

As Passed by the Senate

131st General Assembly

Regular Session

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Am. Sub. S. B. No. 213

Senators Jordan, Tavares

**Cosponsors: Senators Beagle, Brown, Eklund, Uecker, Yuko, Coley, Burke, Faber,
Hite, Hughes, Jones, Obhof, Peterson**

A BILL

To amend sections 2925.01, 4713.01, 4713.02, 1
4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 2
4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 3
4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4
4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 5
4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 6
4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 7
4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 8
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 9
4713.63, 4713.64, 4713.641, and 4713.99 and to 10
enact sections 4713.071, 4713.66, and 4713.69 of 11
the Revised Code to make changes to the 12
Cosmetology Licensing Law. 13

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

Section 1. That sections 2925.01, 4713.01, 4713.02, 14
4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 15
4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 16
4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 17
4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 18

4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 19
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 20
4713.641, and 4713.99 be amended and sections 4713.071, 4713.66, 21
and 4713.69 of the Revised Code be enacted to read as follows: 22

Sec. 2925.01. As used in this chapter: 23

(A) "Administer," "controlled substance," "controlled 24
substance analog," "dispense," "distribute," "hypodermic," 25
"manufacturer," "official written order," "person," 26
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 27
"schedule III," "schedule IV," "schedule V," and "wholesaler" 28
have the same meanings as in section 3719.01 of the Revised 29
Code. 30

(B) "Drug dependent person" and "drug of abuse" have the 31
same meanings as in section 3719.011 of the Revised Code. 32

(C) "Drug," "dangerous drug," "licensed health 33
professional authorized to prescribe drugs," and "prescription" 34
have the same meanings as in section 4729.01 of the Revised 35
Code. 36

(D) "Bulk amount" of a controlled substance means any of 37
the following: 38

(1) For any compound, mixture, preparation, or substance 39
included in schedule I, schedule II, or schedule III, with the 40
exception of controlled substance analogs, marihuana, cocaine, 41
L.S.D., heroin, and hashish and except as provided in division 42
(D)(2) or (5) of this section, whichever of the following is 43
applicable: 44

(a) An amount equal to or exceeding ten grams or twenty- 45
five unit doses of a compound, mixture, preparation, or 46
substance that is or contains any amount of a schedule I opiate 47
or opium derivative; 48

(b) An amount equal to or exceeding ten grams of a 49

compound, mixture, preparation, or substance that is or contains 50
any amount of raw or gum opium; 51

(c) An amount equal to or exceeding thirty grams or ten 52
unit doses of a compound, mixture, preparation, or substance 53
that is or contains any amount of a schedule I hallucinogen 54
other than tetrahydrocannabinol or lysergic acid amide, or a 55
schedule I stimulant or depressant; 56

(d) An amount equal to or exceeding twenty grams or five 57
times the maximum daily dose in the usual dose range specified 58
in a standard pharmaceutical reference manual of a compound, 59
mixture, preparation, or substance that is or contains any 60
amount of a schedule II opiate or opium derivative; 61

(e) An amount equal to or exceeding five grams or ten unit 62
doses of a compound, mixture, preparation, or substance that is 63
or contains any amount of phencyclidine; 64

(f) An amount equal to or exceeding one hundred twenty 65
grams or thirty times the maximum daily dose in the usual dose 66
range specified in a standard pharmaceutical reference manual of 67
a compound, mixture, preparation, or substance that is or 68
contains any amount of a schedule II stimulant that is in a 69
final dosage form manufactured by a person authorized by the 70
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 71
U.S.C.A. 301, as amended, and the federal drug abuse control 72
laws, as defined in section 3719.01 of the Revised Code, that is 73
or contains any amount of a schedule II depressant substance or 74
a schedule II hallucinogenic substance; 75

(g) An amount equal to or exceeding three grams of a 76
compound, mixture, preparation, or substance that is or contains 77
any amount of a schedule II stimulant, or any of its salts or 78
isomers, that is not in a final dosage form manufactured by a 79
person authorized by the Federal Food, Drug, and Cosmetic Act 80
and the federal drug abuse control laws. 81

(2) An amount equal to or exceeding one hundred twenty 82
grams or thirty times the maximum daily dose in the usual dose 83
range specified in a standard pharmaceutical reference manual of 84
a compound, mixture, preparation, or substance that is or 85
contains any amount of a schedule III or IV substance other than 86
an anabolic steroid or a schedule III opiate or opium 87
derivative; 88

(3) An amount equal to or exceeding twenty grams or five 89
times the maximum daily dose in the usual dose range specified 90
in a standard pharmaceutical reference manual of a compound, 91
mixture, preparation, or substance that is or contains any 92
amount of a schedule III opiate or opium derivative; 93

(4) An amount equal to or exceeding two hundred fifty 94
milliliters or two hundred fifty grams of a compound, mixture, 95
preparation, or substance that is or contains any amount of a 96
schedule V substance; 97

(5) An amount equal to or exceeding two hundred solid 98
dosage units, sixteen grams, or sixteen milliliters of a 99
compound, mixture, preparation, or substance that is or contains 100
any amount of a schedule III anabolic steroid. 101

(E) "Unit dose" means an amount or unit of a compound, 102
mixture, or preparation containing a controlled substance that 103
is separately identifiable and in a form that indicates that it 104
is the amount or unit by which the controlled substance is 105
separately administered to or taken by an individual. 106

(F) "Cultivate" includes planting, watering, fertilizing, 107
or tilling. 108

(G) "Drug abuse offense" means any of the following: 109

(1) A violation of division (A) of section 2913.02 that 110
constitutes theft of drugs, or a violation of section 2925.02, 111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 112

2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	113 114
(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G) (1) of this section;	115 116 117 118
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	119 120 121 122 123 124 125
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	126 127 128
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	129 130 131
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	132 133
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	134 135 136 137 138 139
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	140 141 142 143

(b) Any aerosol propellant;	144
(c) Any fluorocarbon refrigerant;	145
(d) Any anesthetic gas.	146
(2) Gamma Butyrolactone;	147
(3) 1,4 Butanediol.	148
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	149 150 151 152 153 154
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	155 156 157 158
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	159 160 161 162 163 164
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	165 166 167
(N) "Juvenile" means a person under eighteen years of age.	168
(O) "Counterfeit controlled substance" means any of the following:	169 170
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark,	171 172 173

trade name, or identifying mark;	174
(2) Any unmarked or unlabeled substance that is	175
represented to be a controlled substance manufactured,	176
processed, packed, or distributed by a person other than the	177
person that manufactured, processed, packed, or distributed it;	178
(3) Any substance that is represented to be a controlled	179
substance but is not a controlled substance or is a different	180
controlled substance;	181
(4) Any substance other than a controlled substance that a	182
reasonable person would believe to be a controlled substance	183
because of its similarity in shape, size, and color, or its	184
markings, labeling, packaging, distribution, or the price for	185
which it is sold or offered for sale.	186
(P) An offense is "committed in the vicinity of a school"	187
if the offender commits the offense on school premises, in a	188
school building, or within one thousand feet of the boundaries	189
of any school premises, regardless of whether the offender knows	190
the offense is being committed on school premises, in a school	191
building, or within one thousand feet of the boundaries of any	192
school premises.	193
(Q) "School" means any school operated by a board of	194
education, any community school established under Chapter 3314.	195
of the Revised Code, or any nonpublic school for which the state	196
board of education prescribes minimum standards under section	197
3301.07 of the Revised Code, whether or not any instruction,	198
extracurricular activities, or training provided by the school	199
is being conducted at the time a criminal offense is committed.	200
(R) "School premises" means either of the following:	201
(1) The parcel of real property on which any school is	202
situated, whether or not any instruction, extracurricular	203
activities, or training provided by the school is being	204

conducted on the premises at the time a criminal offense is committed; 205
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(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 state board of education 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. 207
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(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. 218
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(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio. 224
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(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio. 228
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(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W) (1) to (36) of 233
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this section and that qualifies a person as a professionally licensed person.	237 238
(W) "Professionally licensed person" means any of the following:	239 240
(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;	241 242 243
(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	244 245 246 247 248
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	249 250 251
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	252 253 254
(5) A person licensed under Chapter 4707. of the Revised Code;	255 256
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	257 258 259
(7) 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;	260 261 262
(8) 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, managing- <u>advanced</u> cosmetologist's license, managing- <u>advanced</u> hair	263 264 265 266

designer's license, managing advanced manicurist's license,	267
managing advanced esthetician's license, managing advanced	268
natural hair stylist's license, cosmetology instructor's	269
license, hair design instructor's license, manicurist	270
instructor's license, esthetics instructor's license, natural	271
hair style instructor's license, independent contractor's	272
license, or tanning facility permit under Chapter 4713. of the	273
Revised Code;	274
(9) A person who has been issued a license to practice	275
dentistry, a general anesthesia permit, a conscious intravenous	276
sedation permit, a limited resident's license, a limited	277
teaching license, a dental hygienist's license, or a dental	278
hygienist's teacher's certificate under Chapter 4715. of the	279
Revised Code;	280
(10) A person who has been issued an embalmer's license, a	281
funeral director's license, a funeral home license, or a	282
crematory license, or who has been registered for an embalmer's	283
or funeral director's apprenticeship under Chapter 4717. of the	284
Revised Code;	285
(11) A person who has been licensed as a registered nurse	286
or practical nurse, or who has been issued a certificate for the	287
practice of nurse-midwifery under Chapter 4723. of the Revised	288
Code;	289
(12) A person who has been licensed to practice optometry	290
or to engage in optical dispensing under Chapter 4725. of the	291
Revised Code;	292
(13) A person licensed to act as a pawnbroker under	293
Chapter 4727. of the Revised Code;	294
(14) A person licensed to act as a precious metals dealer	295
under Chapter 4728. of the Revised Code;	296
(15) A person licensed as a pharmacist, a pharmacy intern,	297

a wholesale distributor of dangerous drugs, or a terminal	298
distributor of dangerous drugs under Chapter 4729. of the	299
Revised Code;	300
(16) A person who is authorized to practice as a physician	301
assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a certificate to	303
practice medicine and surgery, osteopathic medicine and surgery,	304
a limited branch of medicine, or podiatry under Chapter 4731. of	305
the Revised Code;	306
(18) A person licensed as a psychologist or school	307
psychologist under Chapter 4732. of the Revised Code;	308
(19) A person registered to practice the profession of	309
engineering or surveying under Chapter 4733. of the Revised	310
Code;	311
(20) A person who has been issued a license to practice	312
chiropractic under Chapter 4734. of the Revised Code;	313
(21) A person licensed to act as a real estate broker or	314
real estate salesperson under Chapter 4735. of the Revised Code;	315
(22) A person registered as a registered sanitarian under	316
Chapter 4736. of the Revised Code;	317
(23) A person licensed to operate or maintain a junkyard	318
under Chapter 4737. of the Revised Code;	319
(24) A person who has been issued a motor vehicle salvage	320
dealer's license under Chapter 4738. of the Revised Code;	321
(25) A person who has been licensed to act as a steam	322
engineer under Chapter 4739. of the Revised Code;	323
(26) A person who has been issued a license or temporary	324
permit to practice veterinary medicine or any of its branches,	325
or who is registered as a graduate animal technician under	326
Chapter 4741. of the Revised Code;	327

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	328 329 330
(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;	331 332 333
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	334 335 336
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	337 338 339
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	340 341 342
(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;	343 344 345 346 347 348
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	349 350
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	351 352 353
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	354 355
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and	356 357

published rules. 358

(X) "Cocaine" means any of the following: 359

(1) A cocaine salt, isomer, or derivative, a salt of a 360
cocaine isomer or derivative, or the base form of cocaine; 361

(2) Coca leaves or a salt, compound, derivative, or 362
preparation of coca leaves, including ecgonine, a salt, isomer, 363
or derivative of ecgonine, or a salt of an isomer or derivative 364
of ecgonine; 365

(3) A salt, compound, derivative, or preparation of a 366
substance identified in division (X) (1) or (2) of this section 367
that is chemically equivalent to or identical with any of those 368
substances, except that the substances shall not include 369
decocainized coca leaves or extraction of coca leaves if the 370
extractions do not contain cocaine or ecgonine. 371

(Y) "L.S.D." means lysergic acid diethylamide. 372

(Z) "Hashish" means the resin or a preparation of the 373
resin contained in marihuana, whether in solid form or in a 374
liquid concentrate, liquid extract, or liquid distillate form. 375

(AA) "Marihuana" has the same meaning as in section 376
3719.01 of the Revised Code, except that it does not include 377
hashish. 378

(BB) An offense is "committed in the vicinity of a 379
juvenile" if the offender commits the offense within one hundred 380
feet of a juvenile or within the view of a juvenile, regardless 381
of whether the offender knows the age of the juvenile, whether 382
the offender knows the offense is being committed within one 383
hundred feet of or within view of the juvenile, or whether the 384
juvenile actually views the commission of the offense. 385

(CC) "Presumption for a prison term" or "presumption that 386
a prison term shall be imposed" means a presumption, as 387

described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

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

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

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

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

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

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

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

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

(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same 418
meanings as in section 2913.01 of the Revised Code. 419

Sec. 4713.01. As used in this chapter: 420

"Apprentice instructor" means ~~a person~~ an individual 421
holding a practicing license issued by the state board of 422
cosmetology who is engaged in learning or acquiring knowledge of 423
the occupation of an instructor of a branch of cosmetology at a 424
school of cosmetology. 425

"Beauty salon" means ~~any premises, building, or part of a~~ 426
~~building~~ salon in which ~~a person~~ an individual is authorized to 427
engage in all branches of cosmetology. ~~"Beauty salon" does not~~ 428
~~include a barber shop licensed under Chapter 4709. of the~~ 429
~~Revised Code in which a person engages in the practice of~~ 430
~~manicuring.~~ 431

"Biennial licensing period" means the two-year period 432
beginning on the first day of February of an odd-numbered year 433
and ending on the last day of January of the next odd-numbered 434
year. 435

"Boutique salon" means a salon in which an individual 436
engages in boutique services and no other branch of cosmetology. 437

"Boutique services" means braiding, threading, and 438
shampooing. 439

"Braiding" means intertwining the hair in a systematic 440
motion to create patterns in a three-dimensional form, inverting 441
the hair against the scalp along part of a straight or curved 442
row of intertwined hair, or twisting the hair in a systematic 443
motion, and includes extending the hair with natural or 444
synthetic hair fibers. 445

"Branch of cosmetology" means the practice of cosmetology, 446
practice of esthetics, practice of hair design, practice of 447
manicuring, ~~or~~ practice of natural hair styling, or practice of 448

<u>boutique services.</u>	449
"Cosmetic therapy" has the same meaning as in section 4731.15 of the Revised Code.	450 451
"Cosmetologist" means a person <u>an individual</u> authorized to engage in all branches of cosmetology <u>in a licensed facility.</u>	452 453
<u>"Cosmetology" means the art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails.</u>	454 455 456
"Cosmetology instructor" means a person <u>an individual</u> authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology.	457 458 459
"Esthetician" means a person <u>an individual</u> who engages in the practice of esthetics but no other branch of cosmetology <u>in a licensed facility.</u>	460 461 462
"Esthetics instructor" means a person <u>an individual</u> who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.	463 464 465
"Esthetics salon" means any premises, building, or part of a building <u>salon</u> in which a person <u>an individual</u> engages in the practice of esthetics but no other branch of cosmetology.	466 467 468
<u>"Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes.</u>	469 470 471
"Hair designer" means a person <u>an individual</u> who engages in the practice of hair design but no other branch of cosmetology <u>in a licensed facility.</u>	472 473 474
"Hair design instructor" means a person <u>an individual</u> who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.	475 476 477
"Hair design salon" means any premises, building, or part	478

~~of a building salon~~ in which ~~a person~~ an individual engages in 479
the practice of hair design but no other branch of cosmetology. 480

"Hair removal" includes tweezing, waxing, sugaring, and 481
threading. "Hair removal" does not include electrolysis. 482

~~"Independent contractor license" means a license to~~ 483
~~practice an individual who is not an employee of a salon but~~ 484
practices a branch of cosmetology at within a salon in which the 485
~~license holder rents booth space~~ a licensed facility. 486

"Instructor license" means a license to teach the theory 487
and practice of a branch of cosmetology at a school of 488
cosmetology. 489

"Licensed facility" means any premises, building, or part 490
of a building licensed under section 4713.41 of the Revised Code 491
in which cosmetology services are authorized by the state board 492
of cosmetology to be performed. 493

~~"Managing Advanced cosmetologist" means a person an~~ 494
individual authorized to ~~manage work in~~ a beauty salon and 495
engage in all branches of cosmetology. 496

~~"Managing Advanced esthetician" means a person an~~ 497
individual authorized to ~~manage work in an~~ esthetics salon, but 498
no other type of salon, and engage in the practice of esthetics, 499
but no other branch of cosmetology. 500

~~"Managing Advanced hair designer" means a person an~~ 501
individual authorized to ~~manage work in a~~ hair design salon, but 502
no other type of salon, and engage in the practice of hair 503
design, but no other branch of cosmetology. 504

~~"Managing Advanced license" means a license to manage work~~ 505
in a salon and practice the branch of cosmetology practiced at 506
the salon. 507

~~"Managing Advanced manicurist" means a person an~~ 508

individual authorized to ~~manage work in a~~ nail salon, but no 509
other type of salon, and engage in the practice of manicuring, 510
but no other branch of cosmetology. 511

~~"Managing Advanced~~ natural hair stylist" means ~~a person an~~ 512
individual authorized to ~~manage work in a~~ natural hair style 513
salon, but no other type of salon, and engage in the practice of 514
natural hair styling, but no other branch of cosmetology. 515

"Manicurist" means ~~a person an~~ individual who engages in 516
the practice of manicuring but no other branch of cosmetology in 517
a licensed facility. 518

"Manicurist instructor" means ~~a person an~~ individual who 519
teaches the theory and practice of manicuring, but no other 520
branch of cosmetology, at a school of cosmetology. 521

"Nail salon" means ~~any premises, building, or part of a~~ 522
~~building salon~~ in which ~~a person an~~ individual engages in the 523
practice of manicuring but no other branch of cosmetology. ~~"Nail-~~ 524
~~salon" does not include a barber shop licensed under Chapter~~ 525
~~4709. of the Revised Code in which a person engages in the~~ 526
~~practice of manicuring.~~ 527

"Natural hair stylist" means ~~a person an~~ individual who 528
engages in the practice of natural hair styling but no other 529
branch of cosmetology in a licensed facility. 530

"Natural hair style instructor" means ~~a person an~~ 531
individual who teaches the theory and practice of natural hair 532
styling, but no other branch of cosmetology, at a school of 533
cosmetology. 534

"Natural hair style salon" means ~~any premises, building,~~ 535
~~or part of a building salon~~ in which ~~a person an~~ individual 536
engages in the practice of natural hair styling but no other 537
branch of cosmetology. 538

"Practice of braiding" means utilizing the technique of 539

intertwining hair in a systematic motion to create patterns in a 540
three-dimensional form, including patterns that are inverted, 541
upright, or singled against the scalp that follow along straight 542
or curved partings. It may include twisting or locking the hair 543
while adding bulk or length with human hair, synthetic hair, or 544
both and using simple devices such as clips, combs, and 545
hairpins. "Practice of braiding" does not include application of 546
weaving, bonding, and fusion of individual strands or wefts; 547
application of dyes, reactive chemicals, or other preparations 548
to alter the color or straighten, curl, or alter the structure 549
of hair; embellishing or beautifying hair by cutting or 550
singeing, except as needed to finish the ends of synthetic 551
fibers used to add bulk to or lengthen hair. 552

"Practice of cosmetology" means the practice of all 553
branches of cosmetology. 554

"Practice of esthetics" means the application of 555
cosmetics, tonics, antiseptics, creams, lotions, or other 556
preparations for the purpose of skin beautification and includes 557
preparation of the skin by manual massage techniques or by use 558
of electrical, mechanical, or other apparatus; enhancement of 559
the skin by skin care, facials, body treatments, hair removal, 560
and other treatments; and eye lash extension services. 561

"Practice of hair design" means embellishing or 562
beautifying hair, wigs, or hairpieces by arranging, dressing, 563
pressing, curling, waving, permanent waving, cleansing, cutting, 564
singeing, bleaching, coloring, braiding, weaving, or similar 565
work. "Practice of hair design" includes utilizing techniques 566
performed by hand that result in tension on hair roots such as 567
twisting, wrapping, weaving, extending, locking, or braiding of 568
the hair. 569

"Practice of manicuring" means ~~manicuring~~ cleaning, 570
trimming, shaping the free edge of, or applying polish to the 571

nails of any ~~person, individual;~~ applying ~~artificial or-~~ 572
~~sculptured nails~~ nail enhancements and embellishments to any 573
~~person, individual;~~ massaging the hands and lower arms up to the 574
elbow of any ~~person, individual;~~ massaging the feet and lower 575
legs up to the knee of any ~~person, individual;~~ using lotions or 576
softeners on the hands and feet of any individual; or any 577
combination of these ~~four~~-types of services. 578

"Practice of natural hair styling" means utilizing 579
techniques performed by hand that result in tension on hair 580
roots such as twisting, wrapping, weaving, extending, locking, 581
or braiding of the hair. "Practice of natural hair styling" does 582
not include the application of dyes, reactive chemicals, or 583
other preparations to alter the color or to straighten, curl, or 584
alter the structure of the hair. "Practice of natural hair 585
styling" also does not include embellishing or beautifying hair 586
by cutting or singeing, except as needed to finish off the end 587
of a braid, or by dressing, pressing, curling, waving, permanent 588
waving, or similar work. 589

"Practicing license" means a license to practice a branch 590
of cosmetology in a licensed facility. 591

"Salon" means a ~~beauty salon, esthetics salon, hair design-~~ 592
~~salon, nail salon, or natural hair style salon~~ licensed facility 593
on any premises, building, or part of a building in which an 594
individual engages in the practice of one or more branches of 595
cosmetology. "Salon" does not include a barber shop licensed 596
under Chapter 4709. of the Revised Code. "Salon" does not mean a 597
tanning facility, although a tanning facility may be located in 598
a salon. 599

"School of cosmetology" means any premises, building, or 600
part of a building in which students are instructed in the 601
theories and practices of one or more branches of cosmetology. 602

"Shampooing" means the act of cleansing and conditioning 603

an individual's hair in preparation to immediately receive a 604
service from an individual licensed under this chapter. 605

"Student" means ~~a person~~an individual, other than an 606
apprentice instructor, who is engaged in learning or acquiring 607
knowledge of the practice of a branch of cosmetology at a school 608
of cosmetology. 609

"Tanning facility" means any premises, building, or part 610
of a building that contains one or more rooms or booths with any 611
of the following: 612

(A) Equipment or beds used for tanning human skin by the 613
use of fluorescent sun lamps using ultraviolet or other 614
artificial radiation; 615

(B) ~~Equipment or booths that applies use chemicals applied~~ 616
to human skin ~~to create the appearance of being suntanned,~~ 617
including chemical applications commonly referred to as spray- 618
on, mist-on, or sunless tans; 619

(C) Equipment or beds that use visible light for cosmetic 620
purposes. 621

"Threading" includes a service that results in the removal 622
of hair from its follicle from around the eyebrows and from 623
other parts of the face with the use of a single strand of 624
thread and an astringent, if the service does not use chemicals 625
of any kind, wax, or any implements, instruments, or tools to 626
remove hair. 627

Sec. 4713.02. (A) There is hereby created the state board 628
of cosmetology, consisting of all of the following members 629
appointed by the governor, with the advice and consent of the 630
senate: 631

(1) One ~~person~~individual holding a current, valid 632
cosmetologist, ~~managing cosmetologist,~~ or cosmetology instructor 633
license at the time of appointment; 634

(2) Two ~~persons~~individuals holding current, valid 635
~~managing~~ cosmetologist licenses and actively engaged in managing 636
beauty salons for a period of not less than five years at the 637
time of appointment; 638

(3) One ~~person~~individual who holds a current, valid 639
independent contractor license at the time of appointment ~~or the~~ 640
~~owner or manager of a licensed salon in which at least one~~ 641
~~person holding a current, valid independent contractor license~~ 642
and practices a branch of cosmetology; 643

(4) One ~~person~~individual who represents individuals who 644
teach the theory and practice of a branch of cosmetology at a 645
vocational or career-technical school; 646

(5) One owner or executive actively engaged in the daily 647
operations of a licensed school of cosmetology; 648

(6) One owner of at least five licensed salons; 649

(7) One ~~person~~individual who is either a certified nurse 650
practitioner or clinical nurse specialist holding a certificate 651
of authority issued under Chapter 4723. of the Revised Code, or 652
a physician authorized under Chapter 4731. of the Revised Code 653
to practice medicine and surgery or osteopathic medicine and 654
surgery; 655

(8) One ~~person~~individual representing the general 656
public; 657

(9) One individual who holds a current, valid tanning 658
permit and who has owned or managed a tanning facility for at 659
least five years immediately preceding the individual's 660
appointment; 661

(10) One individual who holds a current, valid esthetician 662
license and who has been actively practicing esthetics for a 663
period of not less than five years immediately preceding the 664
individual's appointment. 665

(B) The superintendent of public instruction shall 666
nominate three ~~persons~~ individuals for the governor to choose 667
from when making an appointment under division (A) (4) of this 668
section. 669

(C) All members shall be at least twenty-five years of 670
age, residents of the state, and citizens of the United States. 671
No more than two members, at any time, shall be graduates of the 672
same school of cosmetology. Not more than one member shall have 673
a common financial connection with any school of cosmetology or 674
salon. 675

~~Except for the initial members appointed under divisions~~ 676
~~(A) (3) and (4) of this section, terms~~ Terms of office are for 677
five years. ~~The term of the initial member appointed under~~ 678
~~division (A) (3) of this section shall be three years. The term~~ 679
~~of the initial member appointed under division (A) (4) of this~~ 680
~~section shall be four years.~~ Terms shall commence on the first 681
day of November and end on the thirty-first day of October. Each 682
member shall hold office from the date of appointment until the 683
end of the term for which appointed. In case of a vacancy 684
occurring on the board, the governor shall, in the same manner 685
prescribed for the regular appointment to the board, fill the 686
vacancy by appointing a member. Any member appointed to fill a 687
vacancy occurring prior to the expiration of the term for which 688
the member's predecessor was appointed shall hold office for the 689
remainder of such term. Any member shall continue in office 690
subsequent to the expiration date of the member's term until the 691
member's successor takes office, or until a period of sixty days 692
has elapsed, whichever occurs first. Before entering upon the 693
discharge of the duties of the office of member, each member 694
shall take, and file with the secretary of state, the oath of 695
office required by Section 7 of Article XV, Ohio Constitution. 696

The members of the board shall receive an amount fixed 697
pursuant to Chapter 124. of the Revised Code per diem for every 698

meeting of the board which they attend, together with their 699
necessary expenses, and mileage for each mile necessarily 700
traveled. 701

The members of the board shall annually elect, from among 702
their number, a chairperson and a vice-chairperson. The 703
executive director appointed pursuant to section 4713.06 of the 704
Revised Code shall serve as the board's secretary. 705

(D) The board shall prescribe the duties of its officers 706
and establish an office within Franklin-County county. The board 707
shall keep all records and files at the office and have the 708
records and files at all reasonable hours open to public 709
inspection in accordance with section 149.43 of the Revised Code 710
and any rules adopted by the board in compliance with this 711
state's record retention policy. The board also shall adopt a 712
seal. 713

Sec. 4713.03. The state board of cosmetology shall hold a- 714
~~meeting-meetings~~ to transact its business at least four times a 715
year. The board may hold additional meetings as, in its 716
judgment, are necessary. The board shall meet at the times and 717
places it selects. 718

Sec. 4713.06. The state board of cosmetology shall 719
annually appoint an executive director. The executive director 720
may not be a member of the board, but subsequent to appointment, 721
shall serve as secretary of the board. The executive director, 722
before entering upon the discharge of the executive director's 723
duties, shall file with the secretary of state a good and 724
sufficient bond payable to the state, to ensure the faithful 725
performance of duties of the office of executive director. The 726
bond shall be in an amount the board requires. The premium of 727
the bond shall be paid from appropriations made to the board for 728
operating purposes. 729

The board may employ inspectors, examiners, consultants on 730

contents of examinations, ~~and clerks,~~ or other individuals as 731
necessary for the administration of this chapter. All inspectors 732
and examiners shall be licensed cosmetologists. 733

The board may appoint inspectors ~~of to inspect and~~ 734
investigate all facilities regulated by this chapter, including 735
tanning facilities as needed to make periodic inspections as the 736
board specifies, to ensure compliance with this chapter, the 737
rules adopted pursuant to it, and the board's policies, in 738
accordance with division (A)(11) of section 4713.07 of the 739
Revised Code. 740

Sec. 4713.07. (A) The state board of cosmetology shall do 741
all of the following: 742

~~(A)~~ (1) Regulate the practice of cosmetology and all of its 743
branches in this state; 744

(2) Investigate or inspect, when evidence appears to 745
demonstrate that an individual has violated any provision of 746
this chapter or any rule adopted pursuant to it, the activities 747
or premises of a license holder or unlicensed individual; 748

(3) Adopt rules in accordance with section 4713.08 of the 749
Revised Code; 750

(4) Prescribe and make available application forms to be 751
used by ~~persons~~ individuals seeking admission to an examination 752
conducted under section 4713.24 of the Revised Code or a license 753
or registration issued under this chapter; 754

~~(B)~~ (5) Prescribe and make available application forms to 755
be used by ~~persons~~ individuals seeking renewal of a license or 756
registration issued under this chapter; 757

~~(C)~~ (6) Provide a toll-free number and an online service to 758
receive complaints alleging violations of this chapter; 759

(7) Report to the proper prosecuting officer all 760

violations of section 4713.14 of the Revised Code of which the board is aware; 761
762

~~(D)~~ (8) Submit a written report annually to the governor that provides all of the following: 763
764

~~(1)~~ (a) A discussion of the conditions in this state of the branches of cosmetology; 765
766

~~(2)~~ (b) A brief summary of the board's proceedings during the year the report covers; 767
768

~~(3)~~ (c) A statement of all money that the board received and expended during the year the report covers. 769
770

~~(E)~~ (9) Keep a record of all of the following: 771

~~(1)~~ (a) The board's proceedings; 772

~~(2)~~ (b) The name and last known physical address, electronic mail address, and telephone number of each ~~person-~~ individual issued a license or registration under ~~section-~~ 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised ~~Code~~ this chapter; 773
774
775
776
777

~~(3)~~ ~~The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;~~ 778
779
780
781

~~(4)~~ ~~The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;~~ 782
783

~~(5)~~ (c) The date and number of each license ~~and,~~ permit, and registration that the board issues ~~;~~ . 784
785

~~(F)~~ (10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state; 786
787
788

~~(G)~~ (11) Require inspectors appointed pursuant to section 789

4713.06 of the Revised Code to conduct inspections of licensed 790
or permitted facilities, including salons and boutique salons, 791
schools of cosmetology, and tanning facilities, within ninety 792
days of the opening for business of a licensed facility, upon 793
complaints reported to the board, within ninety days after a 794
violation was documented at a facility, and at least once every 795
two years. Any individual, after providing the individual's name 796
and contact information, may report to the board any information 797
the individual may have that appears to show a violation of any 798
provision of this chapter or rule adopted under it. In the 799
absence of bad faith, any individual who reports information of 800
that nature or who testifies before the board in any 801
adjudication conducted under Chapter 119. of the Revised Code 802
shall not be liable for damages in a civil action as a result of 803
the report or testimony. For the purpose of inspections, an 804
independent contractor shall be added to the board's records as 805
an individual salon. 806

(12) Supply a copy of the poster created pursuant to 807
division (B) of section 5502.63 of the Revised Code to each 808
person authorized to operate a salon, school of cosmetology, 809
tanning facility, or other type of facility under this chapter; 810

(13) All other duties that this chapter imposes on the 811
board. 812

(B) The board may delegate any of the duties listed in 813
division (A) of this section to the executive director of the 814
board or to an individual designated by the executive director. 815

Sec. 4713.071. (A) Beginning one year after the effective 816
date of this section, the state board of cosmetology shall 817
annually submit a written report to the governor, president of 818
the senate, and speaker of the house of representatives. The 819
report shall list all of the following for the preceding twelve- 820
month period: 821

<u>(1) The number of students enrolled in courses at licensed public and private schools of cosmetology;</u>	822
	823
<u>(2) The number of students graduating from licensed public and private schools of cosmetology;</u>	824
	825
<u>(3) The annual cost for students to attend each licensed public or private school of cosmetology;</u>	826
	827
<u>(4) The loan default rates for licensed public and private schools of cosmetology;</u>	828
	829
<u>(5) The first-time licensure passage rate for graduates of all public and private schools;</u>	830
	831
<u>(6) The total number of new and renewal licenses in each profession;</u>	832
	833
<u>(7) The total number of complaint-driven inspections conducted by the board;</u>	834
	835
<u>(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;</u>	836
	837
	838
<u>(9) The twenty salons and individuals cited with the most violations for unlicensed workers;</u>	839
	840
<u>(10) The number of adjudications or other disciplinary action taken by the board.</u>	841
	842
<u>(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter.</u>	843
	844
	845
Sec. 4713.08. (A) The state board of cosmetology 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:	846
	847
	848
	849
(1) Govern the practice of the branches of cosmetology and	850

management of salons;	851
(2) Specify conditions a person <u>an individual</u> 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;	852 853 854 855 856
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	857 858
(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;	859 860 861 862 863
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	864 865
(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;	866 867 868 869
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	870 871 872
(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;	873 874 875 876
(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;	877 878 879 880

(10) Establish conditions under which food may be sold at a salon;	881 882
(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;	883 884 885
(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;	886 887 888
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;	889 890 891
(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;	892 893 894
(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	895 896
(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	897 898 899 900
(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	901 902 903
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	904 905 906
(b) Require consumers to wear protective eyeglasses;	907
(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;	908 909
(d) Require the operator to prohibit consumers from	910

standing too close to sun lamps and to post signs warning 911
consumers of the potential effects of radiation on ~~persons~~ 912
individuals taking certain medications and of the possible 913
relationship of the radiation to skin cancer; 914

(e) Require the installation of protective shielding for 915
sun lamps and handrails for consumers; 916

(f) Require floors to be dry during operation of lamps; 917

(g) Establish procedures an operator must follow in making 918
reasonable efforts in compliance with section 4713.50 of the 919
Revised Code to determine the age of an individual seeking to 920
use sun lamp tanning services. 921

(18) (a) If the board, under section 4713.61 of the Revised 922
Code, develops a procedure for classifying licenses inactive, do 923
both of the following: 924

(i) Establish a fee for having a license classified 925
inactive that reflects the cost to the board of providing the 926
inactive license service. If one or more renewal periods have 927
elapsed since the license was valid, the fee shall not include 928
lapsed renewal fees for more than three of those renewal 929
periods; 930

(ii) Specify the continuing education that ~~a person~~ an 931
individual whose license has been classified inactive must 932
complete to have the license restored. The continuing education 933
shall be sufficient to ensure the minimum competency in the use 934
or administration of a new procedure or product required by a 935
licensee necessary to protect public health and safety. The 936
requirement shall not exceed the cumulative number of hours of 937
continuing education that the ~~person~~ individual would have been 938
required to complete had the ~~person~~ individual retained an 939
active license. 940

(b) In addition, the board may specify the conditions and 941

method for granting a temporary work permit to practice a branch 942
of cosmetology to ~~a person~~ an individual whose license has been 943
classified inactive. 944

(19) Establish a fee for approval of a continuing 945
education program under section 4713.62 of the Revised Code that 946
is adequate to cover any expense the board incurs in the 947
approval process; 948

(20) Anything else necessary to implement this chapter. 949

(B) (1) The rules adopted under division (A) (2) of this 950
section may establish additional conditions for a temporary pre- 951
examination work permit under section 4713.22 of the Revised 952
Code that are applicable to ~~persons~~ individuals who practice a 953
branch of cosmetology in another state or country. 954

(2) The rules adopted under division (A) (18) (b) of this 955
section may establish additional conditions for a temporary work 956
permit that are applicable to ~~persons~~ individuals who practice a 957
branch of cosmetology in another state. 958

(C) The conditions specified in rules adopted under 959
division (A) (6) of this section may include that an applicant is 960
applying for a license to practice a branch of cosmetology for 961
which the board determines an examination is unnecessary. 962

(D) The rules adopted under division (A) (11) of this 963
section shall not include a profession if practice of the 964
profession in a salon is a violation of a statute or rule 965
governing the profession. 966

(E) The sanitary standards established under division (A) 967
(15) of this section shall focus in particular on precautions to 968
be employed to prevent infectious or contagious diseases being 969
created or spread. The board shall consult with the Ohio 970
department of health when establishing the sanitary standards. 971

(F) The fee established by rules adopted under division 972

(A) (16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

Sec. 4713.081. The state board of cosmetology shall furnish a copy of the sanitary standards established by rules adopted under section 4713.08 of the Revised Code to each ~~person~~ individual to whom the board issues a practicing license, ~~managing advanced~~ license, ~~or~~ license to operate a salon or school of cosmetology, or boutique services registration. The board also shall furnish a copy of the sanitary standards to each ~~person~~ individual providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code. A salon or school of cosmetology provided a copy of the sanitary standards shall post the standards in a public and conspicuous place in the salon or school.

Sec. 4713.082. The state board of cosmetology shall furnish a copy of the standards established by rules adopted under section 4713.08 of the Revised Code for installing and operating a tanning facility to each ~~person~~ individual to whom the board issues a permit to operate a tanning facility. ~~A person~~ An individual provided a copy of the standards shall post the standards in a public and conspicuous place in the tanning facility.

Sec. 4713.09. The state board of cosmetology may adopt rules in accordance with ~~Chapter 119~~ section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, ~~managing advanced~~ license, ~~or~~ instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described

in section 2905.32 of the Revised Code. At least two of the 1006
eight hours of the continuing education requirement must be 1007
achieved in courses concerning safety and sanitation, and at 1008
least one hour of the eight hours of the continuing education 1009
requirement must be achieved in courses concerning law and rule 1010
updates. 1011

Sec. 4713.10. (A) The state board of cosmetology shall 1012
charge and collect the following fees: 1013

~~(A)~~ (1) For a temporary pre-examination work permit under 1014
section 4713.22 of the Revised Code, ~~five~~ seven ~~dollars and~~ 1015
~~fifty cents;~~ 1016

~~(B)~~ (2) For initial application to take an examination 1017
under section 4713.24 of the Revised Code, ~~twenty one~~ thirty-one 1018
~~dollars and fifty cents;~~ 1019

~~(C)~~ (3) For application to take an examination under 1020
section 4713.24 of the Revised Code by an applicant who has 1021
previously applied to take, but failed to appear for, the 1022
examination, forty dollars; 1023

~~(D)~~ (4) For application to re-take an examination under 1024
section 4713.24 of the Revised Code by an applicant who has 1025
previously appeared for, but failed to pass, the examination, 1026
~~twenty one~~ thirty-one ~~dollars and fifty cents;~~ 1027

~~(E)~~ (5) For the issuance of a license under section 1028
4713.28, 4713.30, or 4713.31 of the Revised Code, ~~thirty~~ forty- 1029
~~five~~ dollars; 1030

~~(F)~~ (6) For the issuance of a license under section 4713.34 1031
of the Revised Code, ~~sixty~~ seventy ~~dollars;~~ 1032

~~(G)~~ (7) For renewal of a license issued under section 1033
4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, 1034
~~thirty~~ forty-five ~~dollars;~~ 1035

(H) (8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	1036 1037
(I) (9) For the inspection and issuance of a new salon license or the change of name or ownership of a salon license <u>under section 4713.41 of the Revised Code, sixty-seventy-five</u> dollars;	1038 1039 1040 1041
(J) (10) For the renewal of a salon license <u>under section 4713.41 of the Revised Code, fifty-sixty</u> dollars;	1042 1043
(K) (11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, and in addition to the payments for all <u>an amount equal to the sum of the current license renewal fee and a lapsed renewal fees,</u> thirty <u>fee of forty-five dollars per license renewal period that</u> <u>has elapsed since the license was last issued or renewed;</u>	1044 1045 1046 1047 1048 1049
(L) (12) For the issuance of a duplicate of any license, fifteen <u>twenty</u> dollars;	1050 1051
(M) (13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	1052 1053 1054
(N) (14) <u>For the issuance of a boutique services registration, ten dollars;</u>	1055 1056
<u>(15) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional</u> twenty <u>thirty</u> dollars.	1057 1058 1059
<u>(B) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.</u>	1060 1061 1062
<u>(C) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by</u>	1063 1064 1065

up to ninety days. If the fee remains unpaid after the date 1066
payment is due, the amount of the fee shall be certified to the 1067
attorney general for collection in the form and manner 1068
prescribed by the attorney general. The attorney general may 1069
assess the collection cost to the amount certified in such a 1070
manner and amount as prescribed by the attorney general. 1071

Sec. 4713.13. Whenever in the judgment of the state board 1072
of cosmetology any ~~person~~individual has engaged in or is about 1073
to engage in any acts or practices that constitute a violation 1074
of this chapter, or any rule adopted under this chapter, the 1075
board may apply to the appropriate court for an order enjoining 1076
the acts or practices, and upon a showing by the board that the 1077
~~person~~individual has engaged in the acts or practices, the 1078
court shall grant an injunction, restraining order, or other 1079
order as may be appropriate. 1080

Sec. 4713.14. No ~~person~~individual shall do any of the 1081
following: 1082

(A) Use fraud or deceit in making application for a 1083
~~license or, permit, or registration;~~ 1084

(B) Aid or abet any ~~person~~individual or entity in any of 1085
the following: 1086

(1) Violating this chapter or a rule adopted under it; 1087

(2) Obtaining a ~~license or, permit, or registration~~ 1088
fraudulently; 1089

(3) Falsely pretending to hold a current, valid license or 1090
permit. 1091

(C) Practice a branch of cosmetology, for pay, free, or 1092
otherwise, without one of the following authorizing the practice 1093
of that branch of cosmetology: 1094

(1) A current, valid license under section 4713.28, 1095

4713.30, or 4713.34 of the Revised Code;	1096
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1097 1098
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	1099 1100
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	1101 1102 1103
<u>(5) A current, valid registration under section 4713.69 of the Revised Code.</u>	1104 1105
(D) Employ a person <u>an individual</u> to practice a branch of cosmetology if the person <u>individual</u> does not hold one of the following authorizing the practice of that branch of cosmetology:	1106 1107 1108 1109
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	1110 1111
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1112 1113
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	1114 1115
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	1116 1117 1118
<u>(5) A current, valid registration under section 4713.69 of the Revised Code.</u>	1119 1120
(E) Manage a salon without a current, valid license under section 4713.30 or 4713.34 of the Revised Code to manage that type of salon;	1121 1122 1123
(F) Except for apprentice instructors and as provided in	1124

section 4713.45 of the Revised Code, teach the theory or 1125
practice of a branch of cosmetology at a school of cosmetology 1126
without either of the following authorizing the teaching of that 1127
branch of cosmetology: 1128

(1) A current, valid license under section 4713.31 or 1129
4713.34 of the Revised Code; 1130

(2) A current, valid temporary special occasion work 1131
permit issued under section 4713.37 of the Revised Code. 1132

~~(G)~~(F) Advertise or operate a glamour photography service 1133
in which a branch of cosmetology is practiced unless the ~~person~~ 1134
individual practicing the branch of cosmetology holds either of 1135
the following authorizing the practice of that branch of 1136
cosmetology: 1137

(1) A current, valid license under section 4713.28, 1138
4713.30, or 4713.34 of the Revised Code; 1139

(2) A current, valid temporary special occasion work 1140
permit issued under section 4713.37 of the Revised Code. 1141

~~(H)~~(G) Advertise or operate a glamour photography service 1142
in which a branch of cosmetology is practiced at a location not 1143
specified by rules adopted under section 4713.08 of the Revised 1144
Code; 1145

~~(I)~~(H) Practice a branch of cosmetology at a salon ~~in~~ 1146
~~which the person rents booth space as an independent contractor~~ 1147
without a current, valid independent contractor license issued 1148
under section 4713.39 of the Revised Code; 1149

~~(J)~~(I) Operate a salon without a current, valid license 1150
under section 4713.41 of the Revised Code; 1151

~~(K)~~(J) Provide cosmetic therapy or massage therapy at a 1152
salon for pay, free, or otherwise without a current, valid 1153
certificate issued by the state medical board under section 1154

4731.15 of the Revised Code or provide any other professional service at a salon for pay, free, or otherwise without a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;

~~(L)~~ (K) Teach a branch of cosmetology at a salon, unless the ~~person~~ individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:

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

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.

~~(M)~~ (L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;

~~(N)~~ (M) At a salon or school of cosmetology, do ~~either~~ any of the following:

(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;

(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;

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

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

~~(P)~~ (O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a

room used wholly or in part for sleeping or residential 1185
purposes; 1186

~~(Q)~~ (P) Operate a tanning facility that is offered to the 1187
public for a fee or other compensation without a current, valid 1188
permit under section 4713.48 of the Revised Code; 1189

(Q) Practice a branch of cosmetology in a location other 1190
than a licensed facility unless otherwise exempted under section 1191
4713.16 or 4713.17 of the Revised Code; 1192

(R) Use any of the services or arts that are part of 1193
cosmetology to treat or attempt to cure a physical or mental 1194
disease or ailment. 1195

Sec. 4713.141. An inspector employed by the state board of 1196
cosmetology may take a sample of a product used or sold in a 1197
salon or school of cosmetology for the purpose of examining the 1198
sample, or causing an examination of the sample to be made, to 1199
determine whether division ~~(N)~~ (M) of section 4713.14 of the 1200
Revised Code has been violated. 1201

Should the results of the test prove that division (M) of 1202
section 4713.14 of the Revised Code has been violated, the board 1203
shall take action in accordance with section 4713.64 of the 1204
Revised Code. A fine imposed under that section shall include 1205
the cost of the test. The person's license may be suspended or 1206
revoked. 1207

Sec. 4713.16. (A) This chapter does not prohibit any of 1208
the following: 1209

~~(A)~~ (1) Practicing a branch of cosmetology without a 1210
license or registration if the ~~person~~ individual does so for 1211
free at the ~~person's~~ individual's home for a family member who 1212
resides in the same household as the ~~person~~ individual; 1213

~~(B)~~ (2) The retail sale, or trial demonstration by 1214
application to the skin for purposes of retail sale, of 1215

cosmetics, preparations, tonics, antiseptics, creams, lotions, 1216
wigs, or hairpieces without a practicing license or 1217
registration; 1218

~~(C)~~ (3) The retailing, at a salon, of cosmetics, 1219
preparations, tonics, antiseptics, creams, lotions, wigs, 1220
hairpieces, clothing, or any other items that pose no risk of 1221
creating unsanitary conditions at the salon; 1222

~~(D)~~ (4) The provision of glamour photography services at a 1223
licensed salon if either of the following is the case: 1224

~~(1)~~ (a) A branch of cosmetology is not practiced as part 1225
of the services. 1226

~~(2)~~ (b) If a branch of cosmetology is practiced as part of 1227
the services, the part of the services that is a branch of 1228
cosmetology is performed by ~~a person~~ an individual who holds 1229
either of the following authorizing the ~~person~~ individual to 1230
practice that branch of cosmetology: 1231

~~(a)~~ (i) A current, valid license under section 4713.28, 1232
4713.30, or 4713.34 of the Revised Code; 1233

~~(b)~~ (ii) A current, valid temporary special occasion work 1234
permit issued under section 4713.37 of the Revised Code. 1235

~~(E)~~ (5) A student engaging, as a student, in work 1236
connected with a branch of cosmetology taught at the school of 1237
cosmetology at which the student is enrolled; 1238

(B) A student in a career-technical program learning a 1239
branch of cosmetology may continue developing skills in the 1240
respective branch of cosmetology after completing the required 1241
coursework or obtaining a license in the respective branch of 1242
cosmetology by working in the licensed career-technical school 1243
clinic if the student does not receive any compensation. This 1244
allowance terminates upon the graduation of the student from the 1245
career-technical school. 1246

Sec. 4713.17. (A) The following persons are exempt from	1247
the provisions of this chapter, except, as applicable, section	1248
4713.42 of the Revised Code:	1249
(1) All persons <u>individuals</u> authorized to practice	1250
medicine, surgery, dentistry, and nursing or any of its branches	1251
in this state;	1252
(2) Commissioned surgical and medical officers of the	1253
United States army, navy, air force, or marine hospital service	1254
when engaged in the actual performance of their official duties,	1255
and attendants attached to same;	1256
(3) Barbers, insofar as their usual and ordinary vocation	1257
and profession is concerned;	1258
(4) Funeral directors, embalmers, and apprentices licensed	1259
or registered under Chapter 4717. of the Revised Code;	1260
(5) Persons who are engaged in the retail sale, cleaning,	1261
or beautification of wigs and hairpieces but who do not engage	1262
in any other act constituting the practice of a branch of	1263
cosmetology;	1264
(6) Volunteers of hospitals, and homes as defined in	1265
section 3721.01 of the Revised Code, who render service to	1266
registered patients and inpatients who reside in such hospitals	1267
or homes. Such volunteers shall not use or work with any	1268
chemical products such as permanent wave, hair dye, or chemical	1269
hair relaxer, which without proper training would pose a health	1270
or safety problem to the patient.	1271
(7) Nurse aides and other employees of hospitals and homes	1272
as defined in section 3721.01 of the Revised Code, who practice	1273
a branch of cosmetology on registered patients only as part of	1274
general patient care services and who do not charge patients	1275
directly on a fee for service basis;	1276
(8) Cosmetic therapists and massage therapists who hold	1277

current, valid certificates to practice cosmetic or massage 1278
therapy issued by the state medical board under section 4731.15 1279
of the Revised Code, to the extent their actions are authorized 1280
by their certificates to practice; 1281

(9) Inmates who provide services related to a branch of 1282
cosmetology to other inmates, except when those services are 1283
provided in a licensed school of cosmetology within a state 1284
correctional institution for females. 1285

(B) The director of rehabilitation and correction shall 1286
oversee the services described in division (A)(9) of this 1287
section with respect to sanitation and adopt rules governing 1288
those types of services provided by inmates. 1289

Sec. 4713.20. ~~(A) Each person-individual who seeks 1290
admission to an examination conducted under section 4713.24 of 1291
the Revised Code and each person who seeks a license under this 1292
chapter shall ~~do all~~ submit both of the following:~~ 1293

~~(1) Submit to the state board of cosmetology a written 1294
application containing:~~ 1295

~~(A) As part of a license application, proof of the 1296
following:~~ 1297

~~(a) If the person seeks admission to an examination, that 1298
the person-individual satisfies all conditions to obtain the 1299
license for which the examination is conducted, other than the 1300
requirement to have passed the examination; 1301~~

~~(b) If the person seeks a license, that the person 1302
satisfies all conditions for obtaining the license. 1303~~

~~(2) Pay to the board the applicable fee; 1304~~

~~(3) Verify by oath that the application is true. 1305~~

~~(B) An application to operate a salon or school of 1306
cosmetology may be submitted by the owner, manager, or person in 1307~~

~~charge of the salon or school~~A set of the individual's biometric fingerprint scan taken at the board's offices. 1308
1309

Sec. 4713.21. Both of the following may apply again under 1310
section 4713.20 of the Revised Code for admission to an 1311
examination conducted under section 4713.24 of the Revised Code: 1312

(A) ~~A person~~An individual who failed to appear for an 1313
examination that the ~~person~~individual was previously scheduled 1314
to take; 1315

(B) ~~A person~~An individual who appeared for a previously 1316
scheduled examination but failed to pass it. 1317

Sec. 4713.22. (A) The state board of cosmetology shall 1318
issue a temporary pre-examination work permit to ~~a person~~an 1319
individual who applies under section 4713.20 of the Revised Code 1320
for admission to an examination conducted under division (A) of 1321
section 4713.24 of the Revised Code, if the ~~person~~individual 1322
satisfies all of the following conditions: 1323

(1) Is seeking a practicing license; 1324

(2) Has not previously failed an examination conducted 1325
under section 4713.24 of the Revised Code to determine the 1326
applicant's fitness to practice the branch of cosmetology for 1327
which the ~~person~~individual seeks a license; 1328

(3) Pays to the board the applicable fee; 1329

(4) Satisfies all other conditions established by rules 1330
adopted under section 4713.08 of the Revised Code. 1331

(B) ~~A person~~An individual issued a temporary pre- 1332
examination work permit may practice the branch of cosmetology 1333
for which the ~~person~~individual seeks a license until the date 1334
the ~~person~~individual is scheduled to take an examination under 1335
section 4713.24 of the Revised Code. The ~~person~~individual shall 1336
practice under the supervision of ~~a person~~an individual holding 1337

a current, valid ~~managing~~-license appropriate for the type of 1338
salon in which the permit holder practices. A temporary pre- 1339
examination work permit is renewable in accordance with rules 1340
adopted under section 4713.08 of the Revised Code. 1341

Sec. 4713.24. (A) The state board of cosmetology shall 1342
conduct an examination for each ~~person~~-individual who satisfies 1343
the requirements established by section 4713.20 of the Revised 1344
Code for admission to the examination. Examinations for 1345
licensure for any branch of cosmetology shall assess the ability 1346
of a prospective cosmetology professional to maintain a safe and 1347
sanitary place of service delivery. The board may develop and 1348
administer the appropriate examination or enter into an 1349
agreement with a national testing service to develop the 1350
examination, administer the examination, or both. The 1351
examination shall be specific to the type of license the ~~person~~- 1352
individual seeks and satisfy all of the following conditions: 1353

~~(A)~~ (1) Include both practical demonstrations and written 1354
or oral tests related to the type of license the ~~person~~- 1355
individual seeks; 1356

~~(B)~~ (2) Relate only to a branch of cosmetology, ~~managing~~- 1357
~~license, or both,~~ but not be confined to any special system or 1358
method; 1359

~~(C)~~ (3) Be consistent in both practical and technical 1360
requirements for the type of license the ~~person~~-individual 1361
seeks; 1362

~~(D)~~ (4) Be of sufficient thoroughness to satisfy the board 1363
as to the ~~person's~~-individual's skill in and knowledge of the 1364
branch of cosmetology, ~~managing license, or both,~~ for which the 1365
examination is conducted. 1366

(B) Not later than two years after the effective date of 1367
this amendment, the board shall create a curriculum and an 1368
examination for individuals seeking licensure to become an 1369

instructor and shall conduct an examination for each individual 1370
who satisfies the requirements established pursuant to section 1371
4713.31 of the Revised Code for admission to the examination. 1372

(C) The board shall adopt rules regarding the equipment or 1373
supplies an individual is required to bring to an examination 1374
described in this section. 1375

(D) The board shall not release the questions developed 1376
for the examinations and the practical demonstrations used in 1377
the testing process, except for the following purposes: 1378

(1) Reviewing or rewriting of any part of the examination 1379
on a periodic basis as prescribed in rules adopted under section 1380
4713.08 of the Revised Code; 1381

(2) Testing of individuals in another state for admission 1382
to the profession of cosmetology or any of its branches as 1383
required under a contract or by means of a license with that 1384
state. 1385

(E) The examination papers and the scored results of the 1386
practical demonstrations of each individual examined by the 1387
board shall be open for inspection by the individual or the 1388
individual's attorney for at least ninety days following the 1389
announcement of the individual's grade, except for papers that 1390
under the terms of a contract with a testing service are not 1391
available for inspection. On written request of an individual or 1392
the individual's attorney made to the board not later than 1393
ninety days after announcement of the individual's grade, the 1394
board shall have the individual's practical examination papers 1395
regraded manually. 1396

(F) Test materials, examinations, or evaluation tools used 1397
in an examination for licensure under this chapter that the 1398
board develops or contracts with a private or government entity 1399
to administer are not public records under division (A) (1) (v) of 1400
section 149.43 or any other section of the Revised Code. 1401

Sec. 4713.25. (A) The state board of cosmetology may 1402
administer a separate ~~managing advanced~~ cosmetologist 1403
examination for ~~persons individuals~~ who complete a ~~managing an~~ 1404
~~advanced~~ cosmetologist training course separate from a 1405
cosmetologist training course. The board may combine the 1406
~~managing advanced~~ cosmetologist examination with the 1407
cosmetologist examination for ~~persons individuals~~ who complete a 1408
combined ~~eighteen hundred hour~~ cosmetologist and ~~managing~~ 1409
~~advanced~~ cosmetologist training course. 1410

(B) The board may administer a separate ~~managing advanced~~ 1411
esthetician examination for ~~persons individuals~~ who complete a 1412
~~managing an advanced~~ esthetician training course separate from 1413
an esthetician training course. The board may combine the 1414
~~managing advanced~~ esthetician examination with the esthetician 1415
examination for ~~persons individuals~~ who complete a ~~combined~~ 1416
~~seven hundred fifty hour an~~ esthetician and ~~managing advanced~~ 1417
esthetician training course. 1418

(C) The board may administer a separate ~~managing advanced~~ 1419
hair designer examination for ~~persons individuals~~ who complete a 1420
~~managing an advanced~~ hair designer training course separate from 1421
a hair designer training course. The board may combine the 1422
~~managing advanced~~ hair designer examination with the hair 1423
designer examination for ~~persons individuals~~ who complete a 1424
~~combined one thousand four hundred forty hour~~ hair designer and 1425
~~managing advanced~~ hair designer training course. 1426

(D) The board may administer a separate ~~managing advanced~~ 1427
manicurist examination for ~~persons individuals~~ who complete a 1428
~~managing an advanced~~ manicurist training course separate from a 1429
manicurist training course. The board may combine the ~~managing~~ 1430
~~advanced~~ manicurist examination with the manicurist examination 1431
for ~~persons individuals~~ who complete a ~~combined three hundred~~ 1432
~~hour~~ manicurist and ~~managing advanced~~ manicurist training 1433
course. 1434

(E) The board may administer a separate ~~managing-advanced~~ natural hair stylist examination for ~~persons-individuals~~ who complete a ~~managing-an advanced~~ natural hair stylist training course separate from a natural hair stylist training course. The board may combine the ~~managing-advanced~~ natural hair stylist examination with the natural hair stylist examination for ~~persons-individuals~~ who complete a ~~combined six hundred-hour~~ natural hair stylist and ~~managing-advanced~~ natural hair stylist training course.

Sec. 4713.26. Each ~~person-individual~~ admitted to an examination conducted under section 4713.24 of the Revised Code shall furnish the ~~person's-individual's~~ own model.

Sec. 4713.28. (A) The state board of cosmetology shall issue a practicing license to an applicant who, ~~except as provided in section 4713.30 of the Revised Code,~~ satisfies all of the following applicable conditions:

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

~~(B)~~ (2) Is of good moral character;

~~(C)~~ (3) Has the equivalent of an Ohio public school tenth grade education;

~~(D)~~ (4) Has submitted a written application on a form furnished by the board that contains all of the following:

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

(b) A recent photograph of the individual that meets the specifications established by the board;

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

(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the

<u>Revised Code;</u>	1465
<u>(e) An oath verifying that the information in the</u>	1466
<u>application is true;</u>	1467
<u>(f) The applicable application fee.</u>	1468
<u>(5) Passes an examination conducted under <u>division (A) of</u></u>	1469
section 4713.24 of the Revised Code for the branch of	1470
cosmetology the applicant seeks to practice;	1471
(E) <u>(6) Pays to the board the applicable <u>license</u> fee;</u>	1472
(F) <u>(7) In the case of an applicant for an initial</u>	1473
cosmetologist license, has successfully completed at least	1474
fifteen one thousand five hundred hours of board-approved	1475
cosmetology training in a school of cosmetology licensed in this	1476
state, except that only one thousand hours of board-approved	1477
cosmetology training in a school of cosmetology licensed in this	1478
state is required of a person <u>an individual</u> licensed as a barber	1479
under Chapter 4709. of the Revised Code;	1480
(G) <u>(8) In the case of an applicant for an initial</u>	1481
esthetician license, has successfully completed at least six	1482
hundred hours of board-approved esthetics training in a school	1483
of cosmetology licensed in this state;	1484
(H) <u>(9) In the case of an applicant for an initial hair</u>	1485
designer license, has successfully completed at least one	1486
thousand two hundred hours of board-approved hair designer	1487
training in a school of cosmetology licensed in this state,	1488
except that only one thousand hours of board-approved hair	1489
designer training in a school of cosmetology licensed in this	1490
state is required of a person <u>an individual</u> licensed as a barber	1491
under Chapter 4709. of the Revised Code;	1492
(I) <u>(10) In the case of an applicant for an initial</u>	1493
manicurist license, has successfully completed at least two	1494
hundred hours of board-approved manicurist training in a school	1495

of cosmetology licensed in this state;	1496
(J) <u>(11)</u> In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology + .	1497 1498 1499 1500 1501 1502
(K) <u>(B)</u> The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.	1503 1504 1505 1506
Sec. 4713.30. The state board of cosmetology shall issue a managing an advanced license to an applicant who satisfies all of the following applicable conditions:	1507 1508 1509
(A) Is at least sixteen years of age;	1510
(B) Is of good moral character;	1511
(C) Has the equivalent of an Ohio public school tenth grade education;	1512 1513
(D) Pays to the board the applicable fee;	1514
(E) Passes the appropriate managing advanced <u>license</u> examination;	1515 1516
(F) In the case of an applicant for an initial managing advanced <u>cosmetologist</u> license, does either of the following:	1517 1518
(1) Has a licensed managing advanced <u>cosmetologist</u> or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least two one <u>thousand</u> <u>eight hundred</u> hours in a licensed beauty salon;	1519 1520 1521 1522 1523
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully	1524 1525

completed, in addition to the hours required for licensure as a 1526
cosmetologist, at least three hundred hours of board-approved 1527
~~managing-advanced~~ cosmetologist training. 1528

(G) In the case of an applicant for an initial ~~managing-~~ 1529
~~advanced~~ esthetician license, does either of the following: 1530

(1) Has the licensed ~~managing-advanced~~ esthetician, 1531
licensed ~~managing-advanced~~ cosmetologist, or owner of a licensed 1532
esthetics salon or licensed beauty salon located in this or 1533
another state certify to the board that the applicant has 1534
practiced esthetics for at least ~~two-one~~ thousand eight hundred 1535
hours as an esthetician in a licensed esthetics salon or as a 1536
cosmetologist in a licensed beauty salon; 1537

(2) Has a school of cosmetology licensed in this state 1538
certify to the board that the applicant has successfully 1539
completed, in addition to the hours required for licensure as an 1540
esthetician or cosmetologist, at least one hundred ~~fifty~~-hours 1541
of board-approved ~~managing-advanced~~ esthetician training. 1542

(H) In the case of an applicant for an initial ~~managing-~~ 1543
~~advanced~~ hair designer license, does either of the following: 1544

(1) Has the licensed ~~managing-advanced~~ hair designer, 1545
licensed ~~managing-advanced~~ cosmetologist, or owner of a licensed 1546
hair design salon or licensed beauty salon located in this or 1547
another state certify to the board that the applicant has 1548
practiced hair design for at least ~~two-thousand-one~~ thousand 1549
eight hundred hours as a hair designer in a licensed hair design 1550
salon or as a cosmetologist in a licensed beauty salon; 1551

(2) Has a school of cosmetology licensed in this state 1552
certify to the board that the applicant has successfully 1553
completed, in addition to the hours required for licensure as a 1554
hair designer or cosmetologist, at least ~~two-one~~ hundred ~~forty-~~ 1555
hours of board-approved ~~managing-advanced~~ hair designer 1556
training. 1557

(I) In the case of an applicant for an initial ~~managing-~~
advanced manicurist license, does either of the following: 1558
1559

(1) Has the licensed ~~managing-advanced~~ manicurist, 1560
licensed ~~managing-advanced~~ cosmetologist, or owner of a licensed 1561
nail salon, licensed beauty salon, or licensed barber shop 1562
located in this or another state certify to the board that the 1563
applicant has practiced manicuring for at least ~~two-~~one thousand 1564
eight hundred hours as a manicurist in a licensed nail salon or 1565
licensed barber shop or as a cosmetologist in a licensed beauty 1566
salon or licensed barber shop; 1567

(2) Has a school of cosmetology licensed in this state 1568
certify to the board that the applicant has successfully 1569
completed, in addition to the hours required for licensure as a 1570
manicurist or cosmetologist, at least one hundred hours of 1571
board-approved ~~managing-advanced~~ manicurist training. 1572

(J) In the case of an applicant for an initial ~~managing-~~
advanced natural hair stylist license, does either of the 1573
following: 1574
1575

(1) Has the licensed ~~managing-advanced~~ natural hair 1576
stylist, licensed ~~managing-advanced~~ cosmetologist, or owner of a 1577
licensed natural hair style salon or licensed beauty salon 1578
located in this or another state certify to the board that the 1579
applicant has practiced natural hair styling for at least ~~two-~~ 1580
one thousand eight hundred hours as a natural hair stylist in a 1581
licensed natural hair style salon or as a cosmetologist in a 1582
licensed beauty salon; 1583

(2) Has a school of cosmetology licensed in this state 1584
certify to the board that the applicant has successfully 1585
completed, in addition to the hours required for licensure as 1586
natural hair stylist or cosmetologist, at least one hundred 1587
~~fifty~~ hours of board-approved ~~managing-advanced~~ natural hair 1588
stylist training. 1589

Sec. 4713.31. The state board of cosmetology shall issue 1590
an instructor license to an applicant who satisfies all of the 1591
following applicable conditions: 1592

(A) Is at least eighteen years of age; 1593

(B) Is of good moral character; 1594

(C) Has the equivalent of an Ohio public school twelfth 1595
grade education; 1596

(D) Pays to the board the applicable fee; 1597

(E) In the case of an applicant for an initial cosmetology 1598
instructor license, holds a current, valid ~~managing-advanced~~ 1599
cosmetologist license issued in this state and does either of 1600
the following: 1601

(1) Has the licensed ~~managing-advanced~~ cosmetologist or 1602
owner of the licensed beauty salon in which the applicant has 1603
been employed certify to the board that the applicant has 1604
engaged in the practice of cosmetology in a licensed beauty 1605
salon for at least ~~two-one~~ thousand eight hundred hours; 1606

(2) Has a school of cosmetology licensed in this state 1607
certify to the board that the applicant has successfully 1608
completed one thousand hours of board-approved cosmetology 1609
instructor training as an apprentice instructor. 1610

(F) In the case of an applicant for an initial esthetics 1611
instructor license, holds a current, valid ~~managing-advanced~~ 1612
esthetician or ~~managing-advanced~~ cosmetologist license issued in 1613
this state and does either of the following: 1614

(1) Has the licensed ~~managing-advanced~~ esthetician, 1615
licensed ~~managing-advanced~~ cosmetologist, or owner of the 1616
licensed esthetics salon or licensed beauty salon in which the 1617
applicant has been employed certify to the board that the 1618
applicant has engaged in the practice of esthetics in a licensed 1619

esthetics salon or practice of cosmetology in a licensed beauty 1620
salon for at least ~~two-one~~ thousand eight hundred hours; 1621

(2) Has a school of cosmetology licensed in this state 1622
certify to the board that the applicant has successfully 1623
completed at least five hundred hours of board-approved 1624
esthetics instructor training as an apprentice instructor. 1625

(G) In the case of an applicant for an initial hair design 1626
instructor license, holds a current, valid ~~managing-advanced~~ 1627
hair designer or ~~managing-advanced~~ cosmetologist license and 1628
does either of the following: 1629

(1) Has the licensed ~~managing-advanced~~ hair designer, 1630
licensed ~~managing-advanced~~ cosmetologist, or owner of the 1631
licensed hair design salon or licensed beauty salon in which the 1632
applicant has been employed certify to the board that the 1633
applicant has engaged in the practice of hair design in a 1634
licensed hair design salon or practice of cosmetology in a 1635
licensed beauty salon for at least ~~two-one~~ thousand eight 1636
hundred hours; 1637

(2) Has a school of cosmetology licensed in this state 1638
certify to the board that the applicant has successfully 1639
completed at least eight hundred hours of board-approved hair 1640
design instructor's training as an apprentice instructor. 1641

(H) In the case of an applicant for an initial manicurist 1642
instructor license, holds a current, valid ~~managing-advanced~~ 1643
manicurist or ~~managing-advanced~~ cosmetologist license and does 1644
either of the following: 1645

(1) Has the licensed ~~managing-advanced~~ manicurist, 1646
licensed ~~managing-advanced~~ cosmetologist, or owner of the 1647
licensed nail salon or licensed beauty salon in which the 1648
applicant has been employed certify to the board that the 1649
applicant has engaged in the practice of manicuring in a 1650
licensed nail salon or practice of cosmetology in a licensed 1651

beauty salon for at least ~~two one~~ thousand eight hundred hours; 1652

(2) Has a school of cosmetology licensed in this state 1653
certify to the board that the applicant has successfully 1654
completed at least three hundred hours of board-approved 1655
manicurist instructor training as an apprentice instructor. 1656

(I) In the case of an applicant for an initial natural 1657
hair style instructor license, holds a current, valid ~~managing-~~ 1658
advanced natural hair stylist or ~~managing-advanced~~ cosmetologist 1659
license and does either of the following: 1660

(1) Has the licensed ~~managing-advanced~~ natural hair 1661
stylist, licensed ~~managing-advanced~~ cosmetologist, or owner of 1662
the licensed natural hair style salon or licensed beauty salon 1663
in which the applicant has been employed certify to the board 1664
that the applicant has engaged in the practice of natural hair 1665
styling in a licensed natural hair style salon or practice of 1666
cosmetology in a licensed beauty salon for at least ~~two one~~ 1667
thousand eight hundred hours; 1668

(2) Has a school of cosmetology licensed in this state 1669
certify to the board that the applicant has successfully 1670
completed at least four hundred hours of board-approved natural 1671
hair style instructor training as an apprentice instructor. 1672

Sec. 4713.34. The state board of cosmetology shall issue a 1673
license to practice a branch of cosmetology, ~~managing license,~~ 1674
or instructor license to an applicant who is licensed or 1675
registered in another state or country to practice that branch 1676
of cosmetology, ~~manage that type of salon,~~ or teach the theory 1677
and practice of that branch of cosmetology, as appropriate, if 1678
all of the following conditions are satisfied: 1679

(A) The applicant satisfies all of the following 1680
conditions: 1681

(1) Is not less than eighteen years of age; 1682

(2) Is of good moral character;	1683
(3) In the case of an applicant for a practicing licensee or managing license , passes an examination conducted under section	1684
4713.24 of the Revised Code for the license the applicant seeks,	1685
unless the applicant satisfies conditions specified in rules	1686
adopted under section 4713.08 of the Revised Code for the board	1687
to issue the applicant a license without taking the examination;	1688
	1689
(4) Pays the applicable fee.	1690
(B) At the time the applicant obtained the license or	1691
registration in the other state or country, the requirements in	1692
this state for obtaining the license the applicant seeks were	1693
substantially equal to the other state or country's	1694
requirements.	1695
(C) The jurisdiction that issued the applicant's license	1696
or registration extends similar reciprocity to persons	1697
<u>individuals</u> holding a license issued by the board.	1698
Sec. 4713.35. A person <u>An individual</u> who holds a current,	1699
valid cosmetologist <u>or advanced cosmetologist</u> license issued by	1700
the state board of cosmetology may engage in the practice of one	1701
or more branches of cosmetology as the person <u>individual</u> chooses	1702
<u>in a licensed facility</u> .	1703
A person <u>An individual</u> who holds a current, valid	1704
esthetician <u>or advanced esthetician</u> license issued by the board	1705
may engage in the practice of esthetics but no other branch of	1706
cosmetology <u>in a licensed facility</u> .	1707
A person <u>An individual</u> who holds a current, valid hair	1708
designer <u>or advanced hair designer</u> license issued by the board	1709
may engage in the practice of hair design but no other branch of	1710
cosmetology <u>in a licensed facility</u> .	1711
A person <u>An individual</u> who holds a current, valid	1712
manicurist <u>or advanced manicurist</u> license issued by the board	1713

may engage in the practice of manicuring but no other branch of
cosmetology in a licensed facility. 1714
1715

~~A person~~ An individual who holds a current, valid natural
hair stylist or advanced natural hair stylist license issued by 1716
the board may engage in the practice of natural hair styling but 1717
no other branch of cosmetology in a licensed facility. 1718
1719

~~A person who holds a current, valid managing cosmetologist-~~ 1720
~~license issued by the board may manage all types of salons and-~~ 1721
~~engage in the practice of one or more branches of cosmetology as-~~ 1722
~~the person chooses.~~ 1723

~~A person who holds a current, valid managing esthetician-~~ 1724
~~license issued by the board may manage an esthetics salon, but-~~ 1725
~~no other type of salon, and engage in the practice of esthetics,-~~ 1726
~~but no other branch of cosmetology.~~ 1727

~~A person who holds a current, valid managing hair designer-~~ 1728
~~license issued by the board may manage a hair design salon, but-~~ 1729
~~no other type of salon, and engage in the practice of hair-~~ 1730
~~design, but no other branch of cosmetology.~~ 1731

~~A person who holds a current, valid managing manicurist-~~ 1732
~~license issued by the board may manage a nail salon, but no-~~ 1733
~~other type of salon, and engage in the practice of manicuring,-~~ 1734
~~but no other branch of cosmetology.~~ 1735

~~A person who holds a current, valid managing natural hair-~~ 1736
~~stylist license issued by the board may manage a natural hair-~~ 1737
~~style salon, but no other type of salon, and engage in the~~ 1738
~~practice of natural hair styling, but no other branch of-~~ 1739
~~cosmetology.~~ 1740

~~A person~~ An individual who holds a current, valid 1741
cosmetology instructor license issued by the board may teach the 1742
theory and practice of one or more branches of cosmetology at a 1743
school of cosmetology as the ~~person~~ individual chooses. 1744

~~A person~~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.

~~A person~~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.

~~A person~~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.

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

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

Sec. 4713.36. A licensed manicurist or licensed ~~managing~~
advanced manicurist may engage in the practice of manicuring at
a nail salon or beauty salon licensed under section 4713.41 of
the Revised Code or a barber shop licensed under Chapter 4709.
of the Revised Code.

Sec. 4713.37. (A) The state board of cosmetology may issue
a temporary special occasion work permit to ~~a person~~an
individual who satisfies all of the following conditions:

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

(2) Is a recognized expert in the practice or teaching of

the branch of cosmetology the ~~person~~individual practices or 1776
teaches; 1777

(3) Is to practice that branch of cosmetology or teach the 1778
theory and practice of that branch of cosmetology in this state 1779
as part of a promotional or instructional program for not more 1780
than the amount of time a temporary special occasion work permit 1781
is effective; 1782

(4) Satisfies all other conditions for a temporary special 1783
occasion work permit established by rules adopted under section 1784
4713.08 of the Revised Code; 1785

(5) Pays the fee established by rules adopted under 1786
section 4713.08 of the Revised Code. 1787

(B) ~~A person~~An individual issued a temporary special 1788
occasion work permit may practice the branch of cosmetology the 1789
~~person~~individual practices in another state or country, or 1790
teach the theory and practice of the branch of cosmetology the 1791
~~person~~individual teaches in another state or country, until the 1792
expiration date of the permit. A temporary special occasion work 1793
permit is valid for the period of time specified in rules 1794
adopted under section 4713.08 of the Revised Code. 1795

Sec. 4713.39. The state board of cosmetology shall issue a 1796
license to engage in the practice of a branch of cosmetology as 1797
an independent contractor to an applicant who pays the 1798
applicable fee; holds a current, valid license ~~to manage~~for the 1799
type of salon in which the applicant will practice that branch 1800
of cosmetology; and satisfies the conditions for the license 1801
established by rules adopted under section 4713.08 of the 1802
Revised Code. 1803

Sec. 4713.41. The state board of cosmetology shall issue a 1804
license to operate a salon, including a boutique salon, to an 1805
applicant who pays the applicable fee and affirms that all of 1806
the following conditions will be met: 1807

(A) (1) ~~A person~~ An individual holding a current, valid 1808
~~managing cosmetologist license or license to manage that type of~~ 1809
~~salon has charge of and immediate supervision over~~ or boutique 1810
services registration pertaining to the branch of cosmetology 1811
services performed at the salon or boutique salon, shall have 1812
charge of and immediate supervision over the salon at all times 1813
when the salon is open for business except as permitted under 1814
division (A) (2) of this section. 1815

(2) A business establishment that is engaged primarily in 1816
retail sales but is also licensed as a salon shall have ~~a person~~ 1817
present an individual holding a current, valid ~~managing~~ license 1818
~~for or registration to practice in~~ that type of salon in charge 1819
of and in immediate supervision of the salon during posted or 1820
advertised service hours, if the practice of cosmetology is 1821
restricted to those posted or advertised service hours. 1822

(B) The salon is equipped to do all of the following: 1823

(1) Provide potable running hot and cold water and proper 1824
drainage; 1825

(2) Sanitize all instruments and supplies used in the 1826
branch of cosmetology provided at the salon; 1827

(3) If cosmetic therapy, massage therapy, or other 1828
professional service is provided at the salon under section 1829
4713.42 of the Revised Code, sanitize all instruments and 1830
supplies used in the cosmetic therapy, massage therapy, or other 1831
professional service. 1832

(C) Except as provided in sections 4713.42 and 4713.49 of 1833
the Revised Code, only the branch of cosmetology that the salon 1834
is licensed to provide is practiced at the salon. 1835

(D) The salon is kept in a clean and sanitary condition 1836
and properly ventilated. 1837

(E) No food is sold at the salon in a manner inconsistent 1838

with rules adopted under section 4713.08 of the Revised Code. 1839

(F) A notice that contains a toll-free number and online 1840
process for reporting alleged violations of this chapter, as 1841
prescribed by the board of cosmetology, is posted at the salon 1842
in a common area for all customers of salon services. 1843

Sec. 4713.42. ~~A person~~An individual holding a current, 1844
valid certificate issued under section 4731.15 of the Revised 1845
Code to provide cosmetic therapy or massage therapy may provide 1846
cosmetic therapy or massage therapy, as appropriate, in a salon. 1847
~~A person~~An individual holding a current, valid license or 1848
certificate issued by a professional regulatory board of this 1849
state may practice the ~~person's~~individual's profession in a 1850
salon if the ~~person's~~individual's profession is authorized by 1851
rules adopted under section 4713.08 of the Revised Code to 1852
practice in a salon. 1853

~~A person~~An individual providing cosmetic therapy, massage 1854
therapy, or other professional service in a salon pursuant to 1855
this section shall satisfy the standards established by rules 1856
adopted under section 4713.08 of the Revised Code. 1857

Sec. 4713.44. (A) The state board of cosmetology shall 1858
issue a license to operate a school of cosmetology to an 1859
applicant who pays the applicable fee and satisfies all of the 1860
following requirements: 1861

(1) Maintains a course of practical training and technical 1862
instruction for the branch or branches of cosmetology to be 1863
taught at the school equal to the requirements for admission to 1864
an examination under section 4713.24 of the Revised Code that ~~a~~
~~person~~an individual must pass to obtain a license to practice 1865
that branch or those branches of cosmetology; 1866
1867

(2) Possesses or makes available apparatus and equipment 1868
sufficient for the ready and full teaching of all subjects of 1869
the curriculum; 1870

- (3) Maintains ~~persons~~individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 1871
1872
1873
- (4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 1874
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- (5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student; 1879
1880
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- (6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began; 1883
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- (7) Instructs not more than six apprentice cosmetology instructors at any one time; 1888
1889
- (8) Files with the board a good and sufficient surety bond executed by the ~~person~~individual, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in the amount of ten thousand dollars; provided, that this requirement does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district. The bond shall be in the form prescribed by the board and be conditioned upon the school's continued instruction in the theory and practice of the branches of cosmetology. Every bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide. 1890
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- (9) Establishes and maintains an internal procedure for 1902

processing complaints filed against the school and for providing 1903
students with instructions on how to file a complaint directly 1904
with the board pursuant to section 4713.641 of the Revised Code. 1905

(B) A school of cosmetology holding a license issued under 1906
division (A) of this section is an educational institution and 1907
is authorized to offer educational programs beyond secondary 1908
education, advanced practice programs, or both in accordance 1909
with rules adopted by the board pursuant to section 4713.08 of 1910
the Revised Code. 1911

(C) A school of cosmetology holding a license to operate a 1912
school of cosmetology on ~~the effective date of this amendment~~ 1913
September 29, 2013, shall establish and maintain an internal 1914
procedure for processing complaints filed against the school and 1915
shall provide each of the school's students with instructions on 1916
how to file a complaint directly with the board pursuant to 1917
section 4713.641 of the Revised Code. 1918

Sec. 4713.45. (A) A school of cosmetology may do the 1919
following: 1920

(1) In accordance with rules adopted under section 4713.08 1921
of the Revised Code, a school of cosmetology operated by a 1922
public entity or a private person may offer clock hours, credit 1923
hours, or competency-based credits, ~~and a school of cosmetology~~ 1924
~~that is operated by a private person may offer clock or credit~~ 1925
~~hours,~~ for the purpose of satisfying minimum hours of training 1926
and instruction; 1927

(2) Allow an apprentice cosmetology instructor the regular 1928
quota of students prescribed by the state board of cosmetology 1929
if a cosmetology instructor is present; 1930

(3) Compensate an apprentice cosmetology instructor; 1931

(4) Subject to division (B) of this section, employ ~~a~~ 1932
person an individual who does not hold a current, valid 1933

instructor license to teach subjects related to a branch of
cosmetology.

(B) A school of cosmetology shall have a licensed
cosmetology instructor present when ~~a person~~ an individual
employed pursuant to division (A) (4) of this section teaches at
the school, unless the ~~person~~ individual is one of the
following:

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

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

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

(C) A school of cosmetology shall annually review the
subjects and coursework required to receive an initial
cosmetology license and advanced license and, in doing so, shall
incorporate standards adopted by the state board of cosmetology
pursuant to division (A) (13) of section 4713.08 of the Revised
Code.

Sec. 4713.48. (A) The state board of cosmetology shall
issue a permit to operate a tanning facility to an applicant if
all of the following conditions are satisfied:

(1) The applicant applies in accordance with the
application process adopted by rules adopted under section
4713.08 of the Revised Code.

(2) The applicant pays to the treasurer of state the fee
established by those rules.

(3) An initial inspection of the premises indicates that

the tanning facility has been installed and will be operated in accordance with those rules.

(B) A permit holder shall post the permit in a public and conspicuous place on any premises where the tanning facility is located. ~~A person~~An individual shall obtain a separate permit for each of the premises owned or operated by that ~~person~~individual at which the ~~person~~individual seeks to operate a tanning facility.

(C) ~~A~~To continue operating, a permit holder ~~may~~shall biennially renew ~~a~~the permit by the last day of January of each odd-numbered year ~~upon~~. The board shall renew the permit upon the holder's payment to the treasurer of state of the biennial renewal fee.

Sec. 4713.55. Every license issued by the state board of cosmetology shall be signed by the chairperson and attested by the executive director ~~thereof~~of the board, with the seal of the board attached.

The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each ~~managing~~advanced license that the board issues the type of salon ~~that~~in which the license entitles the holder to ~~manage~~work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to

practice or teach the branch of cosmetology, ~~or manage the type of salon,~~ that the license specifies. 1996
1997

Sec. 4713.56. Every holder of a practicing license, ~~managing license,~~ instructor license, ~~or independent contractor license,~~ or boutique service registration issued by the state board of cosmetology shall ~~display~~ maintain the board-issued, wallet-sized license in a public and conspicuous place in the place of employment of the holder or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request. 1998
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Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 2007
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Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school. 2010
2011
2012

Every ~~person~~ individual who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall ~~display~~ maintain the person's individual's professional license or certificate in a public and conspicuous place in the room used for the therapy or other service and a state of Ohio issued photo identification that can be produced upon inspection or request. 2013
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Sec. 4713.57. A license or registration issued by the state board of cosmetology is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. Renewal shall be done in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board may refuse to renew a license if the ~~person~~ individual holding the license has an outstanding unpaid fine levied under 2020
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section 4713.64 of the Revised Code. 2028

Sec. 4713.58. (A) Except as provided in division (B) of 2029
this section, on payment of the renewal fee and submission of 2030
proof satisfactory to the state board of cosmetology that any 2031
applicable continuing education requirements have been 2032
completed, ~~a person~~ an individual currently licensed as: 2033

(1) A cosmetology instructor who has previously been 2034
licensed as a cosmetologist or ~~a managing~~ an advanced 2035
cosmetologist, is entitled to the reissuance of a cosmetologist 2036
or ~~managing~~ advanced cosmetologist license; 2037

(2) An esthetics instructor who has previously been 2038
licensed as an esthetician or ~~a managing~~ an advanced 2039
esthetician, is entitled to the reissuance of an esthetician or 2040
~~managing~~ advanced esthetician license; 2041

(3) A hair design instructor who has previously been 2042
licensed as a hair designer or ~~a managing~~ an advanced hair 2043
designer, is entitled to the reissuance of a hair designer or 2044
~~managing~~ advanced hair designer license; 2045

(4) A manicurist instructor who has previously been 2046
licensed as a manicurist or ~~a managing~~ an advanced manicurist, 2047
is entitled to the reissuance of a manicurist or ~~managing~~ 2048
advanced manicurist license; 2049

(5) A natural hair style instructor who has previously 2050
been licensed as a natural hair stylist or ~~a managing~~ an 2051
advanced natural hair stylist, is entitled to the reissuance of 2052
a natural hair stylist or ~~managing~~ advanced natural hair stylist 2053
license. 2054

(B) No ~~person~~ individual is entitled to the reissuance of 2055
a license under division (A) of this section if the license was 2056
revoked or suspended or the ~~person~~ individual has an outstanding 2057
unpaid fine levied under section 4713.64 of the Revised Code. 2058

Sec. 4713.59. If the state board of cosmetology adopts 2059
rules under section 4713.09 of the Revised Code to establish a 2060
continuing education requirement as a condition of renewal for a 2061
practicing license, ~~managing advanced~~ license, or instructor 2062
license, the board shall inform each affected licensee of the 2063
continuing education requirement that applies to the next 2064
biennial licensing period by including ~~at that information in the~~ 2065
renewal notification ~~in the license renewal application form~~ it 2066
sends the licensee. The notification shall state that the 2067
licensee must complete the continuing education requirement by 2068
the ~~last~~ fifteenth day of January of the next odd-numbered year. 2069

Hours completed in excess of the continuing education 2070
requirement may not be applied to the next biennial licensing 2071
period. 2072

Sec. 4713.60. (A) Except as provided in division (C) of 2073
this section, ~~a person~~ an individual seeking a renewal of a 2074
license to practice a branch of cosmetology, ~~managing advanced~~ 2075
license, ~~or~~ instructor license, or boutique services 2076
registration shall include in the renewal application proof 2077
satisfactory to the board of completion of any applicable 2078
continuing education requirements established by rules adopted 2079
under section 4713.09 of the Revised Code. 2080

(B) If an applicant fails to provide satisfactory proof of 2081
completion of any applicable continuing education requirements, 2082
the board shall notify the applicant that the application is 2083
incomplete. The board shall not renew the license or 2084
registration until the applicant provides satisfactory proof of 2085
completion of any applicable continuing education requirements. 2086
The board may provide the applicant with an extension of up to 2087
ninety days in which to complete the continuing education 2088
requirement. In providing for the extension, the board may 2089
charge the licensee or registrant a fine of up to one hundred 2090
dollars. 2091

(C) The board may waive, or extend the period for completing, any continuing education requirement if a licensee or registrant applies to the board and provides proof satisfactory to the board of being unable to complete the requirement within the time allowed because of any of the following:

(1) An emergency;

(2) An unusual or prolonged illness;

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

The board shall determine the period of time during which each extension is effective and shall inform the applicant. The board shall also inform the applicant of the continuing education requirements that must be met to have the license or registration renewed. If an extension is granted for less than one year, the continuing education requirement for that year, in addition to the required continuing education for the succeeding year, must be completed in the succeeding year. In all other cases the board may waive all or part of the continuing education requirement on a case-by-case basis. Any required continuing education shall be completed and satisfactory proof of its completion submitted to the board by a date specified by the board. Every license ~~which or registration that~~ has not been renewed ~~in any odd numbered year by the last day of January in~~ the timeframe specified in section 4713.57 of the Revised Code and for which the continuing education requirement has not been waived or extended shall be considered expired.

Sec. 4713.61. (A) If the state board of cosmetology adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which ~~a person an~~

individual who holds a license to practice a branch of 2124
cosmetology, ~~managing advanced~~ license, or instructor license 2125
and who is not currently engaged in the practice of the branch 2126
of cosmetology, ~~managing a salon,~~ or teaching the theory and 2127
practice of the branch of cosmetology, but who desires to be so 2128
engaged in the future, may apply to the board to have the 2129
~~person's~~ individual's license classified inactive. If the board 2130
develops such a procedure, ~~a person~~ an individual seeking to 2131
have the ~~person's~~ individual's license classified inactive shall 2132
apply to the board on a form provided by the board and pay the 2133
fee established by rules adopted under section 4713.08 of the 2134
Revised Code. 2135

(B) The board shall not restore an inactive license until 2136
the later of the following: 2137

(1) The date that the ~~person~~ individual holding the 2138
license submits proof satisfactory to the board that the ~~person~~ 2139
individual has completed the continuing education that a rule 2140
adopted under section 4713.08 of the Revised Code requires; 2141

(2) The last day of January of the next odd-numbered year 2142
following the year the license is classified inactive. 2143

(C) ~~A person~~ An individual who holds an inactive license 2144
may engage in the practice of a branch of cosmetology if the 2145
~~person~~ individual holds a temporary work permit as specified in 2146
rules adopted by the board under section 4713.08 of the Revised 2147
Code. 2148

Sec. 4713.62. (A) ~~A person~~ An individual holding a 2149
practicing license, ~~managing advanced~~ license, ~~or~~ instructor 2150
license, or boutique services registration may satisfy a 2151
continuing education requirement established by rules adopted 2152
under section 4713.09 of the Revised Code only by completing 2153
continuing education programs approved under division (B) of 2154
this section ~~or developed under division (C) of this section.~~ 2155

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

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

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

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

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

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

(b) Protect the public;

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

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

Sec. 4713.63. A practicing license, ~~managing-advanced~~ license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been

given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the ~~person~~ individual who held the license meets all of the following applicable conditions:

(A) Pays to the state board of cosmetology the restoration fee, ~~the current renewal fee, and any applicable late fees~~ established under section 4713.10 of the Revised Code;

~~(B) Pays a lapsed renewal fee of forty five dollars per license renewal period that has elapsed since the license was last issued or renewed;~~

~~(C)~~ In the case of a practicing license or ~~managing~~ advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

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

Sec. 4713.64. (A) The state board of cosmetology may take disciplinary action for any of the following:

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

(2) Continued practice by ~~a person~~ an individual knowingly having an infectious or contagious disease;

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

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to

be filed with the board;	2216
(6) Failure to pay a fine or abide by a suspension order issued by the board;	2217 2218
<u>(7) Failure to cooperate with an investigation or inspection;</u>	2219 2220
<u>(8) Failure to respond to a subpoena;</u>	2221
<u>(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;</u>	2222 2223
<u>(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.</u>	2224 2225 2226 2227
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	2228 2229
(1) Deny, revoke, or suspend a license or , <u>permit, or registration</u> issued by the board;	2230 2231
(2) Impose a fine;	2232
(3) Require the holder of a license or , <u>permit, or registration</u> to take corrective action courses.	2233 2234
<u>(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.</u>	2235 2236 2237
<u>(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.</u>	2238 2239 2240 2241 2242 2243 2244

(3) In lieu of an adjudication, the board may enter into a 2245
consent agreement with the holder of a license, permit, or 2246
registration. A consent agreement that is ratified by a majority 2247
vote of a quorum of the board members is considered to 2248
constitute the findings and orders of the board with respect to 2249
the matter addressed in the agreement. If the board does not 2250
ratify a consent agreement, the admissions and findings 2251
contained in the agreement are of no effect, and the case shall 2252
be scheduled for adjudication under Chapter 119. of the Revised 2253
Code. 2254

(D) The amount and content of corrective action courses 2255
and other relevant criteria shall be established by the board in 2256
rules adopted under section 4713.08 of the Revised Code. 2257

~~(D)~~(E) (1) The board may impose a separate fine for each 2258
offense listed in division (A) of this section. The amount of ~~a~~ 2259
the first fine issued for a violation as the result of an 2260
inspection shall be not more than five two hundred fifty dollars 2261
if the violator has not previously been fined for that offense. 2262
Any fines issued for additional violations during such an 2263
inspection shall not be more than one hundred dollars for each 2264
additional violation. The fine shall be not more than one 2265
~~thousand five hundred~~ dollars if the violator has been fined for 2266
the same offense once before. Any fines issued for additional 2267
violations during a second inspection shall not be more than two 2268
hundred dollars for each additional violation. The fine shall be 2269
not more than one thousand ~~five hundred~~ dollars if the violator 2270
has been fined for the same offense two or more times before. 2271
Any fines issued for additional violations during a third 2272
inspection shall not be more than three hundred dollars for each 2273
additional violation. 2274

(2) The board shall issue an order notifying a violator of 2275
a fine imposed under division (E) (1) of this section. The notice 2276
shall specify the date by which the fine is to be paid. The date 2277

shall be less than forty-five days after the board issues the order. 2278
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(3) At the request of a violator who is temporarily unable to pay a fine, or upon its own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order. 2280
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(4) If a violator fails to pay a fine by the date specified in the board's order and does not request an extension within ten days after the date the board issues the order, or if the violator fails to pay the fine within the extended time period as described in division (E) (3) of this section, the board shall add to the fine an additional penalty equal to ten per cent of the fine. 2284
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(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code. 2291
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(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E) (2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general. 2295
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(F) In the case of an offense of failure to comply with division (A) or (B) (2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take 2304
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another action in accordance with division (B) of this section. 2310

~~(E)~~ (G) The board shall notify a licensee or registrant 2311
who is in violation of division (A) of this section and the 2312
owner of the salon in which the conditions constituting the 2313
violation were found. The individual receiving the notice of 2314
violation and the owner of the salon may request a hearing 2315
pursuant to section 119.07 of the Revised Code. If a person—the 2316
individual or owner fails to request a hearing within or enter 2317
into a consent agreement thirty days of—after the date the 2318
board, in accordance with section 119.07 of the Revised Code and 2319
division (J) of this section, notifies the ~~person~~ individual or 2320
owner of the board's intent to act against the ~~person~~ individual 2321
or owner under division (A) of this section, the board by a 2322
majority vote of a quorum of the board members may take the 2323
action against the ~~person~~ individual or owner without holding an 2324
adjudication hearing. 2325

~~(F)~~ (H) The board, after a hearing in accordance with 2326
Chapter 119. of the Revised Code or pursuant to a consent 2327
agreement, may suspend a ~~tanning facility license, permit, or~~ 2328
registration if the ~~owner or operator~~ licensee, permit holder, 2329
or registrant fails to correct an unsafe condition that exists 2330
in violation of the board's rules or fails to cooperate in an 2331
inspection ~~of the tanning facility~~. If a violation of this 2332
chapter or rules adopted under it has resulted in a condition 2333
reasonably believed by an inspector to create an immediate 2334
danger to the health and safety of any ~~person~~ individual using 2335
the ~~tanning facility~~, the inspector may suspend the license or 2336
permit of the facility or the individual responsible for the 2337
violation without a prior hearing until the condition is 2338
corrected or until a hearing in accordance with Chapter 119. of 2339
the Revised Code is held or a consent agreement is entered into 2340
and the board either upholds the suspension or reinstates the 2341
license, permit, or registration. 2342

(I) The board shall not take disciplinary action against 2343
an individual licensed to operate a salon or school of 2344
cosmetology for a violation of this chapter that was committed 2345
by an individual licensed to practice a branch of cosmetology, 2346
while practicing within the salon or school, when the 2347
individual's actions were beyond the control of the salon owner 2348
or school. 2349

(J) In addition to the methods of notification required 2350
under section 119.07 of the Revised Code, the board may send the 2351
notices required under divisions (C) (2), (E) (2), and (G) of this 2352
section by any delivery method that is traceable and requires 2353
that the delivery person obtain a signature to verify that the 2354
notice has been delivered. The board also may send the notices 2355
by electronic mail, provided that the electronic mail delivery 2356
system certifies that a notice has been received. 2357

Sec. 4713.641. Any student or former student of a school 2358
of cosmetology licensed under division (A) of section 4713.44 of 2359
the Revised Code may file a complaint with the state board of 2360
cosmetology alleging that the school has violated division (A) 2361
of section 4713.64 of the Revised Code. The complaint shall be 2362
in writing and signed by the ~~person~~individual bringing the 2363
complaint. Upon receiving a complaint, the board shall initiate 2364
a preliminary investigation to determine whether it is probable 2365
that a violation was committed. If the board determines after 2366
preliminary investigation that it is not probable that a 2367
violation was committed, the board shall notify the ~~person~~ 2368
individual who filed the complaint of the board's findings and 2369
that the board will not issue a formal complaint in the matter. 2370
If the board determines after a preliminary investigation that 2371
it is probable that a violation was committed, the board shall 2372
proceed against the school pursuant to the board's authority 2373
under section 4713.64 of the Revised Code and in accordance with 2374
the hearing and notice requirements prescribed in Chapter 119. 2375

of the Revised Code. 2376

Sec. 4713.66. (A) The state board of cosmetology, on its own motion or on receipt of a written complaint, may investigate or inspect the activities or premises of an individual or entity who is alleged to have violated this chapter or rules adopted under it, regardless of whether the individual or entity holds a license or registration issued under this chapter. 2377
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(B) If, based on its investigation, the board determines that there is reasonable cause to believe that an individual or entity has violated this chapter or rules adopted under it, the board shall afford the individual or entity an opportunity for a hearing. Notice shall be given and any hearing conducted in accordance with Chapter 119. of the Revised Code. 2383
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(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code. 2389
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Sec. 4713.69. (A) The state board of cosmetology shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions: 2393
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(1) Is at least sixteen years of age; 2396

(2) Is of good moral character; 2397

(3) Has the equivalent of an Ohio public school tenth grade education; 2398
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(4) Has submitted a written application on a form prescribed by the board containing all of the following: 2400
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(a) The applicant's name and home address; 2402

(b) The applicant's home telephone number and cellular telephone number, if any; 2403
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(c) The applicant's electronic mail address, if any; 2405

<u>(d) The applicant's date of birth;</u>	2406
<u>(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.</u>	2407 2408 2409
<u>(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;</u>	2410 2411 2412 2413
<u>(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;</u>	2414 2415 2416
<u>(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.</u>	2417 2418
<u>(5) Pays the registration fee.</u>	2419
<u>(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.</u>	2420 2421 2422 2423
<u>(C) Within six months of the effective date of this section, 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.</u>	2424 2425 2426 2427
Sec. 4713.99. Whoever violates section 4713.14 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such person <u>individual</u> is guilty of a misdemeanor of the third degree.	2428 2429 2430 2431
Section 2. That existing sections 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28,	2432 2433 2434 2435

4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 2436
4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 2437
4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 2438
4713.64, 4713.641, and 4713.99 of the Revised Code are hereby 2439
repealed. 2440

Section 3. Not more than two years after the effective 2441
date of this act, the State Board of Cosmetology shall issue an 2442
advanced license to all individuals holding a valid managing 2443
license for the level of licensure attained by the individual 2444
prior to the effective date of this act. 2445

Section 4. On or before December 31, 2016, the Governor 2446
shall appoint the member of the State Board of Cosmetology who 2447
holds a tanning permit, and the member who holds an esthetician 2448
license as described in section 4713.02 of the Revised Code. The 2449
initial terms of office shall be from the date of appointment 2450
until October 31, 2021. 2451

Section 5. Not more than two years after the effective 2452
date of this act the State Board of Cosmetology shall adopt a 2453
rule under Chapter 119. of the Revised Code to specify the 2454
circumstances under which an applicant for a licensure 2455
examination may take the examination before having successfully 2456
completed the minimum number of hours specified under section 2457
4713.28 of the Revised Code for the license. The rule shall 2458
include a provision requiring that a school of cosmetology 2459
confirm the number of hours that have been successfully 2460
completed by the applicant. 2461

Section 6. Notwithstanding division (A) of section 4713.02 2462
of the Revised Code which, as a result of amendments made by 2463
this act, no longer permits an owner or manager of a licensed 2464
salon in which at least one person holding a current, valid 2465
independent contractor license practices a branch of cosmetology 2466
to be appointed to a seat on the Board of Cosmetology, an owner 2467

or manager of such a salon who holds a seat on the Board on the
effective date of this act may retain that seat until the
current term of the seat expires.

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