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Bill Analysis

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Kailey Henry, Research Analyst

SUMMARY

Cosmetology and Barber Licensing Laws

- Merges the Barber Law into the Cosmetology Licensing Law.

License elimination and creation

- Eliminates the advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists issued by the State Cosmetology and Barber Board, and allows an individual holding an advanced license to renew the license as a practicing license for the branch of cosmetology.
- Eliminates the independent contractor license for an individual who is not an employee of a barber shop or salon to practice in the barber shop or salon.
- Creates a restricted barber license to allow an individual to cut and style hair and shave or trim facial hair, but not use dyes or reactive chemicals.
- Changes the "assistant barber instructor" license to an "apprentice barber instructor" and eliminates the requirement that an individual hold a license to receive instructor training as an apprentice barber instructor.
- Requires the Board to issue a temporary pre-examination work permit to teach barbering and restricted barbering to an individual who applies to take the examination required for a barber instructor license if the individual meets certain conditions.
- Allows the Board to issue a temporary special occasion work permit to an applicant who meets requirements in continuing law to practice or teach barbering or restricted barbering.
- Expands the definition of "practicing license" and "instructor license" in the Cosmetology Licensing Law to include a license to practice or teach barbering and restricted barbering.

License requirements

- Reduces the required hours of initial instruction an applicant must satisfy to obtain a cosmetologist, hair designer, or barber license, or cosmetology, esthetician, hair design, or natural hair style instructor license.
- Modifies the experience and training requirements for an applicant to be issued a barber instructor license.
- Eliminates the list of subjects an applicant for a natural hair stylist license must have training in, and instead requires the Board to approve training for the license.
- Modifies the requirements for an applicant to be issued a barber shop license to meet similar requirements for an applicant to be issued a salon license under continuing law.

Licensing procedures

- Increases the minimum amount of a surety bond required for an applicant to be issued a school license and requires a higher bond amount depending on whether the school is accredited and the length of time the school has been licensed.
- Requires the holder of a cosmetology instructor license to complete continuing education to restore the expired license.
- Allows a barber student in a career-technical program to work in the school clinic after completing the required coursework or obtaining a license if the student does not receive compensation.
- Allows an individual to practice barbering or restricted barbering without a license on a family member who lives with the individual or for the purpose of researching and developing a cosmetic.

Fines and fees

- Increases the amount of fees charged by the Board for the issuance and renewal of licenses.
- Establishes a late fee for a salon, barber shop, or school license or tanning facility permit renewed after the end of a biennial licensing period.
- Increases the maximum amount of a fine the Board may impose for a violation of the Barber Law and Cosmetology Licensing Law for an offense resulting from an inspection.

State Cosmetology and Barber Board

- Replaces the licensed independent contractor member of the Board with a cosmetologist or barber member who represents independent contractors, and specifies that the barber member hold a barber license, rather than a barber or barber instructor license.
- Requires the Board to include barber shops in the list of salons and individuals with the most violations for unlicensed workers in the written report the Board must prepare under continuing law.

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DETAILED ANALYSIS

Cosmetology and Barber Licensing Laws

The Ohio Barber Board and the State Board of Cosmetology were combined into the State Cosmetology and Barber Board by H.B. 49 of the 132nd General Assembly (the main appropriations act), regulating the practices of barbering and the branches of cosmetology. The bill merges the contents of the Barber Law into the Cosmetology Licensing Law.[1]

[1] R.C. Chapter 4709, repealed, with conforming changes in R.C. 2925.01, 4743.05, 4745.01, and 4776.20; R.C. Chapter 4713.

License elimination and creation

Advanced licenses

The bill eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists. Currently, an applicant who meets the requirements for a practicing license in cosmetology or a branch of cosmetology may apply for an advanced license in the applicant's respective branch of cosmetology. If the individual meets an experience requirement, completes the required hours of advanced training, and passes an advanced examination in that branch of cosmetology, the individual may be issued the advanced license.[2]

A valid advanced license held by an individual on or after the bill's effective date is valid for the duration of that license term. The Board must issue a practicing license in that branch of cosmetology to an individual who wishes to renew the license on the license's expiration.[3]

Independent contractor licenses

The bill eliminates the independent contractor licenses issued under current law. An independent contractor practices a branch of cosmetology or barbering within a salon or barber shop but is not an employee of the salon or barber shop. For cosmetology, current law requires the Board to issue an independent contractor license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee, holds a license for the branch of cosmetology that the applicant practices, and meets the conditions established by the Board. Under current law, a licensed barber who leases space in a barber shop must obtain an independent contractor license by paying the applicable fee and satisfying the conditions established by the Board.[4]

Restricted barber license

The bill creates a new restricted barber license to allow an individual to engage in the practice of restricted barbering in a licensed facility. The "practice of restricted barbering" includes the following when performed on the head, neck, or face for cosmetic purposes and on the public for pay, free, or otherwise:

- Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;
- Shampooing, cutting, or styling hair;
- Cutting, fitting, or forming head caps for wigs or hair pieces.

[2] R.C. 4713.01(W), 4713.25, and 4713.30, repealed, with conforming changes throughout the bill.

[3] Section 4.

[4] R.C. 4713.01(S), 4709.01(I), 4709.09(C), and 4713.39, repealed, with conforming changes throughout the bill.

It does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair or the practice of natural hair styling.[5]

To be issued a restricted barber license, an applicant must complete 900 hours of Board-approved training and pay the applicable application fee of not more than $135 and license fee of not more than $112.50 (see "**Fees**," below). Similar to continuing law requirements for an initial barber license, the applicant must also be at least 16 years old, have an 8th grade education, submit a written application on a form furnished by the Board with specified information, and submit to having a photograph and biometric fingerprint scan taken by the Board. A restricted barber is subject to Ohio law regarding revocation or suspension of a license due to a drug offense.

The bill requires the Board to issue a barber license to a licensed restricted barber who completes 300 hours of training, passes the barber examination, and pays the applicable application and license fees.[6]

Apprentice barber instructors

The bill eliminates the assistant barber instructor license issued by the Board, and instead allows an individual to receive training at a school as an apprentice instructor. Continuing law permits an individual to receive cosmetology instructor training at a school as an apprentice instructor. An "apprentice instructor" is an individual holding a practicing cosmetology, barber, or restricted barber license who is engaged in learning or acquiring knowledge at a school to become a cosmetology or barber instructor.[7] An apprentice barber instructor may teach the theory or practice of barbering and restricted barbering at a school without a barber instructor license or temporary special occasion work permit.[8]

Temporary pre-examination work permit to teach barbering

The bill requires the Board to issue a temporary pre-examination work permit to teach barbering and restricted barbering to an individual who applies to take the examination required for a barber instructor license under continuing law if the individual satisfies all of the following conditions:

- The individual has not previously failed an examination required for a barber instructor license;
- The individual pays a fee of not more than $22.50 as set by the Board (see "**Fees**," below);

[5] R.C. 4713.01(MM) and (OO).

[6] R.C. 4713.281 and 4713.10, with conforming changes throughout the bill.

[7] R.C. 4713.01(A) and (SS); R.C. 4709.072(B), repealed, with conforming changes in R.C. 2925.01, 4713.44, and 4713.45.

[8] R.C. 4713.14(E).

- The individual satisfies all other conditions established by rules adopted by the Board.

A permit holder under the bill may teach barbering and restricted barbering for a period of not more than 120 days. A permit issued under the bill is renewable in accordance with rules adopted by the Board. Under continuing law, the Board must issue a similar temporary pre-examination work permit to an individual to practice or teach a branch of cosmetology or practice barbering or restricted barbering (as added by the bill).[9]

Temporary special occasion work permit

Continuing law allows an individual licensed to practice or teach cosmetology in another state or country to apply to the Board for a temporary special occasion work permit to practice or teach cosmetology in Ohio as part of a promotional or instructional program for a specified period of time. The individual must be a recognized expert, have practiced or taught cosmetology for at least five years, and meet other conditions and pay the fee established by the Board. The bill permits the Board to issue a temporary special occasion work permit to an individual to practice or teach barbering or restricted barbering who meets these requirements.[10]

"Practicing license" and "instructor license"

The bill expands the definitions of "practicing license" and "instructor license" in the Cosmetology Licensing Law to include a license to practice or teach the theory and practice of barbering or restricted barbering, in addition to a license to practice or teach the theory and practice of a branch of cosmetology as under continuing law.[11]

Licensing requirements

Reduced hours of initial instruction

The bill reduces the hours of Board-approved training required to obtain an initial practicing cosmetology, hair stylist, or barber license. The hours for an initial esthetician, manicurist, or natural hair stylist license are not reduced. The bill requires an applicant to have 1,200 hours of cosmetology or barber training, reduced from 1,500 hours and 1,800 hours, respectively, under current law. An applicant for a hair designer license must have 900 hours of training under the bill, rather than 1,000 hours under current law, to be eligible for the license. A licensed barber wishing to obtain a cosmetologist or hair designer license or a licensed cosmetologist or hair designer wishing to obtain a barber license needs 400 hours of training under the bill, rather than 1,000 hours as under current law.[12]

Continuing law requires an applicant for a cosmetology instructor license to complete a specific number of hours of practice in a salon or Board-approved training at a school. For an applicant who completes the hours in a school, the bill reduces the required number of hours of

[9] R.C. 4713.10(A)(1) and 4713.22; R.C. 4709.071, repealed, with conforming changes throughout the bill.

[10] R.C. 4713.08(A)(8) and 4713.37.

[11] R.C. 4713.01(W) and (NN), with conforming changes throughout the bill.

[12] R.C. 4713.28(A)(7) and (9) and 4713.281(A)(5).

training to 300 hours for all instructor licenses. Under current law, an applicant must have 1,000 hours for a cosmetology instructor license, 500 hours for an esthetics instructor license, 800 hours for a hair design instructor license, and 400 hours for a natural hair style instructor license. An applicant for a manicurist instructor must complete 300 hours of training under current law and the bill.[13]

Barber instructor

The bill makes changes to the experience requirement for an applicant to be issued a barber instructor license. Under current law, an applicant must have at least 18 months of work experience in a licensed barber shop or been employed as an assistant barber instructor under the supervision of a licensed barber for at least one year. Under the bill, the applicant must submit proof to the Board of having engaged in the practice of barbering in a licensed barber shop for at least 1,800 hours or have a school certify to the Board that the applicant completed at least 300 hours of Board-approved barber instructor training as an apprentice instructor. Continuing law requires the applicant to be at least 18 years old, hold a current barber license, pass an examination, and pay a license fee.[14]

Under the bill, a barber instructor who has previously been licensed as a barber is entitled to the reissuance of a barber license on payment of a renewal fee and attestation to the Board that any applicable continuing education requirements have been completed. The bill requires the Board to specify on the license that the holder is entitled to teach barbering and restricted barbering.[15]

Natural hair stylist license

The bill requires an applicant for a natural hair stylist license to complete 450 hours of Board-approved training at a school to be eligible for the license. Under current law, an applicant must complete that number of hours of instruction in subjects relating to infection control, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.[16]

Barber shop license

The bill modifies the requirements for a barber shop license. Similar to continuing law for salon licenses, the bill adds that an applicant must ensure that (1) the barber shop is kept in a clean and sanitary condition and properly ventilated, (2) all instruments and supplies used at the barber shop are disinfected, including instruments used for cosmetic therapy, massage therapy, or other professional service, and (3) no food is sold at the barber shop in a manner inconsistent with rules adopted by the Board. It also removes the express requirement that the applicant pass an inspection to be issued the license. Under continuing law, an applicant also must ensure that

[13] R.C. 4713.31.

[14] R.C. 4713.311.

[15] R.C. 4713.55 and 4713.58(A)(6).

[16] R.C. 4713.28(A)(11).

the barber shop is in the charge and under the immediate supervision of a licensed barber, equipped to provide running hot and cold water and proper drainage, and in compliance with infection control standards. The bill allows an individual to sell cosmetics, creams, wigs, clothing, or other items that pose no risk of creating unsanitary conditions at the barber shop.[17]

Under the bill, the Board must supply a copy of the poster created by the Division of Criminal Justice Services that provides information on the National Human Trafficking Resource Center Hotline to every person authorized to operate a barber shop.[18]

The bill prohibits an individual from doing any of the following regarding a barber shop (continuing law prohibits an individual from doing these actions regarding a salon):

- Teaching barbering or restricted barbering unless the individual receiving the instruction holds a practicing license authorizing the individual to practice barbering or restricted barbering or a current, valid temporary pre-examination work permit;
- Using or possessing a cosmetic product containing an ingredient prohibited by the U.S. Food and Drug Administration (FDA) or a liquid nail monomer containing any trace of methyl methacrylate, or using a cosmetic product in a manner inconsistent with a restriction established by the FDA;
- Permitting any individual to sleep in or use any room used as the barber shop for residential purposes;
- Maintaining a room used for sleeping or residential purposes as a place of business for the practice of barbering or restricted barbering.[19]

Licensing procedures

School surety bonds

The bill makes changes to the amount of the surety bond an applicant must file with the Board to be issued a school license. Under current law, the applicant must file a $10,000 surety bond. Instead, the bill requires an applicant to file a surety bond in one of the following amounts:

- For a school that has been accredited by an accrediting agency and has been licensed for 10 or more years, $25,000;
- For a school that has been accredited by an accrediting agency and has been licensed for at least seven years but less than 10 years, $35,000;
- For any other school than those described above, $50,000.[20]

[17] R.C. 4713.08(A)(9), 4713.16(A)(3), and 4713.411.

[18] R.C. 4713.411(A)(7), with conforming changes in R.C. 5502.63.

[19] R.C. 4713.14(J), (L), (M), and (N).

[20] R.C. 4713.44.

Restoration of an expired cosmetology instructor license

The bill requires the holder of an expired cosmetology instructor license to complete any outstanding continuing education requirements for license renewal in order to restore the license. This is in addition to paying the restoration fee required under continuing law. Under continuing law, the holder of an expired practicing, barber, or barber instructor license must complete continuing education to restore the license.[21]

Permitted practices

Under the bill, an individual may practice barbering or restricted barbering without a license if the individual does so for free at the individual's home for a family member who resides in the same household as the individual or for the purpose of researching or developing a cosmetic. Additionally, a barber student may engage in work connected with barbering or restricted barbering at the school at which the student is enrolled or by working in a licensed career-technical school clinic if the student does not receive any compensation after the student completes the required coursework or obtains a barber or restricted barber license.[22]

Fees and fines

Fees

Continuing law requires the Board to charge and collect fees for the issuance, renewal, and restoration of licenses, application to take examinations, and other fees. The bill increases the amount of the fees. The following table describes fees the Board must charge and that are changed by the bill.[23]

License and other fees charged by the Board

	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
Temporary pre-examination work permit	Not more than $15	Not more than $15	Not more than $22.50
Initial application to take an examination	Not more than $40	Not more than $90	Not more than $135
Application to take an examination if the applicant failed to appear	Not more than $55	Not more than $100	Not more than $150

[21] R.C. 4713.63; R.C. 4709.112, repealed.

[22] R.C. 4713.16, by reference to R.C. 3715.01, not in the bill.

[23] R.C. 4713.10; R.C. 4709.12, repealed.

	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
Application to retake any part of an examination the applicant failed	Not more than $40	Not more than $45	Not more than $67.50
Issuance of a practicing or instructor license	Not more than $75	--Not more than $30 for a barber license --Not more than $185 for a barber instructor license, including examination	Not more than $112.50
Issuance of license by reciprocity or endorsement	Not more than $70	Not more than $300	Not more than $450
Renewal of a practicing or instructor license	Not more than $70	--Not more than $110 for a barber license --Not more than $150 for a barber instructor license	Not more than $225
Issuance or change of name or ownership of a salon or barber shop license	Not more than $100	Not more than $110	Not more than $165
Renewal of a salon or barber shop license	Not more than $90	Not more than $75	Not more than $135
Renewal of an expired salon, barber shop, or school license or tanning facility permit	N/A	Not more than $110 for a barber shop license	An amount equal to the sum of the current renewal fee plus not more than $60
Restoration of an expired practicing or instructor license	An amount equal to the sum of the current renewal fee plus not more than $45 per lapsed renewal period	--Not more than $150 plus not more than $75 for each lapsed year, not to exceed $690 for a barber license --Not more than $225 plus not more than $60 for each lapsed	An amount equal to the sum of the current renewal fee plus not more than $112.50 per lapsed renewal period

	Current law fee under the Cosmetology Licensing Law	Current law fee under the Barber Law	Fee under the bill
		year, not to exceed $450 for a barber instructor license	
Issuance of a duplicate salon, barber shop, or school license or tanning facility permit	Not more than $30	Not more than $45	Not more than $67.50
Preparation and mailing of an individual's records to another state for a reciprocity license	Not more than $50	Not more than $40	Not more than $75

The bill also increases the fee for the issuance, renewal, or change of name or ownership of a licensed school (that may offer instruction in one or more branches of cosmetology, barbering and restricted barbering, or both) from not more than $250 to not more than $375. The fee for the processing of fees related to a check returned for insufficient funds is increased to $45, from $30 under current law.[24]

Fines

The bill increases the maximum amount of a fine the Board may impose for a violation of the Barber Law and Cosmetology Licensing Law as follows:

- If the violator had not previously been fined for an offense resulting from an inspection, not more than $500 ($250 under current law);
- If the violator had been fined for the same offense once before, not more than $1,000 ($500 under current law);
- If the violator had been fined for the same offense two or more times, not more than $2,500 ($1,000 under current law).

The bill does not change the amount of the fine for an additional violation during an inspection.[25]

[24] R.C. 4713.10(A)(8) and (15).

[25] R.C. 4713.64(E); R.C. 4709.13, repealed.

State Cosmetology and Barber Board

Revised Board membership

The bill alters the membership of the Board by replacing the independent contractor member with a licensed cosmetologist or barber who represents independent contractors. It also specifies that the barber member who is not an employer barber hold a barber license before appointment, rather than allowing the member to hold either a barber or barber instructor license as under current law, and specifies that the member representing vocational or career-technical school cosmetology instructors also represent barber instructors. The bill states the membership changes do not affect the terms of the members serving on the bill's effective date.[26]

Under current law, the Board consists of one licensed cosmetologist or cosmetology instructor, two licensed cosmetologists who have actively managed salons for at least five years, one licensed independent contractor, one individual representing cosmetology instructors at vocational and technical schools, one owner or executive actively engaged in daily operations of a licensed school, one owner of at least five salons, one nurse or doctor, one member representing the general public, one individual holding a valid tanning permit who has owned or managed a tanning facility for at least the last five years, one licensed esthetician who has been actively practicing esthetics for at least the past five years, one employer barber who has been licensed for at least the past five years, and one barber or barber instructor who has been licensed for at least the past five years.[27]

Annual report

Continuing law requires the Board to annually prepare a written report that includes, in part, a list of the 20 salons and individuals cited with the most violations for unlicensed workers. The bill requires the Board to also include barber shops in the list.[28]

HISTORY

Action	Date
Introduced	11-09-26

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[26] R.C. 4713.02; Section 5.

[27] R.C. 4713.02.

[28] R.C. 4713.071.