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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 433
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Gross

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SUMMARY

- Expands the services that a boutique services registrant can provide to include those currently performed by a licensed natural hair stylist and other services.
- Eliminates natural hair stylist licenses, advanced natural hair stylist licenses, and natural hair style instructor's licenses.
- Permits existing natural hair styling licenses to be used until they expire and permits the State Cosmetology and Barber Board to renew the licenses until December 31, 2022.
- Eliminates boutique services registration training and education requirements and eliminates the Board's authority to require registrants to complete continuing education requirements.
- Prohibits recklessly using the term "registered" without holding a current, valid boutique services registration.
- Eliminates licensing and inspection requirements to operate a boutique salon.

DETAILED ANALYSIS

Introduction

The bill enacts the Provider of Boutique Services Opportunity Act.¹ Under the bill, boutique services registrants may perform several services that currently require a license to be performed. These services include natural hair styling services, and the bill eliminates all three types of natural hair styling licenses. Additionally, the bill eliminates the training and education requirements that a person must satisfy to register to perform boutique services and excludes

¹ Section 4.

boutique salons from licensing and regulation by the State Cosmetology and Barber Board. Under the bill, using the term “registered” without holding a current, valid boutique services registration is prohibited and the bill establishes criminal penalties for violating that prohibition.

Services that boutique services registrants can provide

The bill expands the definition of boutique services so that a boutique services registrant can provide additional cosmetology services, including services that require a license under current law. First, the bill transfers all services that constitute the practice of natural hair styling under current law to the practice of braiding, which is a boutique service. Second, the bill expands activities included in “braiding” to include accessorizing, beading, crocheting, and using topical agents (shampoo, conditioner, gels, moisturizers, oils, mousses, or pomades), which are not specifically regulated currently. Third, the bill adds eye lash extension services, wig creation and styling, and blow-dry styling as boutique services. Each of these practices requires a license for a branch of cosmetology under current law. The table below summarizes these changes.²

Changes in licensure requirements under the bill		
Service requiring boutique services registration under the bill	Is a license required to provide the service under current law?	Training required for license
Eye lash extension services	Yes; esthetician license	600 hours
Wig creation* and styling	Yes; hair designer license or cosmetology license	For a hair designer license, 1,200 hours or 1,000 hours if hold a barber license; for a cosmetology license, 1,500 hours or if hold a barber license, 1,000 hours
Weaving or wrapping hair*	Yes; natural hair stylist or hair designer license	For a natural hair stylist, 450 hours; for a hair designer license, 1,200 hours or 1,000 hours if hold a barber license
Blow-dry styling and arranging hair (with hair sprays and topical agents)	Yes; hair designer license or cosmetology license	For a hair designer license, 1,200 hours or 1,000 hours if hold a barber license; for a cosmetology license, 1,500 hours or if hold a barber license, 1,000 hours

² R.C. 4713.01 and 4713.28.

Changes in licensure requirements under the bill		
Service requiring boutique services registration under the bill	Is a license required to provide the service under current law?	Training required for license
Accessorizing and beading*	No	N/A
Crocheting*	No	N/A
Using topical agents*	No	N/A

*The bill adds these services to the definition of braiding, which is a boutique service under continuing law.

Wig embellishment and beautification remains a part of the practice of hair design, as does weaving and wrapping. Wig styling also is considered part of the practice of cosmetology. So, it is unclear under the bill whether one would need a license, registration, or both to engage in those activities.

Additionally, with respect to shampooing, the bill eliminates the requirements that a boutique services registrant perform shampooing under the supervision of a licensed person and in preparation for a service from that person.³

Elimination of natural hair styling licenses

The bill eliminates three licenses: the natural hair stylist license, advanced natural hair stylist license, and natural hair style instructor's license.⁴ Any person who used one of those licenses must acquire a boutique services registration to continue to practice. After the bill's effective date, existing natural hair styling licenses remain valid until they expire. The Board may renew natural hair styling licenses until December 31, 2022.⁵

Boutique services registration

The bill reduces the requirements a person must meet to acquire and maintain a boutique services registration. Under the bill, the requirement to have the equivalent of a tenth grade education is eliminated. In addition, the bill eliminates the requirement that an applicant submit an affidavit or certificate proving that the applicant underwent formal training or an apprenticeship in boutique services. Under continuing law, an applicant must submit a written application with the applicant's contact information, date of birth, out-of-state license information, and a record of the applicant's disciplinary history with occupational licenses. However, the bill only requires the applicant to submit disciplinary history for the two years before the application date.⁶

³ R.C. 4713.01.

⁴ R.C. 4713.28, 4713.30, and 4713.31, with conforming changes in R.C. 2925.01, 4709.01, 4713.01, 4713.25, 4713.35, and 4713.58.

⁵ Section 3.

⁶ R.C. 4713.69(A).

Using the term “registered”

Once a person obtains a boutique services registration, the bill authorizes that person to use the title “registered.” The bill prohibits recklessly using the term “registered” without holding a current, valid boutique services registration.⁷ Any person who violates this prohibition is guilty of a fourth degree misdemeanor for the first offense, in which the person may be subject to a maximum jail term of 30 days, a maximum fine of \$250, or both. After a subsequent offense such a person would be guilty of a third degree misdemeanor, in which the person may be subject to a maximum jail term of 60 days, a maximum fine of \$500, or both.⁸

The bill prohibits a person from transferring a boutique services registration to anyone else.⁹

Continuing education

Under current law, the Board may condition renewal of a boutique services registration on the completion of up to eight hours of continuing education every two years. The bill eliminates this authority for boutique services registrants.¹⁰

Boutique salons

The bill eliminates the requirement that an operator obtain a license for the premises where boutique services are offered. Under current law, boutique salons are licensed facilities that must comply with safety and sanitation requirements established by the Board, including routine inspections. Under the bill, boutique salons are not subject to these requirements.¹¹ Thus, the bill does not require a person who applies for a boutique services registration to report the place of business where that person will perform boutique services.¹²

HISTORY

Action	Date
Introduced	09-27-21

H0433-I-134/ks

⁷ R.C. 4713.14(S) and 4713.69.

⁸ R.C. 2929.24, 2929.28, and 4713.99, not in the bill.

⁹ R.C. 4713.69(C).

¹⁰ R.C. 4713.60, with conforming changes in R.C. 4713.09, 4713.60, and 4713.69.

¹¹ R.C. 4713.69(B) and 4713.41, with conforming changes in R.C. 4713.01, 4713.07(A), and 4713.081.

¹² R.C. 4713.69(A)(3).