

_____ moved to amend as follows:

In line 2 of the title, after "993.04" insert ", 2925.01, 3333.26" 1

In line 5 of the title, after "4703.16" insert ", 4713.01, 4713.02, 2
4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 3
4713.141, 4713.16, 4713.17, 4713.22, 4713.28, 4713.31, 4713.32, 4713.34, 4
4713.35, 4713.351, 4713.36, 4713.37, 4713.39, 4713.42, 4713.46, 4713.49, 5
4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 6
4713.63, 4713.64, 4713.641, 4713.65, 4713.99" 7

In line 6 of the title, after "4749.03" insert ", 4776.20" 8

In line 7 of the title, after "enact" insert "new sections 4713.44 9
and 4713.45 and"; after "3769.031" insert ", 4713.281, 4713.311, 4713.33, 10
4713.331, 4713.411, 4713.70," 11

In line 9 of the title, after "4517.18" insert ", 4709.01, 4709.02, 12
4709.03, 4709.05, 4709.07, 4709.08, 4709.09, 4709.10, 4709.11, 4709.12, 13
4709.13, 4709.14, 4709.23, 4709.99, 4713.25, 4713.30, 4713.44, 4713.45" 14

In line 14 of the title, after "regulations" insert ", to enter into 15
the Cosmetology Licensure Compact," 16



In line 16, after "993.04" insert ", 2925.01, 3333.26" 17

In line 18, after "4703.16" insert ", 4713.01, 4713.02, 4713.06, 18
4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 19
4713.16, 4713.17, 4713.22, 4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 20
4713.351, 4713.36, 4713.37, 4713.39, 4713.42, 4713.46, 4713.49, 4713.55, 21
4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 22
4713.64, 4713.641, 4713.65, 4713.99" 23

In line 19, after "4749.03" insert ", 4776.20" 24

In line 20, after "amended" insert "and new sections 4713.44 and 25
4713.45"; after "3769.031" insert ", 4713.281, 4713.311, 4713.33, 26
4713.331, 4713.411, 4713.70," 27

After line 760, insert: 28

"Sec. 2925.01. As used in this chapter: 29

(A) "Administer," "controlled substance," "controlled 30
substance analog," "dispense," "distribute," "hypodermic," 31
"manufacturer," "official written order," "person," 32
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 33
"schedule III," "schedule IV," "schedule V," and "wholesaler" 34
have the same meanings as in section 3719.01 of the Revised 35
Code. 36

(B) "Drug of abuse" and "person with a drug dependency" 37
have the same meanings as in section 3719.011 of the Revised 38
Code. 39

(C) "Drug," "dangerous drug," "licensed health 40
professional authorized to prescribe drugs," and "prescription" 41
have the same meanings as in section 4729.01 of the Revised 42
Code. 43

(D) "Bulk amount" of a controlled substance means any of 44
the following: 45

(1) For any compound, mixture, preparation, or substance 46
included in schedule I, schedule II, or schedule III, with the 47
exception of any controlled substance analog, marihuana, 48
cocaine, L.S.D., heroin, any fentanyl-related compound, and 49
hashish and except as provided in division (D) (2), (5), or (6) 50
of this section, whichever of the following is applicable: 51

(a) An amount equal to or exceeding ten grams or twenty- 52
five unit doses of a compound, mixture, preparation, or 53
substance that is or contains any amount of a schedule I opiate 54
or opium derivative; 55

(b) An amount equal to or exceeding ten grams of a 56
compound, mixture, preparation, or substance that is or contains 57
any amount of raw or gum opium; 58

(c) An amount equal to or exceeding thirty grams or ten 59
unit doses of a compound, mixture, preparation, or substance 60
that is or contains any amount of a schedule I hallucinogen 61
other than tetrahydrocannabinol or lysergic acid amide, or a 62
schedule I stimulant or depressant; 63

(d) An amount equal to or exceeding twenty grams or five 64
times the maximum daily dose in the usual dose range specified 65
in a standard pharmaceutical reference manual of a compound, 66
mixture, preparation, or substance that is or contains any 67
amount of a schedule II opiate or opium derivative; 68

(e) An amount equal to or exceeding five grams or ten unit 69
doses of a compound, mixture, preparation, or substance that is 70
or contains any amount of phencyclidine; 71

(f) An amount equal to or exceeding one hundred twenty	72
grams or thirty times the maximum daily dose in the usual dose	73
range specified in a standard pharmaceutical reference manual of	74
a compound, mixture, preparation, or substance that is or	75
contains any amount of a schedule II stimulant that is in a	76
final dosage form manufactured by a person authorized by the	77
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	78
U.S.C.A. 301, as amended, and the federal drug abuse control	79
laws, as defined in section 3719.01 of the Revised Code, that is	80
or contains any amount of a schedule II depressant substance or	81
a schedule II hallucinogenic substance;	82
(g) An amount equal to or exceeding three grams of a	83
compound, mixture, preparation, or substance that is or contains	84
any amount of a schedule II stimulant, or any of its salts or	85
isomers, that is not in a final dosage form manufactured by a	86
person authorized by the Federal Food, Drug, and Cosmetic Act	87
and the federal drug abuse control laws.	88
(2) An amount equal to or exceeding one hundred twenty	89
grams or thirty times the maximum daily dose in the usual dose	90
range specified in a standard pharmaceutical reference manual of	91
a compound, mixture, preparation, or substance that is or	92
contains any amount of a schedule III or IV substance other than	93
an anabolic steroid or a schedule III opiate or opium	94
derivative;	95
(3) An amount equal to or exceeding twenty grams or five	96
times the maximum daily dose in the usual dose range specified	97
in a standard pharmaceutical reference manual of a compound,	98
mixture, preparation, or substance that is or contains any	99
amount of a schedule III opiate or opium derivative;	100
(4) An amount equal to or exceeding two hundred fifty	101

milliliters or two hundred fifty grams of a compound, mixture, 102
preparation, or substance that is or contains any amount of a 103
schedule V substance; 104

(5) An amount equal to or exceeding two hundred solid 105
dosage units, sixteen grams, or sixteen milliliters of a 106
compound, mixture, preparation, or substance that is or contains 107
any amount of a schedule III anabolic steroid; 108

(6) For any compound, mixture, preparation, or substance 109
that is a combination of a fentanyl-related compound and any 110
other compound, mixture, preparation, or substance included in 111
schedule III, schedule IV, or schedule V, if the defendant is 112
charged with a violation of section 2925.11 of the Revised Code 113
and the sentencing provisions set forth in divisions (C) (10) (b) 114
and (C) (11) of that section will not apply regarding the 115
defendant and the violation, the bulk amount of the controlled 116
substance for purposes of the violation is the amount specified 117
in division (D) (1), (2), (3), (4), or (5) of this section for 118
the other schedule III, IV, or V controlled substance that is 119
combined with the fentanyl-related compound. 120

(E) "Unit dose" means an amount or unit of a compound, 121
mixture, or preparation containing a controlled substance that 122
is separately identifiable and in a form that indicates that it 123
is the amount or unit by which the controlled substance is 124
separately administered to or taken by an individual. 125

(F) "Cultivate" includes planting, watering, fertilizing, 126
or tilling. 127

(G) "Drug abuse offense" means any of the following: 128

(1) A violation of division (A) of section 2913.02 that 129
constitutes theft of drugs, or a violation of section 2925.02, 130

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	131
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	132
or 2925.37 of the Revised Code;	133
(2) A violation of an existing or former law of this or	134
any other state or of the United States that is substantially	135
equivalent to any section listed in division (G)(1) of this	136
section;	137
(3) An offense under an existing or former law of this or	138
any other state, or of the United States, of which planting,	139
cultivating, harvesting, processing, making, manufacturing,	140
producing, shipping, transporting, delivering, acquiring,	141
possessing, storing, distributing, dispensing, selling, inducing	142
another to use, administering to another, using, or otherwise	143
dealing with a controlled substance is an element;	144
(4) A conspiracy to commit, attempt to commit, or	145
complicity in committing or attempting to commit any offense	146
under division (G)(1), (2), or (3) of this section.	147
(H) "Felony drug abuse offense" means any drug abuse	148
offense that would constitute a felony under the laws of this	149
state, any other state, or the United States.	150
(I) "Harmful intoxicant" does not include beer or	151
intoxicating liquor but means any of the following:	152
(1) Any compound, mixture, preparation, or substance the	153
gas, fumes, or vapor of which when inhaled can induce	154
intoxication, excitement, giddiness, irrational behavior,	155
depression, stupefaction, paralysis, unconsciousness,	156
asphyxiation, or other harmful physiological effects, and	157
includes, but is not limited to, any of the following:	158

(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;	159 160 161 162
(b) Any aerosol propellant;	163
(c) Any fluorocarbon refrigerant;	164
(d) Any anesthetic gas.	165
(2) Gamma Butyrolactone;	166
(3) 1,4 Butanediol.	167
(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.	168 169 170 171 172 173
(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.	174 175 176 177
(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.	178 179 180 181 182 183
(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.	184 185 186

(N) "Juvenile" means a person under eighteen years of age.	187
(O) "Counterfeit controlled substance" means any of the following:	188 189
(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, trade name, or identifying mark;	190 191 192 193
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	194 195 196 197
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	198 199 200
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	201 202 203 204 205
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	206 207 208 209 210 211 212
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314.	213 214

of the Revised Code, or any nonpublic school for which the 215
director of education and workforce prescribes minimum standards 216
under section 3301.07 of the Revised Code, whether or not any 217
instruction, extracurricular activities, or training provided by 218
the school is being conducted at the time a criminal offense is 219
committed. 220

(R) "School premises" means either of the following: 221

(1) The parcel of real property on which any school is 222
situated, whether or not any instruction, extracurricular 223
activities, or training provided by the school is being 224
conducted on the premises at the time a criminal offense is 225
committed; 226

(2) Any other parcel of real property that is owned or 227
leased by a board of education of a school, the governing 228
authority of a community school established under Chapter 3314. 229
of the Revised Code, or the governing body of a nonpublic school 230
for which the director of education and workforce prescribes 231
minimum standards under section 3301.07 of the Revised Code and 232
on which some of the instruction, extracurricular activities, or 233
training of the school is conducted, whether or not any 234
instruction, extracurricular activities, or training provided by 235
the school is being conducted on the parcel of real property at 236
the time a criminal offense is committed. 237

(S) "School building" means any building in which any of 238
the instruction, extracurricular activities, or training 239
provided by a school is conducted, whether or not any 240
instruction, extracurricular activities, or training provided by 241
the school is being conducted in the school building at the time 242
a criminal offense is committed. 243

(T) "Disciplinary counsel" means the disciplinary counsel 244
appointed by the board of commissioners on grievances and 245
discipline of the supreme court under the Rules for the 246
Government of the Bar of Ohio. 247

(U) "Certified grievance committee" means a duly 248
constituted and organized committee of the Ohio state bar 249
association or of one or more local bar associations of the 250
state of Ohio that complies with the criteria set forth in Rule 251
V, section 6 of the Rules for the Government of the Bar of Ohio. 252

(V) "Professional license" means any license, permit, 253
certificate, registration, qualification, admission, temporary 254
license, temporary permit, temporary certificate, or temporary 255
registration that is described in divisions (W) (1) to (37) of 256
this section and that qualifies a person as a professionally 257
licensed person. 258

(W) "Professionally licensed person" means any of the 259
following: 260

(1) A person who has received a certificate or temporary 261
certificate as a certified public accountant or who has 262
registered as a public accountant under Chapter 4701. of the 263
Revised Code and who holds an Ohio permit issued under that 264
chapter; 265

(2) A person who holds a certificate of qualification to 266
practice architecture issued or renewed and registered under 267
Chapter 4703. of the Revised Code; 268

(3) A person who is registered as a landscape architect 269
under Chapter 4703. of the Revised Code or who holds a permit as 270
a landscape architect issued under that chapter; 271

(4) A person licensed under Chapter 4707. of the Revised Code;	272 273
(5) A person who has been issued a certificate of registration as a registered barber <u>barber's license</u> under Chapter 4709. <u>4713.</u> of the Revised Code;	274 275 276
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	277 278 279
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	280 281 282 283 284 285 286 287 288 289 290
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	291 292 293 294 295
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	296 297 298 299 300

(10) A person who has been licensed as a registered nurse	301
or practical nurse, or who has been issued a certificate for the	302
practice of nurse-midwifery under Chapter 4723. of the Revised	303
Code;	304
(11) A person who has been licensed to practice optometry	305
or to engage in optical dispensing under Chapter 4725. of the	306
Revised Code;	307
(12) A person licensed to act as a pawnbroker under	308
Chapter 4727. of the Revised Code;	309
(13) A person licensed to act as a precious metals dealer	310
under Chapter 4728. of the Revised Code;	311
(14) A person licensed under Chapter 4729. of the Revised	312
Code as a pharmacist or pharmacy intern or registered under that	313
chapter as a registered pharmacy technician, certified pharmacy	314
technician, or pharmacy technician trainee;	315
(15) A person licensed under Chapter 4729. of the Revised	316
Code as a manufacturer of dangerous drugs, outsourcing facility,	317
third-party logistics provider, repackager of dangerous drugs,	318
wholesale distributor of dangerous drugs, or terminal	319
distributor of dangerous drugs;	320
(16) A person who is authorized to practice as a physician	321
assistant under Chapter 4730. of the Revised Code;	322
(17) A person who has been issued a license to practice	323
medicine and surgery, osteopathic medicine and surgery, or	324
podiatric medicine and surgery under Chapter 4731. of the	325
Revised Code or has been issued a certificate to practice a	326
limited branch of medicine under that chapter;	327
(18) A person licensed as a psychologist, independent	328

school psychologist, or school psychologist under Chapter 4732.	329
of the Revised Code;	330
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	331 332 333
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	334 335
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	336 337
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	338 339
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	340 341
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	342 343
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	344 345
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	346 347 348 349
(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;	350 351 352
(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;	353 354 355

(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	356 357
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	358 359 360
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	361 362 363
(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;	364 365 366 367 368 369
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	370 371
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	372 373 374
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	375 376
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	377 378
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	379 380 381
(X) "Cocaine" means any of the following:	382

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	383 384
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	385 386 387 388
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	389 390 391 392 393 394
(Y) "L.S.D." means lysergic acid diethylamide.	395
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	396 397
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	398 399 400
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	401 402
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	403 404 405 406 407
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	408 409 410

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

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as 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. 439

(II) "Methamphetamine" means methamphetamine, any salt, 440
isomer, or salt of an isomer of methamphetamine, or any 441
compound, mixture, preparation, or substance containing 442
methamphetamine or any salt, isomer, or salt of an isomer of 443
methamphetamine. 444

(JJ) "Deception" has the same meaning as in section 445
2913.01 of the Revised Code. 446

(KK) "Fentanyl-related compound" means any of the 447
following: 448

(1) Fentanyl; 449

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 450
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 451
phenylethyl)-4-(N-propanilido) piperidine); 452

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 453
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 454

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 455
piperidinyl] -N-phenylpropanamide); 456

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 457
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 458
phenylpropanamide); 459

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 460
piperidyl]-N- phenylpropanamide); 461

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 462
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 463

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 464
phenethyl)-4- piperidinyl]propanamide; 465

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	466
	467
(10) Alfentanil;	468
(11) Carfentanil;	469
(12) Remifentanil;	470
(13) Sufentanil;	471
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	472
	473
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	474
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(a) A chemical scaffold consisting of both of the following:	481
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	483
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(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	485
	486
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(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	488
	489
	490
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	491
	492

(d) The compound has not been approved for medical use by 493
the United States food and drug administration. 494

(LL) "First degree felony mandatory prison term" means one 495
of the definite prison terms prescribed in division (A) (1) (b) of 496
section 2929.14 of the Revised Code for a felony of the first 497
degree, except that if the violation for which sentence is being 498
imposed is committed on or after March 22, 2019, it means one of 499
the minimum prison terms prescribed in division (A) (1) (a) of 500
that section for a felony of the first degree. 501

(MM) "Second degree felony mandatory prison term" means 502
one of the definite prison terms prescribed in division (A) (2) 503
(b) of section 2929.14 of the Revised Code for a felony of the 504
second degree, except that if the violation for which sentence 505
is being imposed is committed on or after March 22, 2019, it 506
means one of the minimum prison terms prescribed in division (A) 507
(2) (a) of that section for a felony of the second degree. 508

(NN) "Maximum first degree felony mandatory prison term" 509
means the maximum definite prison term prescribed in division 510
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 511
the first degree, except that if the violation for which 512
sentence is being imposed is committed on or after March 22, 513
2019, it means the longest minimum prison term prescribed in 514
division (A) (1) (a) of that section for a felony of the first 515
degree. 516

(OO) "Maximum second degree felony mandatory prison term" 517
means the maximum definite prison term prescribed in division 518
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 519
the second degree, except that if the violation for which 520
sentence is being imposed is committed on or after March 22, 521
2019, it means the longest minimum prison term prescribed in 522

division (A) (2) (a) of that section for a felony of the second 523
degree. 524

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 525
as in section 928.01 of the Revised Code. 526

(QQ) An offense is "committed in the vicinity of a 527
substance addiction services provider or a recovering addict" if 528
either of the following apply: 529

(1) The offender commits the offense on the premises of a 530
substance addiction services provider's facility, including a 531
facility licensed prior to June 29, 2019, under section 5119.391 532
of the Revised Code to provide methadone treatment or an opioid 533
treatment program licensed on or after that date under section 534
5119.37 of the Revised Code, or within five hundred feet of the 535
premises of a substance addiction services provider's facility 536
and the offender knows or should know that the offense is being 537
committed within the vicinity of the substance addiction 538
services provider's facility. 539

(2) The offender sells, offers to sell, delivers, or 540
distributes the controlled substance or controlled substance 541
analog to a person who is receiving treatment at the time of the 542
commission of the offense, or received treatment within thirty 543
days prior to the commission of the offense, from a substance 544
addiction services provider and the offender knows that the 545
person is receiving or received that treatment. 546

(RR) "Substance addiction services provider" means an 547
agency, association, corporation or other legal entity, 548
individual, or program that provides one or more of the 549
following at a facility: 550

(1) Either alcohol addiction services, or drug addiction 551

services, or both such services that are certified by the 552
director of mental health and addiction services under section 553
5119.36 of the Revised Code; 554

(2) Recovery supports that are related to either alcohol 555
addiction services, or drug addiction services, or both such 556
services and paid for with federal, state, or local funds 557
administered by the department of mental health and addiction 558
services or a board of alcohol, drug addiction, and mental 559
health services. 560

(SS) "Premises of a substance addiction services 561
provider's facility" means the parcel of real property on which 562
any substance addiction service provider's facility is situated. 563

(TT) "Alcohol and drug addiction services" has the same 564
meaning as in section 5119.01 of the Revised Code. 565

Sec. 3333.26. (A) Any citizen of this state who has 566
resided within the state for one year, who was in the active 567
service of the United States as a soldier, sailor, nurse, or 568
marine between September 1, 1939, and September 2, 1945, and who 569
has been honorably discharged from that service, shall be 570
admitted to any school, college, or university that receives 571
state funds in support thereof, without being required to pay 572
any tuition or matriculation fee, but is not relieved from the 573
payment of laboratory or similar fees. 574

(B) (1) As used in this section: 575

(a) "Volunteer firefighter" has the meaning as in division 576
(B) (1) of section 146.01 of the Revised Code. 577

(b) "Public service officer" means an Ohio firefighter, 578
volunteer firefighter, police officer, member of the state 579

highway patrol, employee designated to exercise the powers of 580
police officers pursuant to section 1545.13 of the Revised Code, 581
or other peace officer as defined by division (B) of section 582
2935.01 of the Revised Code, or a person holding any equivalent 583
position in another state. 584

(c) "Qualified former spouse" means the former spouse of a 585
public service officer, or of a member of the armed services of 586
the United States, who is the custodial parent of a minor child 587
of that marriage pursuant to an order allocating the parental 588
rights and responsibilities for care of the child issued 589
pursuant to section 3109.04 of the Revised Code. 590

(d) "Operation enduring freedom" means that period of 591
conflict which began October 7, 2001, and ends on a date 592
declared by the president of the United States or the congress. 593

(e) "Operation Iraqi freedom" means that period of 594
conflict which began March 20, 2003, and ends on a date declared 595
by the president of the United States or the congress. 596

(f) "Combat zone" means an area that the president of the 597
United States by executive order designates, for purposes of 26 598
U.S.C. 112, as an area in which armed forces of the United 599
States are or have engaged in combat. 600

(2) Subject to division (D) of this section, any resident 601
of this state who is under twenty-six years of age, or under 602
thirty years of age if the resident has been honorably 603
discharged from the armed services of the United States, who is 604
the child of a public service officer killed in the line of duty 605
or of a member of the armed services of the United States killed 606
in the line of duty during operation enduring freedom or 607
operation Iraqi freedom, and who is admitted to any state 608

university or college as defined in division (A)(1) of section 609
3345.12 of the Revised Code, community college, state community 610
college, university branch, or technical college shall not be 611
required to pay any tuition or any student fee for up to four 612
academic years of education, which shall be at the undergraduate 613
level, or a certificate program as prescribed under division (E) 614
of this section. 615

A child of a member of the armed services of the United 616
States killed in the line of duty during operation enduring 617
freedom or operation Iraqi freedom is eligible for a waiver of 618
tuition and student fees under this division only if the student 619
is not eligible for a war orphans and severely disabled 620
veterans' children scholarship authorized by Chapter 5910. of 621
the Revised Code. In any year in which the war orphans and 622
severely disabled veterans' children scholarship board reduces 623
the percentage of tuition covered by a war orphans and severely 624
disabled veterans' children scholarship below one hundred per 625
cent pursuant to division (A) of section 5910.04 of the Revised 626
Code, the waiver of tuition and student fees under this division 627
for a child of a member of the armed services of the United 628
States killed in the line of duty during operation enduring 629
freedom or operation Iraqi freedom shall be reduced by the same 630
percentage. 631

(3) Subject to division (D) of this section, any resident 632
of this state who is the spouse or qualified former spouse of a 633
public service officer killed in the line of duty, and who is 634
admitted to any state university or college as defined in 635
division (A)(1) of section 3345.12 of the Revised Code, 636
community college, state community college, university branch, 637
or technical college, shall not be required to pay any tuition 638
or any student fee for up to four academic years of education, 639

which shall be at the undergraduate level, or a certificate 640
program as prescribed under division (E) of this section. 641

(4) Any resident of this state who is the spouse or 642
qualified former spouse of a member of the armed services of the 643
United States killed in the line of duty while serving in a 644
combat zone after May 7, 1975, and who is admitted to any state 645
university or college as defined in division (A)(1) of section 646
3345.12 of the Revised Code, community college, state community 647
college, university branch, or technical college, shall not be 648
required to pay any tuition or any student fee for up to four 649
years of academic education, which shall be at the undergraduate 650
level, or a certificate program as prescribed under division (E) 651
of this section. In order to qualify under division (B)(4) of 652
this section, the spouse or qualified former spouse shall have 653
been a resident of this state at the time the member was killed 654
in the line of duty. 655

(C) Any institution that is not subject to division (B) of 656
this section and that holds a valid certificate of registration 657
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 658
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 659
valid license issued under Chapter 4713. of the Revised Code, or 660
that is nonprofit and has a certificate of authorization issued 661
under section 1713.02 of the Revised Code, or that is a private 662
institution exempt from regulation under Chapter 3332. of the 663
Revised Code as prescribed in section 3333.046 of the Revised 664
Code, which reduces tuition and student fees of a student who is 665
eligible to attend an institution of higher education under the 666
provisions of division (B) of this section by an amount 667
indicated by the chancellor of higher education shall be 668
eligible to receive a grant in that amount from the chancellor. 669

Each institution that enrolls students under division (B) 670
of this section shall report to the chancellor, by the first day 671
of July of each year, the number of students who were so 672
enrolled and the average amount of all such tuition and student 673
fees waived during the preceding year. The chancellor shall 674
determine the average amount of all such tuition and student 675
fees waived during the preceding year. The average amount of the 676
tuition and student fees waived under division (B) of this 677
section during the preceding year shall be the amount of grants 678
that participating institutions shall receive under this 679
division during the current year, but no grant under this 680
division shall exceed the tuition and student fees due and 681
payable by the student prior to the reduction referred to in 682
this division. The grants shall be made for two certificate 683
programs or four years of undergraduate education of an eligible 684
student. 685

(D) Notwithstanding anything to the contrary in section 686
3333.31 of the Revised Code, for the purposes of divisions (B) 687
(2) and (3) of this section, the child, spouse, or qualified 688
former spouse of a public service officer or a member of the 689
armed services of the United States killed in the line of duty 690
shall be considered a resident of this state for the purposes of 691
this section if the child, spouse, or qualified former spouse 692
was a resident of this state at the time that the public service 693
officer or member of the armed services was killed. 694

However, no child, spouse, or qualified former spouse of a 695
public service officer or a member of the armed services of the 696
United States killed in the line of duty shall be required to be 697
a resident of this state at the time the public service officer 698
or member of the armed services of the United States was killed 699
in order to receive benefits under divisions (B) (2) and (3) of 700

this section. 701

(E) A child, spouse, or qualified former spouse of a 702
public service officer or a member of the armed services killed 703
in the line of duty shall receive benefits for a certificate 704
program in accordance with division (B) or (C) of this section, 705
except that a particular child, spouse, or qualified former 706
spouse shall not receive benefits for: 707

(1) More than two certificate programs; 708

(2) A total number of academic credits or instructional 709
hours equivalent to more than four academic years; 710

(3) For any particular academic year, an amount that is 711
greater than eight thousand dollars." 712

After line 2196, insert: 713

"Sec. 4713.01. As used in this chapter: 714

(A) "Apprentice barber teacher" means any person who 715
assists a barber teacher in the teaching of the practice of 716
barbering. 717

(B) "Apprentice instructor" means an individual holding a 718
practicing license issued by the state cosmetology and barber 719
board who is engaged in learning or acquiring knowledge of the 720
occupation of an instructor of a branch of cosmetology at a 721
school of cosmetology. 722

(C) "Barber" means any person who engages in or attempts 723
to engage in the practice of barbering. 724

(D) "Barber pole" means a cylinder or pole with 725
alternating stripes of any combination including red and white, 726
and red, white, and blue, which run diagonally along the length 727

<u>of the cylinder or pole.</u>	728
<u>(E) "Barber teacher" means any person who engages in or attempts to engage in the teaching of the practice of barbering.</u>	729 730
<u>(F) "Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology.</u>	731 732
<u>(G) "Biennial licensing period" means the both of the following:</u>	733 734
<u>(1) For a practicing, instructor, salon, or school license, an independent contractor license to practice a branch of cosmetology, or a tanning facility permit, the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year;</u>	735 736 737 738 739 740
<u>(2) For a barber, barber teacher, or barber shop license or an independent contractor license to practice barbering, the two-year period beginning on the first day of September of an even-numbered year and ending on the last day of August of the next even-numbered year.</u>	741 742 743 744 745
<u>(H) "Boutique salon" means a salon in which an individual engages in boutique services and no other branch of cosmetology.</u>	746 747
<u>(I) "Boutique services" means braiding, threading, shampooing, and makeup artistry.</u>	748 749
<u>(J) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.</u>	750 751 752 753 754 755

(K) "Branch of cosmetology" means the practice of 756
cosmetology, practice of esthetics, practice of hair design, 757
practice of manicuring, practice of natural hair styling, or 758
practice of boutique services. 759

(L) "Cosmetic therapy" means the permanent removal of hair 760
from the human body through the use of electric modalities and 761
may include the systematic friction, stroking, slapping, and 762
kneading or tapping of the face, neck, scalp, or shoulders. 763

(M) "Cosmetologist" means an individual authorized to 764
engage in all branches of cosmetology in a licensed facility. 765

(N) "Cosmetology" means the art or practice of 766
embellishment, cleansing, beautification, and styling of hair, 767
wigs, postiches, face, body, or nails. 768

(O) "Cosmetology instructor" means an individual 769
authorized to teach the theory and practice of all branches of 770
cosmetology at a school ~~of cosmetology~~. 771

(P) "Esthetician" means an individual who engages in the 772
practice of esthetics but no other branch of cosmetology in a 773
licensed facility. 774

(Q) "Esthetics instructor" means an individual who teaches 775
the theory and practice of esthetics, but no other branch of 776
cosmetology, at a school ~~of cosmetology~~. 777

(R) "Esthetics salon" means a salon in which an individual 778
engages in the practice of esthetics but no other branch of 779
cosmetology. 780

(S) "Eye lash extensions" include temporary and semi- 781
permanent enhancements designed to add length, thickness, and 782
fullness to natural eyelashes. 783

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

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

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

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

(X) "Independent contractor" means ~~an~~ both of the following:

(1) An individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility;

(2) An individual who is not an employee of a barber shop but practices barbering within a barber shop in a licensed facility.

(Y) "Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school ~~of cosmetology~~.

(Z) "Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 or 4713.411 of the Revised Code in which the practice of one or more branches of cosmetology services or barbering are authorized by the state cosmetology and barber board to be performed.

~~"Advanced cosmetologist" means an individual authorized to~~

~~work in a beauty salon and engage in all branches of~~ 812
~~cosmetology.~~ 813

~~"Advanced esthetician" means an individual authorized to~~ 814
~~work in an esthetics salon, but no other type of salon, and~~ 815
~~engage in the practice of esthetics, but no other branch of~~ 816
~~cosmetology.~~ 817

~~"Advanced hair designer" means an individual authorized to~~ 818
~~work in a hair design salon, but no other type of salon, and~~ 819
~~engage in the practice of hair design, but no other branch of~~ 820
~~cosmetology.~~ 821

~~"Advanced license" means a license to work in a salon and~~ 822
~~practice the branch of cosmetology practiced at the salon.~~ 823

~~"Advanced manicurist" means an individual authorized to~~ 824
~~work in a nail salon, but no other type of salon, and engage in~~ 825
~~the practice of manicuring, but no other branch of cosmetology.~~ 826

~~"Advanced natural hair stylist" means an individual~~ 827
~~authorized to work in a natural hair style salon, but no other~~ 828
~~type of salon, and engage in the practice of natural hair~~ 829
~~styling, but no other branch of cosmetology.~~ 830

(AA) "Makeup artistry" means the application of cosmetics 831
for the purpose of skin beautification. "Makeup artistry" does 832
not include any other services described in the practice of any 833
other branch of cosmetology. 834

(BB) "Manicurist" means an individual who engages in the 835
practice of manicuring but no other branch of cosmetology in a 836
licensed facility. 837

(CC) "Manicurist instructor" means an individual who 838
teaches the theory and practice of manicuring, but no other 839

branch of cosmetology, at a school ~~of cosmetology~~. 840

(DD) "Nail salon" means a salon in which an individual 841
engages in the practice of manicuring but no other branch of 842
cosmetology. 843

(EE) "Natural hair stylist" means an individual who 844
engages in the practice of natural hair styling but no other 845
branch of cosmetology in a licensed facility. 846

(FF) "Natural hair style instructor" means an individual 847
who teaches the theory and practice of natural hair styling, but 848
no other branch of cosmetology, at a school ~~of cosmetology~~. 849

(GG) "Natural hair style salon" means a salon in which an 850
individual engages in the practice of natural hair styling but 851
no other branch of cosmetology. 852

(HH) (1) Except as provided in division (HH) (2) of this 853
section, "practice of barbering" means any one or more of the 854
following when performed on the head, neck, or face for cosmetic 855
purposes and when performed on the public for pay, free, or 856
otherwise: 857

(a) Shaving the face, shaving around the vicinity of the 858
ears and neckline, or trimming facial hair; 859

(b) Cutting or styling hair; 860

(c) Facials, skin care, or scalp massages; 861

(d) Shampooing, bleaching, coloring, straightening, or 862
permanent waving hair; 863

(e) Cutting, fitting, or forming head caps for wigs or 864
hair pieces. 865

(2) "Practice of barbering" does not include the practice 866

of natural hair styling. 867

(II) "Practice of braiding" means utilizing the technique 868
of intertwining hair in a systematic motion to create patterns 869
in a three-dimensional form, including patterns that are 870
inverted, upright, or singled against the scalp that follow 871
along straight or curved partings. It may include twisting or 872
locking the hair while adding bulk or length with human hair, 873
synthetic hair, or both and using simple devices such as clips, 874
combs, and hairpins. "Practice of braiding" does not include 875
application of weaving, bonding, and fusion of individual 876
strands or wefts; application of dyes, reactive chemicals, or 877
other preparations to alter the color or straighten, curl, or 878
alter the structure of hair; embellishing or beautifying hair by 879
cutting or singeing, except as needed to finish the ends of 880
synthetic fibers used to add bulk to or lengthen hair. 881

(JJ) "Practice of cosmetology" means the practice of all 882
branches of cosmetology. 883

(KK) "Practice of esthetics" means the application of 884
cosmetics, tonics, antiseptics, creams, lotions, or other 885
preparations for the purpose of skin beautification and includes 886
preparation of the skin by manual massage techniques or by use 887
of electrical, mechanical, or other apparatus; enhancement of 888
the skin by skin care, facials, body treatments, hair removal, 889
and other treatments; and eye lash extension services. 890

(LL) "Practice of hair design" means embellishing or 891
beautifying hair, wigs, or hairpieces by arranging, dressing, 892
pressing, curling, waving, permanent waving, cleansing, cutting, 893
singeing, bleaching, coloring, braiding, weaving, or similar 894
work. "Practice of hair design" includes utilizing techniques 895
performed by hand that result in tension on hair roots such as 896

twisting, wrapping, weaving, extending, locking, or braiding of 897
the hair. 898

(MM) "Practice of manicuring" means cleaning, trimming, 899
shaping the free edge of, or applying polish to the nails of any 900
individual; applying nail enhancements and embellishments to any 901
individual; massaging the hands and lower arms up to the elbow 902
of any individual; massaging the feet and lower legs up to the 903
knee of any individual; using lotions or softeners on the hands 904
and feet of any individual; or any combination of these types of 905
services. 906

(NN) "Practice of natural hair styling" means embellishing 907
or beautifying hair by cleansing, cutting, or singeing and by 908
utilizing techniques performed by hand that result in tension on 909
hair roots such as twisting, wrapping, weaving, extending, 910
locking, or braiding of the hair. "Practice of natural hair 911
styling" does not include the application of dyes, reactive 912
chemicals, or other preparations to alter the color or to 913
straighten, curl, or alter the structure of the hair. "Practice 914
of natural hair styling" also does not include embellishing or 915
beautifying hair by ~~cutting or singeing, except as needed to~~ 916
~~finish off the end of a braid, or by dressing, pressing,~~ 917
curling, waving, permanent waving, or similar work. 918

(OO) "Practicing license" means a license to practice a 919
branch of cosmetology in a licensed facility. 920

(PP) "Salon" means a licensed facility on any premises, 921
building, or part of a building in which an individual engages 922
in the practice of one or more branches of cosmetology. "Salon" 923
does not include a barber shop licensed under ~~Chapter~~ 924
~~4709~~. section 4713.411 of the Revised Code. "Salon" does not mean 925
a tanning facility, although a tanning facility may be located 926

in a salon. 927

(QQ) ~~"School of cosmetology"~~ means any premises, building, 928
or part of a building in which students are instructed in the 929
theories and practices of one or more branches of cosmetology or 930
barbering. 931

(RR) "Shampooing" means the act of cleansing and 932
conditioning an individual's hair under the supervision of an 933
individual licensed under this chapter and in preparation to 934
immediately receive a service from a licensee. 935

(SS) "Student" means ~~an~~ both of the following: 936

(1) An individual, other than an apprentice instructor, 937
who is engaged in learning or acquiring knowledge of the 938
practice of a branch of cosmetology at a school ~~of cosmetology~~; 939

(2) An individual engaged in learning or acquiring 940
knowledge of the practice of barbering at a school. 941

(TT) "Tanning facility" means any premises, building, or 942
part of a building that contains one or more rooms or booths 943
with any of the following: 944

~~(A)~~ (1) Equipment or beds used for tanning human skin by 945
the use of fluorescent sun lamps using ultraviolet or other 946
artificial radiation; 947

~~(B)~~ (2) Equipment or booths that use chemicals applied to 948
human skin, including chemical applications commonly referred to 949
as spray-on, mist-on, or sunless tans; 950

~~(C)~~ (3) Equipment or beds that use visible light for 951
cosmetic purposes. 952

(UU) "Threading" includes a service that results in the 953

removal of hair from its follicle from around the eyebrows and 954
from other parts of the face with the use of a single strand of 955
thread and an astringent, if the service does not use chemicals 956
of any kind, wax, or any implements, instruments, or tools to 957
remove hair. 958

Sec. 4713.02. (A) There is hereby created the state 959
cosmetology and barber board, consisting of all of the following 960
members appointed by the governor, with the advice and consent 961
of the senate: 962

(1) One individual holding a current, valid cosmetologist 963
or cosmetology instructor license at the time of appointment; 964

(2) Two individuals holding current, valid cosmetologist 965
licenses and actively engaged in managing beauty salons for a 966
period of not less than five years at the time of appointment; 967

(3) One individual who holds a current, valid independent 968
contractor license at the time of appointment ~~and practices a~~ 969
~~branch of cosmetology;~~ 970

(4) One individual who represents individuals who teach 971
the theory and practice of a branch of cosmetology at a 972
vocational or career-technical school; 973

(5) One owner or executive actively engaged in the daily 974
operations of a licensed school ~~of cosmetology;~~ 975

(6) One owner of at least five licensed salons; 976

(7) One individual who is either a certified nurse 977
practitioner or clinical nurse specialist holding a current, 978
valid license to practice nursing as an advanced practice 979
registered nurse issued under Chapter 4723. of the Revised Code 980
or a physician authorized under Chapter 4731. of the Revised 981

Code to practice medicine and surgery or osteopathic medicine	982
and surgery;	983
(8) One individual representing the general public;	984
(9) One individual who holds a current, valid tanning	985
permit and who has owned or managed a tanning facility for at	986
least five years immediately preceding the individual's	987
appointment;	988
(10) One individual who holds a current, valid esthetician	989
license and who has been actively practicing esthetics for a	990
period of not less than five years immediately preceding the	991
individual's appointment;	992
(11) One individual who is an employer barber and who has	993
been licensed as a barber in this state for at least five years	994
immediately preceding the individual's appointment;	995
(12) One individual who holds a current, valid barber or	996
barber teacher license at the time of appointment and who has	997
been licensed as a barber or barber teacher in this state for at	998
least five years immediately preceding the individual's	999
appointment.	1000
(B) The director of education and workforce shall nominate	1001
three individuals for the governor to choose from when making an	1002
appointment under division (A) (4) of this section.	1003
(C) All members shall be at least twenty-five years of	1004
age, residents of the state, and citizens of the United States.	1005
No more than two members, at any time, shall be graduates of the	1006
same school of cosmetology . Not more than one member shall have	1007
a common financial connection with any school of cosmetology ,	1008
salon, barber school, or barber shop.	1009

Terms of office are for five years. Terms shall commence 1010
on the first day of November and end on the thirty-first day of 1011
October. Each member shall hold office from the date of 1012
appointment until the end of the term for which appointed. In 1013
case of a vacancy occurring on the board, the governor shall, in 1014
the same manner prescribed for the regular appointment to the 1015
board, fill the vacancy by appointing a member. Any member 1016
appointed to fill a vacancy occurring prior to the expiration of 1017
the term for which the member's predecessor was appointed shall 1018
hold office for the remainder of such term. Any member shall 1019
continue in office subsequent to the expiration date of the 1020
member's term until the member's successor takes office, or 1021
until a period of sixty days has elapsed, whichever occurs 1022
first. Before entering upon the discharge of the duties of the 1023
office of member, each member shall take, and file with the 1024
secretary of state, the oath of office required by Section 7 of 1025
Article XV, Ohio Constitution. 1026

The members of the board shall receive an amount fixed 1027
pursuant to Chapter 124. of the Revised Code per diem for every 1028
meeting of the board which they attend, together with their 1029
necessary expenses, and mileage for each mile necessarily 1030
traveled. 1031

The members of the board shall annually elect, from among 1032
their number, a chairperson and a vice-chairperson. The 1033
executive director appointed pursuant to section 4713.06 of the 1034
Revised Code shall serve as the board's secretary. 1035

(D) The board shall prescribe the duties of its officers 1036
and establish an office within Franklin county. The board shall 1037
keep all records and files at the office and have the records 1038
and files at all reasonable hours open to public inspection in 1039

accordance with section 149.43 of the Revised Code and any rules 1040
adopted by the board in compliance with this state's record 1041
retention policy. The board also shall adopt a seal for the 1042
authentication of its orders, communications, and records. 1043

(E) The governor may remove any member for cause prior to 1044
the expiration of the member's term of office. 1045

(F) Whenever the term "state board of cosmetology" is 1046
used, referred to, or designated in statute, rule, contract, 1047
grant, or other document, the use, reference, or designation 1048
shall be deemed to mean the "state cosmetology and barber board" 1049
or the executive director of the state cosmetology and barber 1050
board, whichever is appropriate in context. Whenever the term 1051
"barber board" is used, referred to, or designated in statute, 1052
rule, contract, grant, or other document, the use, reference, or 1053
designation shall be deemed to mean the "state cosmetology and 1054
barber board" or the executive director of the state cosmetology 1055
and barber board, whichever is appropriate in context. 1056

Sec. 4713.06. The state cosmetology and barber board 1057
shall annually appoint an executive director. The executive 1058
director may not be a member of the board, but subsequent to 1059
appointment, shall serve as secretary of the board. The 1060
executive director, before entering upon the discharge of the 1061
executive director's duties, shall file with the secretary of 1062
state a good and sufficient bond payable to the state, to ensure 1063
the faithful performance of duties of the office of executive 1064
director. The bond shall be in an amount the board requires. The 1065
premium of the bond shall be paid from appropriations made to 1066
the board for operating purposes. Whenever the term "executive 1067
director of the state board of cosmetology" or the term 1068
"executive director of the barber board," or variations thereof, 1069

is used, referred to, or designated in statute, rule, contract, 1070
grant, or other document, the use, reference, or designation 1071
shall be deemed to mean the "executive director of the state 1072
cosmetology and barber board." 1073

The board may employ inspectors, examiners, consultants on 1074
contents of examinations, clerks, or other individuals as 1075
necessary for the administration of this chapter ~~and Chapter~~ 1076
~~4709. of the Revised Code.~~ All inspectors and examiners shall be 1077
licensed cosmetologists or barbers pursuant to this chapter ~~or~~ 1078
~~licensed barbers pursuant to Chapter 4709. of the Revised Code.~~ 1079

The board may appoint inspectors to inspect and 1080
investigate all facilities regulated by this chapter ~~and Chapter~~ 1081
~~4709. of the Revised Code,~~ including tanning facilities, to 1082
ensure compliance with this chapter ~~and Chapter 4709. of the~~ 1083
~~Revised Code,~~ the rules adopted by the board, and the board's 1084
policies, in accordance with division (A)(11) of section 4713.07 1085
of the Revised Code. 1086

Sec. 4713.07. (A) The state cosmetology and barber board 1087
shall do all of the following: 1088

(1) Regulate the practice of cosmetology and all of its 1089
branches and the practice of barbering in this state; 1090

(2) Investigate or inspect, when evidence appears to 1091
demonstrate that an individual has violated any provision of 1092
this chapter or any rule adopted pursuant to it, the activities 1093
or premises of a license holder or unlicensed individual; 1094

(3) Adopt rules in accordance with section 4713.08 of the 1095
Revised Code; 1096

(4) Prescribe and make available application forms to be 1097

used by individuals seeking admission to an examination	1098
conducted under section 4713.24 <u>or 4713.281</u> of the Revised Code	1099
or a license or registration issued under this chapter;	1100
(5) Prescribe and make available application forms to be	1101
used by individuals seeking renewal of a license or registration	1102
issued under this chapter;	1103
(6) Provide a toll-free number and an online service to	1104
receive complaints alleging violations of this chapter or	1105
Chapter 4709. of the Revised Code;	1106
(7) Report to the proper prosecuting officer violations of	1107
section 4713.14 of the Revised Code of which the board is aware;	1108
(8) Submit a written report annually to the governor that	1109
provides all of the following:	1110
(a) A discussion of the conditions in this state of the	1111
<u>practice of barbering, cosmetology, and the</u> branches of	1112
cosmetology;	1113
(b) An evaluation of board activities intended to aid or	1114
protect consumers;	1115
(c) A brief summary of the board's proceedings during the	1116
year the report covers;	1117
(d) A statement of all money that the board received and	1118
expended during the year the report covers.	1119
(9) Keep a record of all of the following:	1120
(a) The board's proceedings;	1121
(b) The name and last known physical address, electronic	1122
mail address, and telephone number of each individual issued a	1123
license or registration under this chapter;	1124

(c) The date and number of each license, permit, and 1125
registration that the board issues. 1126

(10) Assist ex-offenders and military veterans who hold 1127
licenses issued by the board to find employment within salons, 1128
barber shops, or other facilities within this state; 1129

(11) Require inspectors appointed pursuant to section 1130
4713.06 of the Revised Code to conduct inspections of licensed 1131
or permitted facilities, including salons and boutique salons, 1132
~~schools of cosmetology, barber schools,~~ barber shops, and 1133
tanning facilities, within ninety days of the opening for 1134
business of a licensed facility, upon complaints reported to the 1135
board, within ninety days after a violation was documented at a 1136
facility, and at least once every two years. Any individual, 1137
after providing the individual's name and contact information, 1138
may report to the board any information the individual may have 1139
that appears to show a violation of any provision of this 1140
chapter or rule adopted under it ~~or a violation of any provision~~ 1141
~~of Chapter 4709. of the Revised Code or rule adopted by the~~ 1142
~~board pursuant to Chapter 4709. of the Revised Code.~~ In the 1143
absence of bad faith, any individual who reports information of 1144
that nature or who testifies before the board in any 1145
adjudication conducted under Chapter 119. of the Revised Code 1146
shall not be liable for damages in a civil action as a result of 1147
the report or testimony. For the purpose of inspections, an 1148
independent contractor shall be added to the board's records as 1149
an individual salon or barber shop. 1150

(12) Supply a copy of the poster created pursuant to 1151
division (B) of section 5502.63 of the Revised Code to each 1152
person authorized to operate a salon, ~~school of cosmetology,~~ 1153
tanning facility, or other type of facility under this chapter; 1154

(13) All other duties that this chapter imposes on the board.	1155 1156
(B) The board may delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director.	1157 1158 1159
Sec. 4713.071. (A) The state cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period:	1160 1161 1162 1163 1164
(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering;	1165 1166
(2) The number of students graduating from licensed public and private schools of cosmetology and barbering;	1167 1168
(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering;	1169 1170
(4) The loan default rates for licensed public and private schools of cosmetology and barbering;	1171 1172
(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering;	1173 1174
(6) The total number of new and renewal licenses in each profession;	1175 1176
(7) The total number of complaint-driven inspections conducted by the board;	1177 1178
(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;	1179 1180 1181

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	1182
	1183
(10) The number of adjudications or other disciplinary action taken by the board.	1184
	1185
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	1186
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	1188
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	1189
	1190
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	1192
(1) Govern the practice of the branches of cosmetology <u>and the practice of barbering</u> ;	1193
	1194
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	1195
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	1199
(3) Provide for the conduct of examinations under section <u>sections 4713.24 and 4713.281</u> of the Revised Code;	1200
	1201
(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, 4713.281, 4713.31, or 4713.311 of the Revised Code received more than five years before the date of application for the license;	1202
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(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	1208
	1209

(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 <u>or 4713.281</u> of the Revised Code;	1210 1211 1212 1213
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	1214 1215 1216
(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;	1217 1218 1219 1220
(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;	1221 1222 1223 1224
(10) Establish conditions under which food may be sold at a salon;	1225 1226
(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon <u>or barber shop</u> under section 4713.42 of the Revised Code;	1227 1228 1229
(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon <u>or barber shop</u> pursuant to section 4713.42 of the Revised Code;	1230 1231 1232 1233
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology <u>or barbering</u> at schools of cosmetology licensed in this state;	1234 1235 1236
(14) Establish the manner in which a school of cosmetology	1237

licensed under section 4713.44 of the Revised Code may offer	1238
post-secondary and advanced practice programs;	1239
(15) Establish sanitary standards for the practice of the	1240
branches of cosmetology, <u>and barbering and the operation of</u>	1241
salons, and schools of cosmetology, and barber shops ;	1242
(16) Establish the application process for obtaining a	1243
tanning facility permit under section 4713.48 of the Revised	1244
Code, including the amount of the fee for an initial or renewed	1245
permit;	1246
(17) Establish standards for installing and operating a	1247
tanning facility in a manner that ensures the health and safety	1248
of consumers, including standards that do all of the following:	1249
(a) Establish a maximum safe time of exposure to radiation	1250
and a maximum safe temperature at which sun lamps may be	1251
operated;	1252
(b) Require consumers to wear protective eyeglasses;	1253
(c) Require consumers to be supervised as to the length of	1254
time consumers use the facility's sun lamps;	1255
(d) Require the operator to prohibit consumers from	1256
standing too close to sun lamps and to post signs warning	1257
consumers of the potential effects of radiation on individuals	1258
taking certain medications and of the possible relationship of	1259
the radiation to skin cancer;	1260
(e) Require the installation of protective shielding for	1261
sun lamps and handrails for consumers;	1262
(f) Require floors to be dry during operation of lamps;	1263
(g) Establish procedures an operator must follow in making	1264

reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.

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

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

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

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

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

approval process;	1294
(20) <u>Specify the content of the examination required of an applicant for a barber license under section 4713.281 of the Revised Code;</u>	1295 1296 1297
(21) <u>Establish requirements for the licensure of barber teachers that are in addition to the requirements specified in section 4713.311 of the Revised Code;</u>	1298 1299 1300
(22) <u>Establish the minimum student-teacher ratio that a school offering instruction in the theory and practice of barbering must meet;</u>	1301 1302 1303
(23) <u>Anything else necessary to implement this chapter.</u>	1304
(B) (1) The rules adopted under division (A) (2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology <u>or barbering</u> in another state or country.	1305 1306 1307 1308 1309
(2) The rules adopted under division (A) (18) (b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology <u>or barbering</u> in another state.	1310 1311 1312 1313
(C) The conditions specified in rules adopted under division (A) (6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology <u>or barbering</u> for which the board determines an examination is unnecessary.	1314 1315 1316 1317 1318
(D) The rules adopted under division (A) (11) of this section shall not include a profession if practice of the profession in a salon <u>or barber shop</u> is a violation of a statute	1319 1320 1321

or rule governing the profession. 1322

(E) The sanitary standards established under division (A) 1323
(15) of this section shall focus in particular on precautions to 1324
be employed to prevent infectious or contagious diseases being 1325
created or spread. The board shall consult with the Ohio 1326
department of health when establishing the sanitary standards. 1327

(F) The fee established by rules adopted under division 1328
(A) (16) of this section shall cover the cost the board incurs in 1329
inspecting tanning facilities and enforcing the board's rules 1330
but may not exceed one hundred dollars per location of such 1331
facilities. 1332

(G) The content of the examination specified in rules 1333
adopted under division (A) (20) of this section shall include a 1334
practical demonstration and a written test, shall relate only to 1335
the practice of barbering, and shall require the applicant to 1336
demonstrate that the applicant has a thorough knowledge of and 1337
competence in the proper techniques in the safe use of chemicals 1338
used in the practice of barbering. 1339

Sec. 4713.081. The state cosmetology and barber board 1340
shall furnish a copy of the sanitary standards established by 1341
rules adopted under section 4713.08 of the Revised Code to each 1342
individual to whom the board issues a practicing license, 1343
~~advanced license,~~ license to operate a salon, barber shop, or 1344
~~school of cosmetology,~~ or boutique services registration. The 1345
board also shall furnish a copy of the sanitary standards to 1346
each individual providing cosmetic therapy, massage therapy, or 1347
other professional service in a salon under section 4713.42 of 1348
the Revised Code. A salon, barber shop, or ~~school of cosmetology~~ 1349
provided a copy of the sanitary standards shall post the 1350
standards in a public and conspicuous place in the salon, barber 1351

shop, or school. 1352

Sec. 4713.09. The state cosmetology and barber board may 1353
adopt rules in accordance with section 4713.08 of the Revised 1354
Code to establish a continuing education requirement, not to 1355
exceed eight hours in a biennial licensing period, as a 1356
condition of renewal for a practicing license, ~~advanced license,~~ 1357
instructor license, barber license, barber teacher license, or 1358
boutique services registration. These hours may include training 1359
in identifying and addressing the crime of trafficking in 1360
persons as described in section 2905.32 of the Revised Code. At 1361
least two of the eight hours of the continuing education 1362
requirement must be achieved in courses concerning safety and 1363
sanitation, and at least one hour of the eight hours of the 1364
continuing education requirement must be achieved in courses 1365
concerning law and rule updates. 1366

Sec. 4713.10. (A) The state cosmetology and barber board 1367
shall charge and collect the following fees: 1368

(1) For a temporary pre-examination work permit under 1369
section 4713.22 of the Revised Code, not more than fifteen 1370
dollars; 1371

(2) For initial application to take an examination under 1372
section 4713.24, 4713.281, or 4713.311 of the Revised Code, not 1373
more than forty dollars; 1374

(3) For application to take an examination under section 1375
4713.24 of the Revised Code by an applicant who has previously 1376
applied to take, but failed to appear for, the examination, not 1377
more than fifty-five dollars; 1378

(4) For application to re-take any one part of an 1379
examination under section 4713.24 or 4713.281 of the Revised 1380

Code by an applicant who has previously appeared for, but failed	1381
to pass, <u>that part of</u> the examination, not more than forty	1382
dollars;	1383
(5) For the issuance of a license by examination under	1384
section 4713.28, 4713.30, or , <u>4713.281, 4713.31, or 4713.311</u> of	1385
the Revised Code, not more than seventy-five <u>thirty</u> dollars;	1386
(6) For the issuance of a license under section 4713.34 of	1387
the Revised Code, not more than seventy dollars;	1388
(7) For renewal of a license issued under section 4713.28,	1389
4713.30, 4713.281, 4713.31, 4713.311, or 4713.34 of the Revised	1390
Code, not more than seventy dollars;	1391
(8) For the issuance or renewal of a cosmetology school	1392
license, not more than two hundred fifty dollars;	1393
(9) For the issuance of a new salon <u>or barber shop</u> license	1394
or the change of name or ownership of a salon <u>or barber shop</u>	1395
license under section 4713.41 <u>or 4713.411</u> of the Revised Code,	1396
not more than one hundred dollars;	1397
(10) For the renewal of a salon <u>or barber shop</u> license	1398
under section 4713.41 <u>or 4713.411</u> of the Revised Code, not more	1399
than ninety <u>seventy-five</u> dollars;	1400
(11) For the restoration of an expired license that may be	1401
restored pursuant to section 4713.63 of the Revised Code, an	1402
amount equal to the sum of the current license renewal fee and a	1403
lapsed renewal fee of not more than forty-five dollars per	1404
license renewal period that has elapsed since the license was	1405
last issued or renewed;	1406
(12) For the issuance of a duplicate of any license, not	1407
more than thirty dollars;	1408

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty <u>forty</u> dollars;	1409 1410 1411
(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.	1412 1413 1414
(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.	1415 1416 1417
(C) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.	1418 1419 1420
(D) 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 up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee 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.	1421 1422 1423 1424 1425 1426 1427 1428 1429
<u>(E) In addition to any other fee charged and collected under this section, the board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.</u>	1430 1431 1432 1433 1434 1435 1436
Sec. 4713.14. No individual shall do any of the	1437

following:	1438
(A) Use fraud or deceit in making application for a license, permit, or registration;	1439 1440
(B) Aid or abet any individual or entity in any of the following:	1441 1442
(1) Violating this chapter or a rule adopted under it;	1443
(2) Obtaining a license, permit, or registration fraudulently;	1444 1445
(3) Falsely pretending to hold a current, valid license or permit.	1446 1447
(C) <u>(C)</u> (1) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	1448 1449 1450
(1) <u>(a)</u> A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	1451 1452
(2) <u>(b)</u> A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1453 1454
(3) <u>(c)</u> A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	1455 1456
(4) <u>(d)</u> A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	1457 1458 1459
(5) <u>(e)</u> A current, valid registration under section 4713.69 of the Revised Code.	1460 1461
<u>(2) Practice barbering without one of the following:</u>	1462
<u>(a) A current, valid barber license issued under section</u>	1463

<u>4713.281 or 4713.34 of the Revised Code;</u>	1464
<u>(b) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;</u>	1465
	1466
<u>(c) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;</u>	1467
	1468
<u>(d) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.</u>	1469
	1470
	1471
(D) <u>(D) (1) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:</u>	1472
	1473
	1474
(1) <u>(a) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;</u>	1475
	1476
(2) <u>(b) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;</u>	1477
	1478
(3) <u>(c) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;</u>	1479
	1480
(4) <u>(d) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;</u>	1481
	1482
	1483
(5) <u>(e) A current, valid registration under section 4713.69 of the Revised Code.</u>	1484
	1485
<u>(2) Employ an individual to practice barbering if the individual does not hold one of the following:</u>	1486
	1487
<u>(a) A current, valid barber license issued under section 4713.281 or 4713.34 of the Revised Code;</u>	1488
	1489

<u>(b) A current, valid temporary pre-examination work permit</u>	1490
<u>issued under section 4713.22 of the Revised Code;</u>	1491
<u>(c) A current, valid temporary special occasion work</u>	1492
<u>permit issued under section 4713.37 of the Revised Code;</u>	1493
<u>(d) A current, valid temporary work permit issued under</u>	1494
<u>rules adopted by the board pursuant to section 4713.08 of the</u>	1495
<u>Revised Code.</u>	1496
(E) <u>(E) (1) Except for apprentice instructors and as</u>	1497
provided in section 4713.45 of the Revised Code, teach the	1498
theory or practice of a branch of cosmetology at a school of	1499
cosmetology without either of the following authorizing the	1500
teaching of that branch of cosmetology:	1501
(1) <u>(a) A current, valid license under section 4713.31 or</u>	1502
4713.34 of the Revised Code;	1503
(2) <u>(b) A current, valid temporary special occasion work</u>	1504
permit issued under section 4713.37 of the Revised Code.	1505
<u>(2) Except for apprentice barber teachers and as provided</u>	1506
<u>in section 4713.45 of the Revised Code, teach the theory or</u>	1507
<u>practice of barbering with either of the following:</u>	1508
<u>(a) A current, valid license under section 4713.311 or</u>	1509
<u>4713.34 of the Revised Code;</u>	1510
<u>(b) A current, valid temporary special occasion work</u>	1511
<u>permit issued under section 4713.37 of the Revised Code.</u>	1512
(F) Advertise or operate a glamour photography service in	1513
which a branch of cosmetology is practiced unless the individual	1514
practicing the branch of cosmetology holds either of the	1515
following authorizing the practice of that branch of	1516
cosmetology:	1517

(1) A current, valid license under section 4713.28, —	1518
4713.30, or 4713.34 of the Revised Code;	1519
(2) A current, valid temporary special occasion work	1520
permit issued under section 4713.37 of the Revised Code.	1521
(G) Advertise or operate a glamour photography service in	1522
which a branch of cosmetology is practiced at a location not	1523
specified by rules adopted under section 4713.08 of the Revised	1524
Code;	1525
(H) Practice a branch of cosmetology at a salon <u>or</u>	1526
<u>practice barbering at a barber shop</u> as an independent contractor	1527
without a current, valid independent contractor license issued	1528
under section 4713.39 of the Revised Code;	1529
(I) Operate a salon without a current, valid license under	1530
section 4713.41 of the Revised Code, <u>or operate a barber shop</u>	1531
<u>without a current, valid license under section 4713.411 of the</u>	1532
<u>Revised Code;</u>	1533
(J) Provide any of the following at a salon <u>or barber shop</u>	1534
for pay, free, or otherwise:	1535
(1) Massage therapy, unless the individual has a current,	1536
valid license issued by the state medical board under section	1537
4731.15 of the Revised Code;	1538
(2) Any other professional service, unless the individual	1539
has a current, valid license or certificate issued by the	1540
professional regulatory board of this state that regulates the	1541
profession;	1542
(3) Cosmetic therapy, unless the individual is authorized	1543
by rules adopted under section 4713.08 of the Revised Code.	1544
(K) Teach a branch of cosmetology at a salon, unless the	1545

individual receiving the instruction holds either of the 1546
following authorizing the practice of that branch of 1547
cosmetology: 1548

(1) A current, valid license under section 4713.28,~~—~~ 1549
~~4713.30,~~ or 4713.34 of the Revised Code; 1550

(2) A current, valid temporary pre-examination work permit 1551
issued under section 4713.22 of the Revised Code. 1552

(L) Operate a school ~~of cosmetology~~ without a current, 1553
valid license under section 4713.44 of the Revised Code; 1554

(M) At a salon or school ~~of cosmetology~~, do any of the 1555
following: 1556

(1) Use or possess a cosmetic product containing an 1557
ingredient that the United States food and drug administration 1558
has prohibited by regulation; 1559

(2) Use a cosmetic product in a manner inconsistent with a 1560
restriction established by the United States food and drug 1561
administration by regulation; 1562

(3) Use or possess a liquid nail monomer containing any 1563
trace of methyl methacrylate (MMA). 1564

(N) While in charge of a salon, barber shop, or school ~~of~~ 1565
~~cosmetology~~, permit any individual to sleep in, or use for 1566
residential purposes, any room used wholly or in part as the 1567
salon, barber shop, or school ~~of cosmetology~~; 1568

(O) Maintain, as an established place of business for the 1569
practice of one or more of the branches of cosmetology or 1570
barbering, a room used wholly or in part for sleeping or 1571
residential purposes; 1572

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

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

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

(S) Use or display a barber pole for the purpose of advertising or offering barber services without a current, valid barber shop license under section 4713.411 of the Revised Code.

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

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

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

(1) Practicing a branch of cosmetology without a license

or registration if the individual does so for free at the individual's home for a family member who resides in the same household as the individual;

(2) The retail sale, or trial demonstration by application to the skin for purposes of retail sale, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, or hairpieces without a practicing license or registration;

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

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

(a) A branch of cosmetology is not practiced as part of the services.

(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:

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

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

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

(6) Practicing a branch of cosmetology without a license

or registration if the individual does so for free for the 1629
purpose of researching or developing a cosmetic as defined in 1630
section 3715.01 of the Revised Code. 1631

(B) A student in a career-technical program learning a 1632
branch of cosmetology may continue developing skills in the 1633
respective branch of cosmetology after completing the required 1634
coursework or obtaining a license in the respective branch of 1635
cosmetology by working in the licensed career-technical school 1636
clinic if the student does not receive any compensation. This 1637
allowance terminates upon the graduation of the student from the 1638
career-technical school. 1639

Sec. 4713.17. (A) The following persons are exempt from 1640
the provisions of this chapter, except, as applicable, section 1641
4713.42 of the Revised Code: 1642

(1) All individuals authorized to practice medicine, 1643
surgery, dentistry, and nursing or any of its branches in this 1644
state; 1645

(2) Commissioned surgical and medical officers of the 1646
United States army, navy, air force, or marine hospital service 1647
when engaged in the actual performance of their official duties, 1648
and attendants attached to same; 1649

(3) Funeral directors, embalmers, and apprentices licensed 1650
or ~~registered~~ certified under Chapter 4717. of the Revised Code; 1651

(4) Persons who are engaged in the retail sale, cleaning, 1652
or beautification of wigs and hairpieces but who do not engage 1653
in any other act constituting the practice of a branch of 1654
cosmetology; 1655

(5) Volunteers of hospitals, and homes as defined in 1656

section 3721.01 of the Revised Code, who render service to 1657
registered patients and inpatients who reside in such hospitals 1658
or homes. Such volunteers shall not use or work with any 1659
chemical products such as permanent wave, hair dye, or chemical 1660
hair relaxer, which without proper training would pose a health 1661
or safety problem to the patient. 1662

(6) Nurse aides and other employees of hospitals and homes 1663
as defined in section 3721.01 of the Revised Code, who practice 1664
a branch of cosmetology or barbering on registered patients only 1665
as part of general patient care services and who do not charge 1666
patients directly on a fee for service basis; 1667

(7) Massage therapists who hold current, valid licenses to 1668
practice massage therapy issued by the state medical board under 1669
section 4731.15 of the Revised Code, to the extent their actions 1670
are authorized by their licenses; 1671

(8) Inmates who provide services related to the practice 1672
of a branch of cosmetology or barbering to other inmates, except 1673
when those services are provided in a licensed barber shop or 1674
school ~~of cosmetology~~ within a state correctional institution- 1675
~~for females.~~ 1676

(B) The director of rehabilitation and correction shall 1677
oversee the services described in division (A) (8) of this 1678
section with respect to sanitation and adopt rules governing 1679
those types of services provided by inmates. 1680

Sec. 4713.22. (A) The state cosmetology and barber board 1681
shall issue a temporary pre-examination work permit to an 1682
individual who ~~applies under section 4713.20 of the Revised Code~~ 1683
~~for admission to an examination conducted under section 4713.24~~ 1684
~~of the Revised Code, if the individual pays the applicable fee~~ 1685

to the board and satisfies all of the following other conditions 1686
established by rules adopted under section 4713.08 of the 1687
Revised Code if the individual meets either of the following 1688
requirements: 1689

(1) ~~Is~~ If the individual is seeking a practicing license 1690
or an instructor license; 1691

~~(2) Has,~~ has applied under section 4713.20 of the Revised 1692
Code for admission to an examination conducted under section 1693
4713.24 of the Revised Code and has not previously failed an 1694
examination conducted under section 4713.24 of the Revised Code 1695
to determine the applicant's fitness to practice or instruct the 1696
branch of cosmetology for which the individual seeks a license; 1697

~~(3) Pays to the board the applicable fee;~~ 1698

~~(4) Satisfies all other conditions established by rules~~ 1699
~~adopted under section 4713.08 of the Revised Code~~ 1700

(2) If the individual is seeking a barber license, has 1701
applied for and is eligible to take an examination conducted 1702
under section 4713.281 of the Revised Code and has not 1703
previously failed an examination conducted under section 1704
4713.281 of the Revised Code. 1705

(B) An individual issued a temporary pre-examination work 1706
permit may practice the branch of cosmetology for which the 1707
individual seeks a practicing license until the date the 1708
individual is scheduled to take an examination under section 1709
4713.24 of the Revised Code. The individual shall practice under 1710
the supervision of an individual holding a current, valid 1711
license appropriate for the type of salon in which the permit 1712
holder practices. 1713

(C) An individual issued a temporary pre-examination work permit may instruct the branch of cosmetology for which the individual seeks an instructor license for a period not to exceed one hundred twenty days.

(D) An individual issued a temporary pre-examination work permit may practice barbering until the date the individual is scheduled to take an examination under section 4713.281 of the Revised Code. The individual shall practice under the supervision of an individual holding a current, valid barber license.

(E) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code.

Sec. 4713.28. (A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

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

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

(c) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;

(d) An oath verifying that the information in the application is true; 1742
1743

(e) The applicable application fee. 1744

(4) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; 1745
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(5) Pays to the board the applicable license fee; 1748

(6) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school ~~of cosmetology~~-licensed in this state, except that ~~only one~~; 1749
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(a) Only one thousand hours of board-approved cosmetology training in a school ~~of cosmetology~~-licensed in this state is required of an individual licensed as a barber under ~~Chapter 4709~~.section 4713.281 of the Revised Code; and 1754
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(b) Beginning on the date that the "Cosmetology Licensure Compact" entered into under section 4713.33 of the Revised Code applies in this state, only one thousand one hundred twenty-five hours of board-approved training in a school licensed in this state is required of an individual who has received a high school diploma within the five years immediately preceding the date the individual enrolls as a student at the school. 1758
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(7) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school ~~of cosmetology~~-licensed in this state; 1765
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(8) In the case of an applicant for an initial hair 1769

designer license, has successfully completed at least one 1770
thousand hours of board-approved hair designer training in a 1771
school of ~~cosmetology~~ licensed in this state, except that only 1772
one thousand hours of board-approved hair designer training in a 1773
school of ~~cosmetology~~ licensed in this state is required of an 1774
individual licensed as a barber under ~~Chapter 4709~~. section 1775
4713.281 of the Revised Code; 1776

(9) In the case of an applicant for an initial manicurist 1777
license, has successfully completed at least two hundred hours 1778
of board-approved manicurist training in a school of ~~cosmetology~~ 1779
licensed in this state; 1780

(10) In the case of an applicant for an initial natural 1781
hair stylist license, has successfully completed at least four 1782
hundred fifty hours of instruction in subjects relating to 1783
sanitation, scalp care, anatomy, hair styling, communication 1784
skills, and laws and rules governing the practice of 1785
cosmetology. 1786

(B) The board shall not deny a license to any applicant 1787
based on prior incarceration or conviction for any crime. If the 1788
board denies an individual a license or license renewal, the 1789
reasons for such denial shall be put in writing. 1790

(C) The board shall issue a practicing license in a branch 1791
of cosmetology in accordance with Chapter 4796. of the Revised 1792
Code to an applicant if either of the following applies: 1793

(1) The applicant holds a license in that branch of 1794
cosmetology in another state. 1795

(2) The applicant has satisfactory work experience, a 1796
government certification, or a private certification as 1797
described in that chapter in that branch of cosmetology in a 1798

state that does not issue that license. 1799

Sec. 4713.281. (A) The state cosmetology and barber board 1800
shall admit an applicant to take the required barber examination 1801
who satisfies all of the following requirements: 1802

(1) Is not less than sixteen years of age; 1803

(2) Has an eighth grade education or an equivalent 1804
education as determined by the department of education and 1805
workforce or equivalent organization in the state where the 1806
applicant resides; 1807

(3) Has submitted a written application on a form 1808
furnished by the board that contains all of the following: 1809

(a) The name of the individual and any other identifying 1810
information required by the board; 1811

(b) A photocopy of the individual's current driver's 1812
license or other proof of legal residence; 1813

(c) An oath verifying that the information in the 1814
application is true. 1815

(4) Has completed at least one thousand eight hundred 1816
hours of board-approved training from a school or has completed 1817
at least one thousand hours of board-approved training from a 1818
school and has a current cosmetologist or hair designer license 1819
issued under section 4713.28 of the Revised Code; 1820

(5) Has paid the application fee. 1821

(B) The board shall issue a barber license to an applicant 1822
who passes the examination and pays the license fee. 1823

(C) If an applicant fails to pass any part of the 1824
examination, the applicant is ineligible for licensure; however, 1825

the applicant may reapply for examination and pay the required 1826
reexamination fee. An applicant is only required to take that 1827
part or parts of the examination that the applicant did not 1828
pass. The board shall provide to an applicant, on request, a 1829
report that explains the reasons for the applicant's failure to 1830
pass the examination. 1831

(D) The board shall issue a license to practice barbering 1832
in accordance with Chapter 4796. of the Revised Code to an 1833
applicant if either of the following applies: 1834

(1) The applicant holds a license to practice barbering in 1835
another state. 1836

(2) The applicant has satisfactory work experience, a 1837
government certification, or a private certification as 1838
described in that chapter as a barber in a state that does not 1839
issue that license. 1840

Sec. 4713.31. (A) The state cosmetology and barber board 1841
shall issue an instructor license to an applicant who satisfies 1842
all of the following applicable conditions: 1843

(1) Is at least eighteen years of age; 1844

(2) Has the equivalent of an Ohio public school twelfth 1845
grade education; 1846

(3) Pays to the board the applicable fee; 1847

(4) In the case of an applicant for an initial cosmetology 1848
instructor license, holds a current, valid ~~advanced~~ 1849
cosmetologist license issued in this state and does either of 1850
the following: 1851

(a) Has the licensed ~~advanced~~ cosmetologist or owner of 1852
the licensed beauty salon in which the applicant has been 1853

employed certify to the board that the applicant has engaged in 1854
the practice of cosmetology in a licensed beauty salon for at 1855
least one thousand eight hundred hours; 1856

(b) Has a school ~~of cosmetology~~-licensed in this state 1857
certify to the board that the applicant has successfully 1858
completed one thousand hours of board-approved cosmetology 1859
instructor training as an apprentice instructor. 1860

(5) In the case of an applicant for an initial esthetics 1861
instructor license, holds a current, valid ~~advanced~~-esthetician 1862
or ~~advanced~~-cosmetologist license issued in this state and does 1863
either of the following: 1864

(a) Has the licensed ~~advanced~~-esthetician, licensed 1865
~~advanced~~-cosmetologist, or owner of the licensed esthetics salon 1866
or licensed beauty salon in which the applicant has been 1867
employed certify to the board that the applicant has engaged in 1868
the practice of esthetics in a licensed esthetics salon or 1869
practice of cosmetology in a licensed beauty salon for at least 1870
one thousand eight hundred hours; 1871

(b) Has a school ~~of cosmetology~~-licensed in this state 1872
certify to the board that the applicant has successfully 1873
completed at least five hundred hours of board-approved 1874
esthetics instructor training as an apprentice instructor. 1875

(6) In the case of an applicant for an initial hair design 1876
instructor license, holds a current, valid ~~advanced~~-hair 1877
designer or ~~advanced~~-cosmetologist license and does either of 1878
the following: 1879

(a) Has the licensed ~~advanced~~-hair designer, licensed 1880
~~advanced~~-cosmetologist, or owner of the licensed hair design 1881
salon or licensed beauty salon in which the applicant has been 1882

employed certify to the board that the applicant has engaged in 1883
the practice of hair design in a licensed hair design salon or 1884
practice of cosmetology in a licensed beauty salon for at least 1885
one thousand eight hundred hours; 1886

(b) Has a school ~~of cosmetology~~-licensed in this state 1887
certify to the board that the applicant has successfully 1888
completed at least eight hundred hours of board-approved hair 1889
design instructor's training as an apprentice instructor. 1890

(7) In the case of an applicant for an initial manicurist 1891
instructor license, holds a current, valid ~~advanced~~-manicurist 1892
or ~~advanced~~-cosmetologist license and does either of the 1893
following: 1894

(a) Has the licensed ~~advanced~~-manicurist, licensed 1895
~~advanced~~-cosmetologist, or owner of the licensed nail salon or 1896
licensed beauty salon in which the applicant has been employed 1897
certify to the board that the applicant has engaged in the 1898
practice of manicuring in a licensed nail salon or practice of 1899
cosmetology in a licensed beauty salon for at least one thousand 1900
eight hundred hours; 1901

(b) Has a school ~~of cosmetology~~-licensed in this state 1902
certify to the board that the applicant has successfully 1903
completed at least three hundred hours of board-approved 1904
manicurist instructor training as an apprentice instructor. 1905

(8) In the case of an applicant for an initial natural 1906
hair style instructor license, holds a current, valid ~~advanced~~- 1907
natural hair stylist or ~~advanced~~-cosmetologist license and does 1908
either of the following: 1909

(a) Has the licensed ~~advanced~~-natural hair stylist, 1910
licensed ~~advanced~~-cosmetologist, or owner of the licensed 1911

natural hair style salon or licensed beauty salon in which the
applicant has been employed certify to the board that the
applicant has engaged in the practice of natural hair styling in
a licensed natural hair style salon or practice of cosmetology
in a licensed beauty salon for at least one thousand eight
hundred hours;

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

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

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

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

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

Sec. 4713.311. (A) The state cosmetology and barber board
shall issue a barber teacher license to an applicant who meets
all of the following requirements:

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

(2) Holds a current, valid barber license issued under

<u>section 4713.281 of the Revised Code and meets either of the</u>	1940
<u>following requirements:</u>	1941
<u>(a) Has at least eighteen months of work experience in a</u>	1942
<u>licensed barber shop;</u>	1943
<u>(b) Has been employed as an apprentice barber teacher</u>	1944
<u>under the supervision of a licensed barber teacher for at least</u>	1945
<u>one year.</u>	1946
<u>(3) Passes the required examination;</u>	1947
<u>(4) Pays the applicable license fee;</u>	1948
<u>(5) Meets any additional requirements specified in rules</u>	1949
<u>adopted by the board under section 4713.08 of the Revised Code.</u>	1950
<u>(B) The board shall issue a barber teacher license in</u>	1951
<u>accordance with Chapter 4796. of the Revised Code to an</u>	1952
<u>applicant if either of the following applies:</u>	1953
<u>(1) The applicant holds a barber teacher license in</u>	1954
<u>another state.</u>	1955
<u>(2) The applicant has satisfactory work experience, a</u>	1956
<u>government certification, or a private certification as</u>	1957
<u>described in that chapter as a barber teacher in a state that</u>	1958
<u>does not issue the applicable license.</u>	1959
<u>(C) A school that employs any person as an apprentice</u>	1960
<u>barber teacher must provide the person's qualifications to the</u>	1961
<u>board, on forms provided by the board, within five days after</u>	1962
<u>the person begins employment at the school.</u>	1963
Sec. 4713.32. When determining the total hours of	1964
instruction received by an applicant for a license under section	1965
4713.28, 4713.30, or , <u>4713.281, 4713.31, or 4713.311</u> of the	1966

Revised Code, the state cosmetology and barber board shall not
take into account more than ten hours of instruction per day.
The board shall take into account instruction received more than
five years prior to the date of application for the license in
accordance with rules adopted under section 4713.08 of the
Revised Code.

Sec. 4713.33. The "Cosmetology Licensure Compact" is
hereby ratified, enacted into law, and entered into by the state
of Ohio as a party to the compact with any other state that has
legally joined in the compact as follows:

COSMETOLOGY LICENSURE COMPACT

ARTICLE 1- PURPOSE

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

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

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

<u>B. Enhance the abilities of Member States to protect</u>	1996
<u>public health and safety, and prevent fraud and unlicensed</u>	1997
<u>activity within the profession;</u>	1998
<u>C. Ensure and encourage cooperation between Member States</u>	1999
<u>in the licensure and regulation of the Practice of Cosmetology;</u>	2000
<u>D. Support relocating military members and their spouses;</u>	2001
<u>E. Facilitate the exchange of information between Member</u>	2002
<u>States related to the licensure, investigation, and discipline</u>	2003
<u>of the Practice of Cosmetology;</u>	2004
<u>F. Provide for the licensure and mobility of the workforce</u>	2005
<u>in the profession, while addressing the shortage of workers and</u>	2006
<u>lessening the associated burdens on the Member States.</u>	2007
<u>ARTICLE 2- DEFINITIONS</u>	2008
<u>As used in this Compact, and except as otherwise provided,</u>	2009
<u>the following definitions shall govern the terms herein:</u>	2010
<u>A. "Active Military Member" means any person with full-time duty</u>	2011
<u>status in the armed forces of the United States, including</u>	2012
<u>members of the National Guard and Reserve.</u>	2013
<u>B. "Adverse Action" means any administrative, civil, equitable,</u>	2014
<u>or criminal action permitted by a Member State's laws which is</u>	2015
<u>imposed by a State Licensing Authority or other regulatory body</u>	2016
<u>against a Cosmetologist, including actions against an</u>	2017
<u>individual's license or Authorization to Practice such as</u>	2018
<u>revocation, suspension, probation, monitoring of the Licensee,</u>	2019
<u>limitation of the Licensee's practice, or any other Encumbrance</u>	2020
<u>on a license affecting an individual's ability to participate in</u>	2021
<u>the Cosmetology industry, including the issuance of a cease and</u>	2022
<u>desist order.</u>	2023

<u>C. "Authorization to Practice" means a legal authorization</u>	2024
<u>associated with a Multistate License permitting the Practice of</u>	2025
<u>Cosmetology in that Remote State, which shall be subject to the</u>	2026
<u>enforcement jurisdiction of the State Licensing Authority in</u>	2027
<u>that Remote State.</u>	2028
<u>D. "Alternative Program" means a non-disciplinary monitoring or</u>	2029
<u>prosecutorial diversion program approved by a Member State's</u>	2030
<u>State Licensing Authority.</u>	2031
<u>E. "Background Check" means the submission of information for an</u>	2032
<u>applicant for the purpose of obtaining that applicant's criminal</u>	2033
<u>history record information, as further defined in 28 C.F.R. §</u>	2034
<u>20.3(d), from the Federal Bureau of Investigation and the agency</u>	2035
<u>responsible for retaining State criminal or disciplinary history</u>	2036
<u>in the applicant's Home State.</u>	2037
<u>F. "Charter Member State" means Member States who have enacted</u>	2038
<u>legislation to adopt this Compact where such legislation</u>	2039
<u>predates the effective date of this Compact as defined in</u>	2040
<u>Article 13.</u>	2041
<u>G. "Commission" means the government agency whose membership</u>	2042
<u>consists of all States that have enacted this Compact, which is</u>	2043
<u>known as the Cosmetology Licensure Compact Commission, as</u>	2044
<u>defined in Article 9, and which shall operate as an</u>	2045
<u>instrumentality of the Member States.</u>	2046
<u>H. "Cosmetologist" means an individual licensed in their Home</u>	2047
<u>State to practice Cosmetology.</u>	2048
<u>I. "Cosmetology", "Cosmetology Services", and the "Practice of</u>	2049
<u>Cosmetology" mean the care and services provided by a</u>	2050
<u>Cosmetologist as set forth in the Member State's statutes and</u>	2051
<u>regulations in the State where the services are being provided.</u>	2052

<u>J. "Current Significant Investigative Information" means:</u>	2053
<u>1. Investigative Information that a State Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding fraud or the Practice of Cosmetology; or</u>	2054 2055 2056 2057 2058 2059
<u>2. Investigative Information that indicates that a Licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the Licensee has been notified and had an opportunity to respond.</u>	2060 2061 2062 2063
<u>K. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, and Adverse Actions.</u>	2064 2065 2066
<u>L. "Disqualifying Event" means any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule or order specify.</u>	2067 2068 2069
<u>M. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Cosmetology by a Licensee, or where said Adverse Action has been reported to the Commission.</u>	2070 2071 2072
<u>N. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted Practice of Cosmetology by a State Licensing Authority.</u>	2073 2074 2075
<u>O. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.</u>	2076 2077 2078
<u>P. "Home State" means the Member State which is a Licensee's primary State of residence, and where that Licensee holds an</u>	2079 2080

<u>active and unencumbered license to practice Cosmetology.</u>	2081
<u>Q. "Investigative Information" means information, records, or documents received or generated by a State Licensing Authority pursuant to an investigation or other inquiry.</u>	2082 2083 2084
<u>R. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Cosmetology in a State.</u>	2085 2086 2087
<u>S. "Licensee" means an individual who currently holds a license from a Member State to practice as a Cosmetologist.</u>	2088 2089
<u>T. "Member State" means any State that has adopted this Compact.</u>	2090
<u>U. "Multistate License" means a license issued by and subject to the enforcement jurisdiction of the State Licensing Authority in a Licensee's Home State, which authorizes the Practice of Cosmetology in Member States and includes Authorizations to Practice Cosmetology in all Remote States pursuant to this Compact.</u>	2091 2092 2093 2094 2095 2096
<u>V. "Remote State" means any Member State, other than the Licensee's Home State.</u>	2097 2098
<u>W. "Rule" means any rule or regulation promulgated by the Commission under this Compact which has the force of law.</u>	2099 2100
<u>X. "Single-State License" means a Cosmetology license issued by a Member State that authorizes practice of Cosmetology only within the issuing State and does not include any authorization outside of the issuing State.</u>	2101 2102 2103 2104
<u>Y. "State" means a State, territory, or possession of the United States and the District of Columbia.</u>	2105 2106
<u>Z. "State Licensing Authority" means a Member State's regulatory</u>	2107

<u>body responsible for issuing Cosmetology licenses or otherwise</u>	2108
<u>overseeing the Practice of Cosmetology in that State.</u>	2109
<u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u>	2110
<u>A. To be eligible to join this Compact, and to maintain</u>	2111
<u>eligibility as a Member State, a State must:</u>	2112
<u>1. License and regulate Cosmetology;</u>	2113
<u>2. Have a mechanism or entity in place to receive and</u>	2114
<u>investigate complaints about Licensees practicing in that State;</u>	2115
<u>3. Require that Licensees within the State pass a</u>	2116
<u>Cosmetology competency examination prior to being licensed to</u>	2117
<u>provide Cosmetology Services to the public in that State;</u>	2118
<u>4. Require that Licensees satisfy educational or training</u>	2119
<u>requirements in Cosmetology prior to being licensed to provide</u>	2120
<u>Cosmetology Services to the public in that State;</u>	2121
<u>5. Implement procedures for considering one or more of the</u>	2122
<u>following categories of information from applicants for</u>	2123
<u>licensure: criminal history; disciplinary history; or Background</u>	2124
<u>Check. Such procedures may include the submission of information</u>	2125
<u>by applicants for the purpose of obtaining an applicant's</u>	2126
<u>Background Check as defined herein;</u>	2127
<u>6. Participate in the Data System, including through the</u>	2128
<u>use of unique identifying numbers;</u>	2129
<u>7. Share information related to Adverse Actions with the</u>	2130
<u>Commission and other Member States, both through the Data System</u>	2131
<u>and otherwise;</u>	2132
<u>8. Notify the Commission and other Member States, in</u>	2133
<u>compliance with the terms of the Compact and Rules of the</u>	2134

<u>Commission, of the existence of Investigative Information or</u>	2135
<u>Current Significant Investigative Information in the State's</u>	2136
<u>possession regarding a Licensee practicing in that State;</u>	2137
<u>9. Comply with such Rules as may be enacted by the</u>	2138
<u>Commission to administer the Compact; and</u>	2139
<u>10. Accept Licensees from other Member States as</u>	2140
<u>established herein.</u>	2141
<u>B. Member States may charge a fee for granting a license to</u>	2142
<u>practice Cosmetology.</u>	2143
<u>C. Individuals not residing in a Member State shall continue to</u>	2144
<u>be able to apply for a Member State's Single-State License as</u>	2145
<u>provided under the laws of each Member State. However, the</u>	2146
<u>Single-State License granted to these individuals shall not be</u>	2147
<u>recognized as granting a Multistate License to provide services</u>	2148
<u>in any other Member State.</u>	2149
<u>D. Nothing in this Compact shall affect the requirements</u>	2150
<u>established by a Member State for the issuance of a Single-State</u>	2151
<u>License.</u>	2152
<u>E. A Multistate License issued to a Licensee by a Home State to</u>	2153
<u>a resident of that State shall be recognized by each Member</u>	2154
<u>State as authorizing a Licensee to practice Cosmetology in each</u>	2155
<u>Member State.</u>	2156
<u>F. At no point shall the Commission have the power to define the</u>	2157
<u>educational or professional requirements for a license to</u>	2158
<u>practice Cosmetology. The Member States shall retain sole</u>	2159
<u>jurisdiction over the provision of these requirements.</u>	2160
<u>ARTICLE 4- MULTISTATE LICENSE</u>	2161
<u>A. To be eligible to apply to their Home State's State Licensing</u>	2162

Authority for an initial Multistate License under this Compact, 2163
a Licensee must hold an active and unencumbered Single-State 2164
License to practice Cosmetology in their Home State. 2165

B. Upon the receipt of an application for a Multistate License, 2166
according to the Rules of the Commission, a Member State's State 2167
Licensing Authority shall ascertain whether the applicant meets 2168
the requirements for a Multistate License under this Compact. 2169

C. If an applicant meets the requirements for a Multistate 2170
License under this Compact and any applicable Rules of the 2171
Commission, the State Licensing Authority in receipt of the 2172
application shall, within a reasonable time, grant a Multistate 2173
License to that applicant, and inform all Member States of the 2174
grant of said Multistate License. 2175

D. A Multistate License to practice Cosmetology issued by a 2176
Member State's State Licensing Authority shall be recognized by 2177
each Member State as authorizing the practice thereof as though 2178
that Licensee held a Single-State License to do so in each 2179
Member State, subject to the restrictions herein. 2180

E. A Multistate License granted pursuant to this Compact may be 2181
effective for a definite period of time, concurrent with the 2182
licensure renewal period in the Home State. 2183

F. To maintain a Multistate License under this Compact, a 2184
Licensee must: 2185

1. Agree to abide by the rules of the State Licensing 2186
Authority, and the State scope of practice laws governing the 2187
Practice of Cosmetology, of any Member State in which the 2188
Licensee provides services; 2189

2. Pay all required fees related to the application and 2190

<u>process, and any other fees which the Commission may by Rule</u>	2191
<u>require; and</u>	2192
<u>3. Comply with any and all other requirements regarding</u>	2193
<u>Multistate Licenses which the Commission may by Rule provide.</u>	2194
<u>G. A Licensee practicing in a Member State is subject to all</u>	2195
<u>scope of practice laws governing Cosmetology Services in that</u>	2196
<u>State.</u>	2197
<u>H. The Practice of Cosmetology under a Multistate License</u>	2198
<u>granted pursuant to this Compact will subject the Licensee to</u>	2199
<u>the jurisdiction of the State Licensing Authority, the courts,</u>	2200
<u>and the laws of the Member State in which the Cosmetology</u>	2201
<u>Services are provided.</u>	2202
<u>ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME</u>	2203
<u>STATE</u>	2204
<u>A. A Licensee may hold a Multistate License, issued by their</u>	2205
<u>Home State, in only one Member State at any given time.</u>	2206
<u>B. If a Licensee changes their Home State by moving between two</u>	2207
<u>Member States:</u>	2208
<u>1. The Licensee shall immediately apply for the reissuance</u>	2209
<u>of their Multistate License in their new Home State. The</u>	2210
<u>Licensee shall pay all applicable fees and notify the prior Home</u>	2211
<u>State in accordance with the Rules of the Commission.</u>	2212
<u>2. Upon receipt of an application to reissue a Multistate</u>	2213
<u>License, the new Home State shall verify that the Multistate</u>	2214
<u>License is active, unencumbered and eligible for reissuance</u>	2215
<u>under the terms of the Compact and the Rules of the Commission.</u>	2216
<u>The Multistate License issued by the prior Home State will be</u>	2217
<u>deactivated and all Member States notified in accordance with</u>	2218

the applicable Rules adopted by the Commission. 2219

3. If required for initial licensure, the new Home State 2220
may require a Background Check as specified in the laws of that 2221
State, or the compliance with any Jurisprudence Requirements of 2222
the new Home State. 2223

4. Notwithstanding any other provision of this Compact, if 2224
a Licensee does not meet the requirements set forth in this 2225
Compact for the reissuance of a Multistate License by the new 2226
Home State, then the Licensee shall be subject to the new Home 2227
State requirements for the issuance of a Single-State License in 2228
that State. 2229

C. If a Licensee changes their primary state of residence by 2230
moving from a Member State to a non-Member State, or from a non- 2231
Member State to a Member State, then the Licensee shall be 2232
subject to the State requirements for the issuance of a Single- 2233
State License in the new Home State. 2234

D. Nothing in this Compact shall interfere with a Licensee's 2235
ability to hold a Single-State License in multiple States; 2236
however, for the purposes of this Compact, a Licensee shall have 2237
only one Home State, and only one Multistate License. 2238

E. Nothing in this Compact shall interfere with the requirements 2239
established by a Member State for the issuance of a Single-State 2240
License. 2241

ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE 2242
LICENSING AUTHORITIES 2243

A. Nothing in this Compact, nor any Rule or regulation of the 2244
Commission, shall be construed to limit, restrict, or in any way 2245
reduce the ability of a Member State to enact and enforce laws, 2246

regulations, or other rules related to the Practice of 2247
Cosmetology in that State, where those laws, regulations, or 2248
other rules are not inconsistent with the provisions of this 2249
Compact. 2250

B. Insofar as practical, a Member State's State Licensing 2251
Authority shall cooperate with the Commission and with each 2252
entity exercising independent regulatory authority over the 2253
Practice of Cosmetology according to the provisions of this 2254
Compact. 2255

C. Discipline shall be the sole responsibility of the State in 2256
which Cosmetology Services are provided. Accordingly, each 2257
Member State's State Licensing Authority shall be responsible 2258
for receiving complaints about individuals practicing 2259
Cosmetology in that State, and for communicating all relevant 2260
Investigative Information about any such Adverse Action to the 2261
other Member States through the Data System in addition to any 2262
other methods the Commission may by Rule require. 2263

ARTICLE 7- ADVERSE ACTIONS 2264

A. A Licensee's Home State shall have exclusive power to impose 2265
an Adverse Action against a Licensee's Multistate License issued 2266
by the Home State. 2267

B. A Home State may take Adverse Action on a Multistate License 2268
based on the Investigative Information, Current Significant 2269
Investigative Information, or Adverse Action of a Remote State. 2270

C. In addition to the powers conferred by State law, each Remote 2271
State's State Licensing Authority shall have the power to: 2272

1. Take Adverse Action against a Licensee's Authorization 2273
to Practice Cosmetology through the Multistate License in that 2274

<u>Member State, provided that:</u>	2275
<u>a. Only the Licensee's Home State shall have the power to</u>	2276
<u>take Adverse Action against the Multistate License issued by the</u>	2277
<u>Home State; and</u>	2278
<u>b. For the purposes of taking Adverse Action, the Home</u>	2279
<u>State's State Licensing Authority shall give the same priority</u>	2280
<u>and effect to reported conduct received from a Remote State as</u>	2281
<u>it would if such conduct had occurred within the Home State. In</u>	2282
<u>so doing, the Home State shall apply its own State laws to</u>	2283
<u>determine the appropriate action.</u>	2284
<u>2. Issue cease and desist orders or impose an Encumbrance</u>	2285
<u>on a Licensee's Authorization to Practice within that Member</u>	2286
<u>State.</u>	2287
<u>3. Complete any pending investigations of a Licensee who</u>	2288
<u>changes their primary state of residence during the course of</u>	2289
<u>such an investigation. The State Licensing Authority shall also</u>	2290
<u>be empowered to report the results of such an investigation to</u>	2291
<u>the Commission through the Data System as described herein.</u>	2292
<u>4. Issue subpoenas for both hearings and investigations</u>	2293
<u>that require the attendance and testimony of witnesses, as well</u>	2294
<u>as the production of evidence. Subpoenas issued by a State</u>	2295
<u>Licensing Authority in a Member State for the attendance and</u>	2296
<u>testimony of witnesses or the production of evidence from</u>	2297
<u>another Member State shall be enforced in the latter State by</u>	2298
<u>any court of competent jurisdiction, according to the practice</u>	2299
<u>and procedure of that court applicable to subpoenas issued in</u>	2300
<u>proceedings before it. The issuing State Licensing Authority</u>	2301
<u>shall pay any witness fees, travel expenses, mileage, and other</u>	2302
<u>fees required by the service statutes of the State in which the</u>	2303

<u>witnesses or evidence are located.</u>	2304
<u>5. If otherwise permitted by State law, recover from the</u>	2305
<u>affected Licensee the costs of investigations and disposition of</u>	2306
<u>cases resulting from any Adverse Action taken against that</u>	2307
<u>Licensee.</u>	2308
<u>6. Take Adverse Action against the Licensee's</u>	2309
<u>Authorization to Practice in that State based on the factual</u>	2310
<u>findings of another Remote State.</u>	2311
<u>D. A Licensee's Home State shall complete any pending</u>	2312
<u>investigation(s) of a Cosmetologist who changes their primary</u>	2313
<u>state of residence during the course of the investigation(s).</u>	2314
<u>The Home State shall also have the authority to take appropriate</u>	2315
<u>action(s) and shall promptly report the conclusions of the</u>	2316
<u>investigations to the Data System.</u>	2317
<u>E. If an Adverse Action is taken by the Home State against a</u>	2318
<u>Licensee's Multistate License, the Licensee's Authorization to</u>	2319
<u>Practice in all other Member States shall be deactivated until</u>	2320
<u>all Encumbrances have been removed from the Home State license.</u>	2321
<u>All Home State disciplinary orders that impose an Adverse Action</u>	2322
<u>against a Licensee's Multistate License shall include a</u>	2323
<u>statement that the Cosmetologist's Authorization to Practice is</u>	2324
<u>deactivated in all Member States during the pendency of the</u>	2325
<u>order.</u>	2326
<u>F. Nothing in this Compact shall override a Member State's</u>	2327
<u>authority to accept a Licensee's participation in an Alternative</u>	2328
<u>Program in lieu of Adverse Action. A Licensee's Multistate</u>	2329
<u>License shall be suspended for the duration of the Licensee's</u>	2330
<u>participation in any Alternative Program.</u>	2331
<u>G. Joint Investigations</u>	2332

1. In addition to the authority granted to a Member State 2333
by its respective scope of practice laws or other applicable 2334
State law, a Member State may participate with other Member 2335
States in joint investigations of Licensees. 2336

2. Member States shall share any investigative, 2337
litigation, or compliance materials in furtherance of any joint 2338
or individual investigation initiated under the Compact. 2339

ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES 2340

Active Military Members, or their spouses, shall designate a 2341
Home State where the individual has a current license to 2342
practice Cosmetology in good standing. The individual may retain 2343
their Home State designation during any period of service when 2344
that individual or their spouse is on active duty assignment. 2345

ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY 2346

LICENSURE COMPACT COMMISSION 2347

A. The Compact Member States hereby create and establish a joint 2348
government agency whose membership consists of all Member States 2349
that have enacted the Compact known as the Cosmetology Licensure 2350
Compact Commission. The Commission is an instrumentality of the 2351
Compact Member States acting jointly and not an instrumentality 2352
of any one State. The Commission shall come into existence on or 2353
after the effective date of the Compact as set forth in Article 2354
13. 2355

B. Membership, Voting, and Meetings 2356

1. Each Member State shall have and be limited to one (1) 2357
delegate selected by that Member State's State Licensing 2358
Authority. 2359

2. The delegate shall be an administrator of the State 2360

<u>Licensing Authority of the Member State or their designee.</u>	2361
<u>3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.</u>	2362 2363 2364
<u>4. The Commission may recommend removal or suspension of any delegate from office.</u>	2365 2366
<u>5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.</u>	2367 2368 2369
<u>6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.</u>	2370 2371
<u>7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.</u>	2372 2373 2374 2375
<u>C. The Commission shall have the following powers:</u>	2376
<u>1. Establish the fiscal year of the Commission;</u>	2377
<u>2. Establish code of conduct and conflict of interest policies;</u>	2378 2379
<u>3. Adopt Rules and bylaws;</u>	2380
<u>4. Maintain its financial records in accordance with the bylaws;</u>	2381 2382
<u>5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;</u>	2383 2384 2385
<u>6. Initiate and conclude legal proceedings or actions in</u>	2386

<u>the name of the Commission, provided that the standing of any</u>	2387
<u>State Licensing Authority to sue or be sued under applicable law</u>	2388
<u>shall not be affected;</u>	2389
<u>7. Maintain and certify records and information provided</u>	2390
<u>to a Member State as the authenticated business records of the</u>	2391
<u>Commission, and designate an agent to do so on the Commission's</u>	2392
<u>behalf;</u>	2393
<u>8. Purchase and maintain insurance and bonds;</u>	2394
<u>9. Borrow, accept, or contract for services of personnel,</u>	2395
<u>including, but not limited to, employees of a Member State;</u>	2396
<u>10. Conduct an annual financial review;</u>	2397
<u>11. Hire employees, elect or appoint officers, fix</u>	2398
<u>compensation, define duties, grant such individuals appropriate</u>	2399
<u>authority to carry out the purposes of the Compact, and</u>	2400
<u>establish the Commission's personnel policies and programs</u>	2401
<u>relating to conflicts of interest, qualifications of personnel,</u>	2402
<u>and other related personnel matters;</u>	2403
<u>12. As set forth in the Commission Rules, charge a fee to</u>	2404
<u>a Licensee for the grant of a Multistate License and thereafter,</u>	2405
<u>as may be established by Commission Rule, charge the Licensee a</u>	2406
<u>Multistate License renewal fee for each renewal period. Nothing</u>	2407
<u>herein shall be construed to prevent a Home State from charging</u>	2408
<u>a Licensee a fee for a Multistate License or renewals of a</u>	2409
<u>Multistate License, or a fee for the jurisprudence requirement</u>	2410
<u>if the Member State imposes such a requirement for the grant of</u>	2411
<u>Multistate License;</u>	2412
<u>13. Assess and collect fees;</u>	2413
<u>14. Accept any and all appropriate gifts, donations,</u>	2414

<u>grants of money, other sources of revenue, equipment, supplies,</u>	2415
<u>materials, and services, and receive, utilize, and dispose of</u>	2416
<u>the same; provided that at all times the Commission shall avoid</u>	2417
<u>any appearance of impropriety or conflict of interest;</u>	2418
<u>15. Lease, purchase, retain, own, hold, improve, or use</u>	2419
<u>any property, real, personal, or mixed, or any undivided</u>	2420
<u>interest therein;</u>	2421
<u>16. Sell, convey, mortgage, pledge, lease, exchange,</u>	2422
<u>abandon, or otherwise dispose of any property real, personal, or</u>	2423
<u>mixed;</u>	2424
<u>17. Establish a budget and make expenditures;</u>	2425
<u>18. Borrow money;</u>	2426
<u>19. Appoint committees, including standing committees,</u>	2427
<u>composed of members, State regulators, State legislators or</u>	2428
<u>their representatives, and consumer representatives, and such</u>	2429
<u>other interested persons as may be designated in this Compact</u>	2430
<u>and the bylaws;</u>	2431
<u>20. Provide and receive information from, and cooperate</u>	2432
<u>with, law enforcement agencies</u>	2433
<u>21. Elect a Chair, Vice Chair, Secretary and Treasurer and</u>	2434
<u>such other officers of the Commission as provided in the</u>	2435
<u>Commission's bylaws;</u>	2436
<u>22. Establish and elect an Executive Committee, including</u>	2437
<u>a chair and a vice chair;</u>	2438
<u>23. Adopt and provide to the Member States an annual</u>	2439
<u>report.</u>	2440
<u>24. Determine whether a State's adopted language is</u>	2441

<u>materially different from the model Compact language such that</u>	2442
<u>the State would not qualify for participation in the Compact;</u>	2443
<u>and</u>	2444
<u>25. Perform such other functions as may be necessary or</u>	2445
<u>appropriate to achieve the purposes of this Compact.</u>	2446
<u>D. The Executive Committee</u>	2447
<u>1. The Executive Committee shall have the power to act on</u>	2448
<u>behalf of the Commission according to the terms of this Compact.</u>	2449
<u>The powers, duties, and responsibilities of the Executive</u>	2450
<u>Committee shall include:</u>	2451
<u>a. Overseeing the day-to-day activities of the</u>	2452
<u>administration of the Compact including compliance with the</u>	2453
<u>provisions of the Compact, the Commission's Rules and bylaws,</u>	2454
<u>and other such duties as deemed necessary;</u>	2455
<u>b. Recommending to the Commission changes to the Rules or</u>	2456
<u>bylaws, changes to this Compact legislation, fees charged to</u>	2457
<u>Compact Member States, fees charged to Licensees, and other</u>	2458
<u>fees;</u>	2459
<u>c. Ensuring Compact administration services are</u>	2460
<u>appropriately provided, including by contract;</u>	2461
<u>d. Preparing and recommending the budget;</u>	2462
<u>e. Maintaining financial records on behalf of the</u>	2463
<u>Commission;</u>	2464
<u>f. Monitoring Compact compliance of Member States and</u>	2465
<u>providing compliance reports to the Commission;</u>	2466
<u>g. Establishing additional committees as necessary;</u>	2467
<u>h. Exercising the powers and duties of the Commission</u>	2468

during the interim between Commission meetings, except for 2469
adopting or amending Rules, adopting or amending bylaws, and 2470
exercising any other powers and duties expressly reserved to the 2471
Commission by Rule or bylaw; and 2472

i. Other duties as provided in the Rules or bylaws of the 2473
Commission. 2474

2. The Executive Committee shall be composed of up to 2475
seven voting members: 2476

a. The chair and vice chair of the Commission and any 2477
other members of the Commission who serve on the Executive 2478
Committee shall be voting members of the Executive Committee; 2479
and 2480

b. Other than the chair, vice-chair, secretary and 2481
treasurer, the Commission shall elect three voting members from 2482
the current membership of the Commission. 2483

c. The Commission may elect ex-officio, nonvoting members 2484
from a recognized national Cosmetology professional association 2485
as approved by the Commission. The Commission's bylaws shall 2486
identify qualifying organizations and the manner of appointment 2487
if the number of organizations seeking to appoint an ex officio 2488
member exceeds the number of members specified in this Article. 2489

3. The Commission may remove any member of the Executive 2490
Committee as provided in the Commission's bylaws. 2491

4. The Executive Committee shall meet at least annually. 2492

a. Annual Executive Committee meetings, as well as any 2493
Executive Committee meeting at which it does not take or intend 2494
to take formal action on a matter for which a Commission vote 2495
would otherwise be required, shall be open to the public, except 2496

<u>that the Executive Committee may meet in a closed, non-public</u>	2497
<u>session of a public meeting when dealing with any of the matters</u>	2498
<u>covered under Article 9.F.4.</u>	2499
<u>b. The Executive Committee shall give five business days</u>	2500
<u>advance notice of its public meetings, posted on its website and</u>	2501
<u>as determined to provide notice to persons with an interest in</u>	2502
<u>the public matters the Executive Committee intends to address at</u>	2503
<u>those meetings.</u>	2504
<u>5. The Executive Committee may hold an emergency meeting</u>	2505
<u>when acting for the Commission to:</u>	2506
<u>a. Meet an imminent threat to public health, safety, or</u>	2507
<u>welfare;</u>	2508
<u>b. Prevent a loss of Commission or Member State funds; or</u>	2509
<u>c. Protect public health and safety.</u>	2510
<u>E. The Commission shall adopt and provide to the Member States</u>	2511
<u>an annual report.</u>	2512
<u>F. Meetings of the Commission</u>	2513
<u>1. All meetings of the Commission that are not closed</u>	2514
<u>pursuant to Article 9.F.4 shall be open to the public. Notice of</u>	2515
<u>public meetings shall be posted on the Commission's website at</u>	2516
<u>least thirty (30) days prior to the public meeting.</u>	2517
<u>2. Notwithstanding Article 9.F.1, the Commission may</u>	2518
<u>convene an emergency public meeting by providing at least</u>	2519
<u>twenty-four (24) hours prior notice on the Commission's website,</u>	2520
<u>and any other means as provided in the Commission's Rules, for</u>	2521
<u>any of the reasons it may dispense with notice of proposed</u>	2522
<u>rulemaking under Article 11.L. The Commission's legal counsel</u>	2523
<u>shall certify that one of the reasons justifying an emergency</u>	2524

<u>public meeting has been met.</u>	2525
<u>3. Notice of all Commission meetings shall provide the</u>	2526
<u>time, date, and location of the meeting, and if the meeting is</u>	2527
<u>to be held or accessible via telecommunication, video</u>	2528
<u>conference, or other electronic means, the notice shall include</u>	2529
<u>the mechanism for access to the meeting.</u>	2530
<u>4. The Commission may convene in a closed, non-public</u>	2531
<u>meeting for the Commission to discuss:</u>	2532
<u>a. Non-compliance of a Member State with its obligations</u>	2533
<u>under the Compact;</u>	2534
<u>b. The employment, compensation, discipline or other</u>	2535
<u>matters, practices or procedures related to specific employees</u>	2536
<u>or other matters related to the Commission's internal personnel</u>	2537
<u>practices and procedures;</u>	2538
<u>c. Current or threatened discipline of a Licensee by the</u>	2539
<u>Commission or by a Member State's Licensing Authority;</u>	2540
<u>d. Current, threatened, or reasonably anticipated</u>	2541
<u>litigation;</u>	2542
<u>e. Negotiation of contracts for the purchase, lease, or</u>	2543
<u>sale of goods, services, or real estate;</u>	2544
<u>f. Accusing any person of a crime or formally censuring</u>	2545
<u>any person;</u>	2546
<u>g. Trade secrets or commercial or financial information</u>	2547
<u>that is privileged or confidential;</u>	2548
<u>h. Information of a personal nature where disclosure would</u>	2549
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	2550
<u>i. Investigative records compiled for law enforcement</u>	2551

<u>purposes;</u>	2552
<u>j. Information related to any investigative reports</u>	2553
<u>prepared by or on behalf of or for use of the Commission or</u>	2554
<u>other committee charged with responsibility of investigation or</u>	2555
<u>determination of compliance issues pursuant to the Compact;</u>	2556
<u>k. Legal advice;</u>	2557
<u>l. Matters specifically exempted from disclosure to the</u>	2558
<u>public by federal or Member State law; or</u>	2559
<u>m. Other matters as promulgated by the Commission by Rule.</u>	2560
<u>5. If a meeting, or portion of a meeting, is closed, the</u>	2561
<u>presiding officer shall state that the meeting will be closed</u>	2562
<u>and reference each relevant exempting provision, and such</u>	2563
<u>reference shall be recorded in the minutes.</u>	2564
<u>6. The Commission shall keep minutes that fully and</u>	2565
<u>clearly describe all matters discussed in a meeting and shall</u>	2566
<u>provide a full and accurate summary of actions taken, and the</u>	2567
<u>reasons therefore, including a description of the views</u>	2568
<u>expressed. All documents considered in connection with an action</u>	2569
<u>shall be identified in such minutes. All minutes and documents</u>	2570
<u>of a closed meeting shall remain under seal, subject to release</u>	2571
<u>only by a majority vote of the Commission or order of a court of</u>	2572
<u>competent jurisdiction.</u>	2573
<u>G. Financing of the Commission</u>	2574
<u>1. The Commission shall pay, or provide for the payment</u>	2575
<u>of, the reasonable expenses of its establishment, organization,</u>	2576
<u>and ongoing activities.</u>	2577
<u>2. The Commission may accept any and all appropriate</u>	2578
<u>sources of revenue, donations, and grants of money, equipment,</u>	2579

supplies, materials, and services. 2580

3. The Commission may levy on and collect an annual 2581
assessment from each Member State and impose fees on Licensees 2582
of Member States to whom it grants a Multistate License to cover 2583
the cost of the operations and activities of the Commission and 2584
its staff, which must be in a total amount sufficient to cover 2585
its annual budget as approved each year for which revenue is not 2586
provided by other sources. The aggregate annual assessment 2587
amount for Member States shall be allocated based upon a formula 2588
that the Commission shall promulgate by Rule. 2589

4. The Commission shall not incur obligations of any kind 2590
prior to securing the funds adequate to meet the same; nor shall 2591
the Commission pledge the credit of any Member States, except by 2592
and with the authority of the Member State. 2593

5. The Commission shall keep accurate accounts of all 2594
receipts and disbursements. The receipts and disbursements of 2595
the Commission shall be subject to the financial review and 2596
accounting procedures established under its bylaws. All receipts 2597
and disbursements of funds handled by the Commission shall be 2598
subject to an annual financial review by a certified or licensed 2599
public accountant, and the report of the financial review shall 2600
be included in and become part of the annual report of the 2601
Commission. 2602

H. Qualified Immunity, Defense, and Indemnification 2603

1. The members, officers, executive director, employees 2604
and representatives of the Commission shall be immune from suit 2605
and liability, both personally and in their official capacity, 2606
for any claim for damage to or loss of property or personal 2607
injury or other civil liability caused by or arising out of any 2608

actual or alleged act, error, or omission that occurred, or that 2609
the person against whom the claim is made had a reasonable basis 2610
for believing occurred within the scope of Commission 2611
employment, duties or responsibilities; provided that nothing in 2612
this paragraph shall be construed to protect any such person 2613
from suit or liability for any damage, loss, injury, or 2614
liability caused by the intentional or willful or wanton 2615
misconduct of that person. The procurement of insurance of any 2616
type by the Commission shall not in any way compromise or limit 2617
the immunity granted hereunder. 2618

2. The Commission shall defend any member, officer, 2619
executive director, employee, and representative of the 2620
Commission in any civil action seeking to impose liability 2621
arising out of any actual or alleged act, error, or omission 2622
that occurred within the scope of Commission employment, duties, 2623
or responsibilities, or as determined by the Commission that the 2624
person against whom the claim is made had a reasonable basis for 2625
believing occurred within the scope of Commission employment, 2626
duties, or responsibilities; provided that nothing herein shall 2627
be construed to prohibit that person from retaining their own 2628
counsel at their own expense; and provided further, that the 2629
actual or alleged act, error, or omission did not result from 2630
that person's intentional or willful or wanton misconduct. 2631

3. The Commission shall indemnify and hold harmless any 2632
member, officer, executive director, employee, and 2633
representative of the Commission for the amount of any 2634
settlement or judgment obtained against that person arising out 2635
of any actual or alleged act, error, or omission that occurred 2636
within the scope of Commission employment, duties, or 2637
responsibilities, or that such person had a reasonable basis for 2638
believing occurred within the scope of Commission employment, 2639

duties, or responsibilities, provided that the actual or alleged 2640
act, error, or omission did not result from the intentional or 2641
willful or wanton misconduct of that person. 2642

4. Nothing herein shall be construed as a limitation on 2643
the liability of any Licensee for professional malpractice or 2644
misconduct, which shall be governed solely by any other 2645
applicable State laws. 2646

5. Nothing in this Compact shall be interpreted to waive 2647
or otherwise abrogate a Member State's State action immunity or 2648
State action affirmative defense with respect to antitrust 2649
claims under the Sherman Act, Clayton Act, or any other State or 2650
federal antitrust or anticompetitive law or regulation. 2651

6. Nothing in this Compact shall be construed to be a 2652
waiver of sovereign immunity by the Member States or by the 2653
Commission. 2654

ARTICLE 10- DATA SYSTEM 2655

A. The Commission shall provide for the development, 2656
maintenance, operation, and utilization of a coordinated 2657
database and reporting system. 2658

B. The Commission shall assign each applicant for a Multistate 2659
License a unique identifier, as determined by the Rules of the 2660
Commission. 2661

C. Notwithstanding any other provision of State law to the 2662
contrary, a Member State shall submit a uniform data set to the 2663
Data System on all individuals to whom this Compact is 2664
applicable as required by the Rules of the Commission, 2665
including: 2666

1. Identifying information; 2667

<u>2. Licensure data;</u>	2668
<u>3. Adverse Actions against a license and information related thereto;</u>	2669 2670
<u>4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;</u>	2671 2672 2673 2674
<u>5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);</u>	2675 2676 2677
<u>6. The existence of Investigative Information;</u>	2678
<u>7. The existence of Current Significant Investigative Information; and</u>	2679 2680
<u>8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.</u>	2681 2682 2683
<u>D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.</u>	2684 2685 2686 2687 2688 2689 2690
<u>E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.</u>	2691 2692 2693 2694
<u>F. It is the responsibility of the Member States to monitor the</u>	2695

database to determine whether Adverse Action has been taken 2696
against such a Licensee or License applicant. Adverse Action 2697
information pertaining to a Licensee or License applicant in any 2698
Member State will be available to any other Member State. 2699

G. Member States contributing information to the Data System may 2700
designate information that may not be shared with the public 2701
without the express permission of the contributing State. 2702

H. Any information submitted to the Data System that is 2703
subsequently expunged pursuant to federal law or the laws of the 2704
Member State contributing the information shall be removed from 2705
the Data System. 2706

ARTICLE 11- RULEMAKING 2707

A. The Commission shall promulgate reasonable Rules in order to 2708
effectively and efficiently implement and administer the 2709
purposes and provisions of the Compact. A Rule shall be invalid 2710
and have no force or effect only if a court of competent 2711
jurisdiction holds that the Rule is invalid because the 2712
Commission exercised its rulemaking authority in a manner that 2713
is beyond the scope and purposes of the Compact, or the powers 2714
granted hereunder, or based upon another applicable standard of 2715
review. 2716

B. The Rules of the Commission shall have the force of law in 2717
each Member State, provided however that where the Rules of the 2718
Commission conflict with the laws of the Member State that 2719
establish the Member State's scope of practice laws governing 2720
the Practice of Cosmetology as held by a court of competent 2721
jurisdiction, the Rules of the Commission shall be ineffective 2722
in that State to the extent of the conflict. 2723

C. The Commission shall exercise its rulemaking powers pursuant 2724

to the criteria set forth in this Article and the Rules adopted 2725
thereunder. Rules shall become binding as of the date specified 2726
by the Commission for each Rule. 2727

D. If a majority of the legislatures of the Member States 2728
rejects a Rule or portion of a Rule, by enactment of a statute 2729
or resolution in the same manner used to adopt the Compact 2730
within four (4) years of the date of adoption of the Rule, then 2731
such Rule shall have no further force and effect in any Member 2732
State or to any State applying to participate in the Compact. 2733

E. Rules shall be adopted at a regular or special meeting of the 2734
Commission. 2735

F. Prior to adoption of a proposed Rule, the Commission shall 2736
hold a public hearing and allow persons to provide oral and 2737
written comments, data, facts, opinions, and arguments. 2738

G. Prior to adoption of a proposed Rule by the Commission, and 2739
at least thirty (30) days in advance of the meeting at which the 2740
Commission will hold a public hearing on the proposed Rule, the 2741
Commission shall provide a notice of proposed rulemaking: 2742

1. On the website of the Commission or other publicly 2743
accessible platform; 2744

2. To persons who have requested notice of the 2745
Commission's notices of proposed rulemaking, and 2746

3. In such other way(s) as the Commission may by Rule 2747
specify. 2748

H. The notice of proposed rulemaking shall include: 2749

1. The time, date, and location of the public hearing at 2750
which the Commission will hear public comments on the proposed 2751
Rule and, if different, the time, date, and location of the 2752

<u>meeting where the Commission will consider and vote on the</u>	2753
<u>proposed Rule;</u>	2754
<u>2. If the hearing is held via telecommunication, video</u>	2755
<u>conference, or other electronic means, the Commission shall</u>	2756
<u>include the mechanism for access to the hearing in the notice of</u>	2757
<u>proposed rulemaking;</u>	2758
<u>3. The text of the proposed Rule and the reason therefor;</u>	2759
<u>4. A request for comments on the proposed Rule from any</u>	2760
<u>interested person; and</u>	2761
<u>5. The manner in which interested persons may submit</u>	2762
<u>written comments.</u>	2763
<u>I. All hearings will be recorded. A copy of the recording and</u>	2764
<u>all written comments and documents received by the Commission in</u>	2765
<u>response to the proposed Rule shall be available to the public.</u>	2766
<u>J. Nothing in this Article shall be construed as requiring a</u>	2767
<u>separate hearing on each Rule. Rules may be grouped for the</u>	2768
<u>convenience of the Commission at hearings required by this</u>	2769
<u>Article.</u>	2770
<u>K. The Commission shall, by majority vote of all members, take</u>	2771
<u>final action on the proposed Rule based on the rulemaking record</u>	2772
<u>and the full text of the Rule.</u>	2773
<u>1. The Commission may adopt changes to the proposed Rule</u>	2774
<u>provided the changes do not enlarge the original purpose of the</u>	2775
<u>proposed Rule.</u>	2776
<u>2. The Commission shall provide an explanation of the</u>	2777
<u>reasons for substantive changes made to the proposed Rule as</u>	2778
<u>well as reasons for substantive changes not made that were</u>	2779
<u>recommended by commenters.</u>	2780

3. The Commission shall determine a reasonable effective 2781
date for the Rule. Except for an emergency as provided in 2782
Article 11.L, the effective date of the Rule shall be no sooner 2783
than forty-five (45) days after the Commission issuing the 2784
notice that it adopted or amended the Rule. 2785

L. Upon determination that an emergency exists, the Commission 2786
may consider and adopt an emergency Rule with five (5) days' 2787
notice, with opportunity to comment, provided that the usual 2788
rulemaking procedures provided in the Compact and in this 2789
Article shall be retroactively applied to the Rule as soon as 2790
reasonably possible, in no event later than ninety (90) days 2791
after the effective date of the Rule. For the purposes of this 2792
provision, an emergency Rule is one that must be adopted 2793
immediately to: 2794

1. Meet an imminent threat to public health, safety, or 2795
welfare; 2796

2. Prevent a loss of Commission or Member State funds; 2797

3. Meet a deadline for the promulgation of a Rule that is 2798
established by federal law or rule; or 2799

4. Protect public health and safety. 2800

M. The Commission or an authorized committee of the Commission 2801
may direct revisions to a previously adopted Rule for purposes 2802
of correcting typographical errors, errors in format, errors in 2803
consistency, or grammatical errors. Public notice of any 2804
revisions shall be posted on the website of the Commission. The 2805
revision shall be subject to challenge by any person for a 2806
period of thirty (30) days after posting. The revision may be 2807
challenged only on grounds that the revision results in a 2808
material change to a Rule. A challenge shall be made in writing 2809

and delivered to the Commission prior to the end of the notice 2810
period. If no challenge is made, the revision will take effect 2811
without further action. If the revision is challenged, the 2812
revision may not take effect without the approval of the 2813
Commission. 2814

N. No Member State's rulemaking requirements shall apply under 2815
this Compact. 2816

ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 2817

A. Oversight 2818

1. The executive and judicial branches of State government 2819
in each Member State shall enforce this Compact and take all 2820
actions necessary and appropriate to implement the Compact. 2821

2. Venue is proper and judicial proceedings by or against 2822
the Commission shall be brought solely and exclusively in a 2823
court of competent jurisdiction where the principal office of 2824
the Commission is located. The Commission may waive venue and 2825
jurisdictional defenses to the extent it adopts or consents to 2826
participate in alternative dispute resolution proceedings. 2827
Nothing herein shall affect or limit the selection or propriety 2828
of venue in any action against a Licensee for professional 2829
malpractice, misconduct or any such similar matter. 2830

3. The Commission shall be entitled to receive service of 2831
process in any proceeding regarding the enforcement or 2832
interpretation of the Compact and shall have standing to 2833
intervene in such a proceeding for all purposes. Failure to 2834
provide the Commission service of process shall render a 2835
judgment or order void as to the Commission, this Compact, or 2836
promulgated Rules. 2837

<u>B. Default, Technical Assistance, and Termination</u>	2838
<u>1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.</u>	2839 2840 2841 2842 2843 2844 2845 2846
<u>2. The Commission shall provide a copy of the notice of default to the other Member States.</u>	2847 2848
<u>3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.</u>	2849 2850 2851 2852 2853 2854 2855 2856
<u>4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.</u>	2857 2858 2859 2860 2861 2862 2863
<u>5. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend</u>	2864 2865 2866

beyond the effective date of termination. 2867

6. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination. 2868
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7. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State. 2875
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8. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. 2879
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C. Dispute Resolution 2885

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States. 2886
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2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 2889
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D. Enforcement 2892

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the 2893
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Commission's Rules. 2895

2. By majority vote as provided by Commission Rule, the 2896
Commission may initiate legal action against a Member State in 2897
default in the United States District Court for the District of 2898
Columbia or the federal district where the Commission has its 2899
principal offices to enforce compliance with the provisions of 2900
the Compact and its promulgated Rules. The relief sought may 2901
include both injunctive relief and damages. In the event 2902
judicial enforcement is necessary, the prevailing party shall be 2903
awarded all costs of such litigation, including reasonable 2904
attorney's fees. The remedies herein shall not be the exclusive 2905
remedies of the Commission. The Commission may pursue any other 2906
remedies available under federal or the defaulting Member 2907
State's law. 2908

3. A Member State may initiate legal action against the 2909
Commission in the United States District Court for the District 2910
of Columbia or the federal district where the Commission has its 2911
principal offices to enforce compliance with the provisions of 2912
the Compact and its promulgated Rules. The relief sought may 2913
include both injunctive relief and damages. In the event 2914
judicial enforcement is necessary, the prevailing party shall be 2915
awarded all costs of such litigation, including reasonable 2916
attorney's fees. 2917

4. No individual or entity other than a Member State may 2918
enforce this Compact against the Commission. 2919

ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 2920

A. The Compact shall come into effect on the date on which the 2921
Compact statute is enacted into law in the seventh Member State. 2922

1. On or after the effective date of the Compact, the 2923

Commission shall convene and review the enactment of each of the 2924
Charter Member States to determine if the statute enacted by 2925
each such Charter Member State is materially different than the 2926
model Compact statute. 2927

a. A Charter Member State whose enactment is found to be 2928
materially different from the model Compact statute shall be 2929
entitled to the default process set forth in Article 12. 2930

b. If any Member State is later found to be in default, or 2931
is terminated or withdraws from the Compact, the Commission 2932
shall remain in existence and the Compact shall remain in effect 2933
even if the number of Member States should be less than seven 2934
(7). 2935

2. Member States enacting the Compact subsequent to the 2936
Charter Member States shall be subject to the process set forth 2937
in Article 9.C.24 to determine if their enactments are 2938
materially different from the model Compact statute and whether 2939
they qualify for participation in the Compact. 2940

3. All actions taken for the benefit of the Commission or 2941
in furtherance of the purposes of the administration of the 2942
Compact prior to the effective date of the Compact or the 2943
Commission coming into existence shall be considered to be 2944
actions of the Commission unless specifically repudiated by the 2945
Commission. 2946

4. Any State that joins the Compact shall be subject to 2947
the Commission's Rules and bylaws as they exist on the date on 2948
which the Compact becomes law in that State. Any Rule that has 2949
been previously adopted by the Commission shall have the full 2950
force and effect of law on the day the Compact becomes law in 2951
that State. 2952

B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact. 2953
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1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute. 2955
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2. Withdrawal shall not affect the continuing requirement of the withdrawing State's State Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal. 2958
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3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal. 2962
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C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact. 2969
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D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States. 2974
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ARTICLE 14- CONSTRUCTION AND SEVERABILITY 2978

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the 2979
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implementation and administration of the Compact. Provisions of 2981
the Compact expressly authorizing or requiring the promulgation 2982
of Rules shall not be construed to limit the Commission's 2983
rulemaking authority solely for those purposes. 2984

B. The provisions of this Compact shall be severable and if any 2985
phrase, clause, sentence or provision of this Compact is held by 2986
a court of competent jurisdiction to be contrary to the 2987
constitution of any Member State, a State seeking participation 2988
in the Compact, or of the United States, or the applicability 2989
thereof to any government, agency, person or circumstance is 2990
held to be unconstitutional by a court of competent 2991
jurisdiction, the validity of the remainder of this Compact and 2992
the applicability thereof to any other government, agency, 2993
person or circumstance shall not be affected thereby. 2994

C. Notwithstanding Article 14.B, the Commission may deny a 2995
State's participation in the Compact or, in accordance with the 2996
requirements of Article 12, terminate a Member State's 2997
participation in the Compact, if it determines that a 2998
constitutional requirement of a Member State is a material 2999
departure from the Compact. Otherwise, if this Compact shall be 3000
held to be contrary to the constitution of any Member State, the 3001
Compact shall remain in full force and effect as to the 3002
remaining Member States and in full force and effect as to the 3003
Member State affected as to all severable matters. 3004

ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS 3005

A. Nothing herein shall prevent or inhibit the enforcement of 3006
any other law of a Member State that is not inconsistent with 3007
the Compact. 3008

B. Any laws, statutes, regulations, or other legal requirements 3009

in a Member State in conflict with the Compact are superseded to 3010
the extent of the conflict. 3011

C. All permissible agreements between the Commission and the 3012
Member States are binding in accordance with their terms. 3013

Sec. 4713.331. Not later than sixty days after the 3014
"Cosmetology Licensure Compact" is entered into under section 3015
4713.33 of the Revised Code, the state cosmetology and barber 3016
board, in accordance with Article 9 of the compact, shall select 3017
one individual to serve as a delegate to the cosmetology 3018
licensure compact commission created under the compact. The 3019
board shall fill a vacancy in this position not later than sixty 3020
days after the vacancy occurs. 3021

Sec. 4713.34. (A) The state cosmetology and barber board 3022
shall issue a license to practice a branch of cosmetology or 3023
barbering or an instructor license or barber teacher license to 3024
an applicant who is licensed or registered in another country to 3025
practice that branch of cosmetology or barbering or to teach the 3026
theory and practice of that branch of cosmetology or barbering, 3027
as appropriate, if ~~all of the following conditions are~~ 3028
~~satisfied:~~ 3029

~~(A) The applicant satisfies all of the following~~ 3030
~~applicable~~ conditions: 3031

(1) Is not less than eighteen years of age; 3032

(2) In the case of an applicant for a practicing or barber 3033
license, passes an examination conducted under section 4713.24 3034
or 4713.281 of the Revised Code for the license the applicant 3035
seeks, unless the applicant satisfies conditions specified in 3036
rules adopted under section 4713.08 of the Revised Code for the 3037
board to issue the applicant a license without taking the 3038

examination; 3039

(3) Pays the applicable fee. 3040

(B) At the time the applicant obtained the license or 3041
 registration in the other country, the requirements in this 3042
 state for obtaining the license the applicant seeks were 3043
 substantially equal to the other country's requirements. 3044

(C) The jurisdiction that issued the applicant's license 3045
 or registration extends similar reciprocity to individuals 3046
 holding a license issued by the board. 3047

Sec. 4713.35. An individual who holds a current, valid 3048
 cosmetologist ~~or advanced cosmetologist~~ license issued by the 3049
 state cosmetology and barber board may engage in the practice of 3050
 one or more branches of cosmetology as the individual chooses in 3051
 a licensed facility. 3052

An individual who holds a current, valid esthetician ~~or~~ 3053
~~advanced esthetician~~ license issued by the board may engage in 3054
 the practice of esthetics but no other branch of cosmetology in 3055
 a licensed facility. 3056

An individual who holds a current, valid hair designer ~~or~~ 3057
~~advanced hair designer~~ license issued by the board may engage in 3058
 the practice of hair design but no other branch of cosmetology 3059
 in a licensed facility. 3060

An individual who holds a current, valid manicurist ~~or~~ 3061
~~advanced manicurist~~ license issued by the board may engage in 3062
 the practice of manicuring but no other branch of cosmetology in 3063
 a licensed facility. 3064

An individual who holds a current, valid natural hair 3065
 stylist ~~or advanced natural hair stylist~~ license issued by the 3066

board may engage in the practice of natural hair styling but no 3067
other branch of cosmetology in a licensed facility. 3068

An individual who holds a current, valid cosmetology 3069
instructor license issued by the board may teach the theory and 3070
practice of one or more branches of cosmetology at a school ~~of-~~ 3071
~~cosmetology~~ as the individual chooses. 3072

An individual who holds a current, valid esthetics 3073
instructor license issued by the board may teach the theory and 3074
practice of esthetics, but no other branch of cosmetology, at a 3075
school ~~of cosmetology~~. 3076

An individual who holds a current, valid hair design 3077
instructor license issued by the board may teach the theory and 3078
practice of hair design, but no other branch of cosmetology, at 3079
a school ~~of cosmetology~~. 3080

An individual who holds a current, valid manicurist 3081
instructor license issued by the board may teach the theory and 3082
practice of manicuring, but no other branch of cosmetology, at a 3083
school ~~of cosmetology~~. 3084

An individual who holds a current, valid natural hair 3085
style instructor license issued by the board may teach the 3086
theory and practice of natural hair styling, but no other branch 3087
of cosmetology, at a school ~~of cosmetology~~. 3088

An individual who holds a current, valid boutique services 3089
registration with the board may engage in the practice of 3090
boutique services but no other branch of cosmetology. 3091

Sec. 4713.351. (A) For purposes of this section, a 3092
"limited event" includes, but is not limited to, the following: 3093

(1) A charity event; 3094

(2) On-location wedding or event preparation;	3095
(3) A bridal or hair show;	3096
(4) An on-location spa event;	3097
(5) An on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop;	3098 3099 3100
(6) An on-location event at the private residence of an individual who is unable to visit a fixed location salon or barber shop.	3101 3102 3103
(B) Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code, or the rules adopted under either chapter <u>it</u> , to the contrary, an individual who is licensed to provide services under Chapter 4709. or 4713. of the Revised Code <u>this chapter</u> may provide those services on premises other than a salon or a barber shop licensed under Chapter 4709., as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop.	3104 3105 3106 3107 3108 3109 3110 3111
(C) The state cosmetology and barber board shall not require an individual who provides incidental services as described in this section to obtain an additional license or permit to provide those services.	3112 3113 3114 3115
Sec. 4713.36. A licensed manicurist or licensed 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. <u>section 4713.411</u> of the Revised Code.	3116 3117 3118 3119 3120
Sec. 4713.37. (A) The state cosmetology and barber board may issue a temporary special occasion work permit to a	3121 3122

nonresident individual who satisfies all of the following	3123
conditions:	3124
(1) Has been licensed or registered in another state or	3125
country to practice a branch of cosmetology <u>or barbering</u> or	3126
teach the theory and practice of a branch of cosmetology <u>or</u>	3127
<u>barbering</u> for at least five years;	3128
(2) Is a recognized expert in the practice or teaching of	3129
the branch of cosmetology <u>or barbering</u> the individual practices	3130
or teaches;	3131
(3) Is to practice that branch of cosmetology <u>or barbering</u>	3132
or teach the theory and practice of that branch of cosmetology	3133
<u>or barbering</u> in this state as part of a promotional or	3134
instructional program for not more than the amount of time a	3135
temporary special occasion work permit is effective;	3136
(4) Satisfies all other conditions for a temporary special	3137
occasion work permit established by rules adopted under section	3138
4713.08 of the Revised Code;	3139
(5) Pays the fee established by rules adopted under	3140
section 4713.08 of the Revised Code.	3141
(B) An individual issued a temporary special occasion work	3142
permit may practice the branch of cosmetology <u>or barbering</u> the	3143
individual practices in another state or country, or teach the	3144
theory and practice of the branch of cosmetology <u>or barbering</u>	3145
the individual teaches in another state or country, until the	3146
expiration date of the permit. A temporary special occasion work	3147
permit is valid for the period of time specified in rules	3148
adopted under section 4713.08 of the Revised Code.	3149
(C) Chapter 4796. of the Revised Code does not apply to a	3150

temporary special occasion work permit issued under this 3151
section. 3152

(D) An individual does not need to obtain a temporary 3153
special occasion work permit under this section if the 3154
individual is practicing in accordance with the compact 3155
privilege granted by this state through the "Cosmetology 3156
Licensure Compact" entered into under section 4713.33 of the 3157
Revised Code. 3158

Sec. 4713.39. The state cosmetology and barber board 3159
shall issue a license to engage in the practice of a branch of 3160
cosmetology or barbering as an independent contractor to an 3161
applicant who pays the applicable fee; holds a current, valid 3162
license for the type of salon in which the applicant will 3163
practice that branch of cosmetology or a current, valid barber 3164
license; and satisfies the conditions for the license 3165
established by rules adopted under section 4713.08 of the 3166
Revised Code. 3167

Sec. 4713.411. (A) The state cosmetology and barber board 3168
shall issue a barber shop license to an applicant who pays the 3169
applicable fee and ensures that the barber shop meets all of the 3170
following requirements: 3171

(1) The barber shop is in the charge of and under the 3172
immediate supervision of a licensed barber. 3173

(2) The barber shop is equipped to provide running hot and 3174
cold water and proper drainage. 3175

(3) The barber shop is in compliance with the sanitary 3176
standards adopted by the board in rule. 3177

(B) A shop license is not transferable from one owner to 3178

another or from one location to another, and if an owner or 3179
operator of a barber shop permanently ceases offering barber 3180
services at the shop, the owner or operator shall return the 3181
barber shop license to the board within ten days of the 3182
cessation of services. 3183

(C) Clothing and related accessories may be sold at retail 3184
in a barber shop so long as these sales maintain the integrity 3185
of the facility as a barber shop. 3186

Sec. 4713.42. An individual holding a current, valid 3187
license issued under section 4731.15 of the Revised Code to 3188
provide massage therapy may provide massage therapy in a salon_ 3189
or barber shop. An individual holding a current, valid license 3190
or certificate issued by a professional regulatory board of this 3191
state may practice the individual's profession in a salon or 3192
barber shop if the individual's profession is authorized by 3193
rules adopted under section 4713.08 of the Revised Code to 3194
practice in a salon or barber shop. An individual may provide 3195
cosmetic therapy in a salon or barber shop if authorized by 3196
rules adopted under section 4713.08 of the Revised Code to 3197
practice in a salon or barber shop. 3198

An individual providing cosmetic therapy, massage therapy, 3199
or other professional service in a salon or barber shop pursuant 3200
to this section shall satisfy the standards established by rules 3201
adopted under section 4713.08 of the Revised Code. 3202

Sec. 4713.44. (A) (1) The state cosmetology and barber 3203
board shall issue a license to operate a school to an applicant 3204
who satisfies all of the following requirements: 3205

(a) Maintains a course of practical training and technical 3206
instruction for the branch or branches of cosmetology or 3207

<u>barbering to be taught at the school equal to the requirements</u>	3208
<u>for admission to an examination under section 4713.24 or</u>	3209
<u>4713.281 of the Revised Code that an individual must pass to</u>	3210
<u>obtain a license to practice that branch or those branches of</u>	3211
<u>cosmetology or barbering;</u>	3212
<u>(b) Possesses or makes available apparatus and equipment</u>	3213
<u>sufficient for the ready and full teaching of all subjects of</u>	3214
<u>the curriculum;</u>	3215
<u>(c) Notifies the board of the enrollment of each new</u>	3216
<u>student, keeps a record devoted to the different practices,</u>	3217
<u>establishes grades, and holds examinations in order to certify</u>	3218
<u>the students' completion of the prescribed course of study</u>	3219
<u>before the issuance of certificates of completion;</u>	3220
<u>(d) In the case of a school that offers clock hours for</u>	3221
<u>the purpose of satisfying minimum hours of training and</u>	3222
<u>instruction, keeps a daily record of the attendance of each</u>	3223
<u>student;</u>	3224
<u>(e) Except as provided in division (B) (2) of this section,</u>	3225
<u>files with the board a good and sufficient surety bond executed</u>	3226
<u>by the individual, firm, or corporation operating the school as</u>	3227
<u>principal and by a surety company as surety in the amount of ten</u>	3228
<u>thousand dollars;</u>	3229
<u>(f) Establishes and maintains an internal procedure for</u>	3230
<u>processing complaints filed against the school and for providing</u>	3231
<u>students with instructions on how to file a complaint directly</u>	3232
<u>with the board pursuant to section 4713.641 of the Revised Code;</u>	3233
<u>(g) Complies with the requirements of division (A) (2) or</u>	3234
<u>(3) of this section;</u>	3235

<u>(h) Pays the licensure fee.</u>	3236
<u>(2) If the school for which the applicant is applying for a license under this section offers instruction in the theory and practice of one or more branches of cosmetology, the applicant shall do all of the following to be issued the license:</u>	3237
	3238
	3239
	3240
	3241
<u>(a) Maintain individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branch or branches of cosmetology offered at the school;</u>	3242
	3243
	3244
<u>(b) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certify the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;</u>	3245
	3246
	3247
	3248
	3249
<u>(c) Instruct not more than six apprentice cosmetology instructors at any one time.</u>	3250
	3251
<u>(3) If the school for which the applicant is applying for a license under this section offers instruction in the theory and practice of barbering, the applicant shall do all of the following to be issued the license:</u>	3252
	3253
	3254
	3255
<u>(a) Provide sufficient licensed teaching personnel to meet the minimum student-teacher ratio established by the board in rules adopted under section 4713.08 of the Revised Code;</u>	3256
	3257
	3258
<u>(b) Employ not more than two apprentice barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one apprentice teacher at each facility;</u>	3259
	3260
	3261
	3262
<u>(c) Pass an initial inspection as described in division</u>	3263

<u>(A) (11) of section 4713.07 of the Revised Code.</u>	3264
<u>(B) (1) The bond required under division (A) (1) (e) of this section shall be in the form prescribed by the board and be conditioned on the school's continued instruction in the theory and practice of one or more branches of cosmetology or barbering. The bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide.</u>	3265 3266 3267 3268 3269 3270 3271
<u>(2) The requirement under division (A) (1) (e) of this section does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district.</u>	3272 3273 3274 3275
<u>(C) A school licensed under this section is an educational institution and is authorized to offer educational programs beyond secondary education in accordance with rules adopted by the board pursuant to section 4713.08 of the Revised Code.</u>	3276 3277 3278 3279
<u>(D) A school license issued to an applicant under division (A) of this section is not transferable from one owner to another or from one location to another.</u>	3280 3281 3282
<u>Sec. 4713.45. (A) A school may do any of the following:</u>	3283
<u>(1) In accordance with rules adopted under section 4713.08 of the Revised Code, offer clock hours, credit hours, or competency-based credits for the purpose of satisfying minimum hours of training and instruction;</u>	3284 3285 3286 3287
<u>(2) Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor or barber teacher license to teach subjects related to a branch of cosmetology or barbering;</u>	3288 3289 3290 3291

<u>(3) If the school offers instruction in the theory and</u>	3292
<u>practice of one or more branches of cosmetology, both of the</u>	3293
<u>following:</u>	3294
<u>(a) Allow an apprentice cosmetology instructor the regular</u>	3295
<u>quota of students prescribed by the state cosmetology and barber</u>	3296
<u>board if a cosmetology instructor is present;</u>	3297
<u>(b) Compensate an apprentice cosmetology instructor.</u>	3298
<u>(B) A school shall have a licensed cosmetology instructor</u>	3299
<u>or barber teacher present when an individual employed pursuant</u>	3300
<u>to division (A) (2) of this section teaches at the school, unless</u>	3301
<u>the individual is one of the following:</u>	3302
<u>(1) An individual with a current, valid teacher's</u>	3303
<u>certificate or educator license issued by the state board of</u>	3304
<u>education;</u>	3305
<u>(2) An individual with a bachelor's degree in the subject</u>	3306
<u>the person teaches at the school;</u>	3307
<u>(3) An individual also employed by a university or college</u>	3308
<u>to teach the subject the person teaches at the school.</u>	3309
<u>(C) A school annually shall review the subjects and</u>	3310
<u>coursework required to receive an initial practicing or barber</u>	3311
<u>license and, in doing so, shall incorporate standards adopted by</u>	3312
<u>the board pursuant to division (A) (12) of section 4713.08 of the</u>	3313
<u>Revised Code.</u>	3314
Sec. 4713.46. A student who is injured or damaged by	3315
reason of the failure of a school of cosmetology to continue	3316
instruction in the theory and practice of a branch of	3317
cosmetology <u>or barbering</u> may maintain an action on the bond	3318
against the school, or surety named therein, or both of them,	3319

for the recovery of any money or tuition paid in advance for 3320
instruction in the theory and practice of a branch of 3321
cosmetology or barbering that was not received. The aggregate 3322
liability of the surety to all students shall not exceed the sum 3323
of the bond. 3324

Sec. 4713.49. The owner or manager of a salon, barber 3325
shop, or school that has a permit issued under section 4713.48 3326
of the Revised Code may operate a tanning facility at the salon, 3327
barber shop, or school. 3328

Sec. 4713.55. Every license issued by the state 3329
cosmetology and barber board shall be signed by the chairperson 3330
and attested by the executive director of the board, with the 3331
seal of the board attached. 3332

The board shall specify on each practicing license that 3333
the board issues the branch of cosmetology that the license 3334
entitles the holder to practice. ~~The board shall specify on each~~ 3335
~~advanced license that the board issues the type of salon in~~ 3336
~~which the license entitles the holder to work and the branch of~~ 3337
~~cosmetology that the license entitles the holder to practice.~~ 3338
The board shall specify on each instructor license that the 3339
board issues the branch of cosmetology that the license entitles 3340
the holder to teach. The board shall specify on each salon 3341
license that the board issues the branch of cosmetology that the 3342
license entitles the holder to offer. The board shall specify on 3343
each independent contractor license to practice a branch of 3344
cosmetology that the board issues that the holder is entitled to 3345
practice only the branch of cosmetology ~~that the~~ for which a 3346
current, valid license ~~entitles the holder to offer~~ is held 3347
within a licensed salon. Such licenses are prima-facie evidence 3348
of the right of the holder to practice or teach the branch of 3349

cosmetology that the license specifies. 3350

Sec. 4713.56. Every holder of a practicing license, 3351
instructor license, barber license, independent contractor 3352
license, or boutique service registration issued by the state 3353
cosmetology and barber board shall maintain the board-issued, 3354
wallet-sized license or electronically generated license 3355
certification or registration and a current government-issued 3356
photo identification that can be produced upon inspection or 3357
request. 3358

Every holder of a license to operate a salon or barber 3359
shop issued by the board shall display the license in a public 3360
and conspicuous place in the salon or barber shop. 3361

Every holder of a license to operate a school ~~of~~ 3362
~~cosmetology~~ issued by the board shall display the license in a 3363
public and conspicuous place in the school. 3364

Every individual who provides massage therapy or other 3365
professional service in a salon under section 4713.42 of the 3366
Revised Code shall maintain the individual's professional 3367
license or certificate or electronically generated license 3368
certification or registration and a state of Ohio issued photo 3369
identification that can be produced upon inspection or request. 3370

Sec. 4713.57. (A) A practicing, instructor, salon, or 3371
school license, independent contractor license to practice a 3372
branch of cosmetology, or boutique services registration issued 3373
by the state cosmetology and barber board pursuant to this 3374
chapter is valid until the last day of January of the odd- 3375
numbered year following its original issuance or renewal, unless 3376
the license is revoked or suspended prior to that date. ~~Renewal~~ 3377

(B) A barber, barber teacher, or barber shop license or 3378

independent contractor license to practice barbering issued by 3379
the board pursuant to this chapter is valid until the last day 3380
of August of each even-numbered year following its original 3381
issuance or renewal, unless the license is revoked or suspended 3382
before that date. 3383

(C) The renewal of a license or registration under this 3384
section shall be done in accordance with the standard renewal 3385
procedure of Chapter 4745. of the Revised Code. The board may 3386
refuse to renew a license if the individual holding the license 3387
has an outstanding unpaid fine levied under section 4713.64 of 3388
the Revised Code. 3389

Sec. 4713.58. (A) Except as provided in division (B) of 3390
this section, on payment of the renewal fee and submission of 3391
proof satisfactory to the state cosmetology and barber board 3392
that any applicable continuing education requirements have been 3393
completed, an individual currently licensed as: 3394

(1) A cosmetology instructor who has previously been 3395
licensed as a cosmetologist ~~or an advanced cosmetologist,~~ is 3396
entitled to the reissuance of a cosmetologist ~~or advanced-~~ 3397
~~cosmetologist~~ license; 3398

(2) An esthetics instructor who has previously been 3399
licensed as an esthetician ~~or an advanced esthetician,~~ is 3400
entitled to the reissuance of an esthetician ~~or advanced-~~ 3401
~~esthetician~~ license; 3402

(3) A hair design instructor who has previously been 3403
licensed as a hair designer ~~or an advanced hair designer,~~ is 3404
entitled to the reissuance of a hair designer ~~or advanced hair-~~ 3405
~~designer~~ license; 3406

(4) A manicurist instructor who has previously been 3407

licensed as a manicurist ~~or an advanced manicurist~~, is entitled 3408
to the reissuance of a manicurist ~~or advanced manicurist~~ 3409
license; 3410

(5) A natural hair style instructor who has previously 3411
been licensed as a natural hair stylist ~~or an advanced natural~~ 3412
~~hair stylist~~, is entitled to the reissuance of a natural hair 3413
stylist ~~or advanced natural hair stylist~~ license. 3414

(B) No individual is entitled to the reissuance of a 3415
license under division (A) of this section if the license was 3416
revoked or suspended or the individual has an outstanding unpaid 3417
fine levied under section 4713.64 of the Revised Code. 3418

Sec. 4713.59. If the state cosmetology and barber board 3419
adopts rules under section 4713.09 of the Revised Code to 3420
establish a continuing education requirement as a condition of 3421
renewal for a practicing license, ~~advanced license, or,~~ 3422
instructor license, barber license, or barber teacher license, 3423
the board shall inform each affected licensee of the continuing 3424
education requirement that applies to the next biennial 3425
licensing period by including that information in the renewal 3426
notification it sends the licensee. The notification shall state 3427
that the licensee must complete the continuing education 3428
requirement by the fifteenth day of January of the next odd- 3429
numbered year for a practicing license or instructor license, or 3430
by the fifteenth day of August of the next even-numbered year 3431
for a barber license or barber teacher license. 3432

Hours completed in excess of the continuing education 3433
requirement may not be applied to the next biennial licensing 3434
period. 3435

Sec. 4713.60. (A) Except as provided in division (C) of 3436

this section, an individual seeking a renewal of a license to 3437
practice a branch of cosmetology, ~~advanced license,~~ instructor 3438
license, ~~or~~ boutique services registration, barber license, or 3439
barber teacher license shall include in the renewal application 3440
proof satisfactory to the board of completion of any applicable 3441
continuing education requirements established by rules adopted 3442
under section 4713.09 of the Revised Code. 3443

(B) If an applicant fails to provide satisfactory proof of 3444
completion of any applicable continuing education requirements, 3445
the board shall notify the applicant that the application is 3446
incomplete. The board shall not renew the license or 3447
registration until the applicant provides satisfactory proof of 3448
completion of any applicable continuing education requirements. 3449
The board may provide the applicant with an extension of up to 3450
ninety days in which to complete the continuing education 3451
requirement. In providing for the extension, the board may 3452
charge the licensee or registrant a fine of up to one hundred 3453
dollars. 3454

(C) The board may waive, or extend the period for 3455
completing, any continuing education requirement if a licensee 3456
or registrant applies to the board and provides proof 3457
satisfactory to the board of being unable to complete the 3458
requirement within the time allowed because of any of the 3459
following: 3460

(1) An emergency; 3461

(2) An unusual or prolonged illness; 3462

(3) Active duty service in any branch of the armed forces 3463
of the United States or a reserve component of the armed forces 3464
of the United States, including the Ohio national guard or the 3465

national guard of any other state. 3466

The board shall determine the period of time during which 3467
each extension is effective and shall inform the applicant. The 3468
board shall also inform the applicant of the continuing 3469
education requirements that must be met to have the license or 3470
registration renewed. If an extension is granted for less than 3471
one year, the continuing education requirement for that year, in 3472
addition to the required continuing education for the succeeding 3473
year, must be completed in the succeeding year. In all other 3474
cases the board may waive all or part of the continuing 3475
education requirement on a case-by-case basis. Any required 3476
continuing education shall be completed and satisfactory proof 3477
of its completion submitted to the board by a date specified by 3478
the board. Every license or registration that has not been 3479
renewed in the timeframe specified in section 4713.57 of the 3480
Revised Code and for which the continuing education requirement 3481
has not been waived or extended shall be considered expired. 3482

Sec. 4713.61. (A) If the state cosmetology and barber 3483
board adopts a continuing education requirement under section 3484
4713.09 of the Revised Code, it may develop a procedure by which 3485
an individual who holds a license to practice a branch of 3486
cosmetology, ~~advanced license, or instructor license, barber~~ 3487
license, or barber teacher license and who is not currently 3488
engaged in the practice of the branch of cosmetology or 3489
barbering or teaching the theory and practice of the branch of 3490
cosmetology or barbering, but who desires to be so engaged in 3491
the future, may apply to the board to have the individual's 3492
license classified inactive. If the board develops such a 3493
procedure, an individual seeking to have the individual's 3494
license classified inactive shall apply to the board on a form 3495
provided by the board and pay the fee established by rules 3496

adopted under section 4713.08 of the Revised Code. 3497

(B) The board shall not restore an inactive license until 3498
the later of the following: 3499

(1) The date that the individual holding the license 3500
submits proof satisfactory to the board that the individual has 3501
completed the continuing education that a rule adopted under 3502
section 4713.08 of the Revised Code requires; 3503

(2) The last day of January of the next odd-numbered year 3504
following the year ~~the~~ a practicing or instructor license is 3505
classified inactive or the last day of August of the next even- 3506
numbered year following the year a barber or barber teacher 3507
license is classified inactive. 3508

(C) An individual who holds an inactive license may engage 3509
in the practice of a branch of cosmetology or barbering if the 3510
individual holds a temporary work permit as specified in rules 3511
adopted by the board under section 4713.08 of the Revised Code. 3512

Sec. 4713.62. (A) An individual holding a practicing 3513
license, ~~advanced license,~~ instructor license, barber license, 3514
barber teacher license, or boutique services registration may 3515
satisfy a continuing education requirement established by rules 3516
adopted under section 4713.09 of the Revised Code only by 3517
completing continuing education programs approved under division 3518
(B) of this section. 3519

(B) The state cosmetology and barber board shall approve a 3520
continuing education program if all of the following conditions 3521
are satisfied: 3522

(1) The person operating the program submits to the board 3523
a written application for approval. 3524

(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, barber shop licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology or barbering.

(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 or barbering.

(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, ~~advanced license, or~~ , instructor license, barber license, or barber teacher 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 individual who held the license 3553
meets all of the following applicable conditions: 3554

(A) Pays to the state cosmetology and barber board the 3555
restoration fee established under section 4713.10 of the Revised 3556
Code; 3557

(B) In the case of a practicing license ~~or advanced~~ 3558
~~license or barber license~~ that has been expired for more than 3559
two consecutive license renewal periods, completes eight hours 3560
of continuing education for each license renewal period that has 3561
elapsed since the license was last issued or renewed, up to a 3562
maximum of twenty-four hours. At least four of those hours shall 3563
include a course pertaining to sanitation and safety methods. 3564

The board shall deposit all fees it receives under 3565
division (B) of this section into the general revenue fund. 3566

Sec. 4713.64. (A) The state cosmetology and barber board 3567
may take disciplinary action under this chapter for any of the 3568
following: 3569

(1) Failure to comply with the safety, sanitation, and 3570
licensing requirements of this chapter or rules adopted under 3571
it; 3572

(2) Continued practice by an individual knowingly having 3573
an infectious or contagious disease; 3574

(3) Habitual drunkenness or addiction to any habit-forming 3575
drug; 3576

(4) Willful false and fraudulent or deceptive advertising; 3577

(5) Falsification of any record or application required to 3578
be filed with the board; 3579

(6) Failure to pay a fine or abide by a suspension order issued by the board;	3580 3581
(7) Failure to cooperate with an investigation or inspection;	3582 3583
(8) Failure to respond to a subpoena;	3584
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	3585 3586
(10) In the case of a salon <u>or barber shop</u> , 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>or barber shop</u> .	3587 3588 3589 3590
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	3591 3592
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	3593 3594
(2) Impose a fine;	3595
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	3596 3597 3598
(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.	3599 3600 3601
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual <u>who</u> or salon who <u>or barber shop that</u> violates division (A) (9) or (10) of this section. After the board takes such disciplinary action, the board shall give	3602 3603 3604 3605 3606

written notice to the subject of the disciplinary action of the 3607
right to request a hearing under Chapter 119. of the Revised 3608
Code. 3609

(3) In lieu of an adjudication, the board may enter into a 3610
consent agreement with the holder of a license, permit, or 3611
registration issued under this chapter. A consent agreement that 3612
is ratified by a majority vote of a quorum of the board members 3613
is considered to constitute the findings and orders of the board 3614
with respect to the matter addressed in the agreement. If the 3615
board does not ratify a consent agreement, the admissions and 3616
findings contained in the agreement are of no effect, and the 3617
case shall be scheduled for adjudication under Chapter 119. of 3618
the Revised Code. 3619

(D) The amount and content of corrective action courses 3620
and other relevant criteria shall be established by the board in 3621
rules adopted under section 4713.08 of the Revised Code. 3622

(E) (1) The board may impose a separate fine for each 3623
offense listed in division (A) of this section. The amount of 3624
the first fine issued for a violation as the result of an 3625
inspection shall be not more than two hundred fifty dollars if 3626
the violator has not previously been fined for that offense. Any 3627
fines issued for additional violations during such an inspection 3628
shall not be more than one hundred dollars for each additional 3629
violation. The fine shall be not more than five hundred dollars 3630
if the violator has been fined for the same offense once before. 3631
Any fines issued for additional violations during a second 3632
inspection shall not be more than two hundred dollars for each 3633
additional violation. The fine shall be not more than one 3634
thousand dollars if the violator has been fined for the same 3635
offense two or more times before. Any fines issued for 3636

additional violations during a third inspection shall not be 3637
more than three hundred dollars for each additional violation. 3638

(2) The board shall issue an order notifying a violator of 3639
a fine imposed under division (E)(1) of this section. The notice 3640
shall specify the date by which the fine is to be paid. The date 3641
shall be less than forty-five days after the board issues the 3642
order. 3643

(3) At the request of a violator who is temporarily unable 3644
to pay a fine, or upon its own motion, the board may extend the 3645
time period within which the violator shall pay the fine up to 3646
ninety days after the date the board issues the order. 3647

(4) If a violator fails to pay a fine by the date 3648
specified in the board's order and does not request an extension 3649
within ten days after the date the board issues the order, or if 3650
the violator fails to pay the fine within the extended time 3651
period as described in division (E)(3) of this section, the 3652
board shall add to the fine an additional penalty equal to ten 3653
per cent of the fine. 3654

(5) If a violator fails to pay a fine within ninety days 3655
after the board issues the order, the board shall add to the 3656
fine interest at a rate specified by the board in rules adopted 3657
under section 4713.08 of the Revised Code. 3658

(6) If the fine, including any interest or additional 3659
penalty, remains unpaid on the ninety-first day after the board 3660
issues an order under division (E)(2) of this section, the 3661
amount of the fine and any interest or additional penalty shall 3662
be certified to the attorney general for collection in the form 3663
and manner prescribed by the attorney general. The attorney 3664
general may assess the collection cost to the amount certified 3665

in such a manner and amount as prescribed by the attorney 3666
general. 3667

(F) In the case of an offense of failure to comply with 3668
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 3669
Code, the board shall impose a fine of five hundred dollars if 3670
the violator has not previously been fined for that offense. If 3671
the violator has previously been fined for the offense, the 3672
board may impose a fine in accordance with this division or take 3673
another action in accordance with division (B) of this section. 3674

(G) The board shall notify a licensee or registrant who is 3675
in violation of division (A) of this section and the owner of 3676
the salon or barber shop in which the conditions constituting 3677
the violation were found. The individual receiving the notice of 3678
violation and the owner of the salon or barber shop may request 3679
a hearing pursuant to section 119.07 of the Revised Code. If the 3680
individual or owner fails to request a hearing or enter into a 3681
consent agreement thirty days after the date the board, in 3682
accordance with sections 119.05 and 119.07 of the Revised Code— 3683
~~and division (J) of this section,~~ notifies the individual or 3684
owner of the board's intent to act against the individual or 3685
owner under division (A) of this section, the board by a 3686
majority vote of a quorum of the board members may take the 3687
action against the individual or owner without holding an 3688
adjudication hearing. 3689

(H) The board, after a hearing in accordance with Chapter 3690
119. of the Revised Code or pursuant to a consent agreement, may 3691
suspend a license, permit, or registration if the licensee, 3692
permit holder, or registrant fails to correct an unsafe 3693
condition that exists in violation of the board's rules or fails 3694
to cooperate in an inspection. If a violation of this chapter or 3695

rules adopted under it has resulted in a condition reasonably 3696
believed by an inspector to create an immediate danger to the 3697
health and safety of any individual using the facility, the 3698
inspector may suspend the license or permit of the facility or 3699
the individual responsible for the violation without a prior 3700
hearing until the condition is corrected or until a hearing in 3701
accordance with Chapter 119. of the Revised Code is held or a 3702
consent agreement is entered into and the board either upholds 3703
the suspension or reinstates the license, permit, or 3704
registration. 3705

(I) The board shall not take disciplinary action against 3706
~~an individual a person~~ licensed to operate a salon, barber shop, 3707
or school ~~of cosmetology~~ for a violation of this chapter that 3708
was committed by an individual licensed to practice a branch of 3709
cosmetology or barbering, while practicing within the salon, 3710
barber shop, or school, when the individual's actions were 3711
beyond the control of the ~~salon~~ owner or school. 3712

Sec. 4713.641. Any student or former student of a school 3713
~~of cosmetology~~ licensed under ~~division (A) of~~ section 4713.44 of 3714
the Revised Code may file a complaint with the state cosmetology 3715
and barber board alleging that the school has violated division 3716
(A) of section 4713.64 of the Revised Code. The complaint shall 3717
be in writing and signed by the individual bringing the 3718
complaint. Upon receiving a complaint, the board shall initiate 3719
a preliminary investigation to determine whether it is probable 3720
that a violation was committed. If the board determines after 3721
preliminary investigation that it is not probable that a 3722
violation was committed, the board shall notify the individual 3723
who filed the complaint of the board's findings and that the 3724
board will not issue a formal complaint in the matter. If the 3725
board determines after a preliminary investigation that it is 3726

probable that a violation was committed, the board shall proceed 3727
against the school pursuant to the board's authority under 3728
section 4713.64 of the Revised Code and in accordance with the 3729
hearing and notice requirements prescribed in Chapter 119. of 3730
the Revised Code. 3731

Sec. 4713.65. On receipt of a notice pursuant to section 3732
3123.43 of the Revised Code, the state cosmetology and barber 3733
board shall comply with sections 3123.41 to 3123.50 of the 3734
Revised Code and any applicable rules adopted under section 3735
3123.63 of the Revised Code with respect to a license issued 3736
pursuant to this chapter ~~or licenses issued pursuant to Chapter~~ 3737
~~4709. of the Revised Code.~~ 3738

Sec. 4713.70. An individual who holds a valid advanced 3739
license issued under former section 4713.30 of the Revised Code 3740
as of the effective date of this section may maintain and renew 3741
the individual's advanced license in accordance with section 3742
4713.60 of the Revised Code. 3743

Sec. 4713.99. Whoever violates section 4713.14 of the 3744
Revised Code ~~is guilty of a misdemeanor of the fourth degree on~~ 3745
~~shall be fined not less than one hundred nor more than five~~ 3746
~~hundred dollars for a first offense; on for each subsequent~~ 3747
~~offense violation of the same provision, such individual is~~ 3748
~~guilty of a misdemeanor of the third degree shall be fined not~~ 3749
~~less than five hundred nor more than one thousand dollars."~~ 3750

In line 2238, strike through "4709.," 3751

In line 2300, strike through "4709.," 3752

After line 2585, insert: 3753

"Sec. 4776.20. (A) As used in this section: 3754

(1) "Licensing agency" means, in addition to each board 3755
identified in division (C) of section 4776.01 of the Revised 3756
Code, the board or other government entity authorized to issue a 3757
license under Chapters 3776., 4703., 4707., ~~4709.~~4712., 4713., 3758
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 3759
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3760
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 3761
agency" includes an administrative officer that has authority to 3762
issue a license. 3763

(2) "Licensee" means, in addition to a licensee as 3764
described in division (B) of section 4776.01 of the Revised 3765
Code, the person to whom a license is issued by the board or 3766
other government entity authorized to issue a license under 3767
Chapters 3776., 4703., 4707., ~~4709.~~4712., 4713., 4719., 4723., 3768
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 3769
4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 3770
4771., 4773., and 4781. of the Revised Code. 3771

(3) "Prosecutor" has the same meaning as in section 3772
2935.01 of the Revised Code. 3773

(B) On a licensee's conviction of, plea of guilty to, 3774
judicial finding of guilt of, or judicial finding of guilt 3775
resulting from a plea of no contest to the offense of 3776
trafficking in persons in violation of section 2905.32 of the 3777
Revised Code, the prosecutor in the case shall promptly notify 3778
the licensing agency of the conviction, plea, or finding and 3779
provide the licensee's name and residential address. On receipt 3780
of this notification, the licensing agency shall immediately 3781
suspend the licensee's license. 3782

(C) If there is a conviction of, plea of guilty to, 3783
judicial finding of guilt of, or judicial finding of guilt 3784

resulting from a plea of no contest to the offense of 3785
trafficking in persons in violation of section 2905.32 of the 3786
Revised Code and all or part of the violation occurred on the 3787
premises of a facility that is licensed by a licensing agency, 3788
the prosecutor in the case shall promptly notify the licensing 3789
agency of the conviction, plea, or finding and provide the 3790
facility's name and address and the offender's name and 3791
residential address. On receipt of this notification, the 3792
licensing agency shall immediately suspend the facility's 3793
license. 3794

(D) Notwithstanding any provision of the Revised Code to 3795
the contrary, the suspension of a license under division (B) or 3796
(C) of this section shall be implemented by a licensing agency 3797
without a prior hearing. After the suspension, the licensing 3798
agency shall give written notice to the subject of the 3799
suspension of the right to request a hearing under Chapter 119. 3800
of the Revised Code. After a hearing is held, the licensing 3801
agency shall either revoke or permanently revoke the license of 3802
the subject of the suspension, unless it determines that the 3803
license holder has not been convicted of, pleaded guilty to, 3804
been found guilty of, or been found guilty based on a plea of no 3805
contest to the offense of trafficking in persons in violation of 3806
section 2905.32 of the Revised Code. " 3807

In line 2849, after "993.04" insert ", 2925.01, 3333.26" 3808

In line 2851, after "4703.16" insert ", 4713.01, 4713.02, 4713.06, 3809
4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 3810
4713.16, 4713.17, 4713.22, 4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 3811
4713.351, 4713.36, 4713.37, 4713.39, 4713.42, 4713.46, 4713.49, 4713.55, 3812
4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 3813
4713.64, 4713.641, 4713.65, 4713.99" 3814

In line 2852, after "4749.03" insert ", 4776.20"	3815
In line 2855, after "4517.18" insert ", 4709.01, 4709.02, 4709.03, 4709.05, 4709.07, 4709.08, 4709.09, 4709.10, 4709.11, 4709.12, 4709.13, 4709.14, 4709.23, 4709.99, 4713.25, 4713.30, 4713.44, 4713.45"	3816 3817 3818
After line 2946, insert:	3819
"Section 8. Notwithstanding the amendment of sections in Chapter 4713. of the Revised Code in this act, which no longer provides for advanced licenses, a valid advanced license held by an individual on or after the effective date of this section is valid for the duration of that license term.	3820 3821 3822 3823 3824
Section 9. Section 4713.02 of the Revised Code, as amended by this act, does not affect the terms of members of the State Cosmetology and Barber Board serving on the Board on the effective date of this section.	3825 3826 3827 3828
Section 10. Notwithstanding the amendment of sections in Chapter 4713. of the Revised Code in this act, which no longer provides for school of cosmetology licenses, a valid school of cosmetology license held by a person on or after the effective date of this section is valid for the duration of that license term. On the expiration of that license, the State Cosmetology and Barber Board shall issue to a license holder who wishes to renew that license a school license under section 4713.44 of the Revised Code, as enacted by this act, if the license holder meets the requirements to be issued the school license.	3829 3830 3831 3832 3833 3834 3835 3836 3837 3838
Section 11. Notwithstanding former Chapter 4709. of the Revised Code, as repealed in this act, which no longer provides for barber school licenses, a valid barber school license held by a person on or after the effective date of this section that	3839 3840 3841 3842

is set to expire on August 31, 2024, is valid until January 31, 3843
2025. On the expiration of that license, the State Cosmetology 3844
and Barber Board shall issue to a license holder who wishes to 3845
renew that license a school license under section 4713.44 of the 3846
Revised Code, as enacted by this act, if the license holder 3847
meets the requirements to be issued the school license." 3848

In line 2947, delete "8" and insert "12" 3849

The motion was _____ agreed to.

SYNOPSIS 3850

Cosmetology and Barber Licensing Law changes 3851

R.C. Chapter 4713., with conforming changes, and R.C. 3852
Chapter 4709. (repealed); Sections 8 to 11 3853

Merges the Barber Law into the Cosmetology Licensing Law. 3854

Eliminates the barber school license and school of 3855
cosmetology license, and instead creates a single school 3856
license. 3857

Allows a school to employ individuals who are not licensed 3858
barber teachers to teach subjects related to barbering at the 3859
school. 3860

Allows an applicant meeting the bill's requirements to 3861
renew an expired barber school or school of cosmetology license 3862
as a school license, and extends the licensing term for a barber 3863
school license set to expire on August 31, 2024, until January 3864
31, 2025. 3865

Eliminates the advanced level licenses for cosmetologists,	3866
estheticians, hair designers, manicurists, and natural hair	3867
stylists issued by the State Cosmetology and Barber Board, and	3868
allows an individual holding an advanced license to maintain and	3869
renew the license indefinitely.	3870
Changes the "assistant barber teacher" license to an	3871
"apprentice barber teacher" and eliminates the requirement that	3872
a person hold a license to be employed as an apprentice barber	3873
teacher.	3874
Modifies the list of reasons for which the Board may take	3875
disciplinary action against a person for a violation of the law	3876
relating to barbering.	3877
Establishes civil penalties for violations of the	3878
Cosmetology Law relating to unlicensed practice and fraud and	3879
eliminates the criminal penalties for those violations.	3880
Makes changes to the amount of a fine the Board may impose	3881
for a violation of the law relating to barbering and requires	3882
the Board to certify a fine that remains unpaid for 91 days to	3883
the Attorney General for collection.	3884
Allows the Board to enter into a consent agreement with a	3885
license holder in lieu of an adjudication under the law relating	3886
to barbering.	3887
Beginning on the date the Cosmetology Licensure Compact	3888
applies in Ohio, requires an applicant to complete 1,125 hours	3889
of initial instruction, rather than 1,500 hours, to obtain a	3890
cosmetologist license if the applicant received a high school	3891
diploma in the five years before enrolling as a student at a	3892
school.	3893

Modifies the requirements for an applicant to be issued a barber license by lowering the minimum age for an applicant and adding that an applicant must submit certain documentation with the license application.	3894 3895 3896 3897
Eliminates requirements regarding barber examinations dealing with minimum passing scores, waiting periods to reapply to retake parts of an examination, and required additional study in certain circumstances.	3898 3899 3900 3901
Allows an applicant for a license to practice a branch of cosmetology to apply to retake only the parts of the examination the applicant failed.	3902 3903 3904
Allows the Board to issue a temporary pre-examination work permit, temporary work permit, or temporary special occasion work permit to an applicant who meets requirements in current law to practice or teach barbering.	3905 3906 3907 3908
Eliminates the requirement that a licensed barber who leases space in a licensed barber shop hold a separate barber shop license and instead requires the barber to hold an independent contractor license.	3909 3910 3911 3912
Permits, rather than requires, the Board to adopt rules to establish a continuing education requirement for the holder of a barber or barber teacher license to renew the license.	3913 3914 3915
Allows an individual licensed in another country to teach the theory and practice of barbering to apply to the Board to be issued a barber teacher license.	3916 3917 3918
Expands the Board's authority to develop procedures to classify as inactive a barber license or barber teacher license.	3919 3920
Requires the holder of an expired barber license to	3921

complete any outstanding continuing education requirements to	3922
restore the license, rather than pass an examination.	3923
Expands the list of individuals engaged in certain	3924
professions who are exempt from regulation under the Barber Law.	3925
Prohibits an individual from providing massage therapy,	3926
cosmetic therapy, or any other professional service in a barber	3927
shop without a current, valid license or Board authorization.	3928
Makes changes to the amount of fees charged by the Board	3929
for the issuance and renewal of licenses.	3930
Expands the definition of the practice of natural hair	3931
styling to include cleansing, cutting, or singeing hair.	3932
Cosmetology Licensure Compact	3933
R.C. 4713.33, 4713.331, and 4713.37	3934
Enters Ohio as a party to the Cosmetology Licensure	3935
Compact, the purpose of which is to facilitate the interstate	3936
practice and regulation of cosmetology and improve public access	3937
to and safety of cosmetology services.	3938
As a member of the Compact, requires Ohio to allow a	3939
cosmetologist licensed in another member state to practice in	3940
Ohio, subject to Ohio's laws and rules governing the practice of	3941
cosmetology.	3942
Requires the State Cosmetology and Barber Board to appoint	3943
a member to the Cosmetology Licensure Compact Commission, a	3944
joint public agency created by the Compact to enforce the	3945
provisions and rules of the Compact.	3946
Requires Ohio to submit data regarding cosmetology	3947
licensees to the Commission's data system, including information	3948

related to licensure, adverse action, and the presence of
investigative information.

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