

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 399

Representative Powell

**Cosponsors: Representatives Riedel, Koehler, Becker, Strahorn, Roemer, Merrin,
Vitale, Hoops, Wiggam, Manchester, Carfagna, Romanchuk, Dean, Brinkman,
Hood, Zeltwanger**

A BILL

To amend sections 2925.01, 3333.26, 4713.01, 1
4713.02, 4713.03, 4713.06, 4713.07, 4713.071, 2
4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 3
4713.141, 4713.16, 4713.17, 4713.22, 4713.24, 4
4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 5
4713.37, 4713.41, 4713.42, 4713.44, 4713.45, 6
4713.46, 4713.49, 4713.55, 4713.56, 4713.57, 7
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 8
4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 9
4713.69, 4743.05, 4745.01, 4776.20, and 5502.63; 10
to enact new section 4713.39 and sections 11
4713.091, 4713.281, 4713.311, 4713.70, and 12
4713.71; and to repeal sections 4709.01, 13
4709.02, 4709.03, 4709.05, 4709.07, 4709.08, 14
4709.09, 4709.10, 4709.11, 4709.12, 4709.13, 15
4709.14, 4709.23, 4709.99, 4713.25, 4713.26, 16
4713.30, 4713.36, and 4713.39 of the Revised 17
Code to revise the law governing the regulation 18
of cosmetologists and barbers. 19

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

Section 1. That sections 2925.01, 3333.26, 4713.01, 20
4713.02, 4713.03, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 21
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.22, 22
4713.24, 4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 23
4713.41, 4713.42, 4713.44, 4713.45, 4713.46, 4713.49, 4713.55, 24
4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 25
4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 4713.69, 4743.05, 26
4745.01, 4776.20, and 5502.63 be amended and new section 4713.39 27
and sections 4713.091, 4713.281, 4713.311, 4713.70, and 4713.71 28
of the Revised Code be enacted to read as follows: 29

Sec. 2925.01. As used in this chapter: 30

(A) "Administer," "controlled substance," "controlled 31
substance analog," "dispense," "distribute," "hypodermic," 32
"manufacturer," "official written order," "person," 33
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 34
"schedule III," "schedule IV," "schedule V," and "wholesaler" 35
have the same meanings as in section 3719.01 of the Revised 36
Code. 37

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

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

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

(1) For any compound, mixture, preparation, or substance 46
included in schedule I, schedule II, or schedule III, with the 47
exception of any controlled substance analog, marihuana, 48

cocaine, L.S.D., heroin, any fentanyl-related compound, and 49
hashish and except as provided in division (D) (2), (5), or (6) 50
of this section, whichever of the following is applicable: 51

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

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

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

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

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

(f) An amount equal to or exceeding one hundred twenty 72
grams or thirty times the maximum daily dose in the usual dose 73
range specified in a standard pharmaceutical reference manual of 74
a compound, mixture, preparation, or substance that is or 75
contains any amount of a schedule II stimulant that is in a 76
final dosage form manufactured by a person authorized by the 77

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 78
U.S.C.A. 301, as amended, and the federal drug abuse control 79
laws, as defined in section 3719.01 of the Revised Code, that is 80
or contains any amount of a schedule II depressant substance or 81
a schedule II hallucinogenic substance; 82

(g) An amount equal to or exceeding three grams of a 83
compound, mixture, preparation, or substance that is or contains 84
any amount of a schedule II stimulant, or any of its salts or 85
isomers, that is not in a final dosage form manufactured by a 86
person authorized by the Federal Food, Drug, and Cosmetic Act 87
and the federal drug abuse control laws. 88

(2) An amount equal to or exceeding one hundred twenty 89
grams or thirty times the maximum daily dose in the usual dose 90
range specified in a standard pharmaceutical reference manual of 91
a compound, mixture, preparation, or substance that is or 92
contains any amount of a schedule III or IV substance other than 93
an anabolic steroid or a schedule III opiate or opium 94
derivative; 95

(3) An amount equal to or exceeding twenty grams or five 96
times the maximum daily dose in the usual dose range specified 97
in a standard pharmaceutical reference manual of a compound, 98
mixture, preparation, or substance that is or contains any 99
amount of a schedule III opiate or opium derivative; 100

(4) An amount equal to or exceeding two hundred fifty 101
milliliters or two hundred fifty grams of a compound, mixture, 102
preparation, or substance that is or contains any amount of a 103
schedule V substance; 104

(5) An amount equal to or exceeding two hundred solid 105
dosage units, sixteen grams, or sixteen milliliters of a 106

compound, mixture, preparation, or substance that is or contains 107
any amount of a schedule III anabolic steroid; 108

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

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

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

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

(1) A violation of division (A) of section 2913.02 that 129
constitutes theft of drugs, or a violation of section 2925.02, 130
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 131
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 132
or 2925.37 of the Revised Code; 133

(2) A violation of an existing or former law of this or 134
any other state or of the United States that is substantially 135

equivalent to any section listed in division (G) (1) of this section;	136 137
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	138 139 140 141 142 143 144
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	145 146 147
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	148 149 150
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	151 152
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	153 154 155 156 157 158
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	159 160 161 162
(b) Any aerosol propellant;	163

(c) Any fluorocarbon refrigerant;	164
(d) Any anesthetic gas.	165
(2) Gamma Butyrolactone;	166
(3) 1,4 Butanediol.	167
(J) "Manufacture" means to plant, cultivate, harvest,	168
process, make, prepare, or otherwise engage in any part of the	169
production of a drug, by propagation, extraction, chemical	170
synthesis, or compounding, or any combination of the same, and	171
includes packaging, repackaging, labeling, and other activities	172
incident to production.	173
(K) "Possess" or "possession" means having control over a	174
thing or substance, but may not be inferred solely from mere	175
access to the thing or substance through ownership or occupation	176
of the premises upon which the thing or substance is found.	177
(L) "Sample drug" means a drug or pharmaceutical	178
preparation that would be hazardous to health or safety if used	179
without the supervision of a licensed health professional	180
authorized to prescribe drugs, or a drug of abuse, and that, at	181
one time, had been placed in a container plainly marked as a	182
sample by a manufacturer.	183
(M) "Standard pharmaceutical reference manual" means the	184
current edition, with cumulative changes if any, of references	185
that are approved by the state board of pharmacy.	186
(N) "Juvenile" means a person under eighteen years of age.	187
(O) "Counterfeit controlled substance" means any of the	188
following:	189
(1) Any drug that bears, or whose container or label	190

bears, a trademark, trade name, or other identifying mark used 191
without authorization of the owner of rights to that trademark, 192
trade name, or identifying mark; 193

(2) Any unmarked or unlabeled substance that is 194
represented to be a controlled substance manufactured, 195
processed, packed, or distributed by a person other than the 196
person that manufactured, processed, packed, or distributed it; 197

(3) Any substance that is represented to be a controlled 198
substance but is not a controlled substance or is a different 199
controlled substance; 200

(4) Any substance other than a controlled substance that a 201
reasonable person would believe to be a controlled substance 202
because of its similarity in shape, size, and color, or its 203
markings, labeling, packaging, distribution, or the price for 204
which it is sold or offered for sale. 205

(P) An offense is "committed in the vicinity of a school" 206
if the offender commits the offense on school premises, in a 207
school building, or within one thousand feet of the boundaries 208
of any school premises, regardless of whether the offender knows 209
the offense is being committed on school premises, in a school 210
building, or within one thousand feet of the boundaries of any 211
school premises. 212

(Q) "School" means any school operated by a board of 213
education, any community school established under Chapter 3314. 214
of the Revised Code, or any nonpublic school for which the state 215
board of education prescribes minimum standards under section 216
3301.07 of the Revised Code, whether or not any instruction, 217
extracurricular activities, or training provided by the school 218
is being conducted at the time a criminal offense is committed. 219

(R) "School premises" means either of the following:	220
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	221 222 223 224 225
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	226 227 228 229 230 231 232 233 234 235 236
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	237 238 239 240 241 242
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	243 244 245 246
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	247 248

association or of one or more local bar associations of the 249
state of Ohio that complies with the criteria set forth in Rule 250
V, section 6 of the Rules for the Government of the Bar of Ohio. 251

(V) "Professional license" means any license, permit, 252
certificate, registration, qualification, admission, temporary 253
license, temporary permit, temporary certificate, or temporary 254
registration that is described in divisions (W) (1) to ~~(37)~~ (36) 255
of this section and that qualifies a person as a professionally 256
licensed person. 257

(W) "Professionally licensed person" means any of the 258
following: 259

(1) A person who has received a certificate or temporary 260
certificate as a certified public accountant or who has 261
registered as a public accountant under Chapter 4701. of the 262
Revised Code and who holds an Ohio permit issued under that 263
chapter; 264

(2) A person who holds a certificate of qualification to 265
practice architecture issued or renewed and registered under 266
Chapter 4703. of the Revised Code; 267

(3) A person who is registered as a landscape architect 268
under Chapter 4703. of the Revised Code or who holds a permit as 269
a landscape architect issued under that chapter; 270

(4) A person licensed under Chapter 4707. of the Revised 271
Code; 272

~~(5) A person who has been issued a certificate of 273
registration as a registered barber under Chapter 4709. of the 274
Revised Code;~~ 275

~~(6) A person licensed and regulated to engage in the 276~~

business of a debt pooling company by a legislative authority,	277
under authority of Chapter 4710. of the Revised Code;	278
(7) <u>(6)</u> A person who has been issued a cosmetologist's	279
license, hair designer's <u>stylist's</u> license, manicurist's	280
license, esthetician's license, natural hair stylist's license,	281
advanced cosmetologist's license, advanced hair designer's	282
license, advanced manicurist's license, advanced esthetician's	283
license, advanced natural hair stylist's license, cosmetology	284
instructor's license, hair design instructor's license,	285
manicurist instructor's license, esthetics instructor's license,	286
natural hair style <u>barber's</u> license, instructor's license,	287
independent contractor's license, or tanning facility permit	288
under Chapter 4713. of the Revised Code;	289
(8) <u>(7)</u> A person who has been issued a license to practice	290
dentistry, a general anesthesia permit, a conscious sedation	291
permit, a limited resident's license, a limited teaching	292
license, a dental hygienist's license, or a dental hygienist's	293
teacher's certificate under Chapter 4715. of the Revised Code;	294
(9) <u>(8)</u> A person who has been issued an embalmer's	295
license, a funeral director's license, a funeral home license,	296
or a crematory license, or who has been registered for an	297
embalmer's or funeral director's apprenticeship under Chapter	298
4717. of the Revised Code;	299
(10) <u>(9)</u> A person who has been licensed as a registered	300
nurse or practical nurse, or who has been issued a certificate	301
for the practice of nurse-midwifery under Chapter 4723. of the	302
Revised Code;	303
(11) <u>(10)</u> A person who has been licensed to practice	304
optometry or to engage in optical dispensing under Chapter 4725.	305

of the Revised Code;	306
(12) <u>(11)</u> A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	307 308
(13) <u>(12)</u> A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	309 310
(14) <u>(13)</u> A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	311 312 313 314
(15) <u>(14)</u> A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	315 316 317 318 319
(16) <u>(15)</u> A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	320 321
(17) <u>(16)</u> A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	322 323 324 325 326
(18) <u>(17)</u> A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	327 328
(19) <u>(18)</u> A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	329 330 331
(20) <u>(19)</u> A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	332 333

(21) <u>(20)</u> A person licensed to act as a real estate broker	334
or real estate salesperson under Chapter 4735. of the Revised	335
Code;	336
(22) <u>(21)</u> A person registered as a registered sanitarian	337
under Chapter 4736. of the Revised Code;	338
(23) <u>(22)</u> A person licensed to operate or maintain a	339
junkyard under Chapter 4737. of the Revised Code;	340
(24) <u>(23)</u> A person who has been issued a motor vehicle	341
salvage dealer's license under Chapter 4738. of the Revised	342
Code;	343
(25) <u>(24)</u> A person who has been licensed to act as a steam	344
engineer under Chapter 4739. of the Revised Code;	345
(26) <u>(25)</u> A person who has been issued a license or	346
temporary permit to practice veterinary medicine or any of its	347
branches, or who is registered as a graduate animal technician	348
under Chapter 4741. of the Revised Code;	349
(27) <u>(26)</u> A person who has been issued a hearing aid	350
dealer's or fitter's license or trainee permit under Chapter	351
4747. of the Revised Code;	352
(28) <u>(27)</u> A person who has been issued a class A, class B,	353
or class C license or who has been registered as an investigator	354
or security guard employee under Chapter 4749. of the Revised	355
Code;	356
(29) <u>(28)</u> A person licensed to practice as a nursing home	357
administrator under Chapter 4751. of the Revised Code;	358
(30) <u>(29)</u> A person licensed to practice as a speech-	359
language pathologist or audiologist under Chapter 4753. of the	360
Revised Code;	361

~~(31)~~ (30) A person issued a license as an occupational 362
therapist or physical therapist under Chapter 4755. of the 363
Revised Code; 364

~~(32)~~ (31) A person who is licensed as a licensed 365
professional clinical counselor, licensed professional 366
counselor, social worker, independent social worker, independent 367
marriage and family therapist, or marriage and family therapist, 368
or registered as a social work assistant under Chapter 4757. of 369
the Revised Code; 370

~~(33)~~ (32) A person issued a license to practice dietetics 371
under Chapter 4759. of the Revised Code; 372

~~(34)~~ (33) A person who has been issued a license or 373
limited permit to practice respiratory therapy under Chapter 374
4761. of the Revised Code; 375

~~(35)~~ (34) A person who has been issued a real estate 376
appraiser certificate under Chapter 4763. of the Revised Code; 377

~~(36)~~ (35) A person who has been issued a home inspector 378
license under Chapter 4764. of the Revised Code; 379

~~(37)~~ (36) A person who has been admitted to the bar by 380
order of the supreme court in compliance with its prescribed and 381
published rules. 382

(X) "Cocaine" means any of the following: 383

(1) A cocaine salt, isomer, or derivative, a salt of a 384
cocaine isomer or derivative, or the base form of cocaine; 385

(2) Coca leaves or a salt, compound, derivative, or 386
preparation of coca leaves, including ecgonine, a salt, isomer, 387
or derivative of ecgonine, or a salt of an isomer or derivative 388
of ecgonine; 389

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

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

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

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

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

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

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

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

following:	419
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	420 421
(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.	422 423 424
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	425 426
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	427 428
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	429 430 431
(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.	432 433 434 435 436
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	437 438
(KK) "Fentanyl-related compound" means any of the following:	439 440
(1) Fentanyl;	441
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	442 443 444
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	445

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	446
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl] -N-phenylpropanamide);	447 448
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	449 450 451
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	452 453
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	454 455
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- phenethyl)-4- piperidinyl]propanamide;	456 457
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	458 459
(10) Alfentanil;	460
(11) Carfentanil;	461
(12) Remifentanil;	462
(13) Sufentanil;	463
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	464 465
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- fluorofentanyl:	466 467 468 469 470 471 472

(a) A chemical scaffold consisting of both of the following:	473 474
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	475 476
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	477 478 479
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	480 481 482
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	483 484
(d) The compound has not been approved for medical use by the United States food and drug administration.	485 486
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment <u>March 22, 2019</u> , it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.	487 488 489 490 491 492 493 494
(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment <u>March 22, 2019</u> , it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section for a	495 496 497 498 499 500 501

felony of the second degree. 502

(NN) "Maximum first degree felony mandatory prison term" 503
means the maximum definite prison term prescribed in division 504
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 505
the first degree, except that if the violation for which 506
sentence is being imposed is committed on or after ~~the effective~~ 507
~~date of this amendment~~ March 22, 2019, it means the longest 508
minimum prison term prescribed in division (A) (1) (a) of that 509
section for a felony of the first degree. 510

(OO) "Maximum second degree felony mandatory prison term" 511
means the maximum definite prison term prescribed in division 512
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 513
the second degree, except that if the violation for which 514
sentence is being imposed is committed on or after ~~the effective~~ 515
~~date of this amendment~~ March 22, 2019, it means the longest 516
minimum prison term prescribed in division (A) (2) (a) of that 517
section for a felony of the second degree. 518

Sec. 3333.26. (A) Any citizen of this state who has 519
resided within the state for one year, who was in the active 520
service of the United States as a soldier, sailor, nurse, or 521
marine between April 6, 1917, and November 11, 1918, and who has 522
been honorably discharged from that service, shall be admitted 523
to any school, college, or university that receives state funds 524
in support thereof, without being required to pay any tuition or 525
matriculation fee, but is not relieved from the payment of 526
laboratory or similar fees. 527

(B) (1) As used in this division: 528

(a) "Volunteer firefighter" has the meaning as in division 529
(B) (1) of section 146.01 of the Revised Code. 530

(b) "Public service officer" means an Ohio firefighter, 531
volunteer firefighter, police officer, member of the state 532
highway patrol, employee designated to exercise the powers of 533
police officers pursuant to section 1545.13 of the Revised Code, 534
or other peace officer as defined by division (B) of section 535
2935.01 of the Revised Code, or a person holding any equivalent 536
position in another state. 537

(c) "Qualified former spouse" means the former spouse of a 538
public service officer, or of a member of the armed services of 539
the United States, who is the custodial parent of a minor child 540
of that marriage pursuant to an order allocating the parental 541
rights and responsibilities for care of the child issued 542
pursuant to section 3109.04 of the Revised Code. 543

(d) "Operation enduring freedom" means that period of 544
conflict which began October 7, 2001, and ends on a date 545
declared by the president of the United States or the congress. 546

(e) "Operation Iraqi freedom" means that period of 547
conflict which began March 20, 2003, and ends on a date declared 548
by the president of the United States or the congress. 549

(f) "Combat zone" means an area that the president of the 550
United States by executive order designates, for purposes of 26 551
U.S.C. 112, as an area in which armed forces of the United 552
States are or have engaged in combat. 553

(2) Any resident of this state who is under twenty-six 554
years of age, or under thirty years of age if the resident has 555
been honorably discharged from the armed services of the United 556
States, who is the child of a public service officer killed in 557
the line of duty or of a member of the armed services of the 558
United States killed in the line of duty during operation 559

enduring freedom or operation Iraqi freedom, and who is admitted 560
to any state university or college as defined in division (A) (1) 561
of section 3345.12 of the Revised Code, community college, state 562
community college, university branch, or technical college shall 563
not be required to pay any tuition or any student fee for up to 564
four academic years of education, which shall be at the 565
undergraduate level. 566

A child of a member of the armed services of the United 567
States killed in the line of duty during operation enduring 568
freedom or operation Iraqi freedom is eligible for a waiver of 569
tuition and student fees under this division only if the student 570
is not eligible for a war orphans and severely disabled 571
veterans' children scholarship authorized by Chapter 5910. of 572
the Revised Code. In any year in which the war orphans and 573
severely disabled veterans' children scholarship board reduces 574
the percentage of tuition covered by a war orphans and severely 575
disabled veterans' children scholarship below one hundred per 576
cent pursuant to division (A) of section 5910.04 of the Revised 577
Code, the waiver of tuition and student fees under this division 578
for a child of a member of the armed services of the United 579
States killed in the line of duty during operation enduring 580
freedom or operation Iraqi freedom shall be reduced by the same 581
percentage. 582

(3) Any resident of this state who is the spouse or 583
qualified former spouse of a public service officer killed in 584
the line of duty, and who is admitted to any state university or 585
college as defined in division (A) (1) of section 3345.12 of the 586
Revised Code, community college, state community college, 587
university branch, or technical college, shall not be required 588
to pay any tuition or any student fee for up to four academic 589
years of education, which shall be at the undergraduate level. 590

(4) Any resident of this state who is the spouse or 591
qualified former spouse of a member of the armed services of the 592
United States killed in the line of duty while serving in a 593
combat zone after May 7, 1975, and who is admitted to any state 594
university or college as defined in division (A)(1) of section 595
3345.12 of the Revised Code, community college, state community 596
college, university branch, or technical college, shall not be 597
required to pay any tuition or any student fee for up to four 598
years of academic education, which shall be at the undergraduate 599
level. In order to qualify under division (B)(4) of this 600
section, the spouse or qualified former spouse shall have been a 601
resident of this state at the time the member was killed in the 602
line of duty. 603

(C) Any institution that is not subject to division (B) of 604
this section and that holds a valid certificate of registration 605
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 606
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 607
valid license issued under Chapter 4713. of the Revised Code, or 608
that is nonprofit and has a certificate of authorization issued 609
under section 1713.02 of the Revised Code, or that is a private 610
institution exempt from regulation under Chapter 3332. of the 611
Revised Code as prescribed in section 3333.046 of the Revised 612
Code, which reduces tuition and student fees of a student who is 613
eligible to attend an institution of higher education under the 614
provisions of division (B) of this section by an amount 615
indicated by the chancellor of higher education shall be 616
eligible to receive a grant in that amount from the chancellor. 617

Each institution that enrolls students under division (B) 618
of this section shall report to the chancellor, by the first day 619
of July of each year, the number of students who were so 620
enrolled and the average amount of all such tuition and student 621

fees waived during the preceding year. The chancellor shall 622
determine the average amount of all such tuition and student 623
fees waived during the preceding year. The average amount of the 624
tuition and student fees waived under division (B) of this 625
section during the preceding year shall be the amount of grants 626
that participating institutions shall receive under this 627
division during the current year, but no grant under this 628
division shall exceed the tuition and student fees due and 629
payable by the student prior to the reduction referred to in 630
this division. The grants shall be made for four years of 631
undergraduate education of an eligible student. 632

Sec. 4713.01. As used in this chapter: 633

(A) "Apprentice barber" means an individual who does not 634
hold a barber license under this chapter and is engaged in 635
learning or acquiring knowledge of the practice of barbering. 636

(B) "Apprentice cosmetologist" means an individual who 637
does not a hold a practicing license under this chapter and is 638
engaged in learning or acquiring knowledge of the practice of 639
cosmetology, hair styling, esthetics, manicuring, or natural 640
hair styling. 641

(C) "Apprentice instructor" means an individual holding a 642
practicing license issued by the state cosmetology and barber 643
board who is engaged in learning or acquiring knowledge of the 644
occupation of an instructor of a branch of cosmetology at a 645
school of cosmetology. 646

~~"Beauty salon" means a salon in which an individual is 647~~
~~authorized to engage in all branches of cosmetology. 648~~

(D) "Assistant barber instructor" means an individual 649
holding a barber license issued by the state cosmetology and 650

barber board who is engaged in learning or acquiring knowledge 651
of the occupation of an instructor of barbering at a barber 652
school. 653

(E) "Barber" means an individual who engages in the 654
practice of barbering. 655

(F) "Barber instructor" means an individual authorized to 656
teach the theory and practice of barbering at a barber school. 657

(G) "Barber pole" means a cylinder or pole with 658
alternating stripes of any combination including red and white, 659
and red, white, and blue, which run diagonally along the length 660
of the cylinder or pole. 661

(H) "Barber school" means any premises, building, or part 662
of a building in which students are instructed in the theory and 663
practice of barbering. 664

(I) "Barber shop" means any premises, building, or part of 665
a building in which an individual engages in the practice, 666
instruction, or learning of barbering or any branch of 667
cosmetology in which the individual is licensed. 668

(J) "Biennial licensing period" means both of the 669
following: 670

(1) For a practicing, instructor, salon, or school of 671
cosmetology license, the two-year period beginning on the first 672
day of February of an odd-numbered year and ending on the last 673
day of January of the next odd-numbered year. 674

~~"Boutique salon" means a salon in which an individual~~ 675
~~engages in boutique services and no other branch of cosmetology.~~ 676

~~"Boutique services" means braiding, threading, shampooing,~~ 677
~~and makeup artistry.~~ 678

(2) For a barber, barber instructor, barber shop, or 679
barber school license, the two-year period beginning on the 680
first day of September of an even-numbered year and ending on 681
the last day of August of the next even-numbered year. 682

(K) "Braiding" means intertwining the hair in a systematic 683
motion to create patterns in a three-dimensional form, ~~inverting~~ 684
~~the hair including patterns that are inverted, upright, or~~ 685
~~singled~~ against the scalp ~~that follow along part of a straight~~ 686
or curved ~~row of intertwined hair, or partings.~~ "Braiding" may 687
include twisting, locking, beading, crocheting, wrapping, or 688
similarly manipulating the hair in a systematic motion, and 689
~~includes extending the~~ while adding bulk or length with human 690
hair ~~with natural or, synthetic hair fibers, or both, and using~~ 691
simple devices such as clips, combs, crochet hooks, blunt- 692
tipped needles, and hairpins. "Braiding" does not include the 693
use of chemical hair-joining agents such as synthetic tape, 694
keratin bonds, or fusion bonds to weave or fuse individual 695
strands or wefts; applications of dyes, reactive chemicals, or 696
other preparations to alter the color or straighten, curl, or 697
alter the structure of hair; or embellishing or beautifying hair 698
by cutting or singeing, except as needed to finish the ends of 699
synthetic fibers used to add bulk to or lengthen hair. 700

(L) "Branch of cosmetology" means the ~~practice of~~ 701
~~cosmetology,~~ practice of esthetics, practice of hair ~~design-~~ 702
~~styling,~~ practice of manicuring, practice of natural hair 703
styling, or practice of boutique services. 704

(M) "Clean" or "cleaning," as it relates to a salon, 705
barber shop, school of cosmetology, barber school, or mobile 706
salon or barber shop, means the act of preparing nonporous items 707
for disinfection by removing surface and visible debris and 708

washing with soap and water, detergent, or chemical cleaners to 709
slow the growth of pathogens. 710

(N) "Cosmetic therapy" has the same meaning as in section 711
4731.15-4731.04 of the Revised Code. 712

(O) "Cosmetologist" means an individual authorized to 713
engage in all branches of cosmetology in a licensed facility. 714

~~"Cosmetology" means the art or practice of embellishment,~~ 715
~~cleansing, beautification, and styling of hair, wigs, postiches,~~ 716
~~face, body, or nails.~~ 717

(P) "Cosmetology instructor" means an individual 718
authorized to teach the theory and practice of all branches of 719
cosmetology at a school of cosmetology. 720

(Q) "Disinfect" or "disinfection," as it relates to a 721
salon, barber shop, school of cosmetology, barber school, or 722
mobile salon or barber shop, means the process of making a 723
nonporous item safe for use through the use of a chemical 724
intended to kill or denature bacteria, viruses, or fungi. 725
"Disinfect" does not include the use of ultraviolet light. 726

(R) "Disposable safety razor" means a shaving implement 727
designed with a protective device that is intended to prevent 728
the razor from cutting too deeply and reduce the risk of 729
accidental cuts and that is designed for the cutting edge of the 730
razor to be used on an individual one time and then discarded 731
and not used for any other purpose. A "disposable safety razor" 732
includes a razor with the handle and blade joined together or a 733
razor with a blade attachment that can be detached from a 734
handle. 735

(S) "Esthetician" means an individual who engages in the 736
practice of esthetics but no other branch of cosmetology in a 737

licensed facility. 738

(T) "Esthetics instructor" means an individual who teaches 739
the theory and practice of esthetics, but no other branch of 740
cosmetology, at a school of cosmetology. 741

~~"Esthetics salon" means a salon in which an individual~~ 742
~~engages in the practice of esthetics but no other branch of~~ 743
~~cosmetology.~~ 744

(U) "Eye lash extensions" include temporary and semi- 745
permanent enhancements designed to add length, thickness, and 746
fullness to natural eyelashes. 747

(V) "Hair ~~designer~~ stylist" means an individual who 748
engages in the practice of hair ~~design~~ styling but no other 749
branch of cosmetology in a licensed facility. 750

(W) "Hair ~~design~~ styling instructor" means an individual 751
who teaches the theory and practice of hair ~~design~~ styling, but 752
no other branch of cosmetology, at a school of cosmetology. 753

~~"Hair design salon" means a salon in which an individual~~ 754
~~engages in the practice of hair design but no other branch of~~ 755
~~cosmetology.~~ 756

(X) "Hair removal" includes, but is not limited to, 757
tweezing, waxing, sugaring, using a disposable safety razor, and 758
threading. "Hair removal" does not include electrolysis. 759

(Y) "Independent contractor" means ~~an~~ both of the 760
following: 761

(1) An individual who is not an employee of a salon but 762
practices a branch of cosmetology or barbering, other than the 763
practice of boutique services, within a salon in a licensed 764
facility. 765

(2) An individual who is not an employee of a barber shop 766
but practices barbering or a branch of cosmetology within a 767
barber shop in a licensed facility. 768

(Z) "Infection control" means the practice of ensuring 769
that a salon, barber shop, school of cosmetology, barber school, 770
or mobile salon or barber shop, including all equipment, 771
implements, and other personal property in the salon, barber 772
shop, school, or mobile salon or barber shop, is properly 773
cleaned and disinfected at all times, except for the immediate 774
period during which an individual licensed under this chapter is 775
performing a cosmetology or barbering service or preparing the 776
service area for a patron. 777

(AA) "Instructor license" means a license to teach the 778
theory and practice of a branch of cosmetology at a school of 779
cosmetology. 780

(BB) "Licensed facility" means any premises, building, or 781
part of a building licensed under section 4713.41 of the Revised 782
Code, or any other temporary location identified in rule by the 783
state cosmetology and barber board, in which the practice of one 784
or more branches of cosmetology ~~services or barbering~~ are 785
authorized by the ~~state cosmetology and barber~~ board to be 786
performed. 787

~~"Advanced cosmetologist" means an individual authorized to~~ 788
~~work in a beauty salon and engage in all branches of~~ 789
~~cosmetology.~~ 790

~~"Advanced esthetician" means an individual authorized to~~ 791
~~work in an esthetics salon, but no other type of salon, and~~ 792
~~engage in the practice of esthetics, but no other branch of~~ 793
~~cosmetology.~~ 794

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

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

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

~~"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.~~

~~"Makeup artistry" means the application of cosmetics for the purpose of skin beautification. "Makeup artistry" does not include any other services described in the practice of any other branch of cosmetology.~~

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

(DD) "Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

~~"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology.~~ (EE) "Mobile barber shop" or "mobile salon" means either a self-contained facility that can be moved, towed, or transported from one location to another and in which barbering or one or more branches of cosmetology is practiced, or a

business that provides services in barbering or one or more 824
branches of cosmetology at a special event venue, residential 825
home, or nursing home or residential care facility as those 826
terms are defined in section 5701.13 of the Revised Code. 827

(FF) "Natural hair stylist" means an individual who 828
engages in the practice of natural hair styling but no other 829
branch of cosmetology in a licensed facility. 830

(GG) "Natural hair style instructor" means an individual 831
who teaches the theory and practice of natural hair styling, but 832
no other branch of cosmetology, at a school of cosmetology. 833

~~"Natural hair style salon" means a salon in which an~~ 834
~~individual engages in the practice of natural hair styling but~~ 835
~~no other branch of cosmetology.~~ 836

~~"Practice of braiding" means utilizing the technique of~~ 837
~~intertwining hair in a systematic motion to create patterns in a~~ 838
~~three dimensional form, including patterns that are inverted,~~ 839
~~upright, or singled against the scalp that follow along straight~~ 840
~~or curved partings. It may include twisting or locking the hair~~ 841
~~while adding bulk or length with human hair, synthetic hair, or~~ 842
~~both and using simple devices such as clips, combs, and~~ 843
~~hairpins. "Practice of braiding" does not include application of~~ 844
~~weaving, bonding, and fusion of individual strands or wefts;~~ 845
~~application of dyes, reactive chemicals, or other preparations~~ 846
~~to alter the color or straighten, curl, or alter the structure~~ 847
~~of hair; embellishing or beautifying hair by cutting or~~ 848
~~singeing, except as needed to finish the ends of synthetic~~ 849
~~fibers used to add bulk to or lengthen hair.~~ 850

(HH) "Nonporous" means material that does not have any 851
minute openings or holes and that does not allow liquids to pass 852

through or be absorbed. "Nonporous" includes, but is not limited 853
to, glass, metal, and plastic. 854

(II) "Porous" means material that has minute openings or 855
holes through which liquid or air may pass. "Porous" includes, 856
but is not limited to, nail files, pumice, and buffers. 857

(JJ) "Practice of barbering" includes, but is not limited 858
to, when performed on the head, neck, or face for cosmetic 859
purposes and when performed on the public for pay, free, or 860
otherwise, shaving the face, shaving around the vicinity of the 861
ears and neckline, or trimming facial hair with a straight razor 862
or a disposable safety razor; cutting or styling hair; facials, 863
skin care, or scalp massages; shampooing, bleaching, coloring, 864
straightening, or permanent waving hair; and cutting, fitting, 865
or forming head caps for wigs or hair pieces. 866

(KK) "Practice of boutique services" means braiding, 867
threading, shampooing, eye lash extension services, and wig 868
styling and application. 869

(LL) "Practice of cosmetology" ~~means~~ includes, but is not 870
limited to, the practice of all branches of cosmetology. 871

(MM) "Practice of esthetics" ~~means~~ includes, but is not 872
limited to, the application of cosmetics, tonics, antiseptics, 873
creams, lotions, or other preparations for the purpose of skin 874
beautification and includes preparation of the skin by manual 875
massage techniques or by use of electrical, mechanical, or other 876
apparatus; enhancement of the skin by skin care, facials, body 877
treatments, hair removal, and other treatments; and eye lash 878
extension services. 879

(NN) "Practice of hair ~~design styling~~" ~~means~~ includes, but 880
is not limited to, embellishing or beautifying hair, wigs, or 881

hairpieces by arranging, dressing, pressing, curling, waving, 882
permanent waving, cleansing, cutting, singeing, bleaching, 883
coloring, braiding, weaving, bonding and fusion of individual 884
strands or wefts, or similar work. "Practice of hair ~~design-~~ 885
styling" includes utilizing techniques performed by hand that 886
result in tension on hair roots such as twisting, wrapping, 887
weaving, extending, locking, or braiding of the hair; the art or 888
practice of cleansing, stimulating, or massaging a person's 889
scalp, face, neck, and arms; embellishment, cleansing, 890
beautification, and styling of hair, wigs, postiches, face, 891
body, or nails; and treating a person's mustache or beard by 892
arranging, beautifying, coloring, processing, styling, or 893
trimming or shaving with a disposable safety razor. 894

(OO) "Practice of manicuring" ~~means~~ includes, but is not 895
limited to, cleaning, trimming, shaping the free edge of, or 896
applying polish to the nails of any individual; applying nail 897
enhancements and embellishments to any individual; massaging the 898
hands and lower arms up to the elbow of any individual; 899
massaging the feet and lower legs up to the knee of any 900
individual; using lotions or softeners on the hands and feet of 901
any individual; or any combination of these types of services. 902

(PP) "Practice of natural hair styling" ~~means~~ includes, 903
but is not limited to, utilizing techniques performed by hand 904
that result in tension on hair roots such as twisting, wrapping, 905
weaving, extending, locking, or braiding of the hair. "Practice 906
of natural hair styling" does not include the application of 907
dyes, reactive chemicals, or other preparations to alter the 908
color or to straighten, curl, or alter the structure of the 909
hair. "Practice of natural hair styling" also does not include 910
embellishing or beautifying hair by cutting or singeing, except 911
as needed to finish off the end of a braid, or by dressing, 912

pressing, curling, waving, permanent waving, or similar work. 913

(QQ) "Practicing license" means a license to practice a 914
branch of cosmetology in a licensed facility. 915

(RR) "Salon" means a licensed facility on any premises, 916
building, or part of a building in which an individual engages 917
in the practice, instruction, or learning of one or more 918
branches of cosmetology or barbering. ~~"Salon" does not include a~~ 919
~~barber shop licensed under Chapter 4709. of the Revised Code.~~ 920
"Salon" does not mean a tanning facility, although a tanning 921
facility may be located in a salon. 922

(SS) "School of cosmetology" means any premises, building, 923
or part of a building in which students are instructed in the 924
theories and practices of one or more branches of cosmetology. 925

(TT) "Shampooing" means the act of cleansing and 926
conditioning an individual's hair under the supervision of an 927
individual licensed under this chapter and in preparation to 928
immediately receive a service from a licensee. 929

(UU) "Student" means ~~an~~ both of the following: 930

(1) An individual, other than an apprentice instructor, 931
who is engaged in learning or acquiring knowledge of the 932
practice of a branch of cosmetology at a school of cosmetology; 933

(2) An individual, other than an assistant barber 934
instructor, engaged in learning or acquiring knowledge of the 935
practice of barbering at a barber school. 936

(VV) "Tanning facility" means any premises, building, or 937
part of a building that contains one or more rooms or booths 938
with any of the following: 939

~~(A)~~ (1) Equipment or beds used for tanning human skin by 940

the use of fluorescent sun lamps using ultraviolet or other 941
artificial radiation; 942

~~(B)~~ (2) Equipment or booths that use chemicals applied to 943
human skin, including chemical applications commonly referred to 944
as spray-on, mist-on, or sunless tans; 945

~~(C)~~ (3) Equipment or beds that use visible light for 946
cosmetic purposes. 947

(WW) "Threading" includes a service that results in the 948
removal of hair from its follicle from around the eyebrows and 949
from other parts of the face with the use of a single strand of 950
thread and an astringent, if the service does not use chemicals 951
of any kind, wax, or any implements, instruments, or tools to 952
remove hair. 953

Sec. 4713.02. (A) There is hereby created the state 954
cosmetology and barber board, consisting of all of the following 955
members appointed by the governor, with the advice and consent 956
of the senate: 957

(1) One individual holding a current, valid cosmetologist 958
or cosmetology instructor license at the time of appointment; 959

(2) Two individuals holding current, valid cosmetologist 960
licenses and actively engaged in managing ~~beauty~~ salons for a 961
period of not less than five years at the time of appointment; 962

(3) One individual who ~~holds a current, valid~~ is an 963
independent contractor ~~license registered in accordance with~~ 964
section 4713.39 of the Revised Code at the time of appointment 965
~~and practices a branch of cosmetology;~~ 966

(4) One individual who represents individuals who teach 967
the theory and practice of a branch of cosmetology at a 968

vocational or career-technical school;	969
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	970 971
(6) One owner of at least five licensed salons;	972
(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	973 974 975 976 977 978 979
(8) One individual representing the general public;	980
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	981 982 983 984
(10) One individual who holds a current, valid esthetician <u>or cosmetologist</u> license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;	985 986 987 988
(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment.	989 990 991 992
(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A) (4) of this section.	993 994 995
(C) All members shall be at least twenty-five years of	996

age, residents of the state, and citizens of the United States. 997
No more than two members, at any time, shall be graduates of the 998
same school of cosmetology. Not more than one member shall have 999
a common financial connection with any school of cosmetology, 1000
salon, barber school, or barber shop. 1001

Terms of office are for five years. Terms shall commence 1002
on the first day of November and end on the thirty-first day of 1003
October. Each member shall hold office from the date of 1004
appointment until the end of the term for which appointed. In 1005
case of a vacancy occurring on the board, the governor shall, in 1006
the same manner prescribed for the regular appointment to the 1007
board, fill the vacancy by appointing a member. Any member 1008
appointed to fill a vacancy occurring prior to the expiration of 1009
the term for which the member's predecessor was appointed shall 1010
hold office for the remainder of such term. Any member shall 1011
continue in office subsequent to the expiration date of the 1012
member's term until the member's successor takes office, or 1013
until a period of sixty days has elapsed, whichever occurs 1014
first. Before entering upon the discharge of the duties of the 1015
office of member, each member shall take, and file with the 1016
secretary of state, the oath of office required by Section 7 of 1017
Article XV, Ohio Constitution. 1018

The members of the board shall receive an amount fixed 1019
pursuant to Chapter 124. of the Revised Code per diem for every 1020
meeting of the board which they attend, together with their 1021
necessary expenses, and mileage for each mile necessarily 1022
traveled. 1023

The members of the board shall annually elect, from among 1024
their number, a chairperson and a vice-chairperson. The 1025
executive director appointed pursuant to section 4713.06 of the 1026

Revised Code shall serve as the board's secretary. 1027

(D) The board shall prescribe the duties of its officers 1028
and establish an office within Franklin county. The board shall 1029
keep all records and files at the office and have the records 1030
and files at all reasonable hours open to public inspection in 1031
accordance with section 149.43 of the Revised Code and any rules 1032
adopted by the board in compliance with this state's record 1033
retention policy. The board also shall adopt a seal for the 1034
authentication of its orders, communications, and records. 1035

(E) The governor may remove any member for cause prior to 1036
the expiration of the member's term of office. 1037

(F) Whenever the term "state board of cosmetology" is 1038
used, referred to, or designated in statute, rule, contract, 1039
grant, or other document, the use, reference, or designation 1040
shall be deemed to mean the "state cosmetology and barber board" 1041
or the executive director of the state cosmetology and barber 1042
board, whichever is appropriate in context. Whenever the term 1043
"barber board" is used, referred to, or designated in statute, 1044
rule, contract, grant, or other document, the use, reference, or 1045
designation shall be deemed to mean the "state cosmetology and 1046
barber board" or the executive director of the state cosmetology 1047
and barber board, whichever is appropriate in context. 1048

Sec. 4713.03. (A) The state cosmetology and barber board 1049
shall hold meetings to transact its business at least four times 1050
a year. The board may hold additional meetings as, in its 1051
judgment, are necessary. The board shall meet at the times and 1052
places it selects. 1053

(B) The board shall adhere to the following agenda items 1054
as it conducts its duties as prescribed in this chapter: 1055

- (1) Call meeting to order; 1056
- (2) Approval of previous meeting minutes; 1057
- (3) Officer and staff reports; 1058
- (4) Committee reports; 1059
- (5) Unfinished business; 1060
- (6) Old business; 1061
- (7) New business; 1062
- (8) Executive session; 1063
- (9) Adjournment. 1064

Sec. 4713.06. The state cosmetology and barber board shall 1065
annually appoint an executive director. The executive director 1066
may not be a member of the board, but subsequent to appointment, 1067
shall serve as secretary of the board. The executive director, 1068
before entering upon the discharge of the executive director's 1069
duties, shall file with the secretary of state a good and 1070
sufficient bond payable to the state, to ensure the faithful 1071
performance of duties of the office of executive director. The 1072
bond shall be in an amount the board requires. The premium of 1073
the bond shall be paid from appropriations made to the board for 1074
operating purposes. Whenever the term "executive director of the 1075
state board of cosmetology" or the term "executive director of 1076
the barber board," or variations thereof, is used, referred to, 1077
or designated in statute, rule, contract, grant, or other 1078
document, the use, reference, or designation shall be deemed to 1079
mean the "executive director of the state cosmetology and barber 1080
board." 1081

The board may employ inspectors, examiners, consultants on 1082

contents of examinations, clerks, or other individuals as 1083
necessary for the administration of this chapter ~~and Chapter~~ 1084
~~4709. of the Revised Code.~~ All inspectors and examiners shall be 1085
licensed cosmetologists or barbers pursuant to this chapter ~~or~~ 1086
~~licensed barbers pursuant to Chapter 4709. of the Revised Code.~~ 1087

The board may appoint inspectors to inspect and 1088
investigate all facilities regulated by this chapter ~~and Chapter~~ 1089
~~4709. of the Revised Code,~~ including tanning facilities, to 1090
ensure compliance with this chapter ~~and Chapter 4709. of the~~ 1091
~~Revised Code,~~ the rules adopted by the board, and the board's 1092
policies, in accordance with division (A)(11) of section 4713.07 1093
of the Revised Code. 1094

Sec. 4713.07. (A) The state cosmetology and barber board 1095
shall do all of the following: 1096

(1) Regulate the practice of cosmetology and all of its 1097
branches and the practice of barbering in this state; 1098

(2) Investigate or inspect, when evidence appears to 1099
demonstrate that an individual has violated any provision of 1100
this chapter or any rule adopted pursuant to it, the activities 1101
or premises of a license holder or unlicensed individual; 1102

(3) Adopt rules in accordance with section 4713.08 of the 1103
Revised Code; 1104

(4) Prescribe and make available application forms to be 1105
used by individuals seeking admission to an examination 1106
conducted under section 4713.24 of the Revised Code or a license 1107
or registration issued under this chapter; 1108

(5) Prescribe and make available application forms to be 1109
used by individuals seeking renewal of a license or registration 1110
issued under this chapter; 1111

- (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter ~~or~~ Chapter 4709. of the Revised Code; 1112
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1114
- (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code ~~of which the board is aware~~ at the board's discretion; 1115
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1117
- (8) Submit a written report annually to the governor that provides all of the following: 1118
1119
- (a) A discussion of the conditions in this state of the practice of barbering and the branches of cosmetology; 1120
1121
- (b) An evaluation of board activities intended to aid or protect consumers; 1122
1123
- (c) A brief summary of the board's proceedings during the year the report covers; 1124
1125
- (d) A statement of all money that the board received and expended during the year the report covers. 1126
1127
- (9) Keep a record of all of the following: 1128
- (a) The board's proceedings; 1129
- (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; 1130
1131
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- (c) The date and number of each license, permit, and registration that the board issues. 1133
1134
- (10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons, barber shops, or other facilities within this state; 1135
1136
1137
- (11) Require inspectors appointed pursuant to section 1138

4713.06 of the Revised Code to conduct inspections of licensed 1139
or permitted facilities, including salons ~~and boutique salons,~~ 1140
schools of cosmetology, barber schools, barber shops, and 1141
tanning facilities, within ninety days of the opening for 1142
business of a licensed facility, upon complaints reported to the 1143
board, within ninety days after a violation was documented at a 1144
facility, and at least once every two years. Any individual, 1145
after providing the individual's name and contact information, 1146
may report to the board any information the individual may have 1147
that appears to show a violation of any provision of this 1148
chapter or rule adopted under it ~~or a violation of any provision~~ 1149
~~of Chapter 4709. of the Revised Code or rule adopted by the~~ 1150
~~board pursuant to Chapter 4709. of the Revised Code.~~ In the 1151
absence of bad faith, any individual who reports information of 1152
that nature or who testifies before the board in any 1153
adjudication conducted under Chapter 119. of the Revised Code 1154
shall not be liable for damages in a civil action as a result of 1155
the report or testimony. For the purpose of inspections, an 1156
independent contractor shall be added to the board's records as 1157
an individual salon or barber shop. 1158

(12) Supply a copy of the poster created pursuant to 1159
division (B) of section 5502.63 of the Revised Code to each 1160
person authorized to operate a salon, barber shop, school of 1161
cosmetology, barber school, tanning facility, or other type of 1162
facility under this chapter; 1163

(13) Process applications to open a new salon or barber 1164
shop under section 4713.41 of the Revised Code within five days 1165
from receipt of the application; 1166

(14) Prescribe and provide to each school of cosmetology 1167
or barber school in this state, for each type of license, an 1168

acknowledgment form that states the minimum required number of 1169
hours of instruction for that license under this chapter. When a 1170
student enrolls at a school of cosmetology or barber school, the 1171
school shall provide the appropriate acknowledgment form to the 1172
student, the student shall sign the form, and the school shall 1173
provide the form to the board when the school notifies the board 1174
of the student's enrollment under division (A) (4) of section 1175
4713.44 of the Revised Code; 1176

(15) All other duties that this chapter imposes on the 1177
board. 1178

(B) The board may delegate any of the duties listed in 1179
division (A) of this section to the executive director of the 1180
board or to an individual designated by the executive director. 1181

Sec. 4713.071. (A) The Before the first day of September 1182
of each year, the state cosmetology and barber board shall 1183
annually submit a written report to the governor, president of 1184
the senate, and speaker of the house of representatives. The 1185
report shall list all of the following, compiled separately for 1186
public and private schools of cosmetology and public and private 1187
barber schools, for the preceding twelve-month period fiscal 1188
year: 1189

(1) The number of students enrolled in courses at licensed 1190
public and private schools of cosmetology and barbering; 1191

(2) The number of students graduating from licensed public 1192
and private schools of cosmetology and barbering; 1193

(3) The annual cost for students to attend each licensed 1194
public or private school of cosmetology and barbering; 1195

(4) The loan default rates for licensed public and private 1196
schools of cosmetology and barbering; 1197

(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering;	1198 1199
(6) The total number of new and renewal licenses in each profession;	1200 1201
(7) The total number of complaint-driven inspections conducted by the board;	1202 1203
(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;	1204 1205 1206
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	1207 1208
(10) The number of adjudications or other disciplinary action taken by the board;	1209 1210
<u>(11) The number of individuals participating in the apprenticeship program established in section 4713.71 of the Revised Code.</u>	1211 1212 1213
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	1214 1215 1216
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	1217 1218 1219 1220
(1) Govern the practice of the branches of cosmetology <u>and the practice of barbering;</u>	1221 1222
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under	1223 1224

section 4713.22 of the Revised Code and the conditions and 1225
method of renewing a temporary pre-examination work permit under 1226
that section; 1227

(3) Provide for the conduct of examinations under section 1228
4713.24 of the Revised Code; 1229

(4) Specify conditions under which the board will take 1230
into account, under section 4713.32 of the Revised Code, 1231
instruction an applicant for a license under section 4713.28, 1232
~~4713.30~~ 4713.281, or 4713.31 of the Revised Code received more 1233
than five years before the date of application for the license; 1234

(5) Provide for the granting of waivers under section 1235
4713.29 of the Revised Code; 1236

~~(6) Specify conditions an applicant must satisfy for the 1237
board to issue the applicant a license under section 4713.34 of 1238
the Revised Code without the applicant taking an examination 1239
conducted under section 4713.24 of the Revised Code;~~ 1240

~~(7) Specify locations in which glamour photography 1241
services in which a branch of cosmetology is practiced may be 1242
provided;~~ 1243

~~(8) (7) Establish conditions and the fee for a temporary 1244
special occasion work permit under section 4713.37 of the 1245
Revised Code and specify the amount of time such a permit is 1246
valid;~~ 1247

(8) Specify conditions an applicant must satisfy for the 1248
board to issue the applicant an instructor or barber instructor 1249
license under section 4713.31 of the Revised Code; 1250

(9) Specify conditions an applicant must satisfy for the 1251
board to issue permit the applicant to register as an 1252

independent contractor ~~license~~ under section 4713.39 of the 1253
Revised Code ~~and the fee for issuance and renewal of the~~ 1254
~~license;~~ 1255

(10) Establish conditions under which food may be sold at 1256
a salon or barber shop; 1257

(11) Specify which professions regulated by a professional 1258
regulatory board of this state may be practiced in a salon or 1259
barber shop under section 4713.42 of the Revised Code; 1260

(12) Establish standards for the provision of cosmetic 1261
therapy, massage therapy, or other professional service in a 1262
salon or barber shop pursuant to section 4713.42 of the Revised 1263
Code; 1264

(13) Establish standards for board approval of, and the 1265
granting of credits for, training in branches of cosmetology ~~at~~ 1266
or barbering by schools of cosmetology or barber schools 1267
licensed in this or another state offered through classroom 1268
instruction or distance education; 1269

(14) Establish the manner in which a school of cosmetology 1270
or barber school licensed under section 4713.44 of the Revised 1271
Code may offer post-secondary ~~and advanced practice~~ programs, 1272
including classroom instruction or distance education; 1273

(15) Establish ~~sanitary safety and infection control~~ 1274
standards for the practice of the branches of cosmetology, ~~and~~ 1275
barbering and the operation of salons, and schools of 1276
cosmetology, barber shops, barber schools, and mobile salons and 1277
barber shops; 1278

(16) Establish the application process for obtaining a 1279
tanning facility permit under section 4713.48 of the Revised 1280
Code, including the amount of the fee for an initial or renewed 1281

permit;	1282
(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including <u>infection control standards and</u> standards that do all of the following:	1283 1284 1285 1286
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	1287 1288 1289
(b) Require consumers to wear protective eyeglasses;	1290
(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;	1291 1292
(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;	1293 1294 1295 1296 1297
(e) Require the installation of protective shielding for sun lamps and handrails for consumers;	1298 1299
(f) Require floors to be dry during operation of lamps;	1300
(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.	1301 1302 1303 1304
(18) (a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	1305 1306 1307
(i) <u>(a)</u> Establish a fee for having a license classified	1308

inactive that reflects the cost to the board of providing the 1309
inactive license service. ~~If one or more renewal periods have~~ 1310
~~elapsed since the license was valid, the fee shall not include~~ 1311
~~lapsed renewal fees for more than three of those renewal~~ 1312
~~periods;~~ 1313

~~(ii)~~ (b) Specify the continuing education that an 1314
individual whose license has been classified inactive must 1315
complete to have the license restored. The continuing education 1316
shall be sufficient to ensure the minimum competency in the use 1317
or administration of a new procedure or product required by a 1318
licensee necessary to protect public health and safety. The 1319
requirement shall not exceed the cumulative number of hours of 1320
continuing education that the individual would have been 1321
required to complete had the individual retained an active 1322
license. 1323

~~(b) In addition, the board may specify the conditions and~~ 1324
~~method for granting a temporary work permit to practice a branch~~ 1325
~~of cosmetology to an individual whose license has been~~ 1326
~~classified inactive.~~ 1327

(19) Establish a fee for approval of a continuing 1328
education program under section 4713.62 of the Revised Code that 1329
is adequate to cover any expense the board incurs in the 1330
approval process; 1331

(20) Establish requirements for an individual holding a 1332
practicing or barber license to become an apprentice instructor 1333
or assistant barber instructor at a school of cosmetology or 1334
barber school; 1335

(21) Establish requirements for students of barber 1336
schools; 1337

(22) Establish conditions under which a cosmetology student seeking a practicing license may take the written portion of the examination required by section 4713.24 of the Revised Code before the student has completed the minimum number of hours of training required under section 4713.28 of the Revised Code for the license; 1338
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(23) 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; 1344
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(24) Require each mobile salon or mobile barber shop 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 or mobile barber shop license; 1347
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(25) Establish requirements regarding the apprenticeship program established in section 4713.71 of the Revised Code; 1351
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(26) Anything else necessary to implement this chapter. 1353

(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. 1354
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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.~~ 1359
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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.~~ 1363
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~~(D)~~—The rules adopted under division (A) (11) of this 1367
section shall not include a profession if practice of the 1368
profession in a salon or barber shop is a violation of a statute 1369
or rule governing the profession. 1370

~~(E)~~—(D) The sanitary board shall review the standards 1371
established under division (A) (15) of this section on an annual 1372
basis to ensure that the standards incorporate industry best 1373
practices and update the standards as necessary to reflect those 1374
practices. The infection control standards shall focus in 1375
particular on precautions to be employed to prevent infectious 1376
or contagious diseases being created or spread. ~~The board shall~~ 1377
~~consult with the Ohio department of health when establishing the~~ 1378
~~sanitary standards. The standards must require porous~~ 1379
instruments and supplies that cannot be disinfected to be 1380
disposed of immediately after a single use. 1381

~~(F)~~—(E) The fee established by rules adopted under 1382
division (A) (16) of this section shall cover the cost the board 1383
incurs in inspecting tanning facilities and enforcing the 1384
board's rules but may not exceed one hundred dollars per 1385
location of such facilities. 1386

(F) The rules adopted under division (A) (22) of this 1387
section shall do all of the following: 1388

(1) Permit a cosmetology student to take the written 1389
portion of the examination required by section 4713.24 of the 1390
Revised Code after the student has completed the minimum hours 1391
of training for that license described in division (G) of 1392
section 4713.24 of the Revised Code; 1393

(2) Require the student to complete the remainder of the 1394
required training before licensure; 1395

(3) Require the board to grant the student a license on 1396
successful completion of the requirements established in the 1397
rules, unless the individual is subject to potential 1398
disciplinary action under section 4713.64 of the Revised Code. 1399

Sec. 4713.081. (A) The state cosmetology and barber board 1400
shall ~~furnish~~ create a ~~copy~~ summary of the ~~sanitary infection~~ 1401
control standards established by rules adopted under section 1402
4713.08 of the Revised Code. The summary shall be written at no 1403
higher than a sixth grade reading level. The board shall furnish 1404
a copy of the summary to ~~each~~ both of the following: 1405

(1) Each individual to whom the board issues a practicing 1406
license, ~~advanced license, barber license,~~ license to operate a 1407
salon, ~~barber shop, barber school,~~ or school of cosmetology, or 1408
~~boutique services~~ registration. The board also shall furnish a 1409
copy of the sanitary standards to each; 1410

(2) Each individual providing cosmetic therapy, massage 1411
therapy, or other professional service in a salon or barber shop 1412
under section 4713.42 of the Revised Code. 1413

(B) A salon, ~~barber shop, barber school,~~ or school of 1414
cosmetology provided a ~~copy~~ summary of the ~~sanitary infection~~ 1415
control standards under division (A) of this section shall post 1416
the ~~standards~~ summary in a public and conspicuous place in the 1417
salon, ~~barber shop,~~ or school. 1418

Sec. 4713.09. (A) The state cosmetology and barber board 1419
may adopt rules in accordance with section 4713.08 of the 1420
Revised Code to establish a continuing education requirement, 1421
not to exceed eight hours in a biennial licensing period, as a 1422
condition of renewal for a practicing license, ~~advanced license,~~ 1423
instructor license, barber license, barber instructor license, 1424

or ~~boutique services~~ independent contractor registration. These 1425
hours may include training in identifying and addressing the 1426
crime of trafficking in persons as described in section 2905.32 1427
of the Revised Code. At least two of the eight hours of the 1428
continuing education requirement must be achieved in courses 1429
concerning safety and ~~sanitation~~ infection control, and at 1430
least one hour of the eight hours of the continuing education 1431
requirement must be achieved in courses concerning law and rule 1432
updates. 1433

(B) The rules adopted in accordance with division (A) of 1434
this section shall permit the continuing education requirement 1435
to be satisfied by either classroom instruction or distance 1436
education. 1437

Sec. 4713.091. (A) The state cosmetology and barber board 1438
shall issue an intermediate cosmetology license to either of the 1439
following: 1440

(1) An individual who has completed one thousand five 1441
hundred hours of board-approved cosmetology training and has 1442
otherwise qualified to take and has passed the cosmetology 1443
examination conducted under section 4713.24 of the Revised Code 1444
on or before the effective date of this section; 1445

(2) An individual who is enrolled as a student at a school 1446
of cosmetology on or before the effective date of this section 1447
who chooses to meet the requirement to complete one thousand 1448
five hundred hours of board-approved cosmetology training under 1449
the version of division (A) (7) of section 4713.28 of the Revised 1450
Code as it existed immediately before the effective date of this 1451
section and otherwise qualifies to take and passes the 1452
cosmetology examination conducted under section 4713.24 of the 1453
Revised Code. 1454

(B) An intermediate cosmetology license is a cosmetology license for purposes of this chapter and an intermediate cosmetology license holder shall comply with the requirements of this chapter and rules adopted under this chapter that apply to a cosmetology license. An intermediate cosmetology license may be renewed in accordance with section 4713.60 of the Revised Code. 1455
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Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following nonrefundable fees: 1462
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(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars; 1464
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(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than ~~forty-ninety~~ dollars; 1467
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(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than ~~fifty-five~~ one hundred dollars; 1470
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(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars; 1474
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(5) For the issuance of a license under section 4713.28, ~~4713.30~~ 4713.281, or 4713.31 of the Revised Code, not more than ~~seventy-five~~ one hundred eighty-five dollars; 1478
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(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than ~~seventy-three~~ three hundred dollars; 1481
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- (7) For renewal of a license issued under section 4713.28, 1483
~~4713.30, 4713.281,~~ 4713.31, or 4713.34 of the Revised Code, not 1484
more than ~~seventy-one hundred fifty~~ dollars; 1485
- (8) For the issuance or renewal of a cosmetology or barber 1486
school license, or the change of name or ownership of a licensed 1487
cosmetology or barber school, not more than ~~two hundred fifty-~~ 1488
one thousand dollars; 1489
- (9) For the issuance of a new salon or barber shop license 1490
or the change of name or ownership of a salon or barber shop 1491
license under section 4713.41 of the Revised Code, not more than 1492
one hundred ten dollars; 1493
- (10) For the renewal of a salon or barber shop license 1494
under section 4713.41 of the Revised Code, not more than ninety 1495
dollars; 1496
- (11) For the restoration of an expired license or 1497
registration that may be restored pursuant to section 4713.63 of 1498
the Revised Code, ~~an amount equal to the sum of the current-~~ 1499
~~license renewal fee and a lapsed renewal fee of~~ not more than 1500
~~forty-five~~ two hundred twenty-five dollars ~~per,~~ and not more 1501
than seventy-five dollars for each license or registration 1502
renewal period that has elapsed since the license or 1503
registration was last issued or renewed for up to three license 1504
or registration renewal periods; 1505
- (12) For the issuance of a duplicate of ~~any a~~ license 1506
issued under this chapter, not more than ~~thirty~~ forty-five 1507
dollars; 1508
- (13) For the preparation and mailing of ~~a licensee's the~~ 1509
records of an individual licensed under section 4713.28, 1510
4713.281, or 4713.31 of the Revised Code to another state for a 1511

reciprocity license, not more than fifty dollars; 1512

(14) For the processing of any fees related to a check 1513
from a licensee returned to the board for insufficient funds, an 1514
additional thirty dollars. 1515

(B) The board shall adjust the fees biennially, by rule, 1516
within the limits established by division (A) of this section, 1517
to provide sufficient revenues to meet its expenses. 1518

(C) The board may ~~establish an installment plan for the~~ 1519
~~payment of fines and fees and may reduce~~ fines and fees as 1520
considered appropriate by the board. 1521

(D) At the request of a person who is temporarily unable 1522
to pay a fee imposed under division (A) of this section, or on 1523
its own motion, the board may extend the date payment is due by 1524
up to ninety days. If the fee remains unpaid after the date 1525
payment is due, the amount of the fee shall be certified to the 1526
attorney general for collection in the form and manner 1527
prescribed by the attorney general. The attorney general may 1528
assess the collection cost to the amount certified in such a 1529
manner and amount as prescribed by the attorney general. 1530

Sec. 4713.14. No individual shall do any of the following: 1531

(A) Use fraud or deceit in obtaining or making application 1532
for a license, permit, or registration; 1533

(B) Aid or abet any individual or entity in any of the 1534
following: 1535

(1) Violating this chapter or a rule adopted under it; 1536

(2) Obtaining a license, permit, or registration 1537
fraudulently; 1538

(3) Falsely pretending to hold a current, valid license or permit.	1539 1540
(C) <u>(1)</u> Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	1541 1542 1543
(1) (a) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	1544 1545
(2) (b) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1546 1547
(3) (c) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	1548 1549
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	1550 1551 1552
(5) (d) A current, valid registration under section 4713.39 or 4713.69 of the Revised Code.	1553 1554
<u>(2) Practice barbering without a current, valid barber license under section 4713.281 or 4713.34 of the Revised Code or a current, valid registration under section 4713.39 of the Revised Code.</u>	1555 1556 1557 1558
(D) <u>(1)</u> Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	1559 1560 1561
(1) (a) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	1562 1563
(2) (b) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	1564 1565

- ~~(3)~~ (c) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code; 1566
1567
- ~~(4)~~ A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code; 1568
1569
1570
- ~~(5)~~ (d) A current, valid registration under section 4713.69 of the Revised Code. 1571
1572
- (2) Employ an individual to practice barbering if the individual does not hold a current, valid barber license under section 4713.281 or 4713.34 of the Revised Code. 1573
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1575
- (E) Except for apprentice instructors or assistant barber instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology or barbering at a school of cosmetology or barber school without either of the following authorizing the teaching of that branch of cosmetology or barbering: 1576
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1581
- (1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code; 1582
1583
- (2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 1584
1585
- (F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology: 1586
1587
1588
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1590
- (1) A current, valid license under section 4713.28, ~~4713.30,~~ or 4713.34 of the Revised Code; 1591
1592
- (2) A current, valid temporary special occasion work 1593

permit issued under section 4713.37 of the Revised Code.	1594
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	1595 1596 1597 1598
(H) Practice a branch of cosmetology <u>or barbering</u> at a salon <u>or barber shop</u> as an independent contractor without a current, valid <u>registering as an independent contractor license</u> issued under section 4713.39 of the Revised Code;	1599 1600 1601 1602
(I) Operate a salon <u>or barbershop</u> without a current, valid license under section 4713.41 of the Revised Code;	1603 1604
(J) Provide cosmetic therapy or massage therapy at a salon <u>or barber shop</u> for pay, free, or otherwise without a current, valid license issued by the state medical board under section 4731.15 of the Revised Code or provide any other professional service at a salon <u>or barber shop</u> 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;	1605 1606 1607 1608 1609 1610 1611 1612
(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:	1613 1614 1615 1616
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	1617 1618
(2) A current, valid temporary pre examination work permit issued under section 4713.22 of the Revised Code.	1619 1620
(L) Operate a school of cosmetology <u>or barber school</u>	1621

without a current, valid license under section 4713.44 of the Revised Code;

~~(M)~~ (L) At a salon, barber shop, barber school, 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)~~ (M) While in charge of a salon, barber shop, barber school, 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, barber shop, barber school, or school of cosmetology;

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

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

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

~~(R)~~ (Q) Use any of the services or arts that are part of

the practice of a branch of cosmetology to treat or attempt to 1650
cure a physical or mental disease or ailment; 1651

(R) Use the title "registered" if the individual does not 1652
have a current, valid registration under section 4713.39 or 1653
4713.69 of the Revised Code; 1654

(S) Use or display a barber pole for the purpose of 1655
advertising or offering barber services without a current, valid 1656
barber shop license under section 4713.41 of the Revised Code. 1657

Sec. 4713.141. An inspector employed by the state 1658
cosmetology and barber board may take a sample of a product used 1659
or sold in a salon, barber shop, barber school, or school of 1660
cosmetology for the purpose of examining the sample, or causing 1661
an examination of the sample to be made, to determine whether 1662
division ~~(M)~~(L) of section 4713.14 of the Revised Code has been 1663
violated. 1664

Should the results of the test prove that division ~~(M)~~(L) 1665
of section 4713.14 of the Revised Code has been violated, the 1666
board shall take action in accordance with section 4713.64 of 1667
the Revised Code. A fine imposed under that section shall 1668
include the cost of the test. The person's license may be 1669
suspended or revoked. 1670

Sec. 4713.16. (A) This chapter does not prohibit any of 1671
the following: 1672

(1) Practicing a branch of cosmetology without a license 1673
or registration if the individual does so for free at the 1674
individual's home for a family member who resides in the same 1675
household as the individual; 1676

(2) The retail sale, or trial demonstration by application 1677
to the skin for purposes of retail sale, of cosmetics, 1678

preparations, tonics, antiseptics, creams, lotions, wigs, or 1679
hairpieces without a practicing license or registration; 1680

(3) The retailing, at a salon, of cosmetics, preparations, 1681
tonics, antiseptics, creams, lotions, wigs, hairpieces, 1682
clothing, or any other items that pose no risk of creating 1683
unsanitary conditions at the salon; 1684

(4) The provision of glamour photography services at a 1685
licensed salon if either of the following is the case: 1686

(a) A branch of cosmetology is not practiced as part of 1687
the services. 1688

(b) If a branch of cosmetology is practiced as part of the 1689
services, the part of the services that is a branch of 1690
cosmetology is performed by an individual who holds ~~either one~~ 1691
of the following authorizing the individual to practice that 1692
branch of cosmetology: 1693

(i) A current, valid license under section 4713.28, ~~—~~ 1694
~~4713.30,~~ or 4713.34 of the Revised Code; 1695

(ii) A current, valid registration under section 4713.69 1696
of the Revised Code; 1697

(iii) A current, valid temporary special occasion work 1698
permit issued under section 4713.37 of the Revised Code. 1699

(5) A student engaging, as a student, in work connected 1700
with a branch of cosmetology taught at the school of cosmetology 1701
at which the student is enrolled; 1702

(6) Practicing a branch of cosmetology without a license 1703
or registration if the individual does so for free for the 1704
purpose of researching or developing a cosmetic as defined in 1705
section 3715.01 of the Revised Code. 1706

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

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

(1) All individuals authorized to practice medicine,
surgery, dentistry, and nursing or any of its branches in this
state, while acting within the scope of practice for the
license, permit, or certificate held;

(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, while acting within the scope
of practice for the license, permit, or certificate held;

(3) Funeral directors, embalmers, and apprentices licensed
or registered under Chapter 4717. of the Revised Code, while
acting within the scope of practice for the license, permit, or
registration held;

(4) 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;

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

section 3721.01 of the Revised Code, who render service to 1736
registered patients and inpatients who reside in such hospitals 1737
or homes. Such volunteers shall not use or work with any 1738
chemical products such as permanent wave, hair dye, or chemical 1739
hair relaxer, which without proper training would pose a health 1740
or safety problem to the patient. 1741

(6) Nurse aides and other employees of hospitals and homes 1742
as defined in section 3721.01 of the Revised Code, who practice 1743
a branch of cosmetology or barbering on registered patients only 1744
as part of general patient care services and who do not charge 1745
patients directly on a fee for service basis; 1746

(7) Cosmetic therapists and massage therapists who hold 1747
current, valid licenses to practice cosmetic or massage therapy 1748
issued by the state medical board under section 4731.15 of the 1749
Revised Code, ~~to the extent their actions are authorized by~~ 1750
~~their licenses~~ while acting within the scope of practice for the 1751
license held; 1752

(8) Inmates who provide services related to the practice 1753
of a branch of cosmetology or barbering to other inmates, except 1754
when those services are provided in a licensed barber shop, 1755
barber school, or school of cosmetology within a state 1756
correctional institution ~~for females.~~ 1757

(B) The director of rehabilitation and correction shall 1758
oversee the services described in division (A) (8) of this 1759
section with respect to ~~sanitation~~ infection control and adopt 1760
rules governing those types of services provided by inmates. 1761

Sec. 4713.22. (A) The state cosmetology and barber board 1762
shall issue a temporary pre-examination work permit to an 1763
individual who applies under section 4713.20 or 4713.281 of the 1764

Revised Code for admission to an examination conducted under 1765
section 4713.24 of the Revised Code, if the individual satisfies 1766
all of the following conditions: 1767

(1) Is seeking a practicing or barber license or an 1768
instructor or barber instructor license; 1769

(2) Has not previously failed an examination conducted 1770
under section 4713.24 of the Revised Code to determine the 1771
applicant's fitness to practice or instruct the branch of 1772
cosmetology or barbering for which the individual seeks a 1773
license; 1774

(3) Pays to the board the applicable fee; 1775

(4) Satisfies all other conditions established by rules 1776
adopted under section 4713.08 of the Revised Code. 1777

(B) An individual issued a temporary pre-examination work 1778
permit may practice the branch of cosmetology or barbering for 1779
which the individual seeks a practicing or barber license until 1780
the date the individual is scheduled to take an examination 1781
under section 4713.24 of the Revised Code. The individual shall 1782
practice under the supervision of an individual holding a 1783
current, valid license appropriate for the ~~type of salon~~ or 1784
barber shop in which the permit holder practices. 1785

(C) An individual issued a temporary pre-examination work 1786
permit may instruct the branch of cosmetology or barbering for 1787
which the individual seeks an instructor or barber instructor 1788
license for a period not to exceed one hundred twenty days. 1789

(D) A temporary pre-examination work permit is renewable 1790
in accordance with rules adopted under section 4713.08 of the 1791
Revised Code. 1792

Sec. 4713.24. (A) The state cosmetology and barber board 1793
shall conduct an examination for each individual who satisfies 1794
the requirements established by section 4713.20 of the Revised 1795
Code for admission to the examination. Examinations for 1796
licensure for any branch of cosmetology or barbering shall 1797
assess the ability of a prospective cosmetology or barber 1798
professional to maintain a safe and sanitary place of service 1799
delivery. ~~The board may develop and administer the appropriate~~ 1800
~~examination or enter into an agreement with a national testing~~ 1801
~~service to develop the examination, administer the examination,~~ 1802
~~or both.~~ The examination shall be a national, standardized 1803
examination that is specific to the type of license the 1804
individual seeks, and shall satisfy all of the following 1805
conditions: 1806

(1) Include both practical demonstrations and written or 1807
oral tests related to the type of license the individual seeks, and 1808
any written portion of the examination shall include both 1809
theoretical and procedural skill questions as prescribed by the 1810
board in rules adopted in accordance with section 4713.08 of the 1811
Revised Code; 1812

(2) Relate only to a branch of cosmetology or barbering, 1813
but not be confined to any special system or method; 1814

(3) Be consistent in both practical and technical 1815
requirements for the type of license the individual seeks; 1816

(4) Be of sufficient thoroughness to satisfy the board as 1817
to the individual's skill in and knowledge of the branch of 1818
cosmetology or barbering for which the examination is conducted. 1819

(B) ~~Not later than two years after September 13, 2016, the~~ 1820
The board shall create a curriculum and an examination for 1821

individuals seeking licensure to become an instructor or barber 1822
instructor and shall conduct an examination for each individual 1823
who satisfies the requirements established pursuant to section 1824
4713.31 of the Revised Code for admission to the examination. 1825

(C) The board shall adopt rules regarding the equipment or 1826
supplies an individual is required to bring to an examination 1827
described in this section. 1828

(D) The board shall not release the questions developed 1829
for the examinations and the practical demonstrations used in 1830
the testing process, except for the following purposes: 1831

(1) Reviewing or rewriting of any part of the examination 1832
on a periodic basis as prescribed in rules adopted under section 1833
4713.08 of the Revised Code; 1834

(2) Testing of individuals in another state for admission 1835
to the profession of cosmetology or any of its branches or 1836
barbering as required under a contract or by means of a license 1837
with that state; 1838

(3) Complying with a public records request after which 1839
the questions or the demonstrations have become a public record 1840
under division (F) of this section and otherwise may lawfully be 1841
released. 1842

(E) The examination papers and the scored results of the 1843
practical demonstrations of each individual examined by the 1844
board shall be open for inspection by the individual or the 1845
individual's attorney for at least ninety days following the 1846
announcement of the individual's grade, except for papers that 1847
under the terms of a contract with a testing service are not 1848
available for inspection. On written request of an individual or 1849
the individual's attorney made to the board not later than 1850

ninety days after announcement of the individual's grade, the 1851
board shall have the individual's practical examination papers 1852
regraded manually. 1853

(F) Test materials, examinations, or evaluation tools used 1854
in an examination for licensure under this chapter that the 1855
board develops or contracts with a private or government entity 1856
to administer shall become public records under section 149.43 1857
of the Revised Code fifteen years after the materials, 1858
examinations, or tools were first used in an assessment for 1859
licensure, unless the release of the record is otherwise 1860
prohibited by state or federal law, or the record is deemed to 1861
be the proprietary information of a private entity. 1862

(G) The board shall adopt rules in accordance with section 1863
4713.08 of the Revised Code to do both of the following: 1864

(1) To permit an individual to take any written portion of 1865
the examination required by division (A) of this section when 1866
the individual has completed the following amount of hours of 1867
instruction at a licensed school of cosmetology in this or 1868
another state: 1869

(a) For an individual seeking a cosmetology license, at 1870
least seven hundred fifty hours; 1871

(b) For an individual seeking an esthetics license, at 1872
least four hundred fifty hours; 1873

(c) For an individual seeking a hair stylist license, at 1874
least six hundred hours; 1875

(d) For an individual seeking a natural hair stylist 1876
license, at least three hundred thirty-seven and one-half hours; 1877

(e) For an individual seeking a manicurist license, at 1878

least one hundred fifty hours. 1879

(2) To permit an individual to take the practical portion 1880
of the examination required by division (A) of this section at 1881
the individual's school of cosmetology when the individual has 1882
completed all required hours of instruction at a school of 1883
cosmetology licensed in this or another state. 1884

Sec. 4713.28. (A) The state cosmetology and barber board 1885
shall issue a practicing license to an applicant who satisfies 1886
all of the following applicable conditions: 1887

(1) Is at least sixteen years of age; 1888

(2) Is of good moral character; 1889

(3) Has the equivalent of an Ohio public school tenth 1890
grade education; 1891

(4) Has submitted a written application on a form 1892
furnished by the board that contains all of the following: 1893

(a) The name of the individual and any other identifying 1894
information required by the board; 1895

~~(b) A recent photograph of the individual that meets the~~ 1896
~~specifications established by the board;~~ 1897

~~(c) A photocopy of the individual's current driver's~~ 1898
license or other proof of legal residence; 1899

~~(d)~~ (c) Proof that the individual is qualified to take the 1900
applicable examination as required by section 4713.20 of the 1901
Revised Code; 1902

~~(e)~~ (d) An oath verifying that the information in the 1903
application is true; 1904

~~(f)~~ (e) The applicable application fee. 1905

(5) <u>Submits to having a photograph taken by the board;</u>	1906
<u>(6) 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;</u>	1907 1908 1909
(6) <u>(7) Pays to the board the applicable license fee;</u>	1910
(7) <u>(8) (a) 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>four hundred</u> hours of board-approved cosmetology training in a <u>licensed</u> school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. <u>section 4713.281</u> of the Revised Code;</u>	1911 1912 1913 1914 1915 1916 1917 1918 1919
(8) <u>(b) The training required by division (A) (8) (a) of this section shall, at a minimum, include all of the following subjects and the hours assigned to each:</u>	1920 1921 1922
<u>(i) Twenty-four hours of professional requirements instruction;</u>	1923 1924
<u>(ii) Twenty-six hours of safety, health, and infection control training;</u>	1925 1926
<u>(iii) Fifteen hours of anatomy and physiology training;</u>	1927
<u>(iv) Ten hours of hair analysis training;</u>	1928
<u>(v) Ten hours of hair and scalp disorders and diseases training;</u>	1929 1930
<u>(vi) Five hours of chemistry as applied to cosmetology training;</u>	1931 1932

<u>(vii) Thirty hours of shampoos, rinses, conditioners, and treatments training;</u>	1933
	1934
<u>(viii) One hundred seventy-five hours of hair cutting and shaping training;</u>	1935
	1936
<u>(ix) Two hundred forty-five hours of hair styling training;</u>	1937
	1938
<u>(x) One hundred eighty hours of chemical restructuring training;</u>	1939
	1940
<u>(xi) One hundred eighty hours of hair coloring and lightening training;</u>	1941
	1942
<u>(xii) Forty hours of nail care and procedures training;</u>	1943
<u>(xiii) Sixty hours of training in skin care and procedures.</u>	1944
	1945
<u>(9) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this <u>or another</u> state;</u>	1946
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	1949
(9) <u>(10) In the case of an applicant for an initial hair designer stylist license, has successfully completed at least one thousand two eight hundred hours of board-approved hair designer stylist training in a school of cosmetology licensed in this <u>or another</u> state, except that only one thousand two hundred hours of board-approved hair designer stylist training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. <u>section 4713.281</u> of the Revised Code <u>or, for an applicant with at least five years' experience as a licensed barber, a written and practical examination, administered by the board, which if</u></u>	1950
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passed shall serve in lieu of the hair stylist training required 1961
under this division; 1962

~~(10)~~ (11) In the case of an applicant for an initial 1963
manicurist license, has successfully completed at least two 1964
hundred hours of board-approved manicurist training in a school 1965
of cosmetology licensed in this or another state; 1966

~~(11)~~ (12) In the case of an applicant for an initial 1967
natural hair stylist license, has successfully completed at 1968
least four hundred fifty hours of instruction in subjects 1969
relating to sanitation infection control, scalp care, anatomy, 1970
hair styling, communication skills, and laws and rules governing 1971
the practice of cosmetology. 1972

(B) A licensed career-technical school shall meet in its 1973
cosmetology curriculum the minimum hours of training required by 1974
this section for the applicable branch of cosmetology. 1975

(C) The board shall not deny a license to any applicant 1976
based on prior incarceration or conviction for any crime. If the 1977
board denies an individual a license or license renewal, the 1978
reasons for such denial shall be put in writing. 1979

Sec. 4713.281. (A) The state cosmetology and barber board 1980
shall admit an applicant to take the required barber examination 1981
under section 4713.24 of the Revised Code who satisfies all of 1982
the following requirements: 1983

(1) Is not less than eighteen years of age; 1984

(2) Is of good moral character; 1985

(3) Has an eighth grade education or an equivalent 1986
education as determined by the state board of education in the 1987
state where the applicant resides; 1988

<u>(4) Has submitted a written application on a form</u>	1989
<u>furnished by the board that contains all of the following:</u>	1990
<u>(a) The name of the individual and any other identifying</u>	1991
<u>information required by the board;</u>	1992
<u>(b) A photocopy of the individual's current driver's</u>	1993
<u>license or other proof of legal residence;</u>	1994
<u>(c) An oath verifying that the information in the</u>	1995
<u>application is true.</u>	1996
<u>(5) Submits to having a photograph taken by the board;</u>	1997
<u>(6) Has completed at least one thousand hours of training</u>	1998
<u>from a board-approved barber school or has completed at least</u>	1999
<u>four hundred hours of training from a board-approved barber</u>	2000
<u>school and has a current cosmetology or hair stylist license</u>	2001
<u>issued under section 4713.28 of the Revised Code;</u>	2002
<u>(7) Has paid the applicable application fee.</u>	2003
<u>(B) The board shall issue a barber license to an applicant</u>	2004
<u>who passes the examination and pays the applicable license fee.</u>	2005
<u>(C) If the applicant fails to pass any part of the</u>	2006
<u>examination, the applicant is ineligible for licensure; however,</u>	2007
<u>the applicant may reapply for examination and pay the required</u>	2008
<u>reexamination fee. An applicant is only required to take that</u>	2009
<u>part or parts of the examination that the applicant did not</u>	2010
<u>pass. If the applicant fails the second examination, the</u>	2011
<u>applicant shall complete an additional course of study of not</u>	2012
<u>less than two hundred hours in a board-approved barber school to</u>	2013
<u>reapply for examination. The board shall provide to an</u>	2014
<u>applicant, on request, a report that explains the reasons for</u>	2015
<u>the applicant's failure to pass the examination.</u>	2016

Sec. 4713.31. The state cosmetology and barber board shall 2017
issue an instructor or barber instructor license to an applicant 2018
who satisfies all of the following applicable conditions: 2019

(A) Is at least eighteen years of age; 2020

(B) Is of good moral character; 2021

(C) Has the equivalent of an Ohio public school twelfth 2022
grade education; 2023

(D) Provides proof of sufficient relevant experience, as 2024
determined by the board; 2025

(E) Pays to the board the applicable application fee; 2026

~~(E)-(F) Submits to having a photograph taken by the board;~~ 2027

(G) In the case of an applicant for an initial cosmetology- 2028
instructor or barber instructor license, holds a current, valid- 2029
advanced cosmetologist license issued in this state and does- 2030
either of the following: 2031

~~(1) Has the licensed advanced cosmetologist or owner of-~~ 2032
~~the licensed beauty salon in which the applicant has been-~~ 2033
~~employed certify to the board that the applicant has engaged in-~~ 2034
~~the practice of cosmetology in a licensed beauty salon for at-~~ 2035
~~least one thousand eight hundred hours;~~ 2036

~~(2) Has a school of cosmetology licensed in this state-~~ 2037
~~certify to the board that the applicant has successfully-~~ 2038
~~completed one thousand hours of board-approved cosmetology-~~ 2039
~~instructor training as an apprentice instructor.~~ 2040

~~(F) In the case of an applicant for an initial esthetics-~~ 2041
~~instructor license, holds a current, valid advanced esthetician-~~ 2042
~~or advanced cosmetologist license issued in this state and does-~~ 2043

~~either of the following:~~ 2044

~~(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;~~ 2045
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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 five hundred hours of board approved esthetics instructor training as an apprentice instructor.~~ 2052
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~~(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:~~ 2056
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~~(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;~~ 2060
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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 eight hundred hours of board approved hair design instructor's training as an apprentice instructor.~~ 2067
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~~(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist~~ 2071
2072

~~or advanced cosmetologist license and does either of the~~ 2073
~~following:~~ 2074

~~(1) Has the licensed advanced manicurist, licensed~~ 2075
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2076
~~licensed beauty salon in which the applicant has been employed~~ 2077
~~certify to the board that the applicant has engaged in the~~ 2078
~~practice of manicuring in a licensed nail salon or practice of~~ 2079
~~cosmetology in a licensed beauty salon for at least one thousand~~ 2080
~~eight hundred hours;~~ 2081

~~(2) Has a school of cosmetology licensed in this state~~ 2082
~~certify to the board that the applicant has successfully~~ 2083
~~completed at least three hundred hours of board approved~~ 2084
~~manicurist instructor training as an apprentice instructor.~~ 2085

~~(I) In the case of an applicant for an initial natural~~ 2086
~~hair style instructor license, holds a current, valid advanced~~ 2087
~~natural hair stylist or advanced cosmetologist license and does~~ 2088
~~either of the following:~~ 2089

~~(1) Has the licensed advanced natural hair stylist,~~ 2090
~~licensed advanced cosmetologist, or owner of the licensed~~ 2091
~~natural hair style salon or licensed beauty salon in which the~~ 2092
~~applicant has been employed certify to the board that the~~ 2093
~~applicant has engaged in the practice of natural hair styling in~~ 2094
~~a licensed natural hair style salon or practice of cosmetology~~ 2095
~~in a licensed beauty salon for at least one thousand eight~~ 2096
~~hundred hours;~~ 2097

~~(2) Has a school of cosmetology licensed in this state~~ 2098
~~certify to the board that the applicant has successfully~~ 2099
~~completed at least four hundred hours of board approved natural~~ 2100
~~hair style instructor training as an apprentice instructor.~~ 2101

~~(J) meets the training and experience requirements~~ 2102
~~established in rules the board adopts in accordance with section~~ 2103
~~4713.08 of the Revised Code;~~ 2104

(H) In the case of all applicants, passes an examination 2105
conducted under division (B) of section 4713.24 of the Revised 2106
Code for the branch of cosmetology or barbering the applicant 2107
seeks to instruct; 2108

(I) Pays to the board the applicable license fee. 2109

Sec. 4713.311. An individual who holds a valid advanced 2110
license in a branch of cosmetology issued under former section 2111
4713.30 of the Revised Code as of the effective date of this 2112
section may do either of the following: 2113

(A) Convert the individual's advanced license to a 2114
cosmetology instructor license or an instructor license in a 2115
branch of cosmetology, as applicable. Not later than two years 2116
after the effective date of this section, the state cosmetology 2117
and barber board shall issue a cosmetology instructor license or 2118
an instructor license in a branch of cosmetology, as applicable, 2119
to each individual who holds a valid advanced license as of the 2120
effective date of this section and who notifies the board not 2121
later than a date determined by the board that the individual 2122
wishes to convert the individual's license. 2123

(B) Maintain and renew the individual's advanced license 2124
in accordance with section 4713.60 of the Revised Code. A valid 2125
advanced license shall be deemed to be a cosmetology instructor 2126
license or an instructor license in a branch of cosmetology, as 2127
applicable, for purposes of Chapter 4713. of the Revised Code. 2128
If the individual fails to timely renew the individual's 2129
license, the individual may not renew the license as an advanced 2130

license and instead may apply to renew the license as though it 2131
were a cosmetology instructor license or an instructor license 2132
in a branch of cosmetology, as applicable. 2133

Sec. 4713.32. When determining the total hours of 2134
instruction received by an applicant for a license under section 2135
4713.28, ~~4713.30~~ 4713.281, or 4713.31 of the Revised Code, the 2136
state cosmetology and barber board shall not take into account 2137
more than ten hours of instruction per day. The board shall take 2138
into account instruction received more than five years prior to 2139
the date of application for the license in accordance with rules 2140
adopted under section 4713.08 of the Revised Code. 2141

Sec. 4713.34. (A) The state cosmetology and barber board 2142
shall issue a license by endorsement to practice a branch of 2143
cosmetology or barbering or an instructor or barber instructor 2144
license to an applicant who is licensed or registered in another 2145
state or country to practice that branch of cosmetology or 2146
barbering or to teach the theory and practice of that branch of 2147
cosmetology or barbering, as appropriate, if ~~all of the~~ 2148
~~following conditions are satisfied:~~ 2149

~~(A)~~ The applicant satisfies all of the following 2150
applicable conditions: 2151

(1) Is not less than eighteen years of age; 2152

(2) Is of good moral character; 2153

(3) ~~In the case of an applicant for a practicing license,~~ 2154
~~passes an examination conducted under section 4713.24 of the~~ 2155
~~Revised Code for the license the applicant seeks, unless the~~ 2156
~~applicant satisfies conditions specified in rules adopted under~~ 2157
~~section 4713.08 of the Revised Code for the board to issue the~~ 2158
~~applicant a license without taking the examination;~~ 2159

~~(4) Pays the applicable fee;~~ 2160

(4) If the person is licensed or registered in another 2161
state, submits to the board satisfactory evidence of that fact; 2162

(5) If the person is licensed or registered or was trained 2163
in another country, submits to the board satisfactory evidence 2164
of that fact and that the standards for licensure, registration, 2165
or training in that country were substantially similar to those 2166
of this state at the time the person was licensed, registered, 2167
or trained . 2168

~~(B) At the time If the applicant obtained the is applying~~ 2169
~~for a license or registration in the other state or country, the~~ 2170
~~requirements in this state for obtaining the license the~~ 2171
~~applicant seeks were substantially equal to the other state or~~ 2172
~~country's requirements to practice barbering under division (A)~~ 2173
of this section, the board may waive any of the conditions 2174
listed in that division or require the applicant to pass an 2175
examination. 2176

~~(C) The jurisdiction that issued the applicant's license~~ 2177
~~or registration extends similar reciprocity to individuals~~ 2178
~~holding a license issued by the board.~~ 2179

Sec. 4713.35. An individual who holds a current, valid 2180
cosmetologist ~~or advanced cosmetologist~~ license issued by the 2181
state cosmetology and barber board may engage in the practice of 2182
one or more branches of cosmetology as the individual chooses in 2183
a licensed facility. 2184

An individual who holds a current, valid esthetician ~~or~~ 2185
~~advanced esthetician~~ license issued by the board may engage in 2186
the practice of esthetics but no other branch of cosmetology in 2187
a licensed facility. 2188

An individual who holds a current, valid hair ~~designer or~~ 2189
~~advanced hair designer~~ stylist license issued by the board may 2190
engage in the practice of hair ~~design~~ styling but no other 2191
branch of cosmetology in a licensed facility. 2192

An individual who holds a current, valid manicurist ~~or~~ 2193
~~advanced manicurist~~ license issued by the board may engage in 2194
the practice of manicuring but no other branch of cosmetology in 2195
a licensed facility. 2196

An individual who holds a current, valid natural hair 2197
~~stylist or advanced natural hair~~ stylist license issued by the 2198
board may engage in the practice of natural hair styling but no 2199
other branch of cosmetology in a licensed facility. 2200

An individual who holds a current, valid cosmetology 2201
instructor license issued by the board may teach the theory and 2202
practice of one or more branches of cosmetology at a school of 2203
cosmetology as the individual chooses. 2204

An individual who holds a current, valid esthetics 2205
instructor license issued by the board may teach the theory and 2206
practice of esthetics, but no other branch of cosmetology, at a 2207
school of cosmetology. 2208

An individual who holds a current, valid hair ~~design~~ 2209
stylist instructor license issued by the board may teach the 2210
theory and practice of hair ~~design~~ styling, but no other branch 2211
of cosmetology, at a school of cosmetology. 2212

An individual who holds a current, valid manicurist 2213
instructor license issued by the board may teach the theory and 2214
practice of manicuring, but no other branch of cosmetology, at a 2215
school of cosmetology. 2216

An individual who holds a current, valid natural hair 2217

style instructor license issued by the board may teach the 2218
theory and practice of natural hair styling, but no other branch 2219
of cosmetology, at a school of cosmetology. 2220

An individual who holds a current, valid boutique services 2221
registration with the board may engage in the practice of 2222
boutique services but no other branch of cosmetology. 2223

Sec. 4713.37. (A) The state cosmetology and barber board 2224
may issue a temporary special occasion work permit to an 2225
individual who satisfies all of the following conditions: 2226

(1) Has been licensed or registered in another state or 2227
country to practice a branch of cosmetology or barbering or 2228
teach the theory and practice of a branch of cosmetology or 2229
barbering for at least five years; 2230

(2) Is a recognized expert in the practice or teaching of 2231
the branch of cosmetology or barbering the individual practices 2232
or teaches; 2233

(3) Is to practice that branch of cosmetology or barbering 2234
or teach the theory and practice of that branch of cosmetology 2235
or barbering in this state as part of a promotional or 2236
instructional program for not more than the amount of time a 2237
temporary special occasion work permit is effective; 2238

(4) Satisfies all other conditions for a temporary special 2239
occasion work permit established by rules adopted under section 2240
4713.08 of the Revised Code; 2241

(5) Pays the fee established by rules adopted under 2242
section 4713.08 of the Revised Code. 2243

(B) An individual issued a temporary special occasion work 2244
permit may practice the branch of cosmetology or barbering the 2245

individual practices in another state or country, or teach the 2246
theory and practice of the branch of cosmetology or barbering 2247
the individual teaches in another state or country, until the 2248
expiration date of the permit. A temporary special occasion work 2249
permit is valid for the period of time specified in rules 2250
adopted under section 4713.08 of the Revised Code. 2251

Sec. 4713.39. The state cosmetology and barber board shall 2252
develop rules in accordance with section 4713.08 of the Revised 2253
Code to permit an applicant to register as an independent 2254
contractor if the applicant is an independent contractor in a 2255
licensed facility and meets the conditions established by the 2256
board. 2257

Sec. 4713.41. The state cosmetology and barber board shall 2258
issue a license to operate a salon, ~~including a boutique salon,~~ 2259
or barber shop to an applicant who pays the applicable fee and 2260
affirms that all of the following conditions will be met: 2261

(A) (1) An individual holding a current, valid 2262
cosmetologist or barber license or boutique services 2263
registration pertaining to the branch of cosmetology services 2264
or barbering performed at the salon or ~~boutique salon~~ barber 2265
shop, shall have charge of and immediate supervision over the 2266
salon or barber shop at all times when the salon or barber shop 2267
is open for business except as permitted under division (A) (2) 2268
of this section. 2269

(2) A business establishment that is engaged primarily in 2270
retail sales but is also licensed as a salon or barber shop 2271
shall have present an individual holding a current, valid 2272
license or registration to practice in that ~~type of salon~~ or 2273
barber shop in charge of and in immediate supervision of the 2274
salon or barber shop during posted or advertised service hours, 2275

if the practice of cosmetology or barbering is restricted to 2276
those posted or advertised service hours. 2277

(B) (1) The salon or barber shop is equipped to do all of 2278
the following: 2279

~~(1)~~ (a) Provide potable running hot and cold water and 2280
proper drainage; 2281

~~(2) Sanitize~~ (b) Clean and disinfect all nonporous 2282
instruments and supplies used in the branch of cosmetology or 2283
barbering provided at the salon or barber shop; 2284

~~(3)~~ (c) If cosmetic therapy, massage therapy, or other 2285
professional service is provided at the salon or barber shop 2286
under section 4713.42 of the Revised Code, ~~sanitize~~ disinfect 2287
all instruments and supplies used in the cosmetic therapy, 2288
massage therapy, or other professional service. 2289

(2) For purposes of division (B) (1) (b) of this section, 2290
cleaning does not make multi-use items safe for subsequent use, 2291
and disinfection must be done after cleaning. 2292

~~(C) Except as provided in sections 4713.42 and 4713.49 of~~ 2293
~~the Revised Code, only the branch of cosmetology that the salon~~ 2294
~~is licensed to provide is practiced at the salon.~~ 2295

~~(D)~~ The salon or barber shop is kept in a clean and 2296
sanitary condition and properly ventilated. 2297

~~(E)~~ (D) The salon or barber shop, including all of its 2298
equipment, implements, and other personal property, is properly 2299
cleaned and disinfected at all times, except for the immediate 2300
period during which a licensee performs a cosmetology or 2301
barbering service or prepares the service area after a patron in 2302
preparation for the next patron. 2303

(E) No food is sold at the salon or barber shop in a 2304
manner inconsistent with rules adopted under section 4713.08 of 2305
the Revised Code. 2306

(F) A notice that contains a toll-free number and online 2307
process for reporting alleged violations of this chapter, as 2308
prescribed by the board ~~of cosmetology~~, is posted at the salon 2309
or barber shop in a common area for all customers of salon or 2310
barbering services. 2311

Sec. 4713.42. An individual holding a current, valid 2312
license issued under section 4731.15 of the Revised Code to 2313
provide cosmetic therapy or massage therapy may provide cosmetic 2314
therapy or massage therapy, as appropriate, in a salon or barber 2315
shop. An individual holding a current, valid license or 2316
certificate issued by a professional regulatory board of this 2317
state may practice the individual's profession in a salon or 2318
barber shop if the individual's profession is authorized by 2319
rules adopted under section 4713.08 of the Revised Code to 2320
practice in a salon or barber shop. 2321

An individual providing cosmetic therapy, massage therapy, 2322
or other professional service in a salon or barber shop pursuant 2323
to this section shall satisfy the standards established by rules 2324
adopted under section 4713.08 of the Revised Code. 2325

Sec. 4713.44. (A) The state cosmetology and barber board 2326
shall issue a license to operate a school of cosmetology or 2327
barber school to an applicant who pays the applicable fee and 2328
satisfies all of the following requirements: 2329

(1) Maintains a course of practical training and technical 2330
instruction for the branch or branches of cosmetology or 2331
barbering to be taught at the school equal to the requirements 2332

for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology or barbering;

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

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

(4) Notifies the board of the enrollment of each new student, and provides to the board the student's signed acknowledgment form, as described in division (A)(14) of section 4713.07 of the Revised Code; keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

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

(6) On the date that an apprentice cosmetology instructor or assistant barber instructor begins cosmetology or barber instructor training at the school, certifies the name of the apprentice cosmetology instructor or assistant barber instructor to the board along with the date on which the ~~apprentice's~~ instructor training began;

(7) Instructs not more than six apprentice cosmetology

instructors or assistant barber instructors at any one time; 2362

(8) ~~Files~~ Except as otherwise provided in this division, 2363
files with the board a good and sufficient surety bond executed 2364
by the individual, firm, or corporation operating the school of 2365
cosmetology as principal and by a surety company ~~as surety in~~ 2366
~~the amount of ten thousand dollars; provided, that this~~ 2367
~~requirement does not apply to a vocational or career technical~~ 2368
~~school program conducted by a city, exempted village, local, or~~ 2369
~~joint vocational school district. The amount of the bond shall~~ 2370
be equal to ten per cent of the school's gross income from 2371
tuition, fees, and other required institutional charges during 2372
the preceding calendar year, provided that the required amount 2373
of the bond shall be not less than ten thousand dollars and not 2374
more than two hundred fifty thousand dollars. A private career 2375
school may obtain a bond in a greater amount. 2376

The bond shall be in the form prescribed by the board and 2377
be conditioned upon the school's continued instruction in the 2378
theory and practice of the branches of cosmetology or barbering. 2379
Every bond shall continue in effect until notice of its 2380
termination is given to the board by registered mail and every 2381
bond shall so provide. 2382

This division does not apply to a vocational or career- 2383
technical school program conducted by a city, exempted village, 2384
local, or joint vocational school district. 2385

(9) Establishes and maintains an internal procedure for 2386
processing complaints filed against the school and for providing 2387
students with instructions on how to file a complaint directly 2388
with the board pursuant to section 4713.641 of the Revised Code. 2389

(B) A school of cosmetology or barber school holding a 2390

license issued under division (A) of this section is an 2391
educational institution and is authorized to offer educational 2392
programs beyond secondary education, ~~advanced practice programs,~~ 2393
~~or both~~ in accordance with rules adopted by the board pursuant 2394
to section 4713.08 of the Revised Code. 2395

(C) A school of cosmetology holding a license to operate a 2396
school of cosmetology on September 29, 2013, shall establish and 2397
maintain an internal procedure for processing complaints filed 2398
against the school and shall provide each of the school's 2399
students with instructions on how to file a complaint directly 2400
with the board pursuant to section 4713.641 of the Revised Code. 2401

Sec. 4713.45. (A) A school of cosmetology or barber school 2402
may do the following: 2403

(1) In accordance with rules adopted under section 4713.08 2404
of the Revised Code, a school of cosmetology or barber school 2405
operated by a public entity or a private person may offer clock 2406
hours, credit hours, or competency-based credits by classroom 2407
instruction or distance education for the purpose of satisfying 2408
minimum hours of training and instruction; 2409

(2) Allow an apprentice cosmetology instructor or 2410
assistant barber instructor the regular quota of students 2411
prescribed by the state cosmetology and barber board if a 2412
cosmetology instructor or barber instructor is present; 2413

(3) Compensate an apprentice cosmetology instructor or 2414
assistant barber instructor; 2415

(4) Subject to division (B) of this section, employ an 2416
individual who does not hold a current, valid instructor or 2417
barber instructor license to teach subjects related to a branch 2418
of cosmetology or barbering. 2419

(B) A school of cosmetology or barber school shall have a 2420
licensed cosmetology instructor or barber instructor present 2421
when an individual employed pursuant to division (A)(4) of this 2422
section teaches at the school, unless the individual is one of 2423
the following: 2424

(1) An individual with a current, valid teacher's 2425
certificate or educator license issued by the state board of 2426
education; 2427

(2) An individual with a bachelor's degree in the subject 2428
the person teaches at the school; 2429

(3) An individual also employed by a university or college 2430
to teach the subject the person teaches at the school. 2431

(C) A school of cosmetology or barber school shall 2432
annually review the subjects and coursework required to receive 2433
an initial cosmetology or barber license ~~and advanced license~~ 2434
and, in doing so, shall incorporate standards adopted by the 2435
state cosmetology and barber board pursuant to division (A)(13) 2436
of section 4713.08 of the Revised Code. 2437

Sec. 4713.46. A student who is injured or damaged by 2438
reason of the failure of a school of cosmetology or barber 2439
school to continue instruction in the theory and practice of a 2440
branch of cosmetology or barbering may maintain an action on the 2441
bond against the school, or surety named therein, or both of 2442
them, for the recovery of any money or tuition paid in advance 2443
for instruction in the theory and practice of a branch of 2444
cosmetology or barbering that was not received. The aggregate 2445
liability of the surety to all students shall not exceed the sum 2446
of the bond. 2447

Sec. 4713.49. The owner or manager of a salon, barber 2448

shop, school of cosmetology, or barber school that has a permit 2449
issued under section 4713.48 of the Revised Code may operate a 2450
tanning facility at the salon, barber shop, or school. 2451

Sec. 4713.55. Every license issued by the state 2452
cosmetology and barber board shall be signed by the chairperson 2453
and attested by the executive director of the board, with the 2454
seal of the board attached. 2455

The board shall specify on each practicing license that 2456
the board issues the branch of cosmetology that the license 2457
entitles the holder to practice. ~~The board shall specify on each~~ 2458
~~advanced license that the board issues the type of salon in~~ 2459
~~which the license entitles the holder to work and the branch of~~ 2460
~~cosmetology that the license entitles the holder to practice.~~ 2461
The board shall specify on each instructor license that the 2462
board issues the branch of cosmetology that the license entitles 2463
the holder to teach. ~~The board shall specify on each salon~~ 2464
~~license that the board issues the branch of cosmetology that the~~ 2465
~~license entitles the holder to offer. The board shall specify on~~ 2466
~~each independent contractor license that the board issues the~~ 2467
~~branch of cosmetology that the license entitles the holder to~~ 2468
~~offer within a licensed salon.~~ Such licenses are prima-facie 2469
evidence of the right of the holder to practice or teach the 2470
branch of cosmetology that the license specifies. 2471

Sec. 4713.56. Every holder of a practicing license, barber 2472
license, instructor license, barber instructor license, 2473
independent contractor license registration, or boutique ~~service~~ 2474
services registration issued by the state cosmetology and barber 2475
board shall maintain the board-issued, wallet-sized license or 2476
electronically generated license certification or registration 2477
and a current government-issued photo identification that can be 2478

produced upon inspection or request. 2479

~~Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.~~ 2480
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~~Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school.~~ 2483
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Every individual who provides cosmetic therapy, massage therapy, or other professional service in a salon or barber shop under section 4713.42 of the Revised Code shall maintain the individual's professional license or certificate or electronically generated license certification or registration and a state of Ohio issued photo identification that can be produced upon inspection or request. 2486
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Sec. 4713.57. (A) A practicing, instructor, salon, or school of cosmetology license, independent contractor registration to practice a branch of cosmetology, or boutique services registration issued by the state cosmetology and barber board pursuant to this chapter is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. ~~Renewal~~ 2493
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(B) A barber, barber instructor, barber shop, or barber school license or independent contractor registration to practice barbering issued by the board pursuant to this chapter is valid until the last day of August of each even-numbered year following its original issuance or renewal, unless the license is revoked or suspended before that date. 2501
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(C) The renewal of a license or registration under this 2507

section shall be done in accordance with the standard renewal 2508
procedure of Chapter 4745. of the Revised Code. The board may 2509
refuse to renew a license if the individual holding the license 2510
has an outstanding unpaid fine levied under section 4713.64 of 2511
the Revised Code. 2512

Sec. 4713.58. (A) Except as provided in division (B) of 2513
this section, on payment of the renewal fee and submission of 2514
proof satisfactory to the state cosmetology and barber board 2515
that any applicable continuing education requirements have been 2516
completed, an individual currently licensed as: 2517

~~(1) A cosmetology instructor who has previously been 2518
licensed as a cosmetologist or an advanced cosmetologist, is 2519
entitled to the reissuance of a cosmetologist or advanced 2520
cosmetologist license. 2521~~

~~(2) An esthetics instructor who has previously been 2522
licensed as an esthetician or an advanced esthetician, is 2523
entitled to the reissuance of an esthetician or advanced 2524
esthetician license. 2525~~

~~(3) A hair design an instructor or barber instructor who 2526
has previously been licensed as held a hair designer or an 2527
advanced hair designer, is entitled to the reissuance of a hair- 2528
designer or advanced hair designer practicing or barber license. 2529~~

~~(4) A manicurist instructor who has previously been 2530
licensed as a manicurist or an advanced manicurist, is entitled 2531
to the reissuance of a manicurist or advanced manicurist that 2532
practicing or barber license. 2533~~

~~(5) A natural hair style instructor who has previously 2534
been licensed as a natural hair stylist or an advanced natural- 2535
hair stylist, is entitled to the reissuance of a natural hair- 2536~~

~~stylist or advanced natural hair stylist license.~~ 2537

(B) No individual is entitled to the reissuance of a 2538
license under division (A) of this section if the license was 2539
revoked or suspended or the individual has an outstanding unpaid 2540
fine levied under section 4713.64 of the Revised Code. 2541

Sec. 4713.59. If the state cosmetology and barber board 2542
adopts rules under section 4713.09 of the Revised Code to 2543
establish a continuing education requirement as a condition of 2544
renewal for a practicing license, ~~advanced license, or~~ 2545
instructor license, barber license, barber instructor license, 2546
or independent contractor registration, the board shall inform 2547
each affected licensee or registrant of the continuing education 2548
requirement that applies to the next biennial licensing period 2549
by including that information in the renewal notification it 2550
sends the licensee or registrant. The notification shall state 2551
that the licensee or registrant must complete the continuing 2552
education requirement, via classroom instruction or distance 2553
education, by the fifteenth day of January of the next odd- 2554
numbered year for a practicing license, instructor license, or 2555
independent contractor registration to practice a branch of 2556
cosmetology, or by the fifteenth day of August of the next even- 2557
numbered year for a barber license, barber instructor license, 2558
or independent contractor registration to practice barbering. 2559

Hours completed in excess of the continuing education 2560
requirement may not be applied to the next biennial licensing 2561
period. 2562

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 2563
of this section, an individual seeking a renewal of a license to 2564
practice a branch of cosmetology, ~~advanced license,~~ instructor 2565
license, ~~or boutique services~~ independent contractor 2566

registration, barber license, or barber instructor license shall 2567
~~include attest~~ in the renewal application ~~proof satisfactory~~ to 2568
the ~~board of~~ completion of any applicable continuing education 2569
requirements established by rules adopted under section 4713.09 2570
of the Revised Code. 2571

~~(B) If an applicant fails to provide satisfactory proof of~~ 2572
~~completion of any applicable continuing education requirements,~~ 2573
~~the board shall notify the applicant that the application is~~ 2574
~~incomplete. The board shall not renew the license or~~ 2575
~~registration until the applicant provides satisfactory proof of~~ 2576
~~completion of any applicable continuing education requirements.~~ 2577
~~The board may provide the applicant with an extension of up to~~ 2578
~~ninety days in which to complete the continuing education~~ 2579
~~requirement. In providing for the extension, the board may~~ 2580
~~charge the licensee or registrant a fine of up to one hundred~~ 2581
~~dollars.~~ 2582

~~(C)~~The board may waive, or extend the period for 2583
completing, any continuing education requirement if a licensee 2584
or registrant applies to the board and provides proof 2585
satisfactory to the board of being unable to complete the 2586
requirement within the time allowed because of any of the 2587
following: 2588

(1) An emergency; 2589

(2) An unusual or prolonged illness; 2590

(3) Active duty service in any branch of the armed forces 2591
of the United States or a reserve component of the armed forces 2592
of the United States, including the Ohio national guard or the 2593
national guard of any other state. 2594

The board shall determine the period of time during which 2595

each extension is effective and shall inform the applicant. The 2596
board shall also inform the applicant of the continuing 2597
education requirements that must be met to have the license or 2598
registration renewed. If an extension is granted for less than 2599
one year, the continuing education requirement for that year, in 2600
addition to the required continuing education for the succeeding 2601
year, must be completed in the succeeding year. In all other 2602
cases the board may waive all or part of the continuing 2603
education requirement on a case-by-case basis. Any required 2604
continuing education shall be completed ~~and satisfactory proof~~ 2605
~~of its completion submitted to the board~~ by a date specified by 2606
the board. Every license or registration that has not been 2607
renewed in the timeframe specified in section 4713.57 of the 2608
Revised Code and for which the continuing education requirement 2609
has not been waived or extended shall be considered expired. 2610

Sec. 4713.61. (A) If the state cosmetology and barber 2611
board adopts a continuing education requirement under section 2612
4713.09 of the Revised Code, it may develop a procedure by which 2613
an individual who holds a license to practice a branch of 2614
cosmetology, ~~advanced license, instructor license, barber~~ 2615
license, barber instructor license, or instructor license 2616
independent contractor registration and who is not currently 2617
engaged in the practice of the branch of cosmetology or 2618
barbering or teaching the theory and practice of the branch of 2619
cosmetology or barbering, but who desires to be so engaged in 2620
the future, may apply to the board to have the individual's 2621
license or registration classified inactive. If the board 2622
develops such a procedure, an individual seeking to have the 2623
individual's license or registration classified inactive shall 2624
apply to the board on a form provided by the board and pay the 2625
fee established by rules adopted under section 4713.08 of the 2626

Revised Code. 2627

(B) The board shall not restore an inactive license or 2628
registration until the later of the following: 2629

~~(1) The date that the individual holding the license or 2630
registration submits proof satisfactory to the board that the 2631
individual has completed the continuing education that a rule 2632
adopted under section 4713.08 of the Revised Code requires, 2633~~

~~(2) The last day of January of the next odd-numbered year 2634
following the year the license is classified inactive. 2635~~

~~(C) An individual who holds an inactive license may engage 2636
in the practice of a branch of cosmetology if the individual 2637
holds a temporary work permit as specified in rules adopted by 2638
the board under section 4713.08 of the Revised Code. 2639~~

Sec. 4713.62. (A) An individual holding a practicing 2640
license, ~~advanced license, instructor license, barber license,~~ 2641
~~barber instructor license, or boutique services independent~~ 2642
~~contractor registration may satisfy a continuing education 2643
requirement established by rules adopted under section 4713.09 2644
of the Revised Code only by completing continuing education 2645
programs approved under division (B) of this section. 2646~~

(B) The state cosmetology and barber board shall approve a 2647
continuing education program if all of the following conditions 2648
are satisfied: 2649

(1) The person operating the program submits to the board 2650
a written application for approval. 2651

(2) The person operating the program pays to the board a 2652
fee established by rules adopted under section 4713.08 of the 2653
Revised Code. 2654

(3) The program is operated by an employee, officer, or 2655
director of a nonprofit professional association, college or 2656
university, proprietary continuing education institutions 2657
providing programs approved by the board, vocational school, 2658
postsecondary proprietary school of cosmetology licensed by the 2659
board, salon licensed by the board, barber school licensed by 2660
the board, barber shop licensed by the board, or manufacturer of 2661
supplies or equipment used in the practice of a branch of 2662
cosmetology or barbering. 2663

(4) The program will do at least one of the following: 2664

(a) Enhance the professional competency of the affected 2665
licensees or registrants; 2666

(b) Protect the public; 2667

(c) Educate the affected licensees or registrants in the 2668
application of the laws and rules regulating the practice of a 2669
branch of cosmetology or barbering. 2670

(5) The person operating the program provides the board a 2671
tentative schedule of when the program will be available so that 2672
the board can make the schedule readily available to all 2673
licensees and registrants throughout the state. 2674

Sec. 4713.63. (A) A practicing license, advanced- 2675
instructor license, or barber license, barber instructor 2676
license, or independent contractor registration that has not 2677
been renewed for any reason other than because it has been 2678
revoked, suspended, or classified inactive, or because the 2679
license or registration holder has been given a waiver or 2680
extension under section 4713.60 of the Revised Code, is expired. 2681
An expired license or registration may be restored if the 2682
individual who held the license ~~meets all of the following~~ 2683

~~applicable conditions;~~ 2684

~~(A) Pays or registration pays~~ to the state cosmetology and 2685
barber board the restoration fee established under section 2686
4713.10 of the Revised Code, and meets either of the following 2687
requirements: 2688

~~(B) (1)~~ In the case of a practicing license or ~~advanced-~~ 2689
~~license-a registration~~ that has been expired for more than two 2690
consecutive license or registration renewal periods, completes 2691
eight hours of continuing education for each license or 2692
registration renewal period that has elapsed since the license 2693
was last issued or renewed, up to a maximum of twenty-four 2694
hours; 2695

(2) In the case of a barber license that has been expired 2696
for more than two consecutive license renewal periods, completes 2697
any outstanding continuing education requirements for each 2698
license renewal period that has elapsed since the license was 2699
last issued or renewed, up to a maximum of twenty-four hours. 2700

(B) At least four of those the continuing education hours 2701
required under division (A) (1) or (2) of this section shall 2702
include a course pertaining to ~~sanitation-infection control~~ and 2703
safety methods. 2704

~~The board shall deposit all fees it receives under~~ 2705
~~division (B) of this section into the general revenue fund.~~ 2706

Sec. 4713.64. (A) The state cosmetology and barber board 2707
may take disciplinary action under this chapter for any of the 2708
following: 2709

(1) Failure to comply with the safety, ~~sanitation-~~ 2710
infection control, and licensing requirements of this chapter or 2711
rules adopted under it; 2712

(2) Continued practice by an individual knowingly having an infectious or contagious disease;	2713 2714
(3) Habitual drunkenness or addiction to any habit-forming drug;	2715 2716
(4) Willful false and fraudulent or deceptive advertising;	2717
(5) Falsification of any record or application required to be filed with the board;	2718 2719
(6) Failure to pay a fine or abide by a suspension order issued by the board;	2720 2721
(7) Failure to cooperate with an investigation or inspection;	2722 2723
(8) Failure to respond to a subpoena;	2724
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	2725 2726
(10) In the case of a salon <u>or barber shop</u> , any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon <u>or barber shop</u> .	2727 2728 2729 2730
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	2731 2732
(1) Deny, revoke, or suspend, <u>or impose conditions on</u> a license, permit, or registration issued by the board under this chapter;	2733 2734 2735
(2) Impose a fine;	2736
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	2737 2738 2739

(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.

(2) The board may take disciplinary action without
conducting an adjudication under Chapter 119. of the Revised
Code against an individual who or salon ~~who~~ or barber shop that
violates division (A) (9) or (10) of this section. After the
board takes such disciplinary action, the board shall give
written notice to the subject of the disciplinary action of the
right to request a hearing under Chapter 119. of the Revised
Code.

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

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

(E) (1) The board may impose a separate fine for each
offense listed in division (A) of this section. The amount of
the first fine issued for a violation as the result of an
inspection shall be not more than two hundred fifty dollars if
the violator has not previously been fined for that offense. Any
fines issued for additional violations during such an inspection

shall not be more than one hundred dollars for each additional 2770
violation. The fine shall be not more than five hundred dollars 2771
if the violator has been fined for the same offense once before. 2772
Any fines issued for additional violations during a second 2773
inspection shall not be more than two hundred dollars for each 2774
additional violation. The fine shall be not more than one 2775
thousand dollars if the violator has been fined for the same 2776
offense two or more times before. Any fines issued for 2777
additional violations during a third inspection shall not be 2778
more than three hundred dollars for each additional violation. 2779

(2) The board shall issue an order notifying a violator of 2780
a fine imposed under division (E) (1) of this section. The notice 2781
shall specify the date by which the fine is to be paid. The date 2782
shall be less than forty-five days after the board issues the 2783
order. 2784

(3) At the request of a violator who is temporarily unable 2785
to pay a fine, or upon its own motion, the board may extend the 2786
time period within which the violator shall pay the fine up to 2787
~~ninety one hundred eighty~~ days after the date the board issues 2788
the order. 2789

~~(4) If a violator fails to pay a fine by the date 2790
specified in the board's order and does not request an extension 2791
within ten days after the date the board issues the order, or if 2792
the violator fails to pay the fine within the extended time 2793
period as described in division (E) (3) of this section, the 2794
board shall add to the fine an additional penalty equal to ten 2795
per cent of the fine. 2796~~

~~(5) If a violator fails to pay a fine within ninety days 2797
after the board issues the order, the board shall add to the 2798
fine interest at a rate specified by the board in rules adopted 2799~~

~~under section 4713.08 of the Revised Code.~~ 2800

~~(6) If the fine, including any interest or additional~~ 2801
~~penalty,~~ remains unpaid on the ~~ninety-first~~ one hundred eighty- 2802
first day after the board issues an order under division (E) (2) 2803
of this section, the amount of the fine ~~and any interest or~~ 2804
~~additional penalty~~ shall be certified to the attorney general 2805
for collection in the form and manner prescribed by the attorney 2806
general. The attorney general may assess the collection cost to 2807
the amount certified in such a manner and amount as prescribed 2808
by the attorney general. 2809

(F) In the case of an offense of failure to comply with 2810
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 2811
Code, the board shall impose a fine of five hundred dollars if 2812
the violator has not previously been fined for that offense. If 2813
the violator has previously been fined for the offense, the 2814
board may impose a fine in accordance with this division or take 2815
another action in accordance with division (B) of this section. 2816

(G) The board shall notify a licensee or registrant who is 2817
in violation of division (A) of this section and the owner of 2818
the salon or barber shop in which the conditions constituting 2819
the violation were found. The individual receiving the notice of 2820
violation and the owner of the salon or barber shop may request 2821
a hearing pursuant to section 119.07 of the Revised Code. If the 2822
individual or owner fails to request a hearing or enter into a 2823
consent agreement thirty days after the date the board, in 2824
accordance with section 119.07 of the Revised Code and division 2825
(J) of this section, notifies the individual or owner of the 2826
board's intent to act against the individual or owner under 2827
division (A) of this section, the board by a majority vote of a 2828
quorum of the board members may take the action against the 2829

individual or owner without holding an adjudication hearing. 2830

(H) The board, after a hearing in accordance with Chapter 2831
119. of the Revised Code or pursuant to a consent agreement, may 2832
suspend a license, permit, or registration if the licensee, 2833
permit holder, or registrant fails to correct an unsafe 2834
condition that exists in violation of the board's rules or fails 2835
to cooperate in an inspection. If a violation of this chapter or 2836
rules adopted under it has resulted in a condition reasonably 2837
believed by an inspector to create an immediate danger to the 2838
health and safety of any individual using the facility, the 2839
inspector may suspend the license or permit of the facility or 2840
the individual responsible for the violation without a prior 2841
hearing until the condition is corrected or until a hearing in 2842
accordance with Chapter 119. of the Revised Code is held or a 2843
consent agreement is entered into and the board either upholds 2844
the suspension or reinstates the license, permit, or 2845
registration. 2846

(I) The board shall not take disciplinary action against 2847
an individual licensed to operate a salon, barber shop, barber 2848
school, or school of cosmetology for a violation of this chapter 2849
that was committed by an individual licensed to practice a 2850
branch of cosmetology or barbering, while practicing within the 2851
salon, barber shop, or school, when the individual's actions 2852
were beyond the control of the ~~salon~~-owner or school. 2853

(J) In addition to the methods of notification required 2854
under section 119.07 of the Revised Code, the board may send the 2855
notices required under divisions (C) (2), (E) (2), and (G) of this 2856
section by any delivery method that is traceable and requires 2857
that the delivery person obtain a signature to verify that the 2858
notice has been delivered. The board also may send the notices 2859

by electronic mail, provided that the electronic mail delivery 2860
system certifies that a notice has been received. 2861

Sec. 4713.641. Any ~~student or former student of a school~~ 2862
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 2863
~~the Revised Code~~ individual may file a complaint with the state 2864
cosmetology and barber board alleging that ~~the~~ an individual, 2865
salon, barber shop, barber school, school of cosmetology, or 2866
tanning facility has violated ~~division (A) of section 4713.64 of~~ 2867
~~the Revised Code~~ this chapter or rules adopted under it. ~~The~~ 2868
~~complaint shall be in writing and signed by the individual~~ 2869
~~bringing the complaint.~~ Upon receiving a complaint, the board 2870
shall initiate a preliminary investigation to determine whether 2871
it is probable that a violation was committed. If the board 2872
determines after preliminary investigation that it is not 2873
probable that a violation was committed, the board shall notify 2874
the individual who filed the complaint of the board's findings 2875
and that the board will not ~~issue a~~ pursue formal complaint 2876
action in the matter. If the board determines after a 2877
preliminary investigation that it is probable that a violation 2878
was committed, the board ~~shall~~ may proceed against the 2879
individual, salon, barber shop, barber school, school of 2880
cosmetology, or tanning facility pursuant to the board's 2881
authority under section 4713.64 of the Revised Code and in 2882
accordance with the hearing and notice requirements prescribed 2883
in Chapter 119. of the Revised Code. A complaint filed under 2884
this section is confidential and is not a public record under 2885
section 149.43 of the Revised Code. 2886

Sec. 4713.65. On receipt of a notice pursuant to section 2887
3123.43 of the Revised Code, the state cosmetology and barber 2888
board shall comply with sections 3123.41 to 3123.50 of the 2889
Revised Code and any applicable rules adopted under section 2890

3123.63 of the Revised Code with respect to a license issued 2891
pursuant to this chapter ~~or licenses issued pursuant to Chapter~~ 2892
~~4709. of the Revised Code.~~ 2893

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, 2894
on its own motion or on receipt of a ~~written~~ complaint, may 2895
investigate or inspect the activities or premises of an 2896
individual or entity who is alleged to have violated this 2897
chapter or rules adopted under it, regardless of whether the 2898
individual or entity holds a license or registration issued 2899
under this chapter. 2900

~~(B) If, based on its investigation, the board determines~~ 2901
~~that there is reasonable cause to believe that an individual or~~ 2902
~~entity has violated this chapter or rules adopted under it, the~~ 2903
~~board shall afford the individual or entity an opportunity for a~~ 2904
~~hearing. Notice shall be given and any hearing conducted in~~ 2905
~~accordance with Chapter 119. of the Revised Code.~~ 2906

~~(C) The board shall maintain a transcript of the hearing~~ 2907
~~and issue a written opinion to all parties, citing its findings~~ 2908
~~and ground for any action it takes. Any action shall be taken in~~ 2909
~~accordance with section 4713.64 of the Revised Code.~~ 2910

Sec. 4713.69. (A) The state cosmetology and barber board 2911
shall issue a boutique services registration to an applicant who 2912
satisfies all of the following applicable conditions: 2913

- (1) Is at least sixteen years of age; 2914
- (2) Is of good moral character; 2915
- (3) ~~Has the equivalent of an Ohio public school tenth~~ 2916
~~grade education;~~ 2917
- ~~(4) Has submitted a written application on a form~~ 2918

prescribed by the board containing all of the following: 2919

(a) The applicant's name and home address; 2920

(b) The applicant's home telephone number and cellular 2921
telephone number, if any; 2922

(c) The applicant's electronic mail address, if any; 2923

(d) The applicant's date of birth; 2924

~~(e) The address and telephone number where boutique 2925
services will be performed. The address shall not contain a post- 2926
office box number. 2927~~

~~(f) Whether the applicant has an occupational license, 2928
certification, or registration to provide beauty services in 2929
another state, and if so, what type of license and in what 2930
state; 2931~~

~~(g) (f) Whether the applicant has ever had an occupational 2932
license, certification, or registration suspended, revoked, or 2933
denied in any state; 2934~~

~~(h) (g) An affidavit or certificate providing proof of 2935
formal training or apprenticeship under an individual providing 2936
such services. 2937~~

~~(B) The place of business where boutique services are 2938
performed must comply with the safety and sanitation 2939
requirements for licensed salon facilities as described in 2940
section 4713.41 of the Revised Code. 2941~~

~~(C) The board shall specify the manner by which boutique- 2942
services registrants shall fulfill the continuing education- 2943
requirements set forth in section 4713.09 of the Revised Code. An 2944
individual may use "registered" as a designated title after 2945~~

receiving a boutique services registration. 2946

(C) A boutique services registration is not transferable 2947
to an individual other than the individual to whom the 2948
registration was issued. 2949

Sec. 4713.70. (A) The state cosmetology and barber board 2950
shall issue a special event permit to an applicant who satisfies 2951
all of the requirements established by the board in rules 2952
adopted pursuant to section 4713.08 of the Revised Code. 2953

(B) A special event permit issued under division (A) of 2954
this section shall permit a licensee or registrant to practice 2955
barbering or the branch of cosmetology for which the individual 2956
is licensed or registered on a limited and temporary basis in a 2957
place that is not licensed as a salon, barber shop, school of 2958
cosmetology, or barber school. 2959

(C) The board may inspect special events without notice. 2960

Sec. 4713.71. (A) The state cosmetology and barber board 2961
shall adopt rules, in accordance with section 4713.08 of the 2962
Revised Code, to establish an apprenticeship program for 2963
apprentice cosmetologists and barbers. The program shall allow 2964
for both of the following: 2965

(1) Apprentice cosmetologists to train in the practice of 2966
cosmetology, hair styling, esthetics, manicuring, or natural 2967
hair styling in a licensed salon under a person holding an 2968
applicable practicing or instructor license issued under this 2969
chapter; 2970

(2) Apprentice barbers to train in the practice of 2971
barbering in a licensed barber shop under a person holding a 2972
barber or barber instructor license issued under this chapter. 2973

(B) An approved apprenticeship program under this section 2974
shall not require an apprentice cosmetologist or barber to 2975
complete more than one hundred fifty per cent of the number of 2976
hours of instruction required for an individual to obtain an 2977
initial license of the type the apprentice is seeking. 2978

(C) A post-secondary school of cosmetology or barber 2979
school and salon or barber shop sponsor shall not charge fees 2980
for each apprentice that enrolls in these services. 2981

(D) The rules shall require an applicant to the program to 2982
meet all of the following conditions: 2983

(1) Be at least eighteen years of age; 2984

(2) Be of good moral character; 2985

(3) Have the equivalent of an Ohio public school tenth 2986
grade education; 2987

(4) Have a valid social security number or taxpayer 2988
identification number; 2989

(5) Complete the initial hour preapprentice training 2990
course established by the board; 2991

(6) Complete an application, as prescribed by board rules, 2992
and pay a fee of twenty-five dollars. 2993

(E) Applicants who are admitted to the apprenticeship 2994
program shall do all of the following: 2995

(1) Work a minimum of thirty-two hours in a calendar week; 2996

(2) Work under a trainer who holds a valid practicing, 2997
barber, or instructor license in cosmetology or a barber 2998
instructor license and has at least five years of experience in 2999
the practice of cosmetology, barbering, or a branch of 3000

cosmetology; 3001

(3) Complete a board-approved training program with the 3002
trainer including related instruction incorporating the best 3003
safety and infection control practices developed through 3004
curricula approved by the board. 3005

(F) Apprentices shall receive compensation from the 3006
licensed salon or barber shop for participating in the training 3007
program and related instruction that is, at minimum, equal to 3008
the minimum wage applicable under sections 4111.01 to 4111.17 of 3009
the Revised Code. 3010

(G) At the conclusion of the program, an apprentice may 3011
take the examination required under section 4713.24 of the 3012
Revised Code. 3013

Sec. 4743.05. Except as otherwise provided in sections 3014
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 3015
the Revised Code, all money collected under Chapters 3773., 3016
4701., 4703., ~~4709.~~4713., 4715., 4717., 4723., 4725., 4729., 3017
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 3018
4757., 4758., 4771., 4775., 4779., and 4781. of the Revised Code 3019
shall be paid into the state treasury to the credit of the 3020
occupational licensing and regulatory fund, which is hereby 3021
created for use in administering such chapters. 3022

At the end of each quarter, the director of budget and 3023
management shall transfer from the occupational licensing and 3024
regulatory fund to the nurse education assistance fund created 3025
in section 3333.28 of the Revised Code the amount certified to 3026
the director under division (B) of section 4723.08 of the 3027
Revised Code. 3028

At the end of each quarter, the director shall transfer 3029

from the occupational licensing and regulatory fund to the 3030
certified public accountant education assistance fund created in 3031
section 4701.26 of the Revised Code the amount certified to the 3032
director under division (H) (2) of section 4701.10 of the Revised 3033
Code. 3034

Sec. 4745.01. (A) "Standard renewal procedure," as used in 3035
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 3036
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3037
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 3038
4703., 4707., ~~4709.~~4713., 4715., 4717., 4723., 4725., 4727., 3039
4728., 4729., 4731., 4733., 4734., 4739., 4741., 4747., 4749., 3040
4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., 3041
and 4775. of the Revised Code, means the license renewal 3042
procedures specified in this chapter. 3043

(B) "Licensing agency," as used in this chapter, means any 3044
department, division, board, section of a board, or other state 3045
governmental unit subject to the standard renewal procedure, as 3046
defined in this section, and authorized by the Revised Code to 3047
issue a license to engage in a specific profession, occupation, 3048
or occupational activity, or to have charge of and operate 3049
certain specified equipment, machinery, or premises. 3050

(C) "License," as used in this chapter, means a license, 3051
certificate, permit, card, or other authority issued or 3052
conferred by a licensing agency by authority of which the 3053
licensee has or claims the privilege to engage in the 3054
profession, occupation, or occupational activity, or to have 3055
control of and operate certain specific equipment, machinery, or 3056
premises, over which the licensing agency has jurisdiction. 3057

(D) "Licensee," as used in this chapter, means either the 3058
person to whom the license is issued or renewed by a licensing 3059

agency, or the person, partnership, or corporation at whose 3060
request the license is issued or renewed. 3061

(E) "Renewal" and "renewed," as used in this chapter and 3062
in the chapters of the Revised Code specified in division (A) of 3063
this section, includes the continuing licensing procedure 3064
provided in Chapter 3748. of the Revised Code and rules adopted 3065
under it and in sections 1321.05 and 3921.33 of the Revised 3066
Code, and as applied to those continuing licenses any reference 3067
in this chapter to the date of expiration of any license shall 3068
be construed to mean the due date of the annual or other fee for 3069
the continuing license. 3070

Sec. 4776.20. (A) As used in this section: 3071

(1) "Licensing agency" means, in addition to each board 3072
identified in division (C) of section 4776.01 of the Revised 3073
Code, the board or other government entity authorized to issue a 3074
license under Chapters 4703., 4707., ~~4709.~~4712., 4713., 4719., 3075
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3076
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 3077
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 3078
"Licensing agency" includes an administrative officer that has 3079
authority to issue a license. 3080

(2) "Licensee" means, in addition to a licensee as 3081
described in division (B) of section 4776.01 of the Revised 3082
Code, the person to whom a license is issued by the board or 3083
other government entity authorized to issue a license under 3084
Chapters 4703., 4707., ~~4709.~~4712., 4713., 4719., 4723., 4727., 3085
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 3086
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3087
4766., 4771., 4773., and 4781. of the Revised Code. 3088

(3) "Prosecutor" has the same meaning as in section 3089
2935.01 of the Revised Code. 3090

(B) On a licensee's conviction of, plea of guilty to, 3091
judicial finding of guilt of, or judicial finding of guilt 3092
resulting from a plea of no contest to the offense of 3093
trafficking in persons in violation of section 2905.32 of the 3094
Revised Code, the prosecutor in the case shall promptly notify 3095
the licensing agency of the conviction, plea, or finding and 3096
provide the licensee's name and residential address. On receipt 3097
of this notification, the licensing agency shall immediately 3098
suspend the licensee's license. 3099

(C) If there is a conviction of, plea of guilty to, 3100
judicial finding of guilt of, or judicial finding of guilt 3101
resulting from a plea of no contest to the offense of 3102
trafficking in persons in violation of section 2905.32 of the 3103
Revised Code and all or part of the violation occurred on the 3104
premises of a facility that is licensed by a licensing agency, 3105
the prosecutor in the case shall promptly notify the licensing 3106
agency of the conviction, plea, or finding and provide the 3107
facility's name and address and the offender's name and 3108
residential address. On receipt of this notification, the 3109
licensing agency shall immediately suspend the facility's 3110
license. 3111

(D) Notwithstanding any provision of the Revised Code to 3112
the contrary, the suspension of a license under division (B) or 3113
(C) of this section shall be implemented by a licensing agency 3114
without a prior hearing. After the suspension, the licensing 3115
agency shall give written notice to the subject of the 3116
suspension of the right to request a hearing under Chapter 119. 3117
of the Revised Code. After a hearing is held, the licensing 3118

agency shall either revoke or permanently revoke the license of 3119
the subject of the suspension, unless it determines that the 3120
license holder has not been convicted of, pleaded guilty to, 3121
been found guilty of, or been found guilty based on a plea of no 3122
contest to the offense of trafficking in persons in violation of 3123
section 2905.32 of the Revised Code. 3124

Sec. 5502.63. (A) The division of criminal justice 3125
services in the department of public safety shall prepare a 3126
poster and a brochure that describe safe firearms practices. The 3127
poster and brochure shall contain typeface that is at least one- 3128
quarter inch tall. The division shall furnish copies of the 3129
poster and brochure free of charge to each federally licensed 3130
firearms dealer in this state. 3131

As used in this division, "federally licensed firearms 3132
dealer" means an importer, manufacturer, or dealer having a 3133
license to deal in destructive devices or their ammunition, 3134
issued and in effect pursuant to the federal "Gun Control Act of 3135
1968," 82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments 3136
or additions to that act or reenactments of that act. 3137

(B) (1) The division of criminal justice services shall 3138
create a poster that provides information regarding the national 3139
human trafficking resource center hotline. The poster shall be 3140
no smaller than eight and one-half inches by eleven inches in 3141
size and shall include a statement in substantially the 3142
following form: 3143

"If you or someone you know is being forced to engage in 3144
any activity and cannot leave - whether it is commercial sex, 3145
housework, farm work, or any other activity - call the National 3146
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 3147
access help and services. 3148

Victims of human trafficking are protected under U.S. and Ohio law.	3149 3150
The toll-free Hotline is:	3151
- Available 24 hours a day, 7 days a week	3152
- Operated by a non-profit, non-governmental organization	3153
- Anonymous & confidential	3154
- Accessible in 170 languages	3155
- Able to provide help, referral to services, training, and general information."	3156 3157
The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under section 1973aa-1a of the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services.	3158 3159 3160 3161 3162 3163 3164 3165
(2) The division shall make the poster available for print on its public web site and shall make the poster available to and encourage its display at each of the following places:	3166 3167 3168
(a) A highway truck stop;	3169
(b) A hotel, as defined in section 3731.01 of the Revised Code;	3170 3171
(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;	3172 3173
(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	3174 3175

(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	3176 3177
(f) A hospital or urgent care center;	3178
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	3179 3180 3181 3182 3183 3184
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid license from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	3185 3186 3187 3188 3189
(i) A fair.	3190
(3) As used in this section:	3191
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	3192 3193 3194
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	3195 3196 3197
Section 2. That existing sections 2925.01, 3333.26, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.22, 4713.24, 4713.28, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4713.44, 4713.45, 4713.46, 4713.49, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61,	3198 3199 3200 3201 3202 3203

4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 4713.69, 3204
4743.05, 4745.01, 4776.20, and 5502.63 of the Revised Code are 3205
hereby repealed. 3206

Section 3. That sections 4709.01, 4709.02, 4709.03, 3207
4709.05, 4709.07, 4709.08, 4709.09, 4709.10, 4709.11, 4709.12, 3208
4709.13, 4709.14, 4709.23, 4709.99, 4713.25, 4713.26, 4713.30, 3209
4713.36, and 4713.39 of the Revised Code are hereby repealed. 3210

Section 4. Not later than two years after the effective 3211
date of this section and in accordance with division (A) (22) of 3212
section 4713.08 of the Revised Code, the State Cosmetology and 3213
Barber Board shall adopt rules under Chapter 119. of the Revised 3214
Code to specify the circumstances under which an applicant for a 3215
practicing license may take the examination required by section 3216
4713.24 of the Revised Code before having successfully completed 3217
the minimum number of hours required for the license under 3218
section 4713.28 of the Revised Code. 3219

Section 5. Notwithstanding the amendment of sections in 3220
Chapter 4713. of the Revised Code in this act, which no longer 3221
provides for independent contractor licenses, the member of the 3222
State Cosmetology and Barber Board who holds a seat pursuant to 3223
division (A) (3) of section 4713.02 of the Revised Code as it 3224
appeared immediately before the effective date of this section 3225
shall retain that seat until the current term of the seat 3226
expires, at which point the seat is to be filled with a person 3227
who is an independent contractor registered in accordance with 3228
section 4713.39 of the Revised Code as enacted by this act. 3229

Section 6. Notwithstanding the amendment of sections in 3230
Chapter 4713. of the Revised Code in this act, which no longer 3231
provides for independent contractor licenses, a valid 3232
independent contractor license held by a person on or after the 3233

effective date of this act is valid for the duration of that 3234
license term. For the duration of the license, the license shall 3235
be deemed to be the appropriate registration for the purposes of 3236
Chapter 4713. of the Revised Code. On the expiration of that 3237
license, the licensee shall register in accordance with section 3238
4713.39 of the Revised Code. 3239