. No</u>	3932
<u>amendment to this Compact shall become effective and binding</u>	3933
<u>upon any Member State until it is enacted into the laws of all</u>	3934
<u>Member States.</u>	3935
<u>ARTICLE 14- CONSTRUCTION AND SEVERABILITY</u>	3936
<u>A. This Compact and the Commission's rulemaking authority shall</u>	3937
<u>be liberally construed so as to effectuate the purposes, and the</u>	3938
<u>implementation and administration of the Compact. Provisions of</u>	3939
<u>the Compact expressly authorizing or requiring the promulgation</u>	3940
<u>of Rules shall not be construed to limit the Commission's</u>	3941
<u>rulemaking authority solely for those purposes.</u>	3942
<u>B. The provisions of this Compact shall be severable and if any</u>	3943
<u>phrase, clause, sentence or provision of this Compact is held by</u>	3944
<u>a court of competent jurisdiction to be contrary to the</u>	3945
<u>constitution of any Member State, a State seeking participation</u>	3946
<u>in the Compact, or of the United States, or the applicability</u>	3947
<u>thereof to any government, agency, person or circumstance is</u>	3948
<u>held to be unconstitutional by a court of competent</u>	3949
<u>jurisdiction, the validity of the remainder of this Compact and</u>	3950
<u>the applicability thereof to any other government, agency,</u>	3951
<u>person or circumstance shall not be affected thereby.</u>	3952
<u>C. Notwithstanding Article 14.B, the Commission may deny a</u>	3953
<u>State's participation in the Compact or, in accordance with the</u>	3954

requirements of Article 12, terminate a Member State's 3955
participation in the Compact, if it determines that a 3956
constitutional requirement of a Member State is a material 3957
departure from the Compact. Otherwise, if this Compact shall be 3958
held to be contrary to the constitution of any Member State, the 3959
Compact shall remain in full force and effect as to the 3960
remaining Member States and in full force and effect as to the 3961
Member State affected as to all severable matters. 3962

ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS 3963

A. Nothing herein shall prevent or inhibit the enforcement of 3964
any other law of a Member State that is not inconsistent with 3965
the Compact. 3966

B. Any laws, statutes, regulations, or other legal requirements 3967
in a Member State in conflict with the Compact are superseded to 3968
the extent of the conflict. 3969

C. All permissible agreements between the Commission and the 3970
Member States are binding in accordance with their terms. 3971

Sec. 4713.331. Not later than sixty days after the 3972
"Cosmetology Licensure Compact" is entered into under section 3973
4713.33 of the Revised Code, the state cosmetology and barber 3974
board, in accordance with Article 9 of the compact, shall select 3975
one individual to serve as a delegate to the cosmetology 3976
licensure compact commission created under the compact. The 3977
board shall fill a vacancy in this position not later than sixty 3978
days after the vacancy occurs. 3979

Sec. 4713.34. (A) The state cosmetology and barber board 3980
shall issue a license to practice a branch of cosmetology or 3981
instructor license to an applicant who is licensed or registered 3982
in another country to practice that branch of cosmetology or 3983

teach the theory and practice of that branch of cosmetology, as 3984
appropriate, if ~~all of the following conditions are satisfied:~~ 3985

~~(A) The applicant satisfies all of the following 3986
conditions: 3987~~

(1) Is not less than eighteen years of age; 3988

(2) In the case of an applicant for a practicing license, 3989
passes an examination conducted under section 4713.24 of the 3990
Revised Code for the license the applicant seeks, unless the 3991
applicant satisfies conditions specified in rules adopted under 3992
section 4713.08 of the Revised Code for the board to issue the 3993
applicant a license without taking the examination; 3994

(3) Pays the applicable fee. 3995

(B) At the time the applicant obtained the license or 3996
registration in the other country, the requirements in this 3997
state for obtaining the license the applicant seeks were 3998
substantially equal to the other country's requirements. 3999

~~(C) The jurisdiction that issued the applicant's license 4000
or registration extends similar reciprocity to individuals 4001
holding a license issued by the board. 4002~~

Sec. 4713.35. An individual who holds a current, valid 4003
cosmetologist license or an advanced cosmetologist license to 4004
practice cosmetology issued by the state cosmetology and barber 4005
board may engage in the practice of one or more branches of 4006
cosmetology as the individual chooses in a licensed facility. 4007

An individual who holds a current, valid esthetician 4008
license or an advanced esthetician license to practice esthetics 4009
issued by the board may engage in the practice of esthetics but 4010
no other branch of cosmetology in a licensed facility. 4011

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

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

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

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

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

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

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

~~school of cosmetology.~~ 4041

An individual who holds a current, valid natural hair 4042
style instructor license issued by the board may teach the 4043
theory and practice of natural hair styling, but no other branch 4044
of cosmetology, at a ~~school of cosmetology.~~ 4045

An individual who holds a current, valid boutique services 4046
registration with the board may engage in the practice of 4047
boutique services but no other branch of cosmetology. 4048

Sec. 4713.37. (A) The state cosmetology and barber board 4049
may issue a temporary special occasion work permit to a 4050
nonresident individual who satisfies all of the following 4051
conditions: 4052

(1) Has been licensed or registered in another state or 4053
country to practice a branch of cosmetology or teach the theory 4054
and practice of a branch of cosmetology for at least five years; 4055

(2) Is a recognized expert in the practice or teaching of 4056
the branch of cosmetology the individual practices or teaches; 4057

(3) Is to practice that branch of cosmetology or teach the 4058
theory and practice of that branch of cosmetology in this state 4059
as part of a promotional or instructional program for not more 4060
than the amount of time a temporary special occasion work permit 4061
is effective; 4062

(4) Satisfies all other conditions for a temporary special 4063
occasion work permit established by rules adopted under section 4064
4713.08 of the Revised Code; 4065

(5) Pays the fee established by rules adopted under 4066
section 4713.08 of the Revised Code. 4067

(B) An individual issued a temporary special occasion work 4068

permit may practice the branch of cosmetology the individual 4069
practices in another state or country, or teach the theory and 4070
practice of the branch of cosmetology the individual teaches in 4071
another state or country, until the expiration date of the 4072
permit. A temporary special occasion work permit is valid for 4073
the period of time specified in rules adopted under section 4074
4713.08 of the Revised Code. 4075

(C) Chapter 4796. of the Revised Code does not apply to a 4076
temporary special occasion work permit issued under this 4077
section. 4078

(D) An individual does not need to obtain a temporary 4079
special occasion work permit under this section if the 4080
individual is practicing in accordance with the compact 4081
privilege granted by this state through the "Cosmetology 4082
Licensure Compact" entered into under section 4713.33 of the 4083
Revised Code. 4084

Sec. 4713.39. The state cosmetology and barber board shall 4085
issue a license to engage in the practice of a branch of 4086
cosmetology as an independent contractor to an applicant who 4087
pays the applicable fee; holds a current, valid license for the 4088
~~type of salon in which the applicant will practice that branch~~ 4089
of cosmetology that the applicant practices; and satisfies the 4090
conditions for the license established by rules adopted under 4091
section 4713.08 of the Revised Code. 4092

Sec. 4713.41. The state cosmetology and barber board shall 4093
issue a license to operate a salon, including a boutique salon, 4094
to an applicant who pays the applicable fee and affirms that all 4095
of the following conditions will be met: 4096

(A) (1) An individual holding a current, valid 4097

cosmetologist license or boutique services registration 4098
pertaining to the branch of cosmetology services performed at 4099
the salon or boutique salon, shall have charge of and immediate 4100
supervision over the salon at all times when the salon is open 4101
for business except as permitted under division (A) (2) of this 4102
section. 4103

(2) A business establishment that is engaged primarily in 4104
retail sales but is also licensed as a salon shall have present 4105
an individual holding a current, valid license or registration 4106
to practice in that type of salon in charge of and in immediate 4107
supervision of the salon during posted or advertised service 4108
hours, if the practice of cosmetology is restricted to those 4109
posted or advertised service hours. 4110

(B) The salon is equipped to do all of the following: 4111

(1) Provide potable running hot and cold water and proper 4112
drainage; 4113

(2) ~~Sanitize-Disinfect~~ all instruments and supplies used 4114
in the branch of cosmetology provided at the salon; 4115

(3) If cosmetic therapy, massage therapy, or other 4116
professional service is provided at the salon under section 4117
4713.42 of the Revised Code, ~~sanitize-disinfect~~ all instruments 4118
and supplies used in the cosmetic therapy, massage therapy, or 4119
other professional service. 4120

(C) Except as provided in sections 4713.42 and 4713.49 of 4121
the Revised Code, only the branch of cosmetology that the salon 4122
is licensed to provide is practiced at the salon. 4123

(D) The salon is kept in a clean and sanitary condition 4124
and properly ventilated. 4125

(E) No food is sold at the salon in a manner inconsistent 4126
with rules adopted under section 4713.08 of the Revised Code. 4127

(F) A notice that contains a toll-free number and online 4128
process for reporting alleged violations of this chapter, as 4129
prescribed by the board ~~of cosmetology~~, is posted at the salon 4130
in a common area for all customers of salon services. 4131

Sec. 4713.44. (A) The state cosmetology and barber board 4132
shall issue a license to operate a school to an applicant who 4133
satisfies all of the following requirements: 4134

(1) Maintains a course of practical training and technical 4135
instruction for the branch or branches of cosmetology or 4136
barbering to be taught at the school equal to the requirements 4137
for admission to an examination under section 4709.07 or 4713.24 4138
of the Revised Code that an individual must pass to obtain a 4139
license to practice that branch or those branches of cosmetology 4140
or barbering; 4141

(2) Possesses or makes available apparatus and equipment 4142
sufficient for the ready and full teaching of all subjects of 4143
the curriculum; 4144

(3) Notifies the board of the enrollment of each new 4145
student, keeps a record devoted to the different practices, 4146
establishes grades, and holds examinations in order to certify 4147
the students' completion of the prescribed course of study 4148
before the issuance of certificates of completion; 4149

(4) In the case of a school that offers clock hours for 4150
the purpose of satisfying minimum hours of training and 4151
instruction, keeps a daily record of the attendance of each 4152
student; 4153

(5) Except as provided in division (C) (2) of this section, 4154

files with the board a good and sufficient surety bond executed 4155
by the individual, firm, or corporation operating the school as 4156
principal and by a surety company as surety in the amount of ten 4157
thousand dollars; 4158

(6) Establishes and maintains an internal procedure for 4159
processing complaints filed against the school and for providing 4160
students with instructions on how to file a complaint directly 4161
with the board pursuant to section 4713.641 of the Revised Code; 4162

(7) Complies with the requirements of division (B) of this 4163
section if the school offers instruction in theory and practice 4164
of one or more branches of cosmetology; 4165

(8) Complies with the requirements of section 4709.10 of 4166
the Revised Code if the school offers instruction in the theory 4167
and practice of barbering; 4168

(9) Pays the licensure fee. 4169

(B) If the school for which an applicant is applying for a 4170
license under division (A) of this section offers instruction in 4171
the theory and practice of one or more branches of cosmetology, 4172
the applicant shall do all of the following to be issued the 4173
license: 4174

(1) Maintain individuals licensed under section 4713.31 or 4175
4713.34 of the Revised Code to teach the theory and practice of 4176
the branch or branches of cosmetology offered at the school; 4177

(2) On the date that an apprentice cosmetology instructor 4178
begins cosmetology instructor training at the school, certify 4179
the name of the apprentice cosmetology instructor to the board 4180
along with the date on which the apprentice's instructor 4181
training began; 4182

(3) Instruct not more than six apprentice cosmetology 4183
instructors at any one time. 4184

(C)(1) The bond required under division (A)(5) of this 4185
section shall be in the form prescribed by the board and be 4186
conditioned on the school's continued instruction in the theory 4187
and practice of one or more branches of cosmetology or 4188
barbering. The bond shall continue in effect until notice of its 4189
termination is given to the board by registered mail and every 4190
bond shall so provide. 4191

(2) The requirement under division (A)(5) of this section 4192
does not apply to a vocational or career-technical school 4193
program conducted by a city, exempted village, local, or joint 4194
vocational school district. 4195

(D) A school licensed under this section is an educational 4196
institution and is authorized to offer educational programs 4197
beyond secondary education, advanced practice programs, or both 4198
in accordance with rules adopted by the board pursuant to 4199
section 4713.08 of the Revised Code. 4200

(E) A school license issued to an applicant under division 4201
(A) of this section is not transferable from one owner to 4202
another or from one location to another. 4203

Sec. 4713.45. (A) A school may do any of the following: 4204

(1) In accordance with rules adopted under section 4713.08 4205
of the Revised Code, a school may offer clock hours, credit 4206
hours, or competency-based credits for the purpose of satisfying 4207
minimum hours of training and instruction; 4208

(2) Subject to division (B) of this section, employ an 4209
individual who does not hold a current, valid instructor or 4210
barber instructor license to teach subjects related to a branch 4211

<u>of cosmetology or barbering;</u>	4212
<u>(3) If the school offers instruction in the theory and</u>	4213
<u>practice of one or more branches of cosmetology, both of the</u>	4214
<u>following:</u>	4215
<u>(a) Allow an apprentice cosmetology instructor the regular</u>	4216
<u>quota of students prescribed by the state cosmetology and barber</u>	4217
<u>board if a cosmetology instructor is present;</u>	4218
<u>(b) Compensate an apprentice cosmetology instructor.</u>	4219
<u>(4) If the school offers instruction in the theory and</u>	4220
<u>practice of barbering, establish entrance requirements for the</u>	4221
<u>acceptance of student applicants that are more stringent than</u>	4222
<u>those prescribed by the board under division (A) (20) of section</u>	4223
<u>4713.08 of the Revised Code, but at a minimum require an</u>	4224
<u>applicant to meet both of the following:</u>	4225
<u>(a) Be at least sixteen years of age;</u>	4226
<u>(b) Have an eighth grade education, or an equivalent</u>	4227
<u>education as determined by the state board of education.</u>	4228
<u>(B) (1) A school shall have a licensed cosmetology or</u>	4229
<u>barber instructor present when an individual employed pursuant</u>	4230
<u>to division (A) (2) of this section teaches at the school, unless</u>	4231
<u>the individual is one of the following:</u>	4232
<u>(a) An individual with a current, valid teacher's</u>	4233
<u>certificate or educator license issued by the state board of</u>	4234
<u>education;</u>	4235
<u>(b) An individual with a bachelor's degree in the subject</u>	4236
<u>the individual teaches at the school;</u>	4237
<u>(c) An individual also employed by a university or college</u>	4238

to teach the subject the individual teaches at the school. 4239

(2) An individual employed pursuant to division (A)(2) of 4240
this section by a school that offers instruction in the theory 4241
and practice of barbering may only teach subjects related to 4242
business and management at the school, including laws and rules 4243
concerning the practice of barbering, advertising and 4244
salesmanship, public relations, and barber shop duties and 4245
management. 4246

(C) A school annually shall review the subjects and 4247
coursework required to receive an initial practicing, advanced, 4248
or barber license and, in doing so, shall incorporate standards 4249
adopted by the board pursuant to division (A)(13) of section 4250
4713.08 of the Revised Code. 4251

Sec. 4713.46. A student who is injured or damaged by 4252
reason of the failure of a school ~~of cosmetology~~ to continue 4253
instruction in the theory and practice of a branch of 4254
cosmetology or barbering may maintain an action on the bond 4255
against the school, or surety named therein, or both of them, 4256
for the recovery of any money or tuition paid in advance for 4257
instruction in the theory and practice of a branch of 4258
cosmetology or barbering that was not received. The aggregate 4259
liability of the surety to all students shall not exceed the sum 4260
of the bond. 4261

Sec. 4713.49. The owner or manager of a salon or school 4262
that has a permit issued under section 4713.48 of the Revised 4263
Code may operate a tanning facility at the salon or school. 4264

Sec. 4713.55. Every license issued by the state 4265
cosmetology and barber board shall be signed by the chairperson 4266
and attested by the executive director of the board, with the 4267

seal of the board attached. 4268

The board shall specify on each practicing and advanced 4269
license that the board issues the branch of cosmetology that the 4270
license entitles the holder to practice. ~~The board shall specify~~ 4271
~~on each advanced license that the board issues the type of salon~~ 4272
~~in which the license entitles the holder to work and the branch~~ 4273
~~of cosmetology that the license entitles the holder to practice.~~ 4274
The board shall specify on each instructor license that the 4275
board issues the branch of cosmetology that the license entitles 4276
the holder to teach. The board shall specify on each salon 4277
license that the board issues the branch of cosmetology that the 4278
license entitles the holder to offer. The board shall specify on 4279
each independent contractor license that the board issues that 4280
the holder is entitled to practice only the branch of 4281
cosmetology ~~that the~~ for which a current, valid license ~~entitles~~ 4282
~~the holder to offer~~ is held within a licensed salon. Such 4283
licenses are prima-facie evidence of the right of the holder to 4284
practice or teach the branch of cosmetology that the license 4285
specifies. 4286

Sec. 4713.56. Every holder of a practicing license, 4287
advanced license, instructor license, independent contractor 4288
license, or boutique service registration issued by the state 4289
cosmetology and barber board shall maintain the board-issued, 4290
wallet-sized license or electronically generated license 4291
certification or registration and a current government-issued 4292
photo identification that can be produced upon inspection or 4293
request. 4294

Every holder of a license to operate a salon issued by the 4295
board shall display the license in a public and conspicuous 4296
place in the salon. 4297

Every holder of a license to operate a school ~~of~~ 4298
~~cosmetology~~ issued by the board shall display the license in a 4299
public and conspicuous place in the school. 4300

Every individual who provides massage therapy or other 4301
professional service in a salon under section 4713.42 of the 4302
Revised Code shall maintain the individual's professional 4303
license or certificate or electronically generated license 4304
certification or registration and a state of Ohio issued photo 4305
identification that can be produced upon inspection or request. 4306

Sec. 4713.58. (A) Except as provided in division (B) of 4307
this section, on payment of the renewal fee and ~~submission of~~ 4308
~~proof satisfactory attestation~~ to the state cosmetology and 4309
barber board that any applicable continuing education 4310
requirements have been completed, an individual currently 4311
licensed as: 4312

(1) A cosmetology instructor who has previously been 4313
~~licensed as an~~ issued a practicing cosmetologist license or an 4314
advanced ~~cosmetologist~~ license to practice cosmetology, is 4315
entitled to the reissuance of ~~a cosmetologist~~ the practicing or 4316
advanced cosmetologist license; 4317

(2) An esthetics instructor who has previously been 4318
~~licensed as an~~ issued a practicing esthetician license or an 4319
advanced ~~esthetician~~ license to practice esthetics, is entitled 4320
to the reissuance of ~~an esthetician~~ the practicing or advanced 4321
esthetician license; 4322

(3) A hair design instructor who has previously been 4323
~~licensed as an~~ issued a practicing hair designer license or an 4324
advanced ~~hair designer~~ license to practice hair design, is 4325
entitled to the reissuance of ~~a hair designer~~ the practicing or 4326

advanced hair designer license; 4327

(4) A manicurist instructor who has previously been 4328
~~licensed as issued a practicing manicurist license~~ or an 4329
advanced ~~manicurist~~license to practice manicuring, is entitled 4330
to the reissuance of ~~a manicurist the practicing~~ or advanced 4331
manicurist license; 4332

(5) A natural hair style instructor who has previously 4333
been ~~licensed as issued a practicing natural hair stylist~~ 4334
~~license~~ or an advanced ~~natural hair stylist~~license to practice 4335
natural hair styling, is entitled to the reissuance of ~~a natural~~ 4336
~~hair stylist the practicing~~ or advanced natural hair stylist 4337
license. 4338

(B) No individual is entitled to the reissuance of a 4339
license under division (A) of this section if the license was 4340
revoked or suspended or the individual has an outstanding unpaid 4341
fine levied under section 4713.64 of the Revised Code. 4342

Sec. 4713.59. If the state cosmetology and barber board 4343
adopts rules under section 4713.09 of the Revised Code to 4344
establish a continuing education requirement as a condition of 4345
renewal for a practicing license, advanced license, ~~or~~ 4346
instructor license, or boutique services registration, the board 4347
shall inform each affected licensee or registrant of the 4348
continuing education requirement that applies to the next 4349
biennial licensing period by including that information in the 4350
renewal notification it sends the licensee or registrant. The 4351
notification shall state that the licensee or registrant must 4352
complete the continuing education requirement by the fifteenth 4353
day of January of the next odd-numbered year. 4354

Hours completed in excess of the continuing education 4355

requirement may not be applied to the next biennial licensing 4356
period. 4357

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 4358
of this section, an individual seeking a renewal of a license to 4359
practice a branch of cosmetology, advanced license, instructor 4360
license, or boutique services registration shall ~~include~~ attest 4361
in the renewal application ~~proof satisfactory~~ to the ~~board of~~ 4362
completion of any applicable continuing education requirements 4363
established by rules adopted under section 4713.09 of the 4364
Revised Code. 4365

~~(B) If an applicant fails to provide satisfactory proof of~~ 4366
~~completion of any applicable continuing education requirements,~~ 4367
~~the board shall notify the applicant that the application is~~ 4368
~~incomplete. The board shall not renew the license or~~ 4369
~~registration until the applicant provides satisfactory proof of~~ 4370
~~completion of any applicable continuing education requirements.~~ 4371
~~The board may provide the applicant with an extension of up to~~ 4372
~~ninety days in which to complete the continuing education~~ 4373
~~requirement. In providing for the extension, the board may~~ 4374
~~charge the licensee or registrant a fine of up to one hundred~~ 4375
~~dollars.~~ 4376

~~(C)~~ The state cosmetology and barber board may waive, or 4377
extend the period for completing, any continuing education 4378
requirement if a licensee or registrant applies to the board and 4379
provides proof satisfactory to the board of being unable to 4380
complete the requirement within the time allowed because of any 4381
of the following: 4382

(1) An emergency; 4383

(2) An unusual or prolonged illness; 4384

(3) Active duty service in any branch of the armed forces 4385
of the United States or a reserve component of the armed forces 4386
of the United States, including the Ohio national guard or the 4387
national guard of any other state. 4388

The board shall determine the period of time during which 4389
each extension is effective and shall inform the applicant. The 4390
board shall also inform the applicant of the continuing 4391
education requirements that must be met to have the license or 4392
registration renewed. If an extension is granted for less than 4393
one year, the continuing education requirement for that year, in 4394
addition to the required continuing education for the succeeding 4395
year, must be completed in the succeeding year. In all other 4396
cases the board may waive all or part of the continuing 4397
education requirement on a case-by-case basis. Any required 4398
continuing education shall be completed ~~and satisfactory proof~~ 4399
~~of its completion submitted to the board~~ by a date specified by 4400
the board. Every license or registration that has not been 4401
renewed in the timeframe specified in section 4713.57 of the 4402
Revised Code and for which the continuing education requirement 4403
has not been waived or extended shall be considered expired. 4404

Sec. 4713.61. (A) If the state cosmetology and barber 4405
board adopts a continuing education requirement under section 4406
4713.09 of the Revised Code, it may develop a procedure by which 4407
an individual who holds a license to practice a branch of 4408
cosmetology, advanced license, or instructor license and who is 4409
not currently engaged in the practice of the branch of 4410
cosmetology or teaching the theory and practice of the branch of 4411
cosmetology, but who desires to be so engaged in the future, may 4412
apply to the board to have the individual's license classified 4413
inactive. If the board develops such a procedure, an individual 4414
seeking to have the individual's license classified inactive 4415

shall apply to the board on a form provided by the board and pay 4416
the fee established by rules adopted under section 4713.08 of 4417
the Revised Code. 4418

(B) The board shall not restore an inactive license until 4419
~~the later of the following:~~ 4420

~~(1) The date that the individual holding the license 4421
submits proof satisfactory to the board that the individual has 4422
completed the continuing education that a rule adopted under 4423
section 4713.08 of the Revised Code requires.~~ 4424

~~(2) The last day of January of the next odd numbered year 4425
following the year the license is classified inactive.~~ 4426

~~(C) An individual who holds an inactive license may engage 4427
in the practice of a branch of cosmetology if the individual 4428
holds a temporary work permit as specified in rules adopted by 4429
the board under section 4713.08 of the Revised Code. 4430~~

Sec. 4713.62. (A) An individual holding a practicing 4431
license, advanced license, instructor license, or boutique 4432
services registration may satisfy a continuing education 4433
requirement established by rules adopted under section 4713.09 4434
of the Revised Code only by completing continuing education 4435
programs approved under division (B) of this section. 4436

(B) The state cosmetology and barber board shall approve a 4437
continuing education program if all of the following conditions 4438
are satisfied: 4439

(1) The person operating the program submits to the board 4440
a written application for approval. 4441

(2) The person operating the program pays to the board a 4442
fee established by rules adopted under section 4713.08 of the 4443

Revised Code. 4444

(3) The program is operated by an employee, officer, or 4445
director of a nonprofit professional association, college or 4446
university, proprietary continuing education institutions 4447
providing programs approved by the board, vocational school, 4448
postsecondary proprietary school ~~of cosmetology~~ licensed by the 4449
board, salon licensed by the board, barber shop licensed by the 4450
board under section 4709.09 of the Revised Code, or manufacturer 4451
of supplies or equipment used in the practice of a branch of 4452
cosmetology or barbering. 4453

(4) The program will do at least one of the following: 4454

(a) Enhance the professional competency of the affected 4455
licensees or registrants; 4456

(b) Protect the public; 4457

(c) Educate the affected licensees or registrants in the 4458
application of the laws and rules regulating the practice of a 4459
branch of cosmetology or barbering. 4460

(5) The person operating the program provides the board a 4461
tentative schedule of when the program will be available so that 4462
the board can make the schedule readily available to all 4463
licensees and registrants throughout the state. 4464

Sec. 4713.63. A practicing license, advanced license, or 4465
instructor license that has not been renewed for any reason 4466
other than because it has been revoked, suspended, or classified 4467
inactive, or because the license holder has been given a waiver 4468
or extension under section 4713.60 of the Revised Code, is 4469
expired. An expired license may be restored if the individual 4470
who held the license meets ~~all~~ both of the following applicable 4471
conditions: 4472

(A) Pays to the state cosmetology and barber board the 4473
restoration fee established under section 4713.10 of the Revised 4474
Code; 4475

(B) In the case of a practicing license or advanced 4476
license ~~that has been expired for more than two consecutive~~ 4477
~~license renewal periods,~~ completes ~~eight hours of the~~ continuing 4478
education ~~for each license renewal period that has elapsed since~~ 4479
~~the license was last issued or renewed, up to a maximum of~~ 4480
~~twenty four hours~~requirement for renewal of a license 4481
established by the board in the rules adopted under section 4482
4713.09 of the Revised Code. 4483

~~At least four of those hours shall include a course~~ 4484
~~pertaining to sanitation and safety methods.~~ 4485

~~The board shall deposit all fees it receives under~~ 4486
~~division (B) of this section into the general revenue fund.~~ 4487

Sec. 4713.64. (A) The state cosmetology and barber board 4488
may take disciplinary action under this chapter for any of the 4489
following: 4490

(1) Failure to comply with the safety, ~~sanitation~~infection 4491
control, and licensing requirements of this chapter or rules 4492
adopted under it; 4493

(2) Continued practice by an individual knowingly having 4494
an infectious or contagious disease; 4495

(3) Habitual drunkenness or addiction to any habit-forming 4496
drug; 4497

(4) Willful false and fraudulent or deceptive advertising; 4498

(5) Falsification of any record or application required to 4499
be filed with the board; 4500

(6) Failure to pay a fine or abide by a suspension order issued by the board;	4501 4502
(7) Failure to cooperate with an investigation or inspection;	4503 4504
(8) Failure to respond to a subpoena;	4505
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	4506 4507
(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.	4508 4509 4510 4511
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	4512 4513
(1) Deny, revoke, or suspend, <u>or impose conditions on</u> a license, permit, or registration issued by the board under this chapter;	4514 4515 4516
(2) Impose a fine;	4517
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	4518 4519 4520
(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.	4521 4522 4523
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual <u>who</u> or salon who <u>that</u> violates division (A) (9) or (10) of this section. After the board takes	4524 4525 4526 4527

such disciplinary action, the board shall give written notice to 4528
the subject of the disciplinary action of the right to request a 4529
hearing under Chapter 119. of the Revised Code. 4530

(3) In lieu of an adjudication, the board may enter into a 4531
consent agreement with the holder of a license, permit, or 4532
registration issued under this chapter. A consent agreement that 4533
is ratified by a majority vote of a quorum of the board members 4534
is considered to constitute the findings and orders of the board 4535
with respect to the matter addressed in the agreement. If the 4536
board does not ratify a consent agreement, the admissions and 4537
findings contained in the agreement are of no effect, and the 4538
case shall be scheduled for adjudication under Chapter 119. of 4539
the Revised Code. 4540

(D) The amount and content of corrective action courses 4541
and other relevant criteria shall be established by the board in 4542
rules adopted under section 4713.08 of the Revised Code. 4543

(E) (1) The board may impose a separate fine for each 4544
offense listed in division (A) of this section. The amount of 4545
the first fine issued for a violation as the result of an 4546
inspection shall be not more than two hundred fifty dollars if 4547
the violator has not previously been fined for that offense. Any 4548
fines issued for additional violations during such an inspection 4549
shall not be more than one hundred dollars for each additional 4550
violation. The fine shall be not more than five hundred dollars 4551
if the violator has been fined for the same offense once before. 4552
Any fines issued for additional violations during a second 4553
inspection shall not be more than two hundred dollars for each 4554
additional violation. The fine shall be not more than one 4555
thousand dollars if the violator has been fined for the same 4556
offense two or more times before. Any fines issued for 4557

additional violations during a third inspection shall not be 4558
more than three hundred dollars for each additional violation. 4559

(2) The board shall issue an order notifying a violator of 4560
a fine imposed under division (E) (1) of this section. The notice 4561
shall specify the date by which the fine is to be paid. The date 4562
shall be less than forty-five days after the board issues the 4563
order. 4564

(3) At the request of a violator who is temporarily unable 4565
to pay a fine, or upon its own motion, the board may extend the 4566
time period within which the violator shall pay the fine up to 4567
ninety days after the date the board issues the order. 4568

~~(4) If a violator fails to pay a fine by the date 4569
specified in the board's order and does not request an extension 4570
within ten days after the date the board issues the order, or if 4571
the violator fails to pay the fine within the extended time 4572
period as described in division (E) (3) of this section, the 4573
board shall add to the fine an additional penalty equal to ten 4574
per cent of the fine. 4575~~

~~(5) If a violator fails to pay a fine within ninety days 4576
after the board issues the order, the board shall add to the 4577
fine interest at a rate specified by the board in rules adopted 4578
under section 4713.08 of the Revised Code. 4579~~

~~(6) If the fine, including any interest or additional 4580
penalty, remains unpaid on the ninety-first day after the board 4581
issues an order under division (E) (2) of this section, the 4582
amount of the fine and any interest or additional penalty shall 4583
be certified to the attorney general for collection in the form 4584
and manner prescribed by the attorney general. The attorney 4585
general may assess the collection cost to the amount certified 4586~~

in such a manner and amount as prescribed by the attorney 4587
general. 4588

(F) In the case of an offense of failure to comply with 4589
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 4590
Code, the board shall impose a fine of five hundred dollars if 4591
the violator has not previously been fined for that offense. If 4592
the violator has previously been fined for the offense, the 4593
board may impose a fine in accordance with this division or take 4594
another action in accordance with division (B) of this section. 4595

(G) The board shall notify a licensee or registrant who is 4596
in violation of division (A) of this section and the owner of 4597
the salon in which the conditions constituting the violation 4598
were found. The individual receiving the notice of violation and 4599
the owner of the salon may request a hearing pursuant to section 4600
119.07 of the Revised Code. If the individual or owner fails to 4601
request a hearing or enter into a consent agreement thirty days 4602
after the date the board, in accordance with sections 119.05 and 4603
119.07 of the Revised Code ~~and division (J) of this section,~~ 4604
notifies the individual or owner of the board's intent to act 4605
against the individual or owner under division (A) of this 4606
section, the board by a majority vote of a quorum of the board 4607
members may take the action against the individual or owner 4608
without holding an adjudication hearing. 4609

(H) The board, after a hearing in accordance with Chapter 4610
119. of the Revised Code or pursuant to a consent agreement, may 4611
suspend a license, permit, or registration if the licensee, 4612
permit holder, or registrant fails to correct an unsafe 4613
condition that exists in violation of the board's rules or fails 4614
to cooperate in an inspection. If a violation of this chapter or 4615
rules adopted under it has resulted in a condition reasonably 4616

believed by an inspector to create an immediate danger to the 4617
health and safety of any individual using the facility, the 4618
inspector may suspend the license or permit of the facility or 4619
the individual responsible for the violation without a prior 4620
hearing until the condition is corrected or until a hearing in 4621
accordance with Chapter 119. of the Revised Code is held or a 4622
consent agreement is entered into and the board either upholds 4623
the suspension or reinstates the license, permit, or 4624
registration. 4625

(I) The board shall not take disciplinary action against 4626
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 4627
~~cosmetology~~ for a violation of this chapter that was committed 4628
by an individual licensed to practice a branch of cosmetology or 4629
barbering, while practicing within the salon or school, when the 4630
individual's actions were beyond the control of the salon owner 4631
or school. 4632

Sec. 4713.641. Any ~~student or former student of a school~~ 4633
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 4634
~~the Revised Code~~ individual may file a complaint with the state 4635
cosmetology and barber board alleging that ~~the~~ an individual, 4636
salon, barber shop, school, or tanning facility has violated 4637
~~division (A) of section 4713.64~~ this chapter or Chapter 4709. of 4638
the Revised Code or rules adopted under either chapter. ~~The~~ 4639
~~complaint shall be in writing and signed by the individual~~ 4640
~~bringing the complaint.~~ Upon receiving a complaint, the board 4641
shall initiate a preliminary investigation to determine whether 4642
it is probable that a violation was committed. If the board 4643
determines after preliminary investigation that it is not 4644
probable that a violation was committed, the board shall notify 4645
the individual who filed the complaint of the board's findings 4646
and that the board will not ~~issue a~~ pursue formal complaint. 4647

action in the matter. If the board determines after a 4648
preliminary investigation that it is probable that a violation 4649
was committed, the board ~~shall~~ may proceed against the 4650
individual, salon, barber shop, school, or tanning facility 4651
pursuant to the board's authority under section 4709.13 or 4652
4713.64 of the Revised Code and in accordance with the hearing 4653
and notice requirements prescribed in Chapter 119. of the 4654
Revised Code. 4655

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, 4656
on its own motion or on receipt of a ~~written~~ complaint, may 4657
investigate or inspect the activities or premises of an 4658
individual or entity who is alleged to have violated this 4659
chapter or Chapter 4709. of the Revised Code or rules adopted 4660
under ~~it~~ either chapter, regardless of whether the individual or 4661
entity holds a license ~~or~~ registration, or permit issued under 4662
this chapter or Chapter 4709. of the Revised Code. 4663

~~(B) If, based on its investigation, the board determines~~ 4664
~~that there is reasonable cause to believe that an individual or~~ 4665
~~entity has violated this chapter or rules adopted under it, the~~ 4666
~~board shall afford the individual or entity an opportunity for a~~ 4667
~~hearing. Notice shall be given and any hearing conducted in~~ 4668
~~accordance with Chapter 119. of the Revised Code.~~ 4669

~~(C) The board shall maintain a transcript of the hearing~~ 4670
~~and issue a written opinion to all parties, citing its findings~~ 4671
~~and ground for any action it takes. Any action shall be taken in~~ 4672
~~accordance with section 4713.64 of the Revised Code.~~ 4673

Sec. 4713.69. (A) Except as provided in division ~~(D)~~ (C) 4674
of this section, the state cosmetology and barber board shall 4675
issue a boutique services registration to an applicant who 4676
satisfies ~~all~~ both of the following ~~applicable~~ conditions: 4677

- (1) Is at least sixteen years of age; 4678
- (2) ~~Has the equivalent of an Ohio public school tenth-grade education;~~ 4679
4680
- ~~(3)~~ Has submitted a written application on a form 4681
prescribed by the board containing all of the following: 4682
- (a) The applicant's name and home address; 4683
- (b) The applicant's home telephone number and cellular 4684
telephone number, if any; 4685
- (c) The applicant's electronic mail address, if any; 4686
- (d) The applicant's date of birth; 4687
- (e) ~~The address and telephone number where boutique-~~ 4688
~~services will be performed. The address shall not contain a post-~~ 4689
~~office box number.~~ 4690
- ~~(f)~~ Whether the applicant has an occupational license, 4691
certification, or registration to provide beauty services in 4692
another state, and if so, what type of license and in what 4693
state; 4694
- ~~(g)~~ (f) Whether the applicant has ever had an occupational 4695
license, certification, or registration suspended, revoked, or 4696
denied in any state; 4697
- ~~(h)~~ (g) An affidavit or certificate providing proof of 4698
formal training or apprenticeship under an individual providing 4699
such services. 4700
- (B) ~~The place of business where boutique services are~~ 4701
~~performed must comply with the safety and sanitation~~ 4702
~~requirements for licensed salon facilities as described in~~ 4703
~~section 4713.41 of the Revised Code.~~ 4704

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

~~(D)~~—(C) The board shall issue a boutique services registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or registration in providing boutique services in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in providing boutique services in a state that does not issue that license or registration.

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

Sec. 4973.17. (A) (1) Upon the application of any bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions in this state, the secretary of state may appoint and commission any persons that the bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions designates, or as many of those persons as the secretary of state considers proper, to act as police officers for and on the premises of that bank; savings and loan

association; savings bank; credit union; or association of 4734
banks, savings and loan associations, savings banks, or credit 4735
unions; or elsewhere, when directly in the discharge of their 4736
duties. Police officers so appointed shall be citizens of this 4737
state and of good character. Police officers so appointed who 4738
start to perform their duties on or after April 14, 2006, shall 4739
successfully complete a training program approved by the Ohio 4740
peace officer training commission described in section 109.71 of 4741
the Revised Code and be certified by the commission within six 4742
months after starting to perform their duties. Police officers 4743
so appointed shall hold office for three years, unless, for good 4744
cause shown, their commission is revoked by the secretary of 4745
state, or by the bank; savings and loan association; savings 4746
bank; credit union; or association of banks, savings and loan 4747
associations, savings banks, or credit unions, as provided by 4748
law. 4749

(2) Persons commissioned as police officers pursuant to 4750
division (A) of this section prior to April 14, 2006, who have 4751
not successfully completed a training program approved by the 4752
Ohio peace officer training commission, and who have not been 4753
certified by the commission, may be reappointed and re- 4754
commissioned by the secretary of state only during the person's 4755
continuous employment as a police officer by the institution for 4756
which the person was employed on April 14, 2006, or by a 4757
successor institution to the institution for which the person 4758
was employed on April 14, 2006. The secretary of state shall 4759
note on such appointments and commissions that the person is not 4760
a peace officer as defined in section 109.71 of the Revised 4761
Code. 4762

(3) For the exclusive purpose of assigning break in 4763
service update training as prescribed in rule 109:2-1-12 (D) of 4764

the Administrative Code, a police officer appointed under 4765
division (A) of this section, who began performing police 4766
officer duties on or before April 14, 2006, shall be credited as 4767
holding a valid peace officer appointment retroactive to the 4768
date on which the officer began performing these duties. 4769

(B) Upon the application of a company owning or using a 4770
railroad in this state and subject to section 4973.171 of the 4771
Revised Code, the secretary of state may appoint and commission 4772
any persons that the railroad company designates, or as many of 4773
those persons as the secretary of state considers proper, to act 4774
as police officers for and on the premises of the railroad 4775
company, its affiliates or subsidiaries, or elsewhere, when 4776
directly in the discharge of their duties. Police officers so 4777
appointed, within the time set by the Ohio peace officer 4778
training commission, shall successfully complete a commission 4779
approved training program and be certified by the commission. 4780
They shall hold office for three years, unless, for good cause 4781
shown, their commission is revoked by the secretary of state, or 4782
railroad company, as provided by law. 4783

Any person holding a similar commission in another state 4784
may be commissioned and may hold office in this state without 4785
completing the approved training program required by this 4786
division provided that the person has completed a substantially 4787
equivalent training program in the other state. The Ohio peace 4788
officer training commission shall determine whether a training 4789
program in another state meets the requirements of this 4790
division. 4791

(C) Upon the application of any company under contract 4792
with the United States atomic energy commission for the 4793
construction or operation of a plant at a site owned by the 4794

commission, the secretary of state may appoint and commission 4795
persons the company designates, not to exceed one hundred fifty, 4796
to act as police officers for the company at the plant or site 4797
owned by the commission. Police officers so appointed shall be 4798
citizens of this state and of good character. They shall hold 4799
office for three years, unless, for good cause shown, their 4800
commission is revoked by the secretary of state or by the 4801
company, as provided by law. 4802

(D) (1) Upon the application of any hospital ~~that is~~ 4803
~~operated by a public hospital agency or a nonprofit hospital-~~ 4804
~~agency and~~ that employs and maintains its own proprietary police 4805
department or security department and that satisfies division 4806
(D) (1) (a) or (b) of this section and subject to section 4973.171 4807
of the Revised Code, the secretary of state may appoint and 4808
commission any persons that the hospital designates, or as many 4809
of those persons as the secretary of state considers proper, to 4810
act as police officers for the hospital. ~~No-~~ 4811

A hospital described in this division must satisfy either 4812
of the following conditions: 4813

(a) Be operated by a public hospital agency or nonprofit 4814
hospital agency; 4815

(b) Be a for-profit hospital that, before converting to 4816
for-profit status, was operated by a nonprofit hospital agency 4817
employing police officers appointed under this division. 4818

(2) No person who is appointed as a police officer under 4819
this division (D) (1) of this section shall engage in any duties 4820
or activities as a police officer for the hospital or any 4821
affiliate or subsidiary of the hospital unless all of the 4822
following apply: 4823

(a) The chief of police of the municipal corporation in 4824
which the hospital is located or, if the hospital is located in 4825
the unincorporated area of a county, the sheriff of that county 4826
has granted approval to the hospital to permit persons appointed 4827
as police officers under ~~this~~ division (D)(1) of this section to 4828
engage in those duties and activities. The approval required by 4829
this division is general in nature and is intended to cover in 4830
the aggregate all persons appointed as police officers for the 4831
hospital under ~~this~~ division (D)(1) of this section; a separate 4832
approval is not required for each appointee on an individual 4833
basis. 4834

(b) Subsequent to the grant of approval described in 4835
division ~~(D)(1)(a)~~ (D)(2)(a) of this section, the hospital has 4836
entered into a written agreement with the chief of police of the 4837
municipal corporation in which the hospital is located or, if 4838
the hospital is located in the unincorporated area of a county, 4839
with the sheriff of that county, that sets forth the standards 4840
and criteria to govern the interaction and cooperation between 4841
persons appointed as police officers for the hospital under ~~this~~ 4842
division (D)(1) of this section and law enforcement officers 4843
serving the agency represented by the chief of police or sheriff 4844
who signed the agreement in areas of their concurrent 4845
jurisdiction. The written agreement shall be signed by the 4846
appointing authority of the hospital and by the chief of police 4847
or sheriff. The standards and criteria may include, but are not 4848
limited to, provisions governing the reporting of offenses 4849
discovered by hospital police officers to the agency represented 4850
by the chief of police or sheriff, provisions governing 4851
investigatory responsibilities relative to offenses committed on 4852
hospital property, and provisions governing the processing and 4853
confinement of persons arrested for offenses committed on 4854

hospital property. The agreement required by this division is 4855
intended to apply in the aggregate to all persons appointed as 4856
police officers for the hospital under this division; a separate 4857
agreement is not required for each appointee on an individual 4858
basis. 4859

(c) The person has successfully completed a training 4860
program approved by the Ohio peace officer training commission 4861
and has been certified by the commission. A person appointed as 4862
a police officer under ~~this~~ division (D) (1) of this section may 4863
attend a training program approved by the commission and be 4864
certified by the commission regardless of whether the 4865
appropriate chief of police or sheriff has granted the approval 4866
described in division ~~(D) (1) (a)~~ (D) (2) (a) of this section and 4867
regardless of whether the hospital has entered into the written 4868
agreement described in division ~~(D) (1) (b)~~ (D) (2) (b) of this 4869
section with the appropriate chief of police or sheriff. 4870

~~(2) (a)~~ (3) (a) A person who is appointed as a police 4871
officer under division (D) (1) of this section is entitled, upon 4872
the grant of approval described in division ~~(D) (1) (a)~~ (D) (2) (a) 4873
of this section and upon the person's and the hospital's 4874
compliance with the requirements of divisions ~~(D) (1) (b)~~ (D) (2) 4875
(b) and (c) of this section, to act as a police officer for the 4876
hospital on the premises of the hospital and of its affiliates 4877
and subsidiaries that are within the territory of the municipal 4878
corporation served by the chief of police or the unincorporated 4879
area of the county served by the sheriff who signed the written 4880
agreement described in division ~~(D) (1) (b)~~ (D) (2) (b) of this 4881
section, whichever is applicable, and anywhere else within the 4882
territory of that municipal corporation or within the 4883
unincorporated area of that county. The authority to act as a 4884
police officer as described in this division is granted only if 4885

the person, when engaging in that activity, is directly in the 4886
discharge of the person's duties as a police officer for the 4887
hospital. The authority to act as a police officer as described 4888
in this division shall be exercised in accordance with the 4889
standards and criteria set forth in the written agreement 4890
described in division ~~(D) (1) (b)~~ (D) (2) (b) of this section. 4891

(b) Additionally, a person appointed as a police officer 4892
under division (D) (1) of this section is entitled, upon the 4893
grant of approval described in division ~~(D) (1) (a)~~ (D) (2) (a) of 4894
this section and upon the person's and the hospital's compliance 4895
with the requirements of divisions ~~(D) (1) (b)~~ (D) (2) (b) and (c) 4896
of this section, to act as a police officer elsewhere, within 4897
the territory of a municipal corporation or within the 4898
unincorporated area of a county, if the chief of police of that 4899
municipal corporation or the sheriff of that county, 4900
respectively, has granted approval for that activity to the 4901
hospital, police department, or security department served by 4902
the person as a police officer and if the person, when engaging 4903
in that activity, is directly in the discharge of the person's 4904
duties as a police officer for the hospital. The approval 4905
described in this division may be general in nature or may be 4906
limited in scope, duration, or applicability, as determined by 4907
the chief of police or sheriff granting the approval. 4908

~~(3)~~ (4) Police officers appointed under division (D) (1) of 4909
this section shall hold office for three years, unless, for good 4910
cause shown, their commission is revoked by the secretary of 4911
state or by the hospital, as provided by law. 4912

~~(4)~~ (5) Notwithstanding section 2744.02 of the Revised 4913
Code, the municipal corporation in which the hospital is located 4914
or, if the hospital is located in the unincorporated area of a 4915

county, the county is immune from civil or criminal liability in 4916
any action brought under the laws of this state if all of the 4917
following apply: 4918

(a) The action arises out of the actions of a police 4919
officer appointed under division (D)(1) of this section. 4920

(b) The actions of the police officer are directly in the 4921
discharge of the person's duties as a police officer for the 4922
hospital. 4923

(c) The actions of the police officer occur on the 4924
premises of the hospital or its affiliates or subsidiaries that 4925
are within the territory of the municipal corporation served by 4926
the chief of police or the unincorporated area of the county 4927
served by the sheriff who signed the agreement described in 4928
division ~~(D)(1)(b)~~ (D)(2)(b) of this section, whichever is 4929
applicable, or anywhere else within the territory of that 4930
municipal corporation or within the unincorporated area of that 4931
county. 4932

~~(5)~~ (6) A court's finding of tort liability of any public 4933
hospital agency ~~or~~, nonprofit hospital agency, or for-profit 4934
hospital for any actions of a police officer appointed for the 4935
applicable hospital agency or for-profit hospital under division 4936
(D)(1) of this section is not subject to apportionment of tort 4937
liability under sections 2307.22 and 2307.23 of the Revised Code 4938
with the municipal corporation or the county in which a written 4939
agreement as described in division ~~(D)(1)(b)~~ (D)(2)(b) of this 4940
section is in effect. 4941

~~(6)~~ (7) Nothing in division ~~(D)(4)~~ (D)(5) of this section 4942
shall be construed as granting immunity from civil or criminal 4943
liability for any actions occurring on the premises of any 4944

hospital operated by a public hospital agency or nonprofit 4945
hospital agency, on the premises of any for-profit hospital, or 4946
on the premises of that hospital's affiliate or subsidiary to 4947
any of the following: 4948

(a) Any police officer appointed under division (D) (1) of 4949
this section; 4950

(b) Any hospital ~~operated by a public hospital agency or a~~ 4951
~~nonprofit hospital agency~~ that applied for the appointment of 4952
any police officer under division (D) (1) of this section, or any 4953
affiliate or subsidiary of the hospital; 4954

(c) Any other police or security officer who is employed 4955
by, or whose services are utilized by, any hospital operated by 4956
a public hospital agency or a nonprofit hospital agency, any 4957
for-profit hospital, or any affiliate or subsidiary of the 4958
hospital; 4959

(d) Any entity that supplies the services of police or 4960
security officers to any hospital operated by a public hospital 4961
agency or a nonprofit hospital agency, any for-profit hospital, 4962
or any affiliate or subsidiary of the hospital. 4963

~~(7)~~ (8) As used in division (D) of this section: 4964

(a) "Public hospital agency" and "nonprofit hospital 4965
agency" have the same meanings as in section 140.01 of the 4966
Revised Code. 4967

(b) "Tort liability" means the liability of a party as 4968
determined by a court in a tort action as defined in section 4969
2307.011 of the Revised Code. 4970

(E) (1) Upon the application of any owner or operator of an 4971
amusement park that has an average yearly attendance in excess 4972

of six hundred thousand guests and that employs and maintains 4973
its own proprietary police department or security department and 4974
subject to section 4973.171 of the Revised Code, any judge of 4975
the municipal court or county court that has territorial 4976
jurisdiction over the amusement park may appoint and commission 4977
any persons that the owner or operator designates, or as many of 4978
those persons as the judge considers proper, to act as police 4979
officers for the amusement park. If the amusement park is 4980
located in more than one county, any judge of the municipal 4981
court or county court of any of those counties may make the 4982
appointments and commissions as described in this division. No 4983
person who is appointed as a police officer under this division 4984
shall engage in any duties or activities as a police officer for 4985
the amusement park or any affiliate or subsidiary of the owner 4986
or operator of the amusement park unless all of the following 4987
apply: 4988

(a) The appropriate chief or chiefs of police of the 4989
political subdivision or subdivisions in which the amusement 4990
park is located as specified in this division have granted 4991
approval to the owner or operator of the amusement park to 4992
permit persons appointed as police officers under this division 4993
to engage in those duties and activities. If the amusement park 4994
is located in a single municipal corporation or a single 4995
township, the chief of police of that municipal corporation or 4996
township is the appropriate chief of police for the grant of 4997
approval under this division. If the amusement park is located 4998
in two or more townships, two or more municipal corporations, or 4999
one or more townships and one or more municipal corporations, 5000
the chiefs of police of all of the affected townships and 5001
municipal corporations are the appropriate chiefs of police for 5002
the grant of approval under this division, and the approval must 5003

be jointly granted by all of those chiefs of police. The 5004
approval required by this division is general in nature and is 5005
intended to cover in the aggregate all persons appointed as 5006
police officers for the amusement park under this division. A 5007
separate approval is not required for each appointee on an 5008
individual basis. 5009

(b) Subsequent to the grant of approval described in 5010
division (E) (1) (a) of this section, the owner or operator has 5011
entered into a written agreement with the appropriate chief or 5012
chiefs of police of the political subdivision or subdivisions in 5013
which the amusement park is located as specified in this 5014
division and has provided the sheriff of the county in which the 5015
political subdivision or subdivisions are located with a copy of 5016
the agreement. If the amusement park is located in a single 5017
municipal corporation or a single township, the chief of police 5018
of that municipal corporation or township is the appropriate 5019
chief of police for entering into the written agreement under 5020
this division. If the amusement park is located in two or more 5021
townships, two or more municipal corporations, or one or more 5022
townships and one or more municipal corporations, the chiefs of 5023
police of all of the affected townships and municipal 5024
corporations are the appropriate chiefs of police for entering 5025
into the written agreement under this division, and the written 5026
agreement must be jointly entered into by all of those chiefs of 5027
police. The written agreement between the owner or operator and 5028
the chief or chiefs of police shall address the scope of 5029
activities, the duration of the agreement, and mutual aid 5030
arrangements and shall set forth the standards and criteria to 5031
govern the interaction and cooperation between persons appointed 5032
as police officers for the amusement park under this division 5033
and law enforcement officers serving the agency represented by 5034

the chief of police who signed the agreement. The written 5035
agreement shall be signed by the owner or operator and by the 5036
chief or chiefs of police who enter into it. The standards and 5037
criteria may include, but are not limited to, provisions 5038
governing the reporting of offenses discovered by the amusement 5039
park's police officers to the agency represented by the chief of 5040
police of the municipal corporation or township in which the 5041
offense occurred, provisions governing investigatory 5042
responsibilities relative to offenses committed on amusement 5043
park property, and provisions governing the processing and 5044
confinement of persons arrested for offenses committed on 5045
amusement park property. The agreement required by this division 5046
is intended to apply in the aggregate to all persons appointed 5047
as police officers for the amusement park under this division. A 5048
separate agreement is not required for each appointee on an 5049
individual basis. 5050

(c) The person has successfully completed a training 5051
program approved by the Ohio peace officer training commission 5052
and has been certified by the commission. A person appointed as 5053
a police officer under this division may attend a training 5054
program approved by the commission and be certified by the 5055
commission regardless of whether the appropriate chief of police 5056
has granted the approval described in division (E) (1) (a) of this 5057
section and regardless of whether the owner or operator of the 5058
amusement park has entered into the written agreement described 5059
in division (E) (1) (b) of this section with the appropriate chief 5060
of police. 5061

(2) (a) A person who is appointed as a police officer under 5062
division (E) (1) of this section is entitled, upon the grant of 5063
approval described in section (E) (1) (a) of this section and upon 5064
the person's and the owner or operator's compliance with the 5065

requirements of division (E) (1) (b) and (c) of this section, to 5066
act as a police officer for the amusement park and its 5067
affiliates and subsidiaries that are within the territory of the 5068
political subdivision or subdivisions served by the chief of 5069
police, or respective chiefs of police, who signed the written 5070
agreement described in division (E) (1) (b) of this section, and 5071
upon any contiguous real property of the amusement park that is 5072
covered by the written agreement, whether within or adjacent to 5073
the political subdivision or subdivisions. The authority to act 5074
as a police officer as described in this division is granted 5075
only if the person, when engaging in that activity, is directly 5076
in the discharge of the person's duties as a police officer for 5077
the amusement park. The authority to act as a police officer as 5078
described in this division shall be exercised in accordance with 5079
the standards and criteria set forth in the written agreement 5080
described in division (E) (1) (b) of this section. 5081

(b) In addition to the authority granted under division 5082
(E) (2) (a) of this section, a person appointed as a police 5083
officer under division (E) (1) of this section is entitled, upon 5084
the grant of approval described in division (E) (1) (a) of this 5085
section and upon the person's and the owner or operator's 5086
compliance with the requirements of divisions (E) (1) (b) and (c) 5087
of this section, to act as a police officer elsewhere within the 5088
territory of a municipal corporation or township if the chief of 5089
police of that municipal corporation or township has granted 5090
approval for that activity to the owner or operator served by 5091
the person as a police officer and if the person, when engaging 5092
in that activity, is directly in the discharge of the person's 5093
duties as a police officer for the amusement park. The approval 5094
described in this division may be general in nature or may be 5095
limited in scope, duration, or applicability, as determined by 5096

the chief of police granting the approval. 5097

(3) Police officers appointed under division (E) (1) of 5098
this section shall hold office for five years, unless, for good 5099
cause shown, their commission is revoked by the appointing judge 5100
or the judge's successor or by the owner or operator, as 5101
provided by law. 5102

(F) A fee of fifteen dollars for each commission applied 5103
for under this section shall be paid at the time the application 5104
is made, and this amount shall be returned if for any reason a 5105
commission is not issued. 5106

Section 2. That existing sections 2925.01, 3333.26, 5107
3937.41, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 5108
4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 5109
4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 5110
4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 5111
4713.37, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 5112
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 5113
4713.641, 4713.66, 4713.69, 4713.99, and 4973.17 of the Revised 5114
Code are hereby repealed. 5115

Section 3. That sections 4709.02, 4709.03, 4709.05, 5116
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 5117
4713.45 of the Revised Code are hereby repealed. 5118

Section 4. Section 4713.02 of the Revised Code, as amended 5119
by this act, does not affect the terms of members of the State 5120
Cosmetology and Barber Board serving on the Board on the 5121
effective date of this section. 5122

Section 5. Notwithstanding the amendment of sections in 5123
Chapter 4713. of the Revised Code in this act, which no longer 5124
provides for school of cosmetology licenses, a valid school of 5125

cosmetology license held by a person on or after the effective 5126
date of this section is valid for the duration of that license 5127
term. On the expiration of that license, the State Cosmetology 5128
and Barber Board shall issue to a license holder who wishes to 5129
renew that license a school license under section 4713.44 of the 5130
Revised Code, as enacted by this act, if the license holder 5131
meets the requirements to be issued the school license. 5132

Section 6. Notwithstanding the amendment of sections in 5133
Chapter 4709. of the Revised Code in this act, which no longer 5134
provides for barber school licenses, if a valid barber school 5135
license held by a person on or after the effective date of this 5136
section is set to expire on August 31, 2024, that license is 5137
valid until January 31, 2025. If a valid barber school license 5138
held by a person on or after the effective date of this section 5139
is set to expire on August 31, 2026, that license is valid until 5140
January 31, 2027. On the expiration of that license, the State 5141
Cosmetology and Barber Board shall issue to a license holder who 5142
wishes to renew that license a school license under section 5143
4713.44 of the Revised Code, as enacted by this act, if the 5144
license holder meets the requirements to be issued the school 5145
license. 5146