

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 129

Senators Jordan, Tavares

Cosponsors: Senators Sykes, Thomas, Yuko

A BILL

To amend sections 2925.01, 4709.03, 4713.01, 1
4713.02, 4713.07, 4713.08, 4713.081, 4713.09, 2
4713.10, 4713.14, 4713.16, 4713.17, 4713.24, 3
4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 4
4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 5
4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 6
4713.62, 4713.63, 4713.64, and 4713.69, to enact 7
new section 4713.39 and sections 4713.70, 8
4713.71, and 4713.72, and to repeal sections 9
4713.25, 4713.30, and 4713.39 of the Revised 10
Code to make changes to the Cosmetology 11
Licensing Law. 12

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

Section 1. That sections 2925.01, 4709.03, 4713.01, 13
4713.02, 4713.07, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 14
4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 4713.34, 15
4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 4713.56, 16
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 17
and 4713.69 be amended and new section 4713.39 and sections 18
4713.70, 4713.71, and 4713.72 of the Revised Code be enacted to 19

read as follows:	20
Sec. 2925.01. As used in this chapter:	21
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	22 23 24 25 26 27 28
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	29 30
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	31 32 33 34
(D) "Bulk amount" of a controlled substance means any of the following:	35 36
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	37 38 39 40 41 42
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	43 44 45 46
(b) An amount equal to or exceeding ten grams of a	47

compound, mixture, preparation, or substance that is or contains 48
any amount of raw or gum opium; 49

(c) An amount equal to or exceeding thirty grams or ten 50
unit doses of a compound, mixture, preparation, or substance 51
that is or contains any amount of a schedule I hallucinogen 52
other than tetrahydrocannabinol or lysergic acid amide, or a 53
schedule I stimulant or depressant; 54

(d) An amount equal to or exceeding twenty grams or five 55
times the maximum daily dose in the usual dose range specified 56
in a standard pharmaceutical reference manual of a compound, 57
mixture, preparation, or substance that is or contains any 58
amount of a schedule II opiate or opium derivative; 59

(e) An amount equal to or exceeding five grams or ten unit 60
doses of a compound, mixture, preparation, or substance that is 61
or contains any amount of phencyclidine; 62

(f) An amount equal to or exceeding one hundred twenty 63
grams or thirty times the maximum daily dose in the usual dose 64
range specified in a standard pharmaceutical reference manual of 65
a compound, mixture, preparation, or substance that is or 66
contains any amount of a schedule II stimulant that is in a 67
final dosage form manufactured by a person authorized by the 68
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 69
U.S.C.A. 301, as amended, and the federal drug abuse control 70
laws, as defined in section 3719.01 of the Revised Code, that is 71
or contains any amount of a schedule II depressant substance or 72
a schedule II hallucinogenic substance; 73

(g) An amount equal to or exceeding three grams of a 74
compound, mixture, preparation, or substance that is or contains 75
any amount of a schedule II stimulant, or any of its salts or 76

isomers, that is not in a final dosage form manufactured by a 77
person authorized by the Federal Food, Drug, and Cosmetic Act 78
and the federal drug abuse control laws. 79

(2) An amount equal to or exceeding one hundred twenty 80
grams or thirty times the maximum daily dose in the usual dose 81
range specified in a standard pharmaceutical reference manual of 82
a compound, mixture, preparation, or substance that is or 83
contains any amount of a schedule III or IV substance other than 84
an anabolic steroid or a schedule III opiate or opium 85
derivative; 86

(3) An amount equal to or exceeding twenty grams or five 87
times the maximum daily dose in the usual dose range specified 88
in a standard pharmaceutical reference manual of a compound, 89
mixture, preparation, or substance that is or contains any 90
amount of a schedule III opiate or opium derivative; 91

(4) An amount equal to or exceeding two hundred fifty 92
milliliters or two hundred fifty grams of a compound, mixture, 93
preparation, or substance that is or contains any amount of a 94
schedule V substance; 95

(5) An amount equal to or exceeding two hundred solid 96
dosage units, sixteen grams, or sixteen milliliters of a 97
compound, mixture, preparation, or substance that is or contains 98
any amount of a schedule III anabolic steroid. 99

(E) "Unit dose" means an amount or unit of a compound, 100
mixture, or preparation containing a controlled substance that 101
is separately identifiable and in a form that indicates that it 102
is the amount or unit by which the controlled substance is 103
separately administered to or taken by an individual. 104

(F) "Cultivate" includes planting, watering, fertilizing, 105

or tilling.	106
(G) "Drug abuse offense" means any of the following:	107
(1) A violation of division (A) of section 2913.02 that	108
constitutes theft of drugs, or a violation of section 2925.02,	109
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	110
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	111
or 2925.37 of the Revised Code;	112
(2) A violation of an existing or former law of this or	113
any other state or of the United States that is substantially	114
equivalent to any section listed in division (G) (1) of this	115
section;	116
(3) An offense under an existing or former law of this or	117
any other state, or of the United States, of which planting,	118
cultivating, harvesting, processing, making, manufacturing,	119
producing, shipping, transporting, delivering, acquiring,	120
possessing, storing, distributing, dispensing, selling, inducing	121
another to use, administering to another, using, or otherwise	122
dealing with a controlled substance is an element;	123
(4) A conspiracy to commit, attempt to commit, or	124
complicity in committing or attempting to commit any offense	125
under division (G) (1), (2), or (3) of this section.	126
(H) "Felony drug abuse offense" means any drug abuse	127
offense that would constitute a felony under the laws of this	128
state, any other state, or the United States.	129
(I) "Harmful intoxicant" does not include beer or	130
intoxicating liquor but means any of the following:	131
(1) Any compound, mixture, preparation, or substance the	132
gas, fumes, or vapor of which when inhaled can induce	133

intoxication, excitement, giddiness, irrational behavior, 134
depression, stupefaction, paralysis, unconsciousness, 135
asphyxiation, or other harmful physiological effects, and 136
includes, but is not limited to, any of the following: 137

(a) Any volatile organic solvent, plastic cement, model 138
cement, fingernail polish remover, lacquer thinner, cleaning 139
fluid, gasoline, or other preparation containing a volatile 140
organic solvent; 141

(b) Any aerosol propellant; 142

(c) Any fluorocarbon refrigerant; 143

(d) Any anesthetic gas. 144

(2) Gamma Butyrolactone; 145

(3) 1,4 Butanediol. 146

(J) "Manufacture" means to plant, cultivate, harvest, 147
process, make, prepare, or otherwise engage in any part of the 148
production of a drug, by propagation, extraction, chemical 149
synthesis, or compounding, or any combination of the same, and 150
includes packaging, repackaging, labeling, and other activities 151
incident to production. 152

(K) "Possess" or "possession" means having control over a 153
thing or substance, but may not be inferred solely from mere 154
access to the thing or substance through ownership or occupation 155
of the premises upon which the thing or substance is found. 156

(L) "Sample drug" means a drug or pharmaceutical 157
preparation that would be hazardous to health or safety if used 158
without the supervision of a licensed health professional 159
authorized to prescribe drugs, or a drug of abuse, and that, at 160
one time, had been placed in a container plainly marked as a 161

sample by a manufacturer.	162
(M) "Standard pharmaceutical reference manual" means the	163
current edition, with cumulative changes if any, of references	164
that are approved by the state board of pharmacy.	165
(N) "Juvenile" means a person under eighteen years of age.	166
(O) "Counterfeit controlled substance" means any of the	167
following:	168
(1) Any drug that bears, or whose container or label	169
bears, a trademark, trade name, or other identifying mark used	170
without authorization of the owner of rights to that trademark,	171
trade name, or identifying mark;	172
(2) Any unmarked or unlabeled substance that is	173
represented to be a controlled substance manufactured,	174
processed, packed, or distributed by a person other than the	175
person that manufactured, processed, packed, or distributed it;	176
(3) Any substance that is represented to be a controlled	177
substance but is not a controlled substance or is a different	178
controlled substance;	179
(4) Any substance other than a controlled substance that a	180
reasonable person would believe to be a controlled substance	181
because of its similarity in shape, size, and color, or its	182
markings, labeling, packaging, distribution, or the price for	183
which it is sold or offered for sale.	184
(P) An offense is "committed in the vicinity of a school"	185
if the offender commits the offense on school premises, in a	186
school building, or within one thousand feet of the boundaries	187
of any school premises, regardless of whether the offender knows	188
the offense is being committed on school premises, in a school	189

building, or within one thousand feet of the boundaries of any 190
school premises. 191

(Q) "School" means any school operated by a board of 192
education, any community school established under Chapter 3314. 193
of the Revised Code, or any nonpublic school for which the state 194
board of education prescribes minimum standards under section 195
3301.07 of the Revised Code, whether or not any instruction, 196
extracurricular activities, or training provided by the school 197
is being conducted at the time a criminal offense is committed. 198

(R) "School premises" means either of the following: 199

(1) The parcel of real property on which any school is 200
situated, whether or not any instruction, extracurricular 201
activities, or training provided by the school is being 202
conducted on the premises at the time a criminal offense is 203
committed; 204

(2) Any other parcel of real property that is owned or 205
leased by a board of education of a school, the governing 206
authority of a community school established under Chapter 3314. 207
of the Revised Code, or the governing body of a nonpublic school 208
for which the state board of education prescribes minimum 209
standards under section 3301.07 of the Revised Code and on which 210
some of the instruction, extracurricular activities, or training 211
of the school is conducted, whether or not any instruction, 212
extracurricular activities, or training provided by the school 213
is being conducted on the parcel of real property at the time a 214
criminal offense is committed. 215

(S) "School building" means any building in which any of 216
the instruction, extracurricular activities, or training 217
provided by a school is conducted, whether or not any 218

instruction, extracurricular activities, or training provided by 219
the school is being conducted in the school building at the time 220
a criminal offense is committed. 221

(T) "Disciplinary counsel" means the disciplinary counsel 222
appointed by the board of commissioners on grievances and 223
discipline of the supreme court under the Rules for the 224
Government of the Bar of Ohio. 225

(U) "Certified grievance committee" means a duly 226
constituted and organized committee of the Ohio state bar 227
association or of one or more local bar associations of the 228
state of Ohio that complies with the criteria set forth in Rule 229
V, section 6 of the Rules for the Government of the Bar of Ohio. 230

(V) "Professional license" means any license, permit, 231
certificate, registration, qualification, admission, temporary 232
license, temporary permit, temporary certificate, or temporary 233
registration that is described in divisions (W)(1) to (36) of 234
this section and that qualifies a person as a professionally 235
licensed person. 236

(W) "Professionally licensed person" means any of the 237
following: 238

(1) A person who has obtained a license as a manufacturer 239
of controlled substances or a wholesaler of controlled 240
substances under Chapter 3719. of the Revised Code; 241

(2) A person who has received a certificate or temporary 242
certificate as a certified public accountant or who has 243
registered as a public accountant under Chapter 4701. of the 244
Revised Code and who holds an Ohio permit issued under that 245
chapter; 246

(3) A person who holds a certificate of qualification to 247

practice architecture issued or renewed and registered under	248
Chapter 4703. of the Revised Code;	249
(4) A person who is registered as a landscape architect	250
under Chapter 4703. of the Revised Code or who holds a permit as	251
a landscape architect issued under that chapter;	252
(5) A person licensed under Chapter 4707. of the Revised	253
Code;	254
(6) A person who has been issued a certificate of	255
registration as a registered barber under Chapter 4709. of the	256
Revised Code;	257
(7) A person licensed and regulated to engage in the	258
business of a debt pooling company by a legislative authority,	259
under authority of Chapter 4710. of the Revised Code;	260
(8) A person who has been issued a cosmetologist's	261
license, hair designer's license, manicurist's license,	262
esthetician's license, natural hair stylist's license, advanced-	263
cosmetologist's license, advanced hair designer's license,	264
advanced manicurist's license, advanced esthetician's license,	265
advanced natural hair stylist's license, cosmetology-	266
instructor's license, hair design instructor's license,	267
manicurist instructor's license, esthetics instructor's license,	268
natural hair style-instructor's license, independent-	269
contractor's license, or tanning facility permit under Chapter	270
4713. of the Revised Code;	271
(9) A person who has been issued a license to practice	272
dentistry, a general anesthesia permit, a conscious intravenous	273
sedation permit, a limited resident's license, a limited	274
teaching license, a dental hygienist's license, or a dental	275
hygienist's teacher's certificate under Chapter 4715. of the	276

Revised Code;	277
(10) 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;	278 279 280 281 282
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	283 284 285 286
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	287 288 289
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	290 291
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	292 293
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	294 295 296 297
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	298 299
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	300 301 302 303
(18) A person licensed as a psychologist or school	304

psychologist under Chapter 4732. of the Revised Code;	305
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	306 307 308
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	309 310
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	311 312
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	313 314
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	315 316
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	317 318
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	319 320
(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;	321 322 323 324
(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;	325 326 327
(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;	328 329 330
(29) A person licensed and registered to practice as a	331

nursing home administrator under Chapter 4751. of the Revised Code;	332 333
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	334 335 336
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	337 338 339
(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;	340 341 342 343 344 345
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	346 347
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	348 349 350
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	351 352
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	353 354 355
(X) "Cocaine" means any of the following:	356
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	357 358

(2) Coca leaves or a salt, compound, derivative, or 359
preparation of coca leaves, including ecgonine, a salt, isomer, 360
or derivative of ecgonine, or a salt of an isomer or derivative 361
of ecgonine; 362

(3) A salt, compound, derivative, or preparation of a 363
substance identified in division (X)(1) or (2) of this section 364
that is chemically equivalent to or identical with any of those 365
substances, except that the substances shall not include 366
decocainized coca leaves or extraction of coca leaves if the 367
extractions do not contain cocaine or ecgonine. 368

(Y) "L.S.D." means lysergic acid diethylamide. 369

(Z) "Hashish" means the resin or a preparation of the 370
resin contained in marihuana, whether in solid form or in a 371
liquid concentrate, liquid extract, or liquid distillate form. 372

(AA) "Marihuana" has the same meaning as in section 373
3719.01 of the Revised Code, except that it does not include 374
hashish. 375

(BB) An offense is "committed in the vicinity of a 376
juvenile" if the offender commits the offense within one hundred 377
feet of a juvenile or within the view of a juvenile, regardless 378
of whether the offender knows the age of the juvenile, whether 379
the offender knows the offense is being committed within one 380
hundred feet of or within view of the juvenile, or whether the 381
juvenile actually views the commission of the offense. 382

(CC) "Presumption for a prison term" or "presumption that 383
a prison term shall be imposed" means a presumption, as 384
described in division (D) of section 2929.13 of the Revised 385
Code, that a prison term is a necessary sanction for a felony in 386
order to comply with the purposes and principles of sentencing 387

under section 2929.11 of the Revised Code.	388
(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	389 390
(EE) "Minor drug possession offense" means either of the following:	391 392
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	393 394
(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.	395 396 397
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	398 399
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	400 401
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	402 403 404
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	405 406 407 408 409
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	410 411 412 413 414

(KK) "Deception" and "theft offense" have the same	415
meanings as in section 2913.01 of the Revised Code.	416
Sec. 4709.03. The following persons are exempt from this	417
chapter while in the proper discharge of their professional	418
duties:	419
(A) Persons licensed by this state to practice medicine	420
and surgery;	421
(B) Commissioned medical or surgical officers of the	422
United States army, navy, or marine hospital service;	423
(C) Nurses registered under Chapter 4723. of the Revised	424
Code;	425
(D) Cosmetologists and hair designers licensed under	426
Chapter 4713. of the Revised Code, insofar as their usual and	427
ordinary vocation and profession is concerned as described in	428
section 4713.01 of the Revised Code, <u>including shaving with a</u>	429
<u>disposable safety razor, as defined in section 4713.01 of the</u>	430
<u>Revised Code;</u>	431
(E) Funeral directors, embalmers, and apprentices licensed	432
or registered under Chapter 4717. of the Revised Code.	433
Sec. 4713.01. As used in this chapter:	434
"Apprentice instructor" means an individual holding a	435
practicing license issued by the state board of cosmetology who	436
is engaged in learning or acquiring knowledge of the occupation	437
of an instructor of a branch of cosmetology at a school of	438
cosmetology.	439
<u>"Apprentice cosmetologist" means an individual who does</u>	440
<u>not hold a license under this chapter and is engaged in learning</u>	441
<u>or acquiring knowledge of the practice of cosmetology.</u>	442

"Beauty salon" means a salon in which an individual is 443
authorized to engage in all branches of cosmetology. 444

"Biennial licensing period" means the two-year period 445
beginning on the first day of February of an odd-numbered year 446
and ending on the last day of January of the next odd-numbered 447
year. 448

"Boutique salon" means a salon in which an individual 449
engages in boutique services and no other branch of cosmetology. 450

"Boutique services" means braiding, threading, ~~and~~ 451
shampooing, eye lash extension services, and wig application. 452

"Braiding" means intertwining the hair in a systematic 453
motion to create patterns in a three-dimensional form, ~~inverting~~ 454
~~the hair including patterns that are inverted, upright, or~~ 455
singled against the scalp that follow along part of a straight 456
or curved row of intertwined hair, or partings. It may include 457
twisting or locking the hair in a systematic motion, and 458
~~includes extending the hair with natural while adding bulk or~~ 459
length with human hair, synthetic hair fibers, or both, and 460
using simple devices such as clips, combs, and hairpins. 461

"Braiding" does not include the application of weaving, bonding, 462
and fusion of individual strands or wefts; application of dyes, 463
reactive chemicals, or other preparations to alter the color or 464
straighten, curl, or alter the structure of hair; or 465
embellishing or beautifying hair by cutting or singeing, except 466
as needed to finish the ends of synthetic fibers used to add 467
bulk to or lengthen hair. 468

"Branch of cosmetology" means the practice of cosmetology, 469
practice of esthetics, practice of hair design, practice of 470
manicuring, practice of natural hair styling, or practice of 471

boutique services. 472

"Clean" or "cleaning" means the act of preparing non- 473
porous items for disinfection by removing surface and visible 474
debris and washing with soap and water, detergent, or chemical 475
cleaners to slow the growth of pathogens. "Cleaning" does not 476
make multi-use items safe for subsequent use. 477

"Cosmetic therapy" has the same meaning as in section 478
4731.15 of the Revised Code. 479

"Cosmetologist" means an individual authorized to engage 480
in all branches of cosmetology in a licensed facility. 481

"Cosmetology" means the art or practice of cleansing, 482
stimulating or massaging a person's scalp, face, neck, or arms; 483
embellishment, cleansing, beautification, and styling of hair, 484
wigs, postiches, face, body, or nails; and treating a person's 485
mustache or beard by arranging, beautifying, coloring, 486
processing, styling, or trimming or shaving with a disposable 487
safety razor. 488

"Cosmetology instructor" means an individual authorized to 489
teach the theory and practice of all branches of cosmetology at 490
a school of cosmetology. 491

"Disinfect" or "disinfection" means the process of making 492
a non-porous item safe for use through the use of a chemical 493
intended to kill or denature bacteria, viruses, or fungi. 494
Disinfection is done after cleaning. "Disinfect" does not 495
include the use of ultraviolet light. 496

"Disposable safety razor" means a razor that is fitted 497
with a guard close to the cutting edge of the razor that is 498
intended to prevent the razor from cutting too deeply, to reduce 499
the risk of accidental cuts, and to be used on an individual one 500

<u>time and then thrown away and not used again for any other</u>	501
<u>purpose.</u>	502
<u>"Distance education" means courses in which instruction is</u>	503
<u>accomplished through use of interactive, electronic media and</u>	504
<u>where the teacher and student are separated by distance, time,</u>	505
<u>or both.</u>	506
"Esthetician" means an individual who engages in the	507
practice of esthetics but no other branch of cosmetology in a	508
licensed facility.	509
"Esthetics instructor" means an individual who teaches the	510
theory and practice of esthetics, but no other branch of	511
cosmetology, at a school of cosmetology.	512
"Esthetics salon" means a salon in which an individual	513
engages in the practice of esthetics but no other branch of	514
cosmetology.	515
"Eye lash extensions" include temporary and semi-permanent	516
enhancements designed to add length, thickness, and fullness to	517
natural eyelashes.	518
"Hair designer" means an individual who engages in the	519
practice of hair design but no other branch of cosmetology in a	520
licensed facility.	521
"Hair design instructor" means an individual who teaches	522
the theory and practice of hair design, but no other branch of	523
cosmetology, at a school of cosmetology.	524
"Hair design salon" means a salon in which an individual	525
engages in the practice of hair design but no other branch of	526
cosmetology.	527
"Hair removal" includes tweezing, waxing, sugaring, and	528

threading. "Hair removal" does not include electrolysis. 529

"Independent contractor" means an individual who is not an 530
employee of a salon but practices a branch of cosmetology within 531
a salon in a licensed facility. 532

"Instructor license" means a license to teach the theory 533
and practice of a branch of cosmetology at a school of 534
cosmetology. 535

"Licensed facility" means any premises, building, or part 536
of a building licensed under section 4713.41 of the Revised 537
Code, or any other temporary location identified in rule by the 538
state board of cosmetology, in which cosmetology services are 539
authorized by the ~~state board of cosmetology~~ to be performed. 540

~~"Advanced cosmetologist" means an individual authorized to~~ 541
~~work in a beauty salon and engage in all branches of~~ 542
~~cosmetology.~~ 543

~~"Advanced esthetician" means an individual authorized to~~ 544
~~work in an esthetics salon, but no other type of salon, and~~ 545
~~engage in the practice of esthetics, but no other branch of~~ 546
~~cosmetology.~~ 547

~~"Advanced hair designer" means an individual authorized to~~ 548
~~work in a hair design salon, but no other type of salon, and~~ 549
~~engage in the practice of hair design, but no other branch of~~ 550
~~cosmetology.~~ 551

~~"Advanced license" means a license to work in a salon and~~ 552
~~practice the branch of cosmetology practiced at the salon.~~ 553

~~"Advanced manicurist" means an individual authorized to~~ 554
~~work in a nail salon, but no other type of salon, and engage in~~ 555
~~the practice of manicuring, but no other branch of cosmetology.~~ 556

~~"Advanced natural hair stylist" means an individual authorized to work in a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.~~ 557
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"Manicurist" means an individual who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility. 561
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"Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology. 564
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"Mobile salon" means either a self-contained facility that can be moved, towed, or transported from one location to another and in which a branch of cosmetology is practiced or a business that provides services in a branch of cosmetology at a special event venue, residential home, or nursing home or residential care facility as those terms are defined in section 5701.13 of the Revised Code. 567
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"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology. 574
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"Natural hair stylist" means an individual who engages in the practice of natural hair styling but no other branch of cosmetology in a licensed facility. 577
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~~"Natural hair style instructor" means an individual who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.~~ 580
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~~"Natural hair style salon" means a salon in which an individual engages in the practice of natural hair styling but no other branch of cosmetology.~~ 583
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~~"Practice of braiding" means utilizing the technique of
intertwining hair in a systematic motion to create patterns in a
three dimensional form, including patterns that are inverted,
upright, or singled against the scalp that follow along straight
or curved partings. It may include twisting or locking the hair
while adding bulk or length with human hair, synthetic hair, or
both and using simple devices such as clips, combs, and
hairpins. "Practice of braiding" does not include application of
weaving, bonding, and fusion of individual strands or wefts;
application of dyes, reactive chemicals, or other preparations
to alter the color or straighten, curl, or alter the structure
of hair; embellishing or beautifying hair by cutting or
singeing, except as needed to finish the ends of synthetic
fibers used to add bulk to or lengthen hair.~~

"Non-porous" means material that does not have any minute
openings or holes and that does not allow liquids to pass
through or be absorbed. "Non-porous" includes glass, metal, and
plastic.

"Porous" means material that has minute openings or holes
through which liquid or air may pass. "Porous" includes nail
files, pumice, and buffers.

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

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

"Practice of hair design" means embellishing or 616
beautifying hair, ~~wigs,~~ or hairpieces by arranging, dressing, 617
pressing, curling, waving, permanent waving, cleansing, cutting, 618
singeing, bleaching, coloring, braiding, weaving, or similar 619
work. "Practice of hair design" includes utilizing techniques 620
performed by hand that result in tension on hair roots such as 621
twisting, wrapping, weaving, extending, locking, or braiding of 622
the hair. 623

"Practice of manicuring" means cleaning, trimming, shaping 624
the free edge of, or applying polish to the nails of any 625
individual; applying nail enhancements and embellishments to any 626
individual; massaging the hands and lower arms up to the elbow 627
of any individual; massaging the feet and lower legs up to the 628
knee of any individual; using lotions or softeners on the hands 629
and feet of any individual; or any combination of these types of 630
services. 631

"Practice of natural hair styling" means utilizing 632
techniques performed by hand that result in tension on hair 633
roots such as twisting, wrapping, weaving, extending, locking, 634
or braiding of the hair. "Practice of natural hair styling" does 635
not include the application of dyes, reactive chemicals, or 636
other preparations to alter the color or to straighten, curl, or 637
alter the structure of the hair. "Practice of natural hair 638
styling" also does not include embellishing or beautifying hair 639
by cutting or singeing, except as needed to finish off the end 640
of a braid, or by dressing, pressing, curling, waving, permanent 641
waving, or similar work. 642

"Practicing license" means a license to practice a branch 643
of cosmetology in a licensed facility. 644

"Salon" means a licensed facility on any premises, 645

building, or part of a building in which an individual engages 646
in the practice of one or more branches of cosmetology. "Salon" 647
does not include a barber shop licensed under Chapter 4709. of 648
the Revised Code. "Salon" does not mean a tanning facility, 649
although a tanning facility may be located in a salon. 650

"School of cosmetology" means any premises, building, or 651
part of a building in which students are instructed in the 652
theories and practices of one or more branches of cosmetology. 653

"Shampooing" means the act of cleansing and conditioning 654
an individual's hair under the supervision of an individual 655
licensed under this chapter and in preparation to immediately 656
receive a service from a licensee. 657

"Student" means an individual, other than an apprentice 658
instructor, who is engaged in learning or acquiring knowledge of 659
the practice of a branch of cosmetology at a school of 660
cosmetology. 661

"Tanning facility" means any premises, building, or part 662
of a building that contains one or more rooms or booths with any 663
of the following: 664

(A) Equipment or beds used for tanning human skin by the 665
use of fluorescent sun lamps using ultraviolet or other 666
artificial radiation; 667

(B) Equipment or booths that use chemicals applied to 668
human skin, including chemical applications commonly referred to 669
as spray-on, mist-on, or sunless tans; 670

(C) Equipment or beds that use visible light for cosmetic 671
purposes. 672

"Threading" includes a service that results in the removal 673

of hair from its follicle from around the eyebrows and from 674
other parts of the face with the use of a single strand of 675
thread and an astringent, if the service does not use chemicals 676
of any kind, wax, or any implements, instruments, or tools to 677
remove hair. 678

Sec. 4713.02. (A) There is hereby created the state board 679
of cosmetology, consisting of all of the following members 680
appointed by the governor, with the advice and consent of the 681
senate: 682

(1) One individual holding a current, valid cosmetologist 683
or cosmetology instructor license at the time of appointment; 684

(2) Two individuals holding current, valid cosmetologist 685
licenses and actively engaged in managing beauty salons for a 686
period of not less than five years at the time of appointment; 687

(3) One individual who ~~holds a current, valid~~ is an 688
independent contractor ~~license registered in accordance with~~ 689
section 4713.39 of the Revised Code at the time of appointment 690
and practices a branch of cosmetology; 691

(4) One individual who represents individuals who teach 692
the theory and practice of a branch of cosmetology at a 693
vocational or career-technical school; 694

(5) One owner or executive actively engaged in the daily 695
operations of a licensed school of cosmetology; 696

(6) One owner of at least five licensed salons; 697

(7) ~~One individual who is either a certified nurse-~~ 698
~~practitioner or clinical nurse specialist holding a current,~~ 699
~~valid license to practice nursing as an advanced practice-~~ 700
~~registered nurse issued under Chapter 4723. of the Revised Code-~~ 701

~~or a physician authorized under Chapter 4731. of the Revised- 702
Code to practice medicine and surgery or osteopathic medicine- 703
and surgery; 704~~

~~(8) One individual~~ Two individuals representing the 705
general public; 706

~~(9)~~ (8) One individual who holds a current, valid tanning 707
permit and who has owned or managed a tanning facility for at 708
least five years immediately preceding the individual's 709
appointment; 710

~~(10)~~ (9) One individual who holds a current, valid 711
esthetician or cosmetologist license and who has been actively 712
practicing esthetics for a period of not less than five years 713
immediately preceding the individual's appointment. 714

(B) The superintendent of public instruction shall 715
nominate three individuals for the governor to choose from when 716
making an appointment under division (A) (4) of this section. 717

(C) All members shall be at least twenty-five years of 718
age, residents of the state, and citizens of the United States. 719
No more than two members, at any time, shall be graduates of the 720
same school of cosmetology. Not more than one member shall have 721
a common financial connection with any school of cosmetology or 722
salon. 723

Terms of office are for five years. Terms shall commence 724
on the first day of November and end on the thirty-first day of 725
October. Each member shall hold office from the date of 726
appointment until the end of the term for which appointed. In 727
case of a vacancy occurring on the board, the governor shall, in 728
the same manner prescribed for the regular appointment to the 729
board, fill the vacancy by appointing a member. Any member 730

appointed to fill a vacancy occurring prior to the expiration of 731
the term for which the member's predecessor was appointed shall 732
hold office for the remainder of such term. Any member shall 733
continue in office subsequent to the expiration date of the 734
member's term until the member's successor takes office, or 735
until a period of sixty days has elapsed, whichever occurs 736
first. Before entering upon the discharge of the duties of the 737
office of member, each member shall take, and file with the 738
secretary of state, the oath of office required by Section 7 of 739
Article XV, Ohio Constitution. 740

The members of the board shall receive an amount fixed 741
pursuant to Chapter 124. of the Revised Code per diem for every 742
meeting of the board which they attend, together with their 743
necessary expenses, and mileage for each mile necessarily 744
traveled. 745

The members of the board shall annually elect, from among 746
their number, a chairperson and a vice-chairperson. The 747
executive director appointed pursuant to section 4713.06 of the 748
Revised Code shall serve as the board's secretary. 749

(D) The board shall prescribe the duties of its officers 750
and establish an office within Franklin county. The board shall 751
keep all records and files at the office and have the records 752
and files at all reasonable hours open to public inspection in 753
accordance with section 149.43 of the Revised Code and any rules 754
adopted by the board in compliance with this state's record 755
retention policy. The board also shall adopt a seal. 756

Sec. 4713.07. (A) The state board of cosmetology shall do 757
all of the following: 758

(1) Regulate the practice of cosmetology and all of its 759

branches in this state;	760
(2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual;	761 762 763 764
(3) Adopt rules in accordance with section 4713.08 of the Revised Code;	765 766
(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;	767 768 769 770
(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;	771 772 773
(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter;	774 775
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware <u>at the board's discretion</u> ;	776 777 778
(8) Submit a written report annually to the governor that provides all of the following:	779 780
(a) A discussion of the conditions in this state of the branches of cosmetology;	781 782
(b) A brief summary of the board's proceedings during the year the report covers;	783 784
(c) A statement of all money that the board received and expended during the year the report covers.	785 786

(9) Keep a record of all of the following:	787
(a) The board's proceedings;	788
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	789 790 791
(c) The date and number of each license, permit, and registration that the board issues.	792 793
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	794 795 796
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.	797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814
(12) Supply a copy of the poster created pursuant to	815

division (B) of section 5502.63 of the Revised Code to each 816
person authorized to operate a salon, school of cosmetology, 817
tanning facility, or other type of facility under this chapter; 818

(13) Process applications to open a new salon under 819
section 4713.41 of the Revised Code within five days from 820
receipt of the application; 821

(14) All other duties that this chapter imposes on the 822
board. 823

(B) The board may delegate any of the duties listed in 824
division (A) of this section to the executive director of the 825
board or to an individual designated by the executive director. 826

Sec. 4713.08. (A) The state board of cosmetology shall 827
adopt rules in accordance with Chapter 119. of the Revised Code 828
as necessary to implement this chapter. The rules shall do all 829
of the following: 830

(1) Govern the practice of the branches of cosmetology; 831

(2) Specify conditions an individual must satisfy to 832
qualify for a temporary pre-examination work permit under 833
section 4713.22 of the Revised Code and the conditions and 834
method of renewing a temporary pre-examination work permit under 835
that section; 836

(3) Provide for the conduct of examinations under section 837
4713.24 of the Revised Code; 838

(4) Specify conditions under which the board will take 839
into account, under section 4713.32 of the Revised Code, 840
instruction an applicant for a license under section 4713.28, ~~841~~
~~4713.30,~~ or 4713.31 of the Revised Code received more than five 842
years before the date of application for the license; 843

- (5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 844
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- ~~(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;~~ 846
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- ~~(7)~~ Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 850
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- ~~(8)~~ (7) 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; 853
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- (8) Specify conditions an applicant must satisfy for the board to issue the applicant an instructor license under section 4713.31 of the Revised Code and the fee for issuance and renewal of the license; 857
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- (9) Specify conditions an applicant must satisfy for the board to ~~issue permit~~ the applicant to register as an independent contractor license under section 4713.39 of the Revised Code ~~and the fee for issuance and renewal of the license;~~ 861
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- (10) Establish conditions under which food may be sold at a salon; 866
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- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code; 868
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- (12) Establish standards for the provision of cosmetic 871

therapy, massage therapy, or other professional service in a 872
salon pursuant to section 4713.42 of the Revised Code; 873

(13) Establish standards for board approval of, and the 874
granting of credits for, training in branches of cosmetology ~~at~~ 875
by schools of cosmetology licensed in this or another state 876
offered through classroom instruction or distance education; 877

(14) Establish the manner in which a school of cosmetology 878
licensed under section 4713.44 of the Revised Code may offer 879
post-secondary ~~and advanced practice programs, including~~ 880
classroom instruction or distance education; 881

(15) Establish safety and sanitary standards for the 882
practice of the branches of cosmetology, salons, and schools of 883
cosmetology~~r~~. The board shall review the standards on an annual 884
basis to ensure that they incorporate industry best practices 885
and update the standards as necessary to reflect those 886
practices. 887

(16) Establish the application process for obtaining a 888
tanning facility permit under section 4713.48 of the Revised 889
Code, including the amount of the fee for an initial or renewed 890
permit; 891

(17) Establish standards for installing and operating a 892
tanning facility in a manner that ensures the health and safety 893
of consumers, including standards that do all of the following: 894

(a) Establish a maximum safe time of exposure to radiation 895
and a maximum safe temperature at which sun lamps may be 896
operated; 897

(b) Require consumers to wear protective eyeglasses; 898

(c) Require consumers to be supervised as to the length of 899

time consumers use the facility's sun lamps; 900

(d) Require the operator to prohibit consumers from 901
standing too close to sun lamps and to post signs warning 902
consumers of the potential effects of radiation on individuals 903
taking certain medications and of the possible relationship of 904
the radiation to skin cancer; 905

(e) Require the installation of protective shielding for 906
sun lamps and handrails for consumers; 907

(f) Require floors to be dry during operation of lamps; 908

(g) Establish procedures an operator must follow in making 909
reasonable efforts in compliance with section 4713.50 of the 910
Revised Code to determine the age of an individual seeking to 911
use sun lamp tanning services. 912

(18) (a) If the board, under section 4713.61 of the Revised 913
Code, develops a procedure for classifying licenses inactive, do 914
both of the following: 915

(i) Establish a fee for having a license classified 916
inactive that reflects the cost to the board of providing the 917
inactive license service. ~~If one or more renewal periods have~~ 918
~~elapsed since the license was valid, the fee shall not include~~ 919
~~lapsed renewal fees for more than three of those renewal~~ 920
~~periods;~~ 921

(ii) Specify the continuing education that an individual 922
whose license has been classified inactive must complete to have 923
the license restored. The continuing education shall be 924
sufficient to ensure the minimum competency in the use or 925
administration of a new procedure or product required by a 926
licensee necessary to protect public health and safety. The 927
requirement shall not exceed the cumulative number of hours of 928

continuing education that the individual would have been 929
required to complete had the individual retained an active 930
license. 931

(b) In addition, the board may specify the conditions and 932
method for granting a temporary work permit to practice a branch 933
of cosmetology to an individual whose license has been 934
classified inactive. 935

(19) Establish a fee for approval of a continuing 936
education program under section 4713.62 of the Revised Code that 937
is adequate to cover any expense the board incurs in the 938
approval process; 939

(20) (a) Establish conditions under which a cosmetology 940
student seeking a practicing license may take the examination 941
required by section 4713.24 of the Revised Code before the 942
student has completed the minimum number of hours of training 943
required under section 4713.28 of the Revised Code for the 944
license; 945

(b) The rules shall do all of the following: 946

(i) Permit the student to take the examination required by 947
section 4713.24 of the Revised Code after the student has 948
completed the minimum hours of training for that license 949
described in division (G) of section 4713.24 of the Revised 950
Code; 951

(ii) Require the student to complete the remainder of the 952
required training prior to licensure; 953

(iii) Require the board to grant the student a license 954
upon successful completion of the requirements established in 955
the rules. 956

<u>(21) Specify conditions and the fee for a special event permit under section 4713.70 of the Revised Code and specify the amount of time such a permit is valid;</u>	957
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<u>(22) Require each mobile salon to hold a license in accordance with this chapter and specify the requirements that must be met for the board to issue a mobile salon license;</u>	960
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	962
<u>(23) Establish requirements regarding the apprenticeship program established in section 4713.71 of the Revised Code;</u>	963
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<u>(24) Specify conditions an applicant must satisfy for the board to permit the applicant to register as a natural hair stylist under section 4713.72 of the Revised Code;</u>	965
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<u>(25) Anything else necessary to implement this chapter.</u>	968
(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 in another state or country.	969
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(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 in another state.	974
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(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 for which the board determines an examination is unnecessary.	978
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(D) The rules adopted under division (A) (11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule	982
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governing the profession. 985

~~(E)~~ (D) The sanitary standards established under division 986
(A) (15) of this section shall focus in particular on precautions 987
to be employed to prevent infectious or contagious diseases 988
being created or spread. ~~The board shall consult with the Ohio~~ 989
~~department of health when establishing the sanitary standards.~~ 990

~~(F)~~ (E) The fee established by rules adopted under 991
division (A) (16) of this section shall cover the cost the board 992
incurs in inspecting tanning facilities and enforcing the 993
board's rules but may not exceed one hundred dollars per 994
location of such facilities. 995

Sec. 4713.081. The state board of cosmetology shall 996
furnish a copy of the sanitary standards established by rules 997
adopted under section 4713.08 of the Revised Code to each 998
individual to whom the board issues a practicing license, 999
~~advanced license,~~ license to operate a salon or school of 1000
cosmetology, independent contractor registration, natural hair 1001
stylist registration, or boutique services registration. The 1002
board also shall furnish a copy of the sanitary standards to 1003
each individual providing cosmetic therapy, massage therapy, or 1004
other professional service in a salon under section 4713.42 of 1005
the Revised Code. A salon or school of cosmetology provided a 1006
copy of the sanitary standards shall post the standards in a 1007
public and conspicuous place in the salon or school. 1008

Sec. 4713.09. (A) The state board of cosmetology may adopt 1009
rules in accordance with section 4713.08 of the Revised Code to 1010
establish a continuing education requirement, not to exceed 1011
eight hours in a biennial licensing period, as a condition of 1012
renewal for a practicing license, ~~advanced license,~~ instructor 1013
license, independent contractor registration, natural hair 1014

stylist registration, or boutique services registration. These 1015
hours may include training in identifying and addressing the 1016
crime of trafficking in persons as described in section 2905.32 1017
of the Revised Code. At least two of the eight hours of the 1018
continuing education requirement must be achieved in courses 1019
concerning safety and ~~sanitation~~ infection control, and at least 1020
one hour of the eight hours of the continuing education 1021
requirement must be achieved in courses concerning law and rule 1022
updates. 1023

(B) The rules adopted in accordance with division (A) of 1024
this section shall permit the continuing education requirement 1025
to be satisfied by either classroom instruction or distance 1026
education. 1027

Sec. 4713.10. (A) The state board of cosmetology shall 1028
charge and collect the following fees: 1029

(1) For a temporary pre-examination work permit under 1030
section 4713.22 of the Revised Code, seven dollars and fifty 1031
cents; 1032

(2) For initial application to take an examination under 1033
section 4713.24 of the Revised Code, thirty-one dollars and 1034
fifty cents; 1035

(3) For application to take an examination under section 1036
4713.24 of the Revised Code by an applicant who has previously 1037
applied to take, but failed to appear for, the examination, 1038
forty dollars; 1039

(4) For application to re-take an examination under 1040
section 4713.24 of the Revised Code by an applicant who has 1041
previously appeared for, but failed to pass, the examination, 1042
thirty-one dollars and fifty cents; 1043

- (5) For the issuance of a license under section 4713.28~~,—~~ 1044
~~4713.30,~~ or 4713.31 of the Revised Code, forty-five dollars; 1045
- (6) For the issuance of a license under section 4713.34 of 1046
the Revised Code, seventy dollars; 1047
- (7) For renewal of a license issued under section 4713.28~~,—~~ 1048
~~4713.30,~~ 4713.31, or 4713.34 of the Revised Code, forty-five 1049
dollars; 1050
- (8) For the issuance or renewal of a cosmetology school 1051
license, two hundred fifty dollars; 1052
- (9) For the issuance of a new salon license or the change 1053
of name or ownership of a salon license under section 4713.41 of 1054
the Revised Code, seventy-five dollars; 1055
- (10) For the renewal of a salon license under section 1056
4713.41 of the Revised Code, sixty dollars; 1057
- (11) For the restoration of an expired license that may be 1058
restored pursuant to section 4713.63 of the Revised Code, an 1059
amount equal to the sum of the current license renewal fee and a 1060
lapsed renewal fee of forty-five dollars per license renewal 1061
period that has elapsed since the license was last issued or 1062
renewed~~†~~. If one or more renewal periods have elapsed since the 1063
license was valid, the board shall not impose lapsed renewal 1064
fees for more than three of those renewal periods. 1065
- (12) For the issuance of a duplicate of any license, 1066
twenty dollars; 1067
- (13) For the preparation and mailing of a licensee's 1068
records to another state for a reciprocity license, fifty 1069
dollars; 1070
- (14) For the processing of any fees related to a check 1071

from a licensee returned to the board for insufficient funds, an 1072
additional thirty dollars. 1073

(B) The board may establish an installment plan for the 1074
payment of fines and fees and may reduce fines and fees as 1075
considered appropriate by the board. 1076

(C) At the request of a person who is temporarily unable 1077
to pay a fee imposed under division (A) of this section, or on 1078
its own motion, the board may extend the date payment is due by 1079
up to ninety days. If the fee remains unpaid after the date 1080
payment is due, the amount of the fee shall be certified to the 1081
attorney general for collection in the form and manner 1082
prescribed by the attorney general. The attorney general may 1083
assess the collection cost to the amount certified in such a 1084
manner and amount as prescribed by the attorney general. 1085

Sec. 4713.14. No individual shall do any of the following: 1086

(A) Use fraud or deceit in making application for a 1087
license, permit, or registration; 1088

(B) Aid or abet any individual or entity in any of the 1089
following: 1090

(1) Violating this chapter or a rule adopted under it; 1091

(2) Obtaining a license, permit, or registration 1092
fraudulently; 1093

(3) Falsely pretending to hold a current, valid license or 1094
permit. 1095

(C) Practice a branch of cosmetology, for pay, free, or 1096
otherwise, without one of the following authorizing the practice 1097
of that branch of cosmetology: 1098

(1) A current, valid license under section 4713.28,	1099
4713.30, or 4713.34 of the Revised Code;	1100
(2) A current, valid temporary pre-examination work permit	1101
issued under section 4713.22 of the Revised Code;	1102
(3) A current, valid temporary special occasion work	1103
permit issued under section 4713.37 of the Revised Code;	1104
(4) A current, valid temporary work permit issued under	1105
rules adopted by the board pursuant to section 4713.08 of the	1106
Revised Code;	1107
(5) A current, valid registration under section <u>sections</u>	1108
<u>4713.39, 4713.69, and 4713.72</u> of the Revised Code.	1109
(D) Employ an individual to practice a branch of	1110
cosmetology if the individual does not hold one of the following	1111
authorizing the practice of that branch of cosmetology:	1112
(1) A current, valid license under section 4713.28,	1113
4713.30, or 4713.34 of the Revised Code;	1114
(2) A current, valid temporary pre-examination work permit	1115
issued under section 4713.22 of the Revised Code;	1116
(3) A current, valid temporary special occasion work	1117
permit issued under section 4713.37 of the Revised Code;	1118
(4) A current, valid temporary work permit issued under	1119
rules adopted by the board pursuant to section 4713.08 of the	1120
Revised Code;	1121
(5) A current, valid registration under section <u>sections</u>	1122
<u>4713.39, 4713.69, and 4713.72</u> of the Revised Code.	1123
(E) Except for apprentice instructors and as provided in	1124
section 4713.45 of the Revised Code, teach the theory or	1125

practice of a branch of cosmetology at a school of cosmetology 1126
without either of the following authorizing the teaching of that 1127
branch of cosmetology: 1128

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

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

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

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

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

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

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

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

(J) Provide cosmetic therapy or massage therapy at a salon 1152
for pay, free, or otherwise without a current, valid certificate 1153

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

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

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

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

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

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

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

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

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

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

of cosmetology;	1182
(O) Maintain, as an established place of business for the	1183
practice of one or more of the branches of cosmetology, a room	1184
used wholly or in part for sleeping or residential purposes;	1185
(P) Operate a tanning facility that is offered to the	1186
public for a fee or other compensation without a current, valid	1187
permit under section 4713.48 of the Revised Code;	1188
(Q) Practice a branch of cosmetology in a location other	1189
than a licensed facility unless otherwise exempted under section	1190
4713.16 or 4713.17 of the Revised Code;	1191
(R) Use any of the services or arts that are part of	1192
cosmetology to treat or attempt to cure a physical or mental	1193
disease or ailment.	1194
Sec. 4713.16. (A) This chapter does not prohibit any of	1195
the following:	1196
(1) Practicing a branch of cosmetology without a license	1197
or registration if the individual does so for free at the	1198
individual's home for a family member who resides in the same	1199
household as the individual;	1200
(2) The retail sale, or trial demonstration by application	1201
to the skin for purposes of retail sale, of cosmetics,	1202
preparations, tonics, antiseptics, creams, lotions, wigs, or	1203
hairpieces without a practicing license or registration;	1204
(3) The retailing, at a salon, of cosmetics, preparations,	1205
tonics, antiseptics, creams, lotions, wigs, hairpieces,	1206
clothing, or any other items that pose no risk of creating	1207
unsanitary conditions at the salon;	1208
(4) The provision of glamour photography services at a	1209

licensed salon if either of the following is the case: 1210

(a) A branch of cosmetology is not practiced as part of 1211
the services. 1212

(b) If a branch of cosmetology is practiced as part of the 1213
services, the part of the services that is a branch of 1214
cosmetology is performed by an individual who holds either of 1215
the following authorizing the individual to practice that branch 1216
of cosmetology: 1217

(i) A current, valid license under section 4713.28~~7~~ 1218
~~4713.307~~ or 4713.34 of the Revised Code; 1219

(ii) A current, valid temporary special occasion work 1220
permit issued under section 4713.37 of the Revised Code. 1221

(5) A student engaging, as a student, in work connected 1222
with a branch of cosmetology taught at the school of cosmetology 1223
at which the student is enrolled; 1224

(B) A student in a career-technical program learning a 1225
branch of cosmetology may continue developing skills in the 1226
respective branch of cosmetology after completing the required 1227
coursework or obtaining a license in the respective branch of 1228
cosmetology by working in the licensed career-technical school 1229
clinic if the student does not receive any compensation. This 1230
allowance terminates upon the graduation of the student from the 1231
career-technical school. 1232

Sec. 4713.17. (A) The following persons are exempt from 1233
the provisions of this chapter, except, as applicable, section 1234
4713.42 of the Revised Code: 1235

(1) All individuals authorized to practice medicine, 1236
surgery, dentistry, and nursing or any of its branches in this 1237

state;	1238
(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;	1239 1240 1241 1242
(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned, <u>including shaving with a disposable safety razor</u> ;	1243 1244 1245
(4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;	1246 1247
(5) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;	1248 1249 1250 1251
(6) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.	1252 1253 1254 1255 1256 1257 1258
(7) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;	1259 1260 1261 1262 1263
(8) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15	1264 1265 1266

of the Revised Code, to the extent their actions are authorized 1267
by their certificates to practice; 1268

(9) Inmates who provide services related to a branch of 1269
cosmetology to other inmates, except when those services are 1270
provided in a licensed school of cosmetology within a state 1271
correctional institution for females. 1272

(B) The director of rehabilitation and correction shall 1273
oversee the services described in division (A) (9) of this 1274
section with respect to ~~sanitation~~ infection control and adopt 1275
rules governing those types of services provided by inmates. 1276

Sec. 4713.24. (A) The state board of cosmetology shall 1277
conduct an examination for each individual who satisfies the 1278
requirements established by section 4713.20 of the Revised Code 1279
for admission to the examination. Examinations for licensure for 1280
any branch of cosmetology shall assess the ability of a 1281
prospective cosmetology professional to maintain a safe and 1282
sanitary place of service delivery. The board ~~may develop and~~ 1283
~~administer the appropriate examination or shall~~ enter into an 1284
agreement with a national testing service for the service to 1285
develop and administer the examination, ~~administer the~~ 1286
~~examination, or both~~. The examination shall be a national, 1287
standardized examination that is specific to the type of license 1288
the individual seeks and satisfy all of the following 1289
conditions: 1290

(1) Include both practical demonstrations and written or 1291
oral tests related to the type of license the individual seeks +. 1292
The written or oral portion of the examination shall include 1293
both theoretical and procedural skill questions as prescribed by 1294
the board in rules adopted in accordance with section 4713.08 of 1295
the Revised Code. 1296

- (2) Relate only to a branch of cosmetology, but not be confined to any special system or method; 1297
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- (3) Be consistent in both practical and technical requirements for the type of license the individual seeks; 1299
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- (4) Be of sufficient thoroughness to satisfy the board as to the individual's skill in and knowledge of the branch of cosmetology for which the examination is conducted. 1301
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- (B) Not later than two years after ~~the effective date of this amendment~~ September 13, 2016, the board shall create a curriculum and an examination for individuals seeking licensure to become an instructor and shall conduct an examination for each individual who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination. 1304
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- (C) The board shall adopt rules regarding the equipment or supplies an individual is required to bring to an examination described in this section. 1311
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- (D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes: 1314
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- (1) Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code; 1317
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- (2) Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state; 1320
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1323
- (3) Complying with a public records request after which 1324

the questions or the demonstrations have become a public record 1325
under division (F) of this section and otherwise may lawfully be 1326
released. 1327

(E) The examination papers and the scored results of the 1328
practical demonstrations of each individual examined by the 1329
board shall be open for inspection by the individual or the 1330
individual's attorney for at least ninety days following the 1331
announcement of the individual's grade, except for papers that 1332
under the terms of a contract with a testing service are not 1333
available for inspection. On written request of an individual or 1334
the individual's attorney made to the board not later than 1335
ninety days after announcement of the individual's grade, the 1336
board shall have the individual's practical examination papers 1337
regraded manually. 1338

(F) Test materials, examinations, or evaluation tools used 1339
in an examination for licensure under this chapter that the 1340
board develops or contracts with a private or government entity 1341
to administer shall become public records under section 149.43 1342
of the Revised Code fifteen years after the materials, 1343
examinations, or tools were first used in an assessment for 1344
licensure, unless the release of the record is otherwise 1345
prohibited by state or federal law, or the record is deemed to 1346
be the proprietary information of a private entity. 1347

(G) The board shall adopt rules in accordance with section 1348
4713.08 of the Revised Code to permit an individual to take the 1349
written or oral portion of the examination required by division 1350
(A) of this section when the individual has completed the 1351
following hours of instruction at a school of cosmetology 1352
licensed in this or another state: 1353

(1) For an individual seeking a cosmetology license, at 1354

<u>least eight hundred hours;</u>	1355
<u>(2) For an individual seeking an esthetics license, at</u>	1356
<u>least one hundred fifty hours;</u>	1357
<u>(3) For an individual seeking a hair design license, at</u>	1358
<u>least four hundred hours;</u>	1359
<u>(4) For an individual seeking a manicurist license, at</u>	1360
<u>least fifty hours.</u>	1361
Sec. 4713.28. (A) The state board of cosmetology shall	1362
issue a practicing license to an applicant who satisfies all of	1363
the following applicable conditions:	1364
(1) Is at least sixteen years of age;	1365
(2) Is of good moral character;	1366
(3) Has the equivalent of an Ohio public school tenth	1367
grade education;	1368
(4) Has submitted a written application on a form	1369
furnished by the board that contains all of the following:	1370
(a) The name of the individual and any other identifying	1371
information required by the board;	1372
(b) A recent photograph of the individual that meets the	1373
specifications established by the board;	1374
(c) A photocopy of the individual's current driver's	1375
license or other proof of legal residence;	1376
(d) Proof that the individual is qualified to take the	1377
applicable examination as required by section 4713.20 of the	1378
Revised Code;	1379
(e) An oath verifying that the information in the	1380

application is true;	1381
(f) The applicable application fee.	1382
(5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	1383 1384 1385
(6) Pays to the board the applicable license fee;	1386
(7) <u>(a)</u> 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 <u>or another</u> state, except that only one thousand <u>two hundred</u> hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	1387 1388 1389 1390 1391 1392 1393 1394
<u>(b) The training required by division (A) (7) (a) of this section may be completed with the following curriculum offered by a school of cosmetology:</u>	1395 1396 1397
<u>(i) Fifty hours of professional and business development instruction;</u>	1398 1399
<u>(ii) Seventy hours of general sciences instruction;</u>	1400
<u>(iii) Seventy-five hours of shampoo, rinse, and scalp treatment training;</u>	1401 1402
<u>(iv) One hundred fifty hours of texture services training;</u>	1403
<u>(v) One hundred seventy-five hours of hair coloring training;</u>	1404 1405
<u>(vi) One hundred seventy-five hours of hairstyling and design training;</u>	1406 1407

<u>(vii) One hundred seventy-five hours of hair cutting</u>	1408
<u>instruction;</u>	1409
<u>(viii) Sixty-five hours of nail care instruction;</u>	1410
<u>(ix) Sixty-five hours of skin care instruction.</u>	1411
(8) In the case of an applicant for an initial esthetician	1412
license, has successfully completed at least six <u>three</u> hundred	1413
hours of board-approved esthetics training in a school of	1414
cosmetology licensed in this <u>or another</u> state;	1415
(9) In the case of an applicant for an initial hair	1416
designer license, has successfully completed at least one	1417
thousand two <u>six</u> hundred hours of board-approved hair designer	1418
training in a school of cosmetology licensed in this <u>or another</u>	1419
state, except that only one thousand <u>four hundred</u> hours of	1420
board-approved hair designer training in a school of cosmetology	1421
licensed in this state is required of an individual licensed as	1422
a barber under Chapter 4709. of the Revised Code;	1423
(10) In the case of an applicant for an initial manicurist	1424
license, has successfully completed at least two <u>one</u> hundred	1425
hours of board-approved manicurist training in a school of	1426
cosmetology licensed in this <u>or another</u> state;	1427
(11) In the case of an applicant for an initial natural	1428
hair stylist license, has successfully completed at least four	1429
hundred fifty hours of instruction in subjects relating to	1430
sanitation, scalp care, anatomy, hair styling, communication	1431
skills, and laws and rules governing the practice of	1432
cosmetology.	1433
(B) <u>A licensed career-technical school shall meet in its</u>	1434
<u>cosmetology curriculum the minimum hours of training required by</u>	1435
<u>this section for the applicable branch of cosmetology.</u>	1436

(C) The board shall not deny a license to any applicant 1437
based on prior incarceration or conviction for any crime. If the 1438
board denies an individual a license or license renewal, the 1439
reasons for such denial shall be put in writing. 1440

Sec. 4713.31. The state board of cosmetology shall issue 1441
an instructor license to an applicant who satisfies all of the 1442
following applicable conditions: 1443

(A) Is at least eighteen years of age; 1444

(B) Is of good moral character; 1445

(C) Has the equivalent of an Ohio public school twelfth 1446
grade education; 1447

(D) Has at least five years of experience in the beauty 1448
industry; 1449

(E) Pays to the board the applicable fee; 1450

~~(E)-(F) In the case of an applicant for an initial 1451
cosmetology instructor license, holds a current, valid advanced- 1452
cosmetologist license issued in this state and does either of- 1453
the following: 1454~~

~~(1) Has the licensed advanced cosmetologist or owner of- 1455
the licensed beauty salon in which the applicant has been- 1456
employed certify to the board that the applicant has engaged in- 1457
the practice of cosmetology in a licensed beauty salon for at- 1458
least one thousand eight hundred hours; 1459~~

~~(2) Has a school of cosmetology licensed in this state- 1460
certify to the board that the applicant has successfully- 1461
completed one thousand hours of board approved cosmetology- 1462
instructor training as an apprentice instructor. 1463~~

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

~~(1) Has the licensed advanced esthetician, licensed-
advanced cosmetologist, or owner of the licensed esthetics 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 esthetics in a licensed esthetics salon or-
practice of cosmetology in a licensed beauty salon for at least-
one thousand eight hundred hours;~~

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

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

~~(1) Has the licensed advanced hair designer, licensed-
advanced cosmetologist, or owner of the licensed hair design-
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 hair design in a licensed hair design salon or-
practice of cosmetology in a licensed beauty salon for at least-
one thousand eight hundred hours;~~

~~(2) Has a school of cosmetology licensed in this state-
certify to the board that the applicant has successfully-
completed at least eight hundred hours of board approved hair-~~

~~design instructor's training as an apprentice instructor.~~ 1493

~~(H) In the case of an applicant for an initial manicurist-
instructor license, holds a current, valid advanced manicurist-
or advanced cosmetologist license and does either of the
following:~~ 1494
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~~(1) Has the licensed advanced manicurist, licensed-
advanced cosmetologist, or owner of the licensed nail 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 manicuring in a licensed nail salon or practice of-
cosmetology in a licensed beauty salon for at least one thousand-
eight hundred hours;~~ 1498
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~~(2) Has a school of cosmetology licensed in this state-
certify to the board that the applicant has successfully
completed at least three hundred hours of board approved-
manicurist instructor training as an apprentice instructor.~~ 1505
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~~(I) In the case of an applicant for an initial natural-
hair style instructor license, holds a current, valid advanced-
natural hair stylist or advanced cosmetologist license and does-
either of the following:~~ 1509
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~~(1) Has the licensed advanced natural hair stylist,-
licensed advanced cosmetologist, or owner of the licensed-
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;~~ 1513
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~~(2) Has a school of cosmetology licensed in this state-~~ 1521

~~certify to the board that the applicant has successfully~~ 1522
~~completed at least four hundred hours of board-approved natural~~ 1523
~~hair style instructor training as an apprentice instructor.~~ 1524

~~(J) meets the training and experience requirements~~ 1525
~~established in rules the board adopts in accordance with section~~ 1526
~~4713.08 of the Revised Code;~~ 1527

(G) In the case of all applicants, passes an examination 1528
conducted under division (B) of section 4713.24 of the Revised 1529
Code for the branch of cosmetology the applicant seeks to 1530
instruct. 1531

Sec. 4713.32. When determining the total hours of 1532
instruction received by an applicant for a license under section 1533
4713.28, ~~4713.30~~, or 4713.31 of the Revised Code, the state 1534
board of cosmetology shall not take into account more than ten 1535
hours of instruction per day. The board shall take into account 1536
instruction received more than five years prior to the date of 1537
application for the license in accordance with rules adopted 1538
under section 4713.08 of the Revised Code. 1539

Sec. 4713.34. The state board of cosmetology shall issue a 1540
license to practice a branch of cosmetology or instructor 1541
license to an applicant who is licensed or registered in another 1542
state or country to practice that branch of cosmetology or teach 1543
the theory and practice of that branch of cosmetology, as 1544
appropriate, if ~~all~~ both of the following conditions are 1545
satisfied: 1546

(A) The applicant satisfies all of the following 1547
conditions: 1548

(1) Is not less than eighteen years of age; 1549

(2) Is of good moral character; 1550

(3) ~~In the case of an applicant for a practicing license,~~ 1551
~~passes an examination conducted under section 4713.24 of the~~ 1552
~~Revised Code for the license the applicant seeks, unless the~~ 1553
~~applicant satisfies conditions specified in rules adopted under~~ 1554
~~section 4713.08 of the Revised Code for the board to issue the~~ 1555
~~applicant a license without taking the examination~~Submits to the 1556
board satisfactory evidence that the person is licensed in 1557
another state or country; 1558

(4) Pays the applicable fee. 1559

(B) At the time the applicant obtained the license or 1560
registration in the other state or country, the requirements in 1561
this state for obtaining the license the applicant seeks were 1562
substantially equal to the other state or country's 1563
requirements. 1564

~~(C) The jurisdiction that issued the applicant's license~~ 1565
~~or registration extends similar reciprocity to individuals~~ 1566
~~holding a license issued by the board.~~ 1567

Sec. 4713.35. An individual who holds a current, valid 1568
cosmetologist ~~or advanced cosmetologist~~ license issued by the 1569
state board of cosmetology may engage in the practice of one or 1570
more branches of cosmetology as the individual chooses in a 1571
licensed facility. 1572

An individual who holds a current, valid esthetician ~~or~~ 1573
~~advanced esthetician~~ license issued by the board may engage in 1574
the practice of esthetics but no other branch of cosmetology in 1575
a licensed facility. 1576

An individual who holds a current, valid hair designer ~~or~~ 1577
~~advanced hair designer~~ license issued by the board may engage in 1578
the practice of hair design but no other branch of cosmetology 1579

in a licensed facility. 1580

An individual who holds a current, valid manicurist ~~or~~ 1581
~~advanced manicurist~~ license issued by the board may engage in 1582
the practice of manicuring but no other branch of cosmetology in 1583
a licensed facility. 1584

An individual who holds a current, valid natural hair 1585
~~stylist or advanced natural hair stylist~~ license issued by 1586
registration with the board may engage in the practice of 1587
natural hair styling but no other branch of cosmetology in a 1588
licensed facility. 1589

An individual who holds a current, valid cosmetology 1590
instructor license issued by the board may teach the theory and 1591
practice of one or more branches of cosmetology at a school of 1592
cosmetology as the individual chooses. 1593

~~An individual who holds a current, valid esthetics~~ 1594
~~instructor license issued by the board may teach the theory and~~ 1595
~~practice of esthetics, but no other branch of cosmetology, at a~~ 1596
~~school of cosmetology.~~ 1597

~~An individual who holds a current, valid hair design~~ 1598
~~instructor license issued by the board may teach the theory and~~ 1599
~~practice of hair design, but no other branch of cosmetology, at~~ 1600
~~a school of cosmetology.~~ 1601

~~An individual who holds a current, valid manicurist~~ 1602
~~instructor license issued by the board may teach the theory and~~ 1603
~~practice of manicuring, but no other branch of cosmetology, at a~~ 1604
~~school of cosmetology.~~ 1605

~~An individual who holds a current, valid natural hair~~ 1606
~~style instructor license issued by the board may teach the~~ 1607
~~theory and practice of natural hair styling, but no other branch~~ 1608

~~of cosmetology, at a school of cosmetology.~~ 1609

An individual who holds a current, valid boutique 1610
registration with the board may engage in the practice of 1611
boutique services but no other branch of cosmetology. 1612

Sec. 4713.36. A licensed manicurist ~~or licensed advanced-~~ 1613
~~manicurist~~ may engage in the practice of manicuring at a nail 1614
salon or beauty salon licensed under section 4713.41 of the 1615
Revised Code or a barber shop licensed under Chapter 4709. of 1616
the Revised Code. 1617

Sec. 4713.39. The state board of cosmetology shall develop 1618
rules in accordance with section 4713.08 of the Revised Code to 1619
permit an applicant to register as an independent contractor if 1620
the applicant is an independent contractor in a licensed 1621
facility and meets the conditions established by the board. 1622

Sec. 4713.41. The state board of cosmetology shall issue a 1623
license to operate a salon, including a boutique salon, to an 1624
applicant who pays the applicable fee and affirms that all of 1625
the following conditions will be met: 1626

(A) (1) An individual holding a current, valid 1627
cosmetologist license, natural hair stylist registration, or 1628
boutique services registration pertaining to the branch of 1629
cosmetology services performed at the salon or boutique salon, 1630
shall have charge of and immediate supervision over the salon at 1631
all times when the salon is open for business except as 1632
permitted under division (A) (2) of this section. 1633

(2) A business establishment that is engaged primarily in 1634
retail sales but is also licensed as a salon shall have present 1635
an individual holding a current, valid license or registration 1636
to practice in that type of salon in charge of and in immediate 1637

supervision of the salon during posted or advertised service 1638
hours, if the practice of cosmetology is restricted to those 1639
posted or advertised service hours. 1640

(B) The salon is equipped to do all of the following: 1641

(1) Provide potable running hot and cold water and proper 1642
drainage; 1643

(2) ~~Sanitize~~ Clean and disinfect all non-porous 1644
instruments and supplies used in the branch of cosmetology 1645
provided at the salon, prior to use on any patron. Items that 1646
are porous and cannot be disinfected must be disposed of 1647
immediately after a single use. 1648

(3) If cosmetic therapy, massage therapy, or other 1649
professional service is provided at the salon under section 1650
4713.42 of the Revised Code, sanitize all instruments and 1651
supplies used in the cosmetic therapy, massage therapy, or other 1652
professional service. 1653

(C) Except as provided in sections 4713.42 and 4713.49 of 1654
the Revised Code, only the branch of cosmetology that the salon 1655
is licensed to provide is practiced at the salon. 1656

(D) The salon is kept in a clean and sanitary condition 1657
and properly ventilated. 1658

(E) The salon, including all of its equipment, implements, 1659
and other personal property, is properly cleaned and disinfected 1660
at all times, except for the immediate period during which a 1661
licensee performs a cosmetology service or prepares the service 1662
area after a patron in preparation for the next patron. 1663

(F) No food is sold at the salon in a manner inconsistent 1664
with rules adopted under section 4713.08 of the Revised Code. 1665

~~(F)~~ (G) A notice that contains a toll-free number and 1666
online process for reporting alleged violations of this chapter, 1667
as prescribed by the board of cosmetology, is posted at the 1668
salon in a common area for all customers of salon services. 1669

Sec. 4713.44. (A) The state board of cosmetology shall 1670
issue a license to operate a school of cosmetology to an 1671
applicant who pays the applicable fee and satisfies all of the 1672
following requirements: 1673

(1) Maintains a course of practical training and technical 1674
instruction for the branch or branches of cosmetology to be 1675
taught at the school equal to the requirements for admission to 1676
an examination under section 4713.24 of the Revised Code that an 1677
individual must pass to obtain a license to practice that branch 1678
or those branches of cosmetology; 1679

(2) Possesses or makes available apparatus and equipment 1680
sufficient for the ready and full teaching of all subjects of 1681
the curriculum; 1682

(3) Maintains individuals licensed under section 4713.31 1683
or 4713.34 of the Revised Code to teach the theory and practice 1684
of the branches of cosmetology; 1685

(4) Notifies the board of the enrollment of each new 1686
student, keeps a record devoted to the different practices, 1687
establishes grades, and holds examinations in order to certify 1688
the students' completion of the prescribed course of study 1689
before the issuance of certificates of completion; 1690

(5) In the case of a school of cosmetology that offers 1691
clock hours for the purpose of satisfying minimum hours of 1692
training and instruction, keeps a daily record of the attendance 1693
of each student; 1694

(6) On the date that an apprentice cosmetology instructor 1695
begins cosmetology instructor training at the school, certifies 1696
the name of the apprentice cosmetology instructor to the board 1697
along with the date on which the apprentice's instructor 1698
training began; 1699

(7) Instructs not more than six apprentice cosmetology 1700
instructors at any one time; 1701

(8) Files with the board a good and sufficient surety bond 1702
executed by the individual, firm, or corporation operating the 1703
school of cosmetology as principal and by a surety company as 1704
surety in the amount of ~~ten~~one hundred thousand dollars; 1705
provided, that this requirement does not apply to a vocational 1706
or career-technical school program conducted by a city, exempted 1707
village, local, or joint vocational school district. The bond 1708
shall be in the form prescribed by the board and be conditioned 1709
upon the school's continued instruction in the theory and 1710
practice of the branches of cosmetology. Every bond shall 1711
continue in effect until notice of its termination is given to 1712
the board by registered mail and every bond shall so provide. 1713

(9) Establishes and maintains an internal procedure for 1714
processing complaints filed against the school and for providing 1715
students with instructions on how to file a complaint directly 1716
with the board pursuant to section 4713.641 of the Revised Code. 1717

(B) A school of cosmetology holding a license issued under 1718
division (A) of this section is an educational institution and 1719
is authorized to offer educational programs beyond secondary 1720
education, ~~advanced practice programs, or both~~ in accordance 1721
with rules adopted by the board pursuant to section 4713.08 of 1722
the Revised Code. 1723

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

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

(1) In accordance with rules adopted under section 4713.08 of the Revised Code, a school of cosmetology operated by a public entity or a private person may offer clock hours, credit hours, or competency-based credits by classroom instruction or distance education for the purpose of satisfying minimum hours of training and instruction;

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

(3) Compensate an apprentice cosmetology instructor;

(4) Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor license to teach subjects related to a branch of cosmetology.

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

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

(2) An individual with a bachelor's degree in the subject 1752
the person teaches at the school; 1753

(3) An individual also employed by a university or college 1754
to teach the subject the person teaches at the school. 1755

(C) A school of cosmetology shall annually review the 1756
subjects and coursework required to receive an initial 1757
cosmetology license ~~and advanced license~~ and, in doing so, shall 1758
incorporate standards adopted by the state board of cosmetology 1759
pursuant to division (A) (13) of section 4713.08 of the Revised 1760
Code. 1761

Sec. 4713.55. Every license issued by the state board of 1762
cosmetology shall be signed by the chairperson and attested by 1763
the executive director of the board, with the seal of the board 1764
attached. 1765

The board shall specify on each practicing license that 1766
the board issues the branch of cosmetology that the license 1767
entitles the holder to practice. ~~The board shall specify on each~~ 1768
~~advanced license that the board issues the type of salon in~~ 1769
~~which the license entitles the holder to work and the branch of~~ 1770
~~cosmetology that the license entitles the holder to practice.~~ 1771
The board shall specify on each instructor license that the 1772
board issues the branch of cosmetology that the license entitles 1773
the holder to teach. The board shall specify on each salon 1774
license that the board issues the branch of cosmetology that the 1775
license entitles the holder to offer. ~~The board shall specify on~~ 1776
~~each independent contractor license that the board issues the~~ 1777
~~branch of cosmetology that the license entitles the holder to~~ 1778
~~offer within a licensed salon.~~ Such licenses are prima-facie 1779
evidence of the right of the holder to practice or teach the 1780
branch of cosmetology that the license specifies. 1781

Sec. 4713.56. Every holder of a practicing license, 1782
instructor license, independent contractor license registration, 1783
natural hair stylist registration, or boutique service 1784
registration issued by the state board of cosmetology shall 1785
maintain the board-issued, wallet-sized license or 1786
electronically generated license certification or registration 1787
and a current government-issued photo identification that can be 1788
produced upon inspection or request. 1789

Every holder of a license to operate a salon issued by the 1790
board shall display the license in a public and conspicuous 1791
place in the salon. 1792

Every holder of a license to operate a school of 1793
cosmetology issued by the board shall display the license in a 1794
public and conspicuous place in the school. 1795

Every individual who provides cosmetic therapy, massage 1796
therapy, or other professional service in a salon under section 1797
4713.42 of the Revised Code shall maintain the individual's 1798
professional license or certificate and a state of Ohio issued 1799
photo identification that can be produced upon inspection or 1800
request. 1801

Sec. 4713.58. (A) Except as provided in division (B) of 1802
this section, on payment of the renewal fee and submission of 1803
proof satisfactory to the state board of cosmetology that any 1804
applicable continuing education requirements have been 1805
completed, an individual currently licensed as+ 1806

~~(1) A cosmetology instructor who has previously been~~ 1807
~~licensed as a cosmetologist or an advanced cosmetologist, is~~ 1808
~~entitled to the reissuance of a cosmetologist or advanced~~ 1809
~~cosmetologist license+.~~ 1810

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

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

~~(4) A manicurist instructor who has previously been licensed as a manicurist or an advanced manicurist, is entitled to the reissuance of a manicurist or advanced manicurist that practicing license;~~

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

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

Sec. 4713.59. If the state board of cosmetology adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, ~~advanced license,~~ or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education

requirement, via classroom instruction or distance education, by 1840
the fifteenth day of January of the next odd-numbered year. 1841

Hours completed in excess of the continuing education 1842
requirement may not be applied to the next biennial licensing 1843
period. 1844

Sec. 4713.60. (A) Except as provided in division (C) of 1845
this section, an individual seeking a renewal of a license to 1846
practice a branch of cosmetology, ~~advanced license~~, instructor 1847
license, independent contractor registration, natural hair 1848
stylist registration, or boutique services registration shall 1849
include in the renewal application proof satisfactory to the 1850
board of completion of any applicable continuing education 1851
requirements established by rules adopted under section 4713.09 1852
of the Revised Code. 1853

(B) If an applicant fails to provide satisfactory proof of 1854
completion of any applicable continuing education requirements, 1855
the board shall notify the applicant that the application is 1856
incomplete. The board shall not renew the license or 1857
registration until the applicant provides satisfactory proof of 1858
completion of any applicable continuing education requirements. 1859
The board may provide the applicant with an extension of up to 1860
ninety days in which to complete the continuing education 1861
requirement. In providing for the extension, the board may 1862
charge the licensee or registrant a fine of up to one hundred 1863
dollars. 1864

(C) The board may waive, or extend the period for 1865
completing, any continuing education requirement if a licensee 1866
or registrant applies to the board and provides proof 1867
satisfactory to the board of being unable to complete the 1868
requirement within the time allowed because of any of the 1869

following: 1870

(1) An emergency; 1871

(2) An unusual or prolonged illness; 1872

(3) Active duty service in any branch of the armed forces 1873
of the United States or a reserve component of the armed forces 1874
of the United States, including the Ohio national guard or the 1875
national guard of any other state. 1876

The board shall determine the period of time during which 1877
each extension is effective and shall inform the applicant. The 1878
board shall also inform the applicant of the continuing 1879
education requirements that must be met to have the license or 1880
registration renewed. If an extension is granted for less than 1881
one year, the continuing education requirement for that year, in 1882
addition to the required continuing education for the succeeding 1883
year, must be completed in the succeeding year. In all other 1884
cases the board may waive all or part of the continuing 1885
education requirement on a case-by-case basis. Any required 1886
continuing education shall be completed and satisfactory proof 1887
of its completion submitted to the board by a date specified by 1888
the board. Every license or registration that has not been 1889
renewed in the timeframe specified in section 4713.57 of the 1890
Revised Code and for which the continuing education requirement 1891
has not been waived or extended shall be considered expired. 1892

Sec. 4713.61. (A) If the state board of cosmetology adopts 1893
a continuing education requirement under section 4713.09 of the 1894
Revised Code, it may develop a procedure by which an individual 1895
who holds a license to practice a branch of cosmetology, ~~an~~ 1896
~~advanced license,~~ or instructor license and who is not currently 1897
engaged in the practice of the branch of cosmetology or teaching 1898

the theory and practice of the branch of cosmetology, but who 1899
desires to be so engaged in the future, may apply to the board 1900
to have the individual's license classified inactive. If the 1901
board develops such a procedure, an individual seeking to have 1902
the individual's license classified inactive shall apply to the 1903
board on a form provided by the board and pay the fee 1904
established by rules adopted under section 4713.08 of the 1905
Revised Code. 1906

(B) The board shall not restore an inactive license until 1907
~~the later of the following:~~ 1908

~~(1) The date that the individual holding the license 1909
submits proof satisfactory to the board that the individual has 1910
completed the continuing education that a rule adopted under 1911
section 4713.08 of the Revised Code requires.~~ 1912

~~(2) The last day of January of the next odd numbered year 1913
following the year the license is classified inactive.~~ 1914

(C) An individual who holds an inactive license may engage 1915
in the practice of a branch of cosmetology if the individual 1916
holds a temporary work permit as specified in rules adopted by 1917
the board under section 4713.08 of the Revised Code. 1918

Sec. 4713.62. (A) An individual holding a practicing 1919
license, ~~advanced license,~~ instructor license, independent 1920
contractor registration, natural hair stylist registration, or 1921
boutique services registration may satisfy a continuing 1922
education requirement established by rules adopted under section 1923
4713.09 of the Revised Code only by completing continuing 1924
education programs approved under division (B) of this section. 1925

(B) The state board of cosmetology shall approve a 1926
continuing education program if all of the following conditions 1927

are satisfied:	1928
(1) The person operating the program submits to the board a written application for approval.	1929 1930
(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.	1931 1932 1933
(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.	1934 1935 1936 1937 1938 1939 1940
(4) The program will do at least one of the following:	1941
(a) Enhance the professional competency of the affected licensees or registrants;	1942 1943
(b) Protect the public;	1944
(c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology.	1945 1946 1947
(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.	1948 1949 1950 1951
Sec. 4713.63. A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver	1952 1953 1954 1955

or extension under section 4713.60 of the Revised Code, is 1956
expired. An expired license may be restored if the individual 1957
who held the license meets all of the following applicable 1958
conditions: 1959

(A) Pays to the state board of cosmetology the restoration 1960
fee established under section 4713.10 of the Revised Code; 1961

(B) In the case of a practicing license ~~or advanced-~~ 1962
~~license~~ that has been expired for more than two consecutive 1963
license renewal periods, completes eight hours of continuing 1964
education for each license renewal period that has elapsed since 1965
the license was last issued or renewed, up to a maximum of 1966
twenty-four hours. At least four of those hours shall include a 1967
course pertaining to ~~sanitation~~ infection control and safety 1968
methods. 1969

~~The board shall deposit all fees it receives under~~ 1970
~~division (B) of this section into the general revenue fund.~~ 1971

Sec. 4713.64. (A) The state board of cosmetology may take 1972
disciplinary action for any of the following: 1973

(1) Failure to comply with the safety, ~~sanitation-~~ 1974
infection control, and licensing requirements of this chapter or 1975
rules adopted under it; 1976

(2) Continued practice by an individual knowingly having 1977
an infectious or contagious disease; 1978

(3) Habitual drunkenness or addiction to any habit-forming 1979
drug; 1980

(4) Willful false and fraudulent or deceptive advertising; 1981

(5) Falsification of any record or application required to 1982
be filed with the board; 1983

(6) Failure to pay a fine or abide by a suspension order issued by the board;	1984 1985
(7) Failure to cooperate with an investigation or inspection;	1986 1987
(8) Failure to respond to a subpoena;	1988
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	1989 1990
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	1991 1992 1993 1994
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	1995 1996
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board;	1997 1998
(2) Impose a fine;	1999
(3) Require the holder of a license, permit, or registration to take corrective action courses.	2000 2001
(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.	2002 2003 2004
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A) (9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under	2005 2006 2007 2008 2009 2010

Chapter 119. of the Revised Code. 2011

(3) In lieu of an adjudication, the board may enter into a 2012
consent agreement with the holder of a license, permit, or 2013
registration. A consent agreement that is ratified by a majority 2014
vote of a quorum of the board members is considered to 2015
constitute the findings and orders of the board with respect to 2016
the matter addressed in the agreement. If the board does not 2017
ratify a consent agreement, the admissions and findings 2018
contained in the agreement are of no effect, and the case shall 2019
be scheduled for adjudication under Chapter 119. of the Revised 2020
Code. 2021

(D) The amount and content of corrective action courses 2022
and other relevant criteria shall be established by the board in 2023
rules adopted under section 4713.08 of the Revised Code. 2024

(E) (1) The board may impose a separate fine for each 2025
offense listed in division (A) of this section. The amount of 2026
the first fine issued for a violation as the result of an 2027
inspection shall be not more than two hundred fifty dollars if 2028
the violator has not previously been fined for that offense. Any 2029
fines issued for additional violations during such an inspection 2030
shall not be more than one hundred dollars for each additional 2031
violation. The fine shall be not more than five hundred dollars 2032
if the violator has been fined for the same offense once before. 2033
Any fines issued for additional violations during a second 2034
inspection shall not be more than two hundred dollars for each 2035
additional violation. The fine shall be not more than one 2036
thousand dollars if the violator has been fined for the same 2037
offense two or more times before. Any fines issued for 2038
additional violations during a third inspection shall not be 2039
more than three hundred dollars for each additional violation. 2040

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

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

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

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

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

(F) In the case of an offense of failure to comply with 2070
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 2071
Code, the board shall impose a fine of five hundred dollars if 2072
the violator has not previously been fined for that offense. If 2073
the violator has previously been fined for the offense, the 2074
board may impose a fine in accordance with this division or take 2075
another action in accordance with division (B) of this section. 2076

(G) The board shall notify a licensee or registrant who is 2077
in violation of division (A) of this section and the owner of 2078
the salon in which the conditions constituting the violation 2079
were found. The individual receiving the notice of violation and 2080
the owner of the salon may request a hearing pursuant to section 2081
119.07 of the Revised Code. If the individual or owner fails to 2082
request a hearing or enter into a consent agreement thirty days 2083
after the date the board, in accordance with section 119.07 of 2084
the Revised Code and division (J) of this section, notifies the 2085
individual or owner of the board's intent to act against the 2086
individual or owner under division (A) of this section, the 2087
board by a majority vote of a quorum of the board members may 2088
take the action against the individual or owner without holding 2089
an adjudication hearing. 2090

(H) The board, after a hearing in accordance with Chapter 2091
119. of the Revised Code or pursuant to a consent agreement, may 2092
suspend a license, permit, or registration if the licensee, 2093
permit holder, or registrant fails to correct an unsafe 2094
condition that exists in violation of the board's rules or fails 2095
to cooperate in an inspection. If a violation of this chapter or 2096
rules adopted under it has resulted in a condition reasonably 2097
believed by an inspector to create an immediate danger to the 2098
health and safety of any individual using the facility, the 2099
inspector may suspend the license or permit of the facility or 2100

the individual responsible for the violation without a prior 2101
hearing until the condition is corrected or until a hearing in 2102
accordance with Chapter 119. of the Revised Code is held or a 2103
consent agreement is entered into and the board either upholds 2104
the suspension or reinstates the license, permit, or 2105
registration. 2106

(I) The board shall not take disciplinary action against 2107
an individual licensed to operate a salon or school of 2108
cosmetology for a violation of this chapter that was committed 2109
by an individual licensed to practice a branch of cosmetology, 2110
while practicing within the salon or school, when the 2111
individual's actions were beyond the control of the salon owner 2112
or school. 2113

(J) In addition to the methods of notification required 2114
under section 119.07 of the Revised Code, the board may send the 2115
notices required under divisions (C) (2), (E) (2), and (G) of this 2116
section by any delivery method that is traceable and requires 2117
that the delivery person obtain a signature to verify that the 2118
notice has been delivered. The board also may send the notices 2119
by electronic mail, provided that the electronic mail delivery 2120
system certifies that a notice has been received. 2121

Sec. 4713.69. (A) The state board of cosmetology shall 2122
issue a boutique services registration to an applicant who 2123
satisfies all of the following applicable conditions: 2124

(1) Is at least sixteen years of age; 2125

(2) Is of good moral character; 2126

(3) ~~Has the equivalent of an Ohio public school tenth-~~ 2127
~~grade education;~~ 2128

~~(4) Has submitted a written application on a form~~ 2129

prescribed by the board containing all of the following:	2130
(a) The applicant's name and home address;	2131
(b) The applicant's home telephone number and cellular telephone number, if any;	2132 2133
(c) The applicant's electronic mail address, if any;	2134
(d) The applicant's date of birth;	2135
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	2136 2137 2138
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	2139 2140 2141 2142
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	2143 2144 2145
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	2146 2147
(B) The place of business where boutique services are performed must comply with the safety and sanitation <u>infection</u> <u>control</u> requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	2148 2149 2150 2151
(C) Within six months of the effective date of this section <u>September 13, 2016</u> , the board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	2152 2153 2154 2155 2156

Sec. 4713.70. (A) The state board of cosmetology shall 2157
issue a special event permit to an applicant who satisfies all 2158
of the requirements established by the board in rules adopted 2159
pursuant to section 4713.08 of the Revised Code. 2160

(B) A special event permit issued under division (A) of 2161
this section shall permit a licensee to practice the branch of 2162
cosmetology for which the individual is licensed on a limited 2163
and temporary basis in a place that is not licensed as a salon 2164
or school of cosmetology. 2165

(C) The board may inspect special events without notice. 2166

Sec. 4713.71. (A) The state board of cosmetology shall 2167
adopt rules in accordance with section 4713.08 of the Revised 2168
Code to establish an apprentice program for apprentice 2169
cosmetologists. The program shall allow apprentice 2170
cosmetologists to train in the practice of esthetics, the 2171
practice of hair design, the practice of manicuring, or the 2172
practice of hair styling in a licensed salon under a person 2173
holding a practicing or instructor license under this chapter. 2174

(B) The rules shall require an applicant to the program to 2175
meet all of the following conditions: 2176

(1) Be at least sixteen years of age; 2177

(2) Be of good moral character; 2178

(3) Have the equivalent of an Ohio public school tenth 2179
grade education; 2180

(4) Have a valid social security number or taxpayer 2181
identification number; 2182

(5) Have successfully passed an apprentice examination 2183
developed in board rules; 2184

(6) Complete an application as prescribed by board rules 2185
and pay a fee of twenty-five dollars. 2186

(C) Applicants who are admitted to the apprenticeship 2187
program shall do all of the following: 2188

(1) Work a minimum of thirty-two hours in a calendar week; 2189

(2) Work under a trainer who holds a valid practicing or 2190
instructor license and has at least five years of experience in 2191
the beauty industry; 2192

(3) Complete a twelve-month training program with the 2193
trainer for a minimum of one thousand eight hundred hours of on 2194
the job training and two hundred hours of related instruction 2195
incorporating the best practices developed through the Milady 2196
and Pivot Point curricula. 2197

(D) Apprentices shall receive compensation for 2198
participating in the training program and related instruction 2199
that is, at minimum, equal to the minimum wage range applicable 2200
under sections 4111.01 to 4111.17 of the Revised Code. 2201

(E) Sponsors of the apprentice training program described 2202
in this section may charge participants a fee not to exceed two 2203
thousand five hundred dollars. 2204

(F) At the conclusion of the program, an apprentice shall 2205
take the examination required under section 4713.24 of the 2206
Revised Code. If the apprentice successfully passes the 2207
examination, the board shall grant the apprentice the 2208
appropriate practicing license. 2209

Sec. 4713.72. The state board of cosmetology shall develop 2210
rules in accordance with section 4713.08 of the Revised Code to 2211
permit an applicant to register as a natural hair stylist if the 2212

applicant satisfies all of the conditions required by the board. 2213

Section 2. That existing sections 2925.01, 4709.03, 2214
4713.01, 4713.02, 4713.07, 4713.08, 4713.081, 4713.09, 4713.10, 2215
4713.14, 4713.16, 4713.17, 4713.24, 4713.28, 4713.31, 4713.32, 2216
4713.34, 4713.35, 4713.36, 4713.41, 4713.44, 4713.45, 4713.55, 2217
4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 2218
4713.64, and 4713.69 and sections 4713.25, 4713.30, and 4713.39 2219
of the Revised Code are hereby repealed. 2220

Section 3. Not more than two years after the effective 2221
date of this act, the State Board of Cosmetology shall issue a 2222
cosmetology license or a license to practice in a branch of 2223
cosmetology to all individuals holding a valid managing or 2224
advanced license in that branch of cosmetology prior to the 2225
effective date of this act. 2226

Section 4. Not more than two years after the effective 2227
date of this act and in accordance with division (A)(20) of 2228
section 4713.08 of the Revised Code, the State Board of 2229
Cosmetology shall adopt rules under Chapter 119. of the Revised 2230
Code to specify the circumstances under which an applicant for a 2231
licensure examination may take the examination required by 2232
section 4713.24 of the Revised Code before having successfully 2233
completed the minimum number of hours required for the license 2234
under section 4713.28 of the Revised Code. 2235

Section 5. Notwithstanding the amendment of sections in 2236
Chapter 4713. of the Revised Code in this act, which no longer 2237
provides for independent contractor licenses, the member of the 2238
State Board of Cosmetology who holds a seat pursuant to division 2239
(A)(3) of section 4713.02 of the Revised Code as it appeared 2240
immediately prior to the effective date of this act shall retain 2241
that seat until the current term of the seat expires at which 2242

point the seat is to be filled with a person who is an 2243
independent contractor registered in accordance with section 2244
4713.39 of the Revised Code. 2245

The member of the State Board of Cosmetology who holds a 2246
seat pursuant to division (A) (7) of section 4713.02 of the 2247
Revised Code as it appeared immediately prior to the effective 2248
date of this act shall retain that seat until the current term 2249
of the seat expires. 2250

Section 6. Notwithstanding the amendment of sections in 2251
Chapter 4713. of the Revised Code in this act, which no longer 2252
provides for natural hair stylist licenses or independent 2253
contractor licenses, a valid natural hair stylist license or 2254
independent contractor license held by a person on or after the 2255
effective date of this act is valid for the duration of that 2256
license term. For the duration of the license, the license shall 2257
be deemed to be the appropriate registration for the purposes of 2258
this act. Upon the expiration of that license, the licensee 2259
shall register in accordance with this act. 2260