

# AN ACT

To amend sections 2925.01, 3333.26, 3937.41, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 4713.69, 4713.99, and 4973.17; to enact new sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, and 4713.45 and sections 4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 4709.111, 4709.112, 4713.33, and 4713.331; and to repeal sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 4713.45 of the Revised Code to make changes to the law governing the regulation of cosmetologists and barbers, to enter into the Cosmetology Licensure Compact, and to revise the law governing hospital police officer commissions.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 2925.01, 3333.26, 3937.41, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 4713.69, 4713.99, and 4973.17 be amended and new sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, and 4713.45 and sections 4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 4709.111, 4709.112, 4713.33, and 4713.331 of the Revised Code be enacted to read as follows:

Sec. 2925.01. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(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;

(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.

(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.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(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:

(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;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

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

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

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

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

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

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

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

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

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

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

(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;

(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 director of education and workforce 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.

(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.

(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.

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

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

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

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

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

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised

Code or who holds a permit as a landscape architect issued under that chapter;

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

(5) A person who has been issued a ~~certificate of registration as a registered barber's license,~~ barber instructor's license, assistant barber instructor's license, or independent contractor's license under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced ~~cosmetologist's license to practice cosmetology,~~ advanced hair designer's license to practice hair design, advanced ~~manicurist's license to practice manicuring,~~ advanced esthetician's license to practice esthetics, advanced ~~natural hair stylist's license to practice natural hair styling,~~ cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(14) 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;

(15) 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;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(17) 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;

(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

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

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

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

(34) A person who has been issued a license or limited permit to practice respiratory therapy

under Chapter 4761. of the Revised Code;

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

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

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

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

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

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

(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 a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(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:

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

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

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

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

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

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

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

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

(1) Fentanyl;

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

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

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

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

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

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

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

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(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.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

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

(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 March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(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 March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term 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 March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term 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 March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

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

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

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within five hundred feet of the premises of a

substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

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

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

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

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

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

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

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

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

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

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

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

(d) "Operation enduring freedom" means that period of conflict which began October 7,

2001, and ends on a date declared by the president of the United States or the congress.

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

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

(2) Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

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

(3) Subject to division (D) of this section, any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

(4) Any resident of this state who is the spouse or qualified former spouse of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level, or a certificate program as

prescribed under division (E) of this section. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

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

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

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

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

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

- (1) More than two certificate programs;
- (2) A total number of academic credits or instructional hours equivalent to more than four

academic years;

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

Sec. 3937.41. (A) As used in this section:

(1) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code and also includes private ambulance companies under contract to a municipal corporation, township, or county.

(2) "Emergency vehicle" means any of the following:

(a) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a municipal, township, or county department or public utility corporation and that is identified as such as required by law, the director of public safety, or local authorities;

(b) Any motor vehicle, as defined in section 4511.01 of the Revised Code, when commandeered by a police officer;

(c) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a qualified nonprofit corporation police department established pursuant to section 1702.80 of the Revised Code and that is identified as an emergency vehicle;

(d) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a proprietary police department or security department of a hospital ~~operated by a public hospital agency or a nonprofit hospital agency that employs police officers under~~ described in section 4973.17 of the Revised Code, and that is identified as an emergency vehicle.

(3) "Firefighter" means any regular, paid, member of a lawfully constituted fire department of a municipal corporation or township.

(4) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, police officer of a township or joint police district, state highway patrol trooper, or member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code;

(b) A police officer employed by a qualified nonprofit police department pursuant to section 1702.80 of the Revised Code, or police officer employed by a proprietary police department or security department of a hospital ~~operated by a public hospital agency or nonprofit hospital agency pursuant to~~ described in section 4973.17 of the Revised Code;

(c) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(d) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(e) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code.

(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in

bodily injury to any person, or damage to the property of any person.

(6) "Investigator" means an investigator of the bureau of criminal identification and investigation as defined in section 2903.11 of the Revised Code.

(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;

(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the insurer and if the superintendent determines that the insurer has violated this section, the superintendent may direct the issuance of a policy, decrease the premium rate on a policy, or reinstate insurance coverage.

(D) The employer of the law enforcement officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of a vehicle who is a member of the motor carrier enforcement unit, except as otherwise provided in division (F) of this section, shall certify to the state highway patrol or law enforcement agency that investigates the accident whether the officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of a vehicle who is a member of the motor carrier enforcement unit, was engaged in the performance of the person's official duties as such employee at the time of the accident. The employer shall designate an official authorized to make the certifications. The state highway patrol or law enforcement agency shall include the certification in any report of the accident forwarded to the department of public safety pursuant to sections 5502.11 and 5502.12 of the Revised Code and shall forward the certification to the department if received after the report of the accident has been forwarded to the department. The registrar of motor vehicles shall not include an accident in a certified abstract of information under division (A) of section 4509.05 of the Revised Code, if the person involved has been so certified as having been engaged in the performance of the person's official duties at the time of the accident.

(E) Division (B) of this section does not apply to an insurer whose policy covers the motor vehicle at the time the motor vehicle is involved in an accident described in division (B) of this

section.

(F) Division (B) of this section does not apply if an applicant or policyholder, on the basis of the applicant's or policyholder's involvement in an accident described in that division, is convicted of or pleads guilty or no contest to a violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code.

Sec. 4709.01. As used in this chapter:

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

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

(b) Cutting or styling hair;

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

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

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

(2) "The practice of barbering" does not include the practice of natural hair styling.

~~(B) Sanitary means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.~~

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

~~(D) Barber school means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.~~

~~(E)(C) "Barber teacherinstructor" means any person who engages in or attempts to engage in the teaching of an individual authorized to teach the theory and practice of barbering.~~

~~(F)(D) "Assistant barber teacherinstructor" means any person who assists an individual authorized to assist a barber teacher-instructor in the teaching of the theory and practice of barbering.~~

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

~~(F) "Barber shop" means any premises, building, or part of a building in which an individual engages in the practice of barbering.~~

~~(G) "Biennial licensing period" means the two-year period beginning on the first day of September of an even-numbered year and ending on the last day of August of the next even-numbered year.~~

~~(H) The "Cosmetic therapy," "practice of natural hair styling means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other~~

preparations to alter the color or to straighten, curl, or alter the structure of the hair," and "school" have the same meanings as in section 4713.01 of the Revised Code.

(I) Braiding means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers. "Independent contractor" means an individual who is not an employee of a barber shop but practices barbering within a barber shop.

(J) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a barber shop, including all equipment and implements in the barber shop, are maintained by doing all of the following, as applicable:

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water;

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses;

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid.

Sec. 4709.02. Except as otherwise provided in this chapter, no individual shall do any of the following:

(A) Engage in the practice of barbering without one of the following:

(1) A current, valid barber license issued under section 4709.07 or 4709.08 of the Revised Code;

(2) A current, valid temporary pre-examination work permit issued under section 4709.071 of the Revised Code.

(B) Operate a barber shop without a current, valid barber shop license issued under section 4709.09 of the Revised Code;

(C) Except as provided in section 4713.45 of the Revised Code, teach or assist in teaching the theory and practice of barbering without a current, valid barber instructor or assistant barber instructor license issued under section 4709.072 of the Revised Code;

(D) Use or display a barber pole for the purpose of advertising or offering barber services without a current, valid barber shop license issued under section 4709.09 of the Revised Code;

(E) Use fraud or deceit in obtaining or applying for a license or permit issued pursuant to this chapter;

(F) Employ an individual to perform the practice of barbering unless the individual holds one of the following:

(1) A current, valid barber license issued under section 4709.07 or 4709.08 of the Revised Code;

(2) A current, valid temporary pre-examination work permit issued under section 4709.071 of the Revised Code.

(G) Practice barbering at a barber shop as an independent contractor without a current, valid

independent contractor license issued under section 4709.09 of the Revised Code;

(H) Provide any of the following at a barber shop for pay, free, or otherwise:

(1) Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code;

(2) Any other professional service, unless the individual has a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;

(3) Cosmetic therapy, unless the individual is authorized by rules adopted under section 4709.05 of the Revised Code.

(I) Practice barbering in a location other than a barber shop unless exempted under section 4709.031 or 4713.351 of the Revised Code;

(J) Aid or abet any individual or entity in any of the following:

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

(2) Obtaining a license or permit fraudulently;

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

Sec. 4709.03. (A) The following individuals are exempt from this chapter, except section 4709.091 of the Revised Code, as applicable:

(1) All individuals licensed by this state to practice medicine, surgery, dentistry, or any branch of medicine, surgery, or dentistry, while acting within the scope of practice for the license, permit, or certificate held;

(2) Commissioned medical or surgical officers of the United States army, navy, air force, or marine hospital service, and attendants attached to the same, while acting within the scope of practice for the license, permit, or certificate held;

(3) Nurses licensed under Chapter 4723. of the Revised Code, while acting within the scope of practice for the license or certificate held;

(4) Cosmetologists and hair designers licensed under Chapter 4713. of the Revised Code, while acting within the scope of practice for the license or permit held;

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

(6) Volunteers of hospitals and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes;

(7) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who engage in the practice of barbering on registered patients only as part of general patient care services and who do not charge patients directly on a fee-for-service basis;

(8) Massage therapists who hold current, valid licenses to practice massage therapy issued by the state medical board under section 4731.15 of the Revised Code, while acting within the scope of practice for the license held;

(9) Inmates who provide services related to the practice of barbering to other inmates, except

when those services are provided in a licensed barber shop or school within a state correctional institution.

(B) A volunteer described in division (A)(6) of this section shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to a patient.

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

Sec. 4709.031. Nothing in this chapter prohibits an individual holding a license issued under this chapter from practicing barbering on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.

Sec. 4709.05. (A) In addition to any other duty imposed on the state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code, the board shall do all of the following:

- (1) Regulate the practice of barbering in this state;
- (2) Conduct or have conducted the examination for applicants to practice as licensed barbers;
- (3) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4709.07 of the Revised Code or a license or permit issued under this chapter;
- (4) Prescribe and make available application forms to be used by individuals seeking renewal of a license or permit issued under this chapter;
- (5) Furnish a copy of the infection control standards adopted pursuant to division (A)(8)(a) of this section to both of the following:
  - (a) Each individual or person to whom the board issues a barber license or license to operate a barber shop;
  - (b) Each individual providing cosmetic therapy, massage therapy, or other professional service in a barber shop under section 4709.091 of the Revised Code.
- (6) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a barber shop under this chapter;
- (7) Comply with sections 4713.641 and 4713.66 of the Revised Code regarding investigations and inspections;
- (8) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and that cover all of the following:
  - (a) Infection control standards for the practice of barbering and the operation of barber shops;
  - (b) The content of the examination required of an applicant for a barber license under section 4709.07 of the Revised Code and the passing score required for the examination;
  - (c) Conditions an individual must satisfy to qualify for a temporary pre-examination work

permit under section 4709.071 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;

(d) Requirements for the licensure of barber instructors and assistant barber instructors that are in addition to the requirements specified in section 4709.072 of the Revised Code;

(e) Conditions under which the board will take into account, under section 4709.073 of the Revised Code, instruction an applicant for a license under section 4709.07 or 4709.072 of the Revised Code received more than five years before the date of application for the license;

(f) Conditions an applicant must satisfy for the board to issue the applicant a license under section 4709.08 of the Revised Code without the applicant taking an examination conducted under section 4709.07 of the Revised Code;

(g) Conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4709.09 of the Revised Code and the fee for the issuance and renewal of the license;

(h) Specify which professions regulated by a professional regulatory board of this state may be practiced in a barber shop under section 4709.091 of the Revised Code, including whether cosmetic therapy may be practiced in a barber shop;

(i) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a barber shop pursuant to section 4709.091 of the Revised Code;

(j) If the board, under section 4709.111 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;

(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored.

(k) Any other area the board determines appropriate to administer or enforce this chapter.

(B) The infection control standards established under division (A)(8)(a) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread.

(C) The content of the examination specified in rules adopted under division (A)(8)(b) of this section shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering. The minimum passing score of the examination shall not exceed seventy-five per cent.

(D) The rules adopted under division (A)(8)(c) of this section may establish additional conditions for a temporary pre-examination work permit under section 4709.071 of the Revised Code that are applicable to individuals who are licensed to practice barbering in another state or country.

(E) The conditions specified in rules adopted under division (A)(8)(f) of this section may include that an applicant is applying for a barber license for which the board determines an examination is unnecessary.

(F) The rules adopted under division (A)(8)(h) of this section shall not include a profession if practice of the profession in a barber shop is a violation of a statute or rule governing the profession.

(G) If the board adopts a procedure for classifying licenses inactive, the continuing education specified under division (A)(8)(j)(ii) of this section shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.

Sec. 4709.051. (A) The state cosmetology and barber board may adopt rules in accordance with section 4709.05 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a barber license, barber instructor license, or assistant barber instructor license.

(B) If the board establishes a continuing education requirement under division (A) of this section, an individual holding a barber license, barber instructor license, or assistant barber instructor license shall satisfy the requirement by completing a continuing education program approved in accordance with division (B) of section 4713.62 of the Revised Code.

These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and infection control, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

~~Sec. 4709.07. (A) Each person individual who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by the examination application fee.~~

~~(B) In order applies to take the required barber examination and to qualify for licensure as a barber, an applicant must shall demonstrate that the applicant individual meets all of the following:~~

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

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

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

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

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

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

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph and biometric fingerprint scan taken by the board;

(5) Has graduated with at least one thousand eight hundred hours of board-approved training from a board-approved barber school or has graduated with at least one thousand hours of board-approved training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division;

(6) Has paid the application fee.

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

(C) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the an applicant fails to attain at least a seventy-five per cent pass rate on each any part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying and pay the required reexamination fee. An applicant is only required to take that part or parts of the examination on which that the applicant did not receive a score of seventy-five per cent or higher pass. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display maintain the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chairboard-issued, wallet-sized license or electronically generated license certification and a current government-issued photo identification that can be produced on inspection or request.

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

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

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

Sec. 4709.071. (A) The state cosmetology and barber board shall issue a temporary pre-examination work permit to practice barbering to an individual who applies for and is eligible to take

an examination conducted under section 4709.07 of the Revised Code, if the individual satisfies all of the following conditions:

(1) The individual has not previously failed an examination conducted under section 4709.07 of the Revised Code.

(2) The individual pays to the board the applicable fee.

(3) The individual satisfies all other conditions established by rules adopted under section 4709.05 of the Revised Code.

(B) An individual issued a temporary pre-examination work permit under this section may practice barbering until the date the individual is scheduled to take an examination under section 4709.07 of the Revised Code. The individual shall practice under the supervision of an individual holding a current, valid barber license.

(C) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4709.05 of the Revised Code.

Sec. 4709.072. (A) The state cosmetology and barber board shall issue a barber instructor license to an applicant who meets all of the following requirements:

(1) Is at least eighteen years of age;

(2) Holds a current, valid barber license issued under section 4709.07 of the Revised Code and meets either of the following requirements:

(a) Has at least eighteen months of work experience in a licensed barber shop;

(b) Has been employed as an assistant barber instructor under the supervision of a licensed barber for at least one year.

(3) Passes the required examination;

(4) Pays the applicable license fee;

(5) Meets any additional requirements specified in rules adopted by the board under section 4709.05 of the Revised Code.

(B) The board shall issue an assistant barber instructor license to an applicant who holds a current, valid barber license issued under section 4709.07 of the Revised Code and meets the requirements listed in divisions (A)(1), (4), and (5) of this section.

(C) Every holder of a barber instructor license or assistant barber instructor license shall maintain a board-issued, wallet-sized license or electronically generated license certification and a current government-issued photo identification that can be produced upon inspection or request.

Sec. 4709.073. When determining the total hours of instruction received by an applicant under section 4709.07 or 4709.072 of the Revised Code, the state cosmetology and barber board shall not take into account more than ten hours of instruction per day. The board shall take into account instruction received more than five years before the date of application for the license in accordance with rules adopted under section 4709.05 of the Revised Code.

Sec. 4709.08. (A) Any ~~person~~ individual who holds a current license or registration to practice as a barber or teach the theory and practice of barbering in any other country whose

requirements for licensure or registration of barbers, barber instructors, or assistant barber instructors are substantially equivalent to the requirements of this chapter and rules adopted under it ~~and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber, barber instructor, or assistant barber instructor license.~~

~~(B) The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber in this state if the person an applicant who meets all of the following requirements of this section, is:~~

~~(1) Is at least eighteen years of age, and pays;~~

~~(2) In the case of an applicant for a barber license, passes an examination conducted under section 4709.07 of the Revised Code, unless the applicant satisfies conditions specified in rules adopted under section 4709.05 of the Revised Code for the board to issue the applicant a license without taking the examination;~~

~~(3) Pays the required fees. The board may waive any of the requirements of this section.~~

Sec. 4709.09. (A) Each ~~person~~ applicant who desires to obtain a barber shop license shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber shop license to ~~a person~~ an applicant if the board determines that the ~~person meets all of the requirements of division (B) of this section and pays~~ applicant has paid the required license and inspection fees.

~~(B) In order for a person to qualify for a license to operate a barber shop, fee and ensured that the barber shop shall meet all of the following requirements:~~

~~(1) Be in the charge and under the immediate supervision of a licensed barber;~~

~~(2) Be equipped to provide running hot and cold water and proper drainage;~~

~~(3) Sanitize and maintain in a sanitary condition, all instruments and supplies;~~

~~(4) Keep towels and linens clean and sanitary and in a dry, dust-proof container;~~

~~(5) Display Be in compliance with the infection control standards adopted by the board in rule;~~

~~(4) Pass an initial inspection as described in division (A)(10) of section 4713.07 of the Revised Code.~~

~~(B) An applicant issued a barber shop license under division (A) of this section shall display the shop license and a copy of the board's sanitary rules infection control standards provided by the board under division (A)(5) of section 4709.05 of the Revised Code in a public and conspicuous place in the ~~working area~~ barber shop.~~

~~(C)(1) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a an independent contractor license to operate a barber shop pursuant to this section by submitting the form provided by the board, paying the applicable fee, and satisfying the conditions for the license established in rules adopted under section 4709.05 of the Revised Code.~~

(2) Every holder of an independent contractor license shall maintain the board-issued, wallet-sized license or electronically generated license certification and a current government-issued photo identification that can be produced upon inspection or request.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services or from one location to another.

(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2)(E) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.

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

Sec. 4709.091. (A) An individual holding a current, valid license issued under section 4731.15 of the Revised Code to provide massage therapy may provide massage therapy in a barber shop. An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the individual's profession in a barber shop if the individual's profession is authorized by rules adopted under section 4709.05 of the Revised Code to practice in a barber shop. An individual may provide cosmetic therapy in a barber shop if authorized by rules adopted under section 4709.05 of the Revised Code to practice in a barber shop.

(B) An individual providing cosmetic therapy, massage therapy, or other professional service in a barber shop pursuant to this section shall satisfy the standards established by rules adopted under section 4709.05 of the Revised Code.

(C) An individual who provides massage therapy or other professional services in a barber shop under this section 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 on inspection or request.

Sec. 4709.10. An applicant for a license to operate a school shall submit an application to the state cosmetology and barber board and satisfy the requirements under section 4713.44 of the Revised Code to be issued the license. If the school for which the applicant is applying for a license under that section offers instruction in the theory and practice of barbering, the applicant shall do all of the following to be issued the license:

(A) Provide sufficient licensed teaching personnel to meet the minimum student-instructor ratio established by the board in rules adopted under section 4713.08 of the Revised Code;

(B) Establish minimum standards for acceptance of student applicants for admission to the school to learn the theory and practice of barbering;

(C) Employ not more than two licensed assistant barber instructors for each licensed barber instructor employed or fewer than two licensed instructors or one licensed instructor and one

licensed assistant instructor at each facility;

(D) Pass an initial inspection as described in division (A)(10) of section 4713.07 of the Revised Code.

Sec. 4709.11. Every license issued pursuant to this chapter expires on the thirty-first day of August of each even-numbered year. Each licensee desiring to do so shall, on or before the first day of September of each even-numbered year, renew the licensee's license pursuant to the standard renewal procedure of Chapter 4745. of the Revised Code. ~~Any holder of an expired license shall restore the holder's license before continuing the practice of barbering or the activity for which the holder is licensed under this chapter and pay the appropriate restoration fee. If the person fails to restore the person's license within six years, the person shall pay any required restoration fee and take any examination required for the license under this chapter~~

If the state cosmetology and barber board adopts rules under section 4709.051 of the Revised Code to establish a continuing education requirement as a condition of renewal for a barber license, barber instructor license, or assistant barber instructor license, the board shall inform each licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification the board sends the licensee. The board shall state in the notification that the licensee must complete the continuing education requirement by the fifteenth day of August of the next even-numbered year. Hours completed in excess of the continuing education requirement may not be applied to the next biennial licensing period.

The board may waive or extend the period for a licensee to complete any applicable continuing education requirement in accordance with division (B) of section 4713.60 of the Revised Code. Every license that has not been renewed in the timeframe specified in this section and for which the continuing education requirement has not been waived or extended shall be considered expired.

Sec. 4709.111. (A) If the state cosmetology and barber board adopts a continuing education requirement under section 4709.051 of the Revised Code, it may develop a procedure by which an individual who holds a barber license, barber instructor license, or assistant barber instructor license and who is not currently engaged in the practice of barbering or teaching or assisting in teaching of the theory and practice of barbering, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops this procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4709.05 of the Revised Code.

(B) The board shall not restore an inactive license until the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education requirement established by the board in rules adopted under section 4709.05 of the Revised Code.

Sec. 4709.112. A barber license, barber instructor license, or assistant barber instructor license that has not been renewed for any reason other than because it has been revoked, suspended,

classified inactive, or because the license holder has been given a waiver or extension under section 4709.11 of the Revised Code, is expired. An expired license may be restored if the individual who held the license satisfies both of the following requirements:

(A) Pays to the state cosmetology and barber board the restoration fee established under section 4709.12 of the Revised Code;

(B) Completes the continuing education requirement for renewal of a license established by the board in rules adopted under section 4709.051 of the Revised Code.

Sec. 4709.12. (A) The state cosmetology and barber board shall charge and collect the following nonrefundable fees:

(1) For the application to take the barber examination, not more than ninety dollars;

(2) For an application to retake any one part of the barber examination, not more than forty-five dollars;

(3) For an application to take the barber examination by an applicant who has previously applied to take but failed to appear for the examination, not more than one hundred dollars;

(4) For the initial issuance of a license to practice as a barber, not more than thirty dollars;

~~(4)-(5)~~ For the biennial renewal of the license to practice as a barber, not more than one hundred ten dollars;

~~(5)-(6)~~ For the restoration of an expired barber license, not more than one hundred fifty dollars, and not more than seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;

~~(6)-(7)~~ For the issuance of a duplicate barber ~~or~~ shop license, not more than forty-five dollars;

~~(7)-(8)~~ For the ~~inspection-issuance of a new barber shop; license or a change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license;~~ not more than one hundred ten dollars;

~~(8)-(9)~~ For the biennial renewal of a barber shop license, not more than seventy-five dollars;

~~(9)-(10)~~ For the restoration of a barber shop license, not more than one hundred ten dollars;

~~(10)~~ For each ~~inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school,~~ seven hundred fifty dollars;

~~(11)~~ For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;

~~(12)~~ For the restoration of a barber school license, one thousand dollars;

~~(13)~~ For the issuance of a student registration, forty dollars;

~~(14)-(11)~~ For the examination and issuance of a biennial ~~teacher~~ barber instructor license, not more than one hundred eighty-five dollars;

~~(15)-(12)~~ For the issuance of a biennial assistant barber instructor license, not more than one hundred fifty dollars;

~~(13)~~ For the renewal of a biennial ~~teacher~~ barber instructor or assistant barber instructor

license, not more than one hundred fifty dollars;

~~(16)-(14)~~ For the restoration of an expired teacher-barber instructor or assistant barber instructor license, not more than two hundred twenty-five dollars, and not more than sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;

~~(17)-(15)~~ For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, not more than three hundred dollars;

~~(18)-(16)~~ For providing licensure information concerning an applicant, upon written request of the applicant the preparation and mailing of a licensee's records to another state for a reciprocal license, not more than forty dollars;

(17) For a temporary pre-examination work permit under section 4709.071 of the Revised Code, not more than fifteen dollars.

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

(C) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

~~(C) In addition to any other fee charged and collected under this section, the board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.~~

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

Sec. 4709.13. (A) The state cosmetology and barber board may take disciplinary action under division (B) of this section for any of the following:

(1) Willful, false, and fraudulent or deceptive advertising;

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

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

(4) Continued practice by an individual knowingly having an infectious or contagious disease;

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

(6) Failure to pay a fine or abide by a suspension order issued by the board;

(7) Failure to cooperate with an investigation or inspection;

(8) Failure to respond to a subpoena;

(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;

(10) In the case of a barber shop, 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 barber shop.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:

(1) Deny, suspend, revoke, or impose conditions on a license or permit issued by the board pursuant to this chapter;

(2) Impose a fine;

(3) Require the holder of a license or permit issued under this chapter to take corrective action courses.

(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 barber shop that is subject to discipline under 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 or permit 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 4709.05 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 violation. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

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

less than forty-five days after the board issues the order.

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

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

(F) The board shall notify a licensee who is subject to discipline under division (A) of this section and the owner of the barber shop in which the conditions constituting the reason for discipline were found. The individual receiving the notice and the owner of the barber shop may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with sections 119.05 and 119.07 of the Revised Code, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board, by a majority vote of a quorum of the board members, may take the action against the individual or owner without holding an adjudication hearing.

(G) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license or permit if the licensee or permit holder fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license or permit.

(H) The board shall not take disciplinary action against a person licensed to operate a barber shop for a violation of this chapter that was committed by a licensed barber while practicing within the barber shop, when the barber's actions were beyond the control of the barber shop owner.

Sec. 4709.14. ~~(A) If the state cosmetology and barber board determines that any person individual is violating or threatening-is about to violate any provision of this chapter or the rules adopted pursuant thereto and such violation or threatened violation is a threat to the health or safety of persons who use barber services, the board may apply to a court of competent jurisdiction in the county in which the violation or threatened violation occurred or will occur for injunctive relief and such other relief to prevent further violations. The attorney general shall, at the board's request, represent the board in any such action.~~

~~(B) If the board determines, after a hearing conducted in accordance with Chapter 119. of the~~

~~Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.~~

~~(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119. of the Revised Code and described in division (B) of this section.~~

~~Sec. 4709.99. Whoever violates this chapter or any rule adopted pursuant thereto section 4709.02 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars for a first offense; for each subsequent violation of the same provision, the person shall be fined not less than five hundred nor more than one thousand dollars.~~

~~Sec. 4713.01. As used in this chapter:~~

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

~~(B) "Barber," "barber instructor," "barber shop," and "practice of barbering" have the same meanings as in section 4709.01 of the Revised Code.~~

~~(C) "Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology.~~

~~(D) "Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.~~

~~(E) "Boutique salon" means a salon in which an individual engages in the practice of boutique services and no other branch of cosmetology.~~

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

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

(G) "Branch of cosmetology" means the ~~practice of cosmetology,~~ practice of esthetics, practice of hair design, practice of manicuring, practice of natural hair styling, or practice of boutique services.

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

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

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

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

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

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

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

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

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

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

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

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

(S) "Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.

(T) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a salon, school, or tanning facility, including all equipment and implements in the salon, school, or tanning facility, are maintained by doing all of the following, as applicable:

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water;

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses;

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid.

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

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

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

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

~~"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.~~

~~(W) "Advanced license" means a license issued under section 4713.30 of the Revised Code 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.~~

~~(X) "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.~~

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

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

~~(AA) "Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology.~~

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

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

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

~~"Practice of braiding" means utilizing the technique of intertwining hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or both and using simple devices such as clips, combs, and hairpins. "Practice of braiding" does not include application~~

~~of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair.~~

(EE) "Practice of boutique services" means braiding, threading, shampooing, and makeup artistry.

(FF) "Practice of cosmetology" means the practice of all branches of cosmetology.

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

(HH) "Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, bonding and fusion of individual strands or wefts, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

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

(JJ) "Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, bonding and fusion of individual strands or wefts, extending, locking, or braiding of the hair and includes cleansing the hair in preparation for performing such techniques on the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

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

(LL) "Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

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

barbering.

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

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

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

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

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

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

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

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

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

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

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

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

(3) One individual who holds a current, valid independent contractor license issued under this chapter or Chapter 4709. of the Revised Code at the time of appointment ~~and practices a branch of cosmetology;~~

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

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

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

(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;

(8) One individual representing the general public;

(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;

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

(11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment;

(12) One individual who holds a current, valid barber or barber ~~teacher~~-instructor license at the time of appointment and who has been licensed as a barber or barber ~~teacher~~-instructor in this state for at least five years immediately preceding the individual's appointment.

(B) The director of education and workforce shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section.

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

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

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

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

(D) The board shall prescribe the duties of its officers and establish an office within Franklin county. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection in accordance with section 149.43 of the Revised Code

and any rules adopted by the board in compliance with this state's record retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

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

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

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

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

The board may appoint inspectors to inspect and investigate all facilities regulated by this chapter and Chapter 4709. of the Revised Code, including tanning facilities, to ensure compliance with this chapter and Chapter 4709. of the Revised Code, the rules adopted by the board, and the board's policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 4713.07 of the Revised Code.

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

- (1) Regulate the practice of cosmetology and all of its branches in this state;
- (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or Chapter 4709. of the Revised Code or any rule adopted pursuant to it under either chapter, the activities or premises of a license holder or unlicensed individual;
- (3) Adopt rules in accordance with section 4713.08 of the Revised Code;

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

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

(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;

~~(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;~~

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

(a) A discussion of the conditions in this state of the practice of barbering, cosmetology, and the branches of cosmetology;

(b) An evaluation of board activities intended to aid or protect consumers;

(c) A brief summary of the board's proceedings during the year the report covers;

(d) A statement of all money that the board received and expended during the year the report covers.

~~(9)~~ (8) Keep a record of all of the following:

(a) The board's proceedings;

(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 or Chapter 4709. of the Revised Code;

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

~~(10)~~ (9) 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;

~~(11)~~ (10) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, ~~barber schools~~, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor licensed under this chapter or Chapter 4709. of the Revised Code shall be added to the board's records as an individual salon or barber shop.

~~(12)~~(11) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a salon, school ~~of cosmetology~~, tanning facility, or other type of facility under this chapter;

~~(13)~~(12) All other duties that this chapter imposes on the board.

(B) The board may ~~delegate~~ do either of the following:

(1) Report to the proper prosecuting officer violations of section 4709.02 or 4713.14 of the Revised Code;

(2) Delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director.

Sec. 4713.071. (A) ~~The~~ Before the fifteenth day of November of each year, the state cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding ~~twelve-month period~~ fiscal year:

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

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

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

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

(5) The first-time licensure passage rate for graduates of all public and private schools ~~of cosmetology and barbering~~;

(6) The total number of new and renewal licenses in each profession;

(7) The total number of complaint-driven inspections conducted by the board;

(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;

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;

(10) The number of adjudications or other disciplinary action taken by the board.

(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.

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:

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

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

- (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;
- (4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;
- (5) Provide for the granting of waivers under section 4713.29 of the Revised Code;
- (6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;
- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;
- (8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;
- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;
- (10) Establish conditions under which food may be sold at a salon;
- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code, including whether cosmetic therapy may be practiced in a salon;
- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;
- (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology or barbering at schools of ~~cosmetology~~-licensed in this state;
- (14) Establish the manner in which a school of ~~cosmetology~~-licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;
- (15) Establish ~~sanitary~~ infection control standards for the practice of the branches of cosmetology; and the operation of salons; and schools of ~~cosmetology~~;
- (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;
- (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including infection control standards and standards that do all of the following:
  - (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;
  - (b) Require consumers to wear protective eyeglasses;
  - (c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;

(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;

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

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

(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.

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

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

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

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

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

(20) Establish requirements for students of schools who are engaged in learning the theory and practice of barbering;

(21) Establish the minimum student-instructor ratio that a school offering instruction in the theory and practice of barbering must meet;

(22) Anything else necessary to implement this chapter.

~~(B)(1)(B)~~ 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.

~~(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.~~

(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.

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

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

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

Sec. 4713.081. ~~(A)~~ The state cosmetology and barber board shall furnish a copy of the ~~sanitary-infection control~~ standards established by rules adopted under section 4713.08 of the Revised Code to ~~each~~ both of the following:

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

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

~~(B)~~ A salon or school of cosmetology ~~provided~~ a copy of the ~~sanitary-infection control~~ standards under division (A) of this section shall post the standards in a public and conspicuous place in the salon or school.

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

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

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

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

(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 dollars;

(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;

(5) For the issuance of a license by examination under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;

(8) For the issuance or renewal of a ~~cosmetology~~ school license, or the change of name or ownership of a licensed school, not more than two hundred fifty dollars;

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, not more than one hundred dollars;

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed for up to three license renewal periods;

(12) For the issuance of a duplicate ~~of any~~ salon license, school license, or tanning facility permit, not more than thirty dollars;

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;

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

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

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

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

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

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

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

- (1) Violating this chapter or a rule adopted under it;
- (2) Obtaining a license, permit, or registration fraudulently;
- (3) Falsely pretending to hold a current, valid license or permit.

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

- (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;
- (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;

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

~~(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;~~

~~(5) A current, valid registration under section 4713.69 of the Revised Code.~~

(D) 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:

- (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;
- (2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;

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

~~(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;~~

~~(5) A current, valid registration under section 4713.69 of the Revised Code.~~

(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school ~~of cosmetology~~ without either of the following authorizing the teaching of that branch of cosmetology:

- (1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;
- (2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(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:

- (1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;
- (2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(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;

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

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

(J) Provide any of the following at a salon for pay, free, or otherwise:

(1) Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code;

(2) Any other professional service, unless the individual has a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;

(3) Cosmetic therapy, unless the individual is authorized by rules adopted under section 4713.08 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) An individual who holds a license or registration issued under this chapter practicing a branch of cosmetology on a dead human body at a funeral home or embalming facility licensed under section 4717.06 of the Revised Code.

(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~~ certified under Chapter 4717. of the Revised Code, while acting within the scope of practice for the license, permit, or certificate 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 registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

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

(7) Massage therapists who hold current, valid licenses to practice massage therapy issued by the state medical board under section 4731.15 of the Revised Code, ~~to the extent their actions are authorized by their licenses~~ while acting within the scope of practice for the license held;

(8) Inmates who provide services related to the practice of a branch of cosmetology to other inmates, except when those services are provided in a licensed school ~~of cosmetology~~ within a state correctional institution ~~for females~~.

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

Sec. 4713.25. (A) The state cosmetology and barber board may administer a separate ~~advanced cosmetologist~~ examination for an advanced license to practice cosmetology for individuals who complete an advanced cosmetologist training course separate from a cosmetologist training course. The board may combine the advanced cosmetologist examination with the cosmetologist

examination for individuals who complete a combined cosmetologist and advanced cosmetologist training course.

(B) The board may administer a separate ~~advanced esthetician~~ examination for an advanced license to practice esthetics for individuals who complete an advanced esthetician training course separate from an esthetician training course. The board may combine the advanced esthetician examination with the esthetician examination for individuals who complete an esthetician and advanced esthetician training course.

(C) The board may administer a separate ~~advanced hair designer~~ examination for an advanced license to practice hair design for individuals who complete an advanced hair designer training course separate from a hair designer training course. The board may combine the advanced hair designer examination with the hair designer examination for individuals who complete a hair designer and advanced hair designer training course.

(D) The board may administer a separate ~~advanced manicurist~~ examination for an advanced license to practice manicuring for individuals who complete an advanced manicurist training course separate from a manicurist training course. The board may combine the advanced manicurist examination with the manicurist examination for individuals who complete a manicurist and advanced manicurist training course.

(E) The board may administer a separate ~~advanced natural hair stylist~~ examination for an advanced license to practice natural hair styling for individuals who complete an advanced natural hair stylist training course separate from a natural hair stylist training course. The board may combine the advanced natural hair stylist examination with the natural hair stylist examination for individuals who complete a natural hair stylist and advanced natural hair stylist training course.

Sec. 4713.28. (A) ~~The~~ Except as provided in division (C) of this section, the state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

- (1) Is at least sixteen years of age;
- (2) Has the equivalent of an Ohio public school tenth grade education;
- (3) Has submitted a written application on a form furnished by the board that contains all of the following:
  - (a) The name of the individual and any other identifying information required by the board;
  - (b) A photocopy of the individual's current driver's license or other proof of legal residence;
  - (c) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;
  - (d) An oath verifying that the information in the application is true;
  - (e) The applicable application fee.
- (4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph taken by the board;
- (5) Passes an examination conducted under division (A) of section 4713.24 of the Revised

Code for the branch of cosmetology the applicant seeks to practice;

~~(5)~~(6) Pays to the board the applicable license fee;

~~(6)~~(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

~~(7)~~(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

~~(8)~~(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

~~(9)~~(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

~~(10)~~(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation~~infection control~~, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

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

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

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

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

Sec. 4713.30. (A) Except as provided in division (B) of this section, the state cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

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

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

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph

taken by the board:

(5) Passes the appropriate advanced license examination;

~~(5)-(6)~~ In the case of an applicant for an initial advanced cosmetologist license to practice cosmetology, does either of the following:

~~(a) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to~~ Submits proof, as determined by the board, that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;

~~(b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.~~

~~(6)-(7)~~ In the case of an applicant for an initial advanced esthetician license to practice esthetics, does either of the following:

~~(a) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to~~ Submits proof, as determined by the board, that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

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

~~(7)-(8)~~ In the case of an applicant for an initial advanced hair designer license to practice hair design, does either of the following:

~~(a) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to~~ Submits proof, as determined by the board, that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

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

~~(8)-(9)~~ In the case of an applicant for an initial advanced manicurist license to practice manicuring, does either of the following:

~~(a) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon, or licensed barber shop located in this or another state certify to~~ Submits proof, as determined by the board, that the applicant has practiced manicuring for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop;

~~(b) Has a school of cosmetology licensed in this state certify to the board that the applicant~~

has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training.

~~(9)~~(10) In the case of an applicant for an initial advanced ~~natural hair stylist license to practice natural hair styling~~, does either of the following:

(a) ~~Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify to~~ Submits proof, as determined by the board, that the applicant has practiced natural hair styling for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon;

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

(11) Pays to the board the applicable license fee.

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

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

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

Sec. 4713.31. (A) ~~The~~Except as provided in division (B) of this section, the state cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least eighteen years of age;

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

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

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph taken by the board;

(5) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced ~~cosmetologist license to practice cosmetology~~ issued in this state and does either of the following:

(a) ~~Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to~~ Submits proof, as determined by the board, that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

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

~~(5)-(6)~~ In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced ~~esthetician or advanced cosmetologist~~ license to practice esthetics or cosmetology issued in this state and does either of the following:

(a) ~~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 Submits proof, as determined by 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;

(b) 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.

~~(6)-(7)~~ In the case of an applicant for an initial hair design instructor license, holds a current, valid advanced ~~hair designer or advanced cosmetologist~~ license to practice hair design or cosmetology and does either of the following:

(a) ~~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 Submits proof, as determined by 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;

(b) 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~~ instructor training as an apprentice instructor.

~~(7)-(8)~~ In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced ~~manicurist or advanced cosmetologist~~ license to practice manicuring or cosmetology and does either of the following:

(a) ~~Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed~~ certify to Submits proof, as determined by the board, that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

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

~~(8)-(9)~~ In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced ~~natural hair stylist or advanced cosmetologist~~ license to practice natural hair styling or cosmetology and does either of the following:

(a) ~~Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been~~

~~employed certify to~~ Submits proof, as determined by the board, that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

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

~~(9)-(10)~~ In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

(11) Pays to the board the applicable license fee.

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

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

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

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

### **COSMETOLOGY LICENSURE COMPACT**

#### **ARTICLE 1- PURPOSE**

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

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

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

B. Enhance the abilities of Member States to protect public health and safety, and prevent fraud and unlicensed activity within the profession;

C. Ensure and encourage cooperation between Member States in the licensure and regulation of the Practice of Cosmetology;

D. Support relocating military members and their spouses;

E. Facilitate the exchange of information between Member States related to the licensure.

investigation, and discipline of the Practice of Cosmetology;

F. Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the Member States.

## **ARTICLE 2- DEFINITIONS**

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein:

A. "Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a State Licensing Authority or other regulatory body against a Cosmetologist, including actions against an individual's license or Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on a license affecting an individual's ability to participate in the Cosmetology industry, including the issuance of a cease and desist order.

C. "Authorization to Practice" means a legal authorization associated with a Multistate License permitting the Practice of Cosmetology in that Remote State, which shall be subject to the enforcement jurisdiction of the State Licensing Authority in that Remote State.

D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's State Licensing Authority.

E. "Background Check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining State criminal or disciplinary history in the applicant's Home State.

F. "Charter Member State" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 13.

G. "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission, as defined in Article 9, and which shall operate as an instrumentality of the Member States.

H. "Cosmetologist" means an individual licensed in their Home State to practice Cosmetology.

I. "Cosmetology", "Cosmetology Services", and the "Practice of Cosmetology" mean the care and services provided by a Cosmetologist as set forth in the Member State's statutes and regulations in the State where the services are being provided.

J. "Current Significant Investigative Information" means:

1. Investigative Information that a State Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding fraud or the Practice of Cosmetology; or

2. Investigative Information that indicates that a Licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the Licensee has been notified and had an opportunity to respond.

K. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, and Adverse Actions.

L. "Disqualifying Event" means any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule or order specify.

M. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Cosmetology by a Licensee, or where said Adverse Action has been reported to the Commission.

N. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted Practice of Cosmetology by a State Licensing Authority.

O. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

P. "Home State" means the Member State which is a Licensee's primary State of residence, and where that Licensee holds an active and unencumbered license to practice Cosmetology.

Q. "Investigative Information" means information, records, or documents received or generated by a State Licensing Authority pursuant to an investigation or other inquiry.

R. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Cosmetology in a State.

S. "Licensee" means an individual who currently holds a license from a Member State to practice as a Cosmetologist.

T. "Member State" means any State that has adopted this Compact.

U. "Multistate License" means a license issued by and subject to the enforcement jurisdiction of the State Licensing Authority in a Licensee's Home State, which authorizes the Practice of Cosmetology in Member States and includes Authorizations to Practice Cosmetology in all Remote States pursuant to this Compact.

V. "Remote State" means any Member State, other than the Licensee's Home State.

W. "Rule" means any rule or regulation promulgated by the Commission under this Compact which

has the force of law.

X. "Single-State License" means a Cosmetology license issued by a Member State that authorizes practice of Cosmetology only within the issuing State and does not include any authorization outside of the issuing State.

Y. "State" means a State, territory, or possession of the United States and the District of Columbia.

Z. "State Licensing Authority" means a Member State's regulatory body responsible for issuing Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.

### **ARTICLE 3- MEMBER STATE REQUIREMENTS**

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. License and regulate Cosmetology;
2. Have a mechanism or entity in place to receive and investigate complaints about Licensees practicing in that State;
3. Require that Licensees within the State pass a Cosmetology competency examination prior to being licensed to provide Cosmetology Services to the public in that State;
4. Require that Licensees satisfy educational or training requirements in Cosmetology prior to being licensed to provide Cosmetology Services to the public in that State;
5. Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or Background Check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's Background Check as defined herein;
6. Participate in the Data System, including through the use of unique identifying numbers;
7. Share information related to Adverse Actions with the Commission and other Member States, both through the Data System and otherwise;
8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of the existence of Investigative Information or Current Significant Investigative Information in the State's possession regarding a Licensee practicing in that State;
9. Comply with such Rules as may be enacted by the Commission to administer the Compact; and
10. Accept Licensees from other Member States as established herein.

B. Member States may charge a fee for granting a license to practice Cosmetology.

C. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting a Multistate License to provide services in any other Member State.

D. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be recognized by each Member State as authorizing a Licensee to practice Cosmetology in each Member State.

F. At no point shall the Commission have the power to define the educational or professional requirements for a license to practice Cosmetology. The Member States shall retain sole jurisdiction over the provision of these requirements.

#### **ARTICLE 4- MULTISTATE LICENSE**

A. To be eligible to apply to their Home State's State Licensing Authority for an initial Multistate License under this Compact, a Licensee must hold an active and unencumbered Single-State License to practice Cosmetology in their Home State.

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

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

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

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

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

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

2. Pay all required fees related to the application and process, and any other fees which the Commission may by Rule require; and

3. Comply with any and all other requirements regarding Multistate Licenses which the Commission may by Rule provide.

G. A Licensee practicing in a Member State is subject to all scope of practice laws governing Cosmetology Services in that State.

H. The Practice of Cosmetology under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the State Licensing Authority, the courts, and the laws of the Member State in which the Cosmetology Services are provided.

#### **ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

A. A Licensee may hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

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

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

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

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

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

#### **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES**

A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Cosmetology in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

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

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

#### **ARTICLE 7- ADVERSE ACTIONS**

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

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

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

1. Take Adverse Action against a Licensee's Authorization to Practice Cosmetology through the Multistate License in that Member State, provided that:

a. Only the Licensee's Home State shall have the power to take Adverse Action against the Multistate License issued by the Home State; and

b. For the purposes of taking Adverse Action, the Home State's State Licensing Authority shall give the same priority and effect to reported conduct received from a Remote State as it would if such conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine the appropriate action.

2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice within that Member State.

3. Complete any pending investigations of a Licensee who changes their primary state of residence during the course of such an investigation. The State Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a State Licensing

Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing State Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

5. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

6. Take Adverse Action against the Licensee's Authorization to Practice in that State based on the factual findings of another Remote State.

D. A Licensee's Home State shall complete any pending investigation(s) of a Cosmetologist who changes their primary state of residence during the course of the investigation(s). The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the Data System.

E. If an Adverse Action is taken by the Home State against a Licensee's Multistate License, the Licensee's Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Home State license. All Home State disciplinary orders that impose an Adverse Action against a Licensee's Multistate License shall include a statement that the Cosmetologist's Authorization to Practice is deactivated in all Member States during the pendency of the order.

F. Nothing in this Compact shall override a Member State's authority to accept a Licensee's participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

#### G. Joint Investigations

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

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

### **ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES**

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

**ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY  
LICENSURE COMPACT COMMISSION**

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

B. Membership, Voting, and Meetings

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

2. The delegate shall be an administrator of the State Licensing Authority of the Member State or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Adopt Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to,

employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a Multistate License and thereafter, as may be established by Commission Rule, charge the Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall be construed to prevent a Home State from charging a Licensee a fee for a Multistate License or renewals of a Multistate License, or a fee for the jurisprudence requirement if the Member State imposes such a requirement for the grant of Multistate License;

13. Assess and collect fees;

14. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

17. Establish a budget and make expenditures;

18. Borrow money;

19. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

20. Provide and receive information from, and cooperate with, law enforcement agencies

21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

22. Establish and elect an Executive Committee, including a chair and a vice chair;

23. Adopt and provide to the Member States an annual report.

24. Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and

25. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive

Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensuring Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

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

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

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

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

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

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

4. The Executive Committee shall meet at least annually.

a. Annual Executive Committee meetings, as well as any Executive Committee meeting at which it does not take or intend to take formal action on a matter for which a Commission vote would otherwise be required, shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under Article 9.F.4.

b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

5. The Executive Committee may hold an emergency meeting when acting for the Commission to:

- a. Meet an imminent threat to public health, safety, or welfare;
- b. Prevent a loss of Commission or Member State funds; or
- c. Protect public health and safety.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to Article 9.F.4 shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding Article 9.F.1, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Article 11.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:

- a. Non-compliance of a Member State with its obligations under the Compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;
- d. Current, threatened, or reasonably anticipated litigation;
- e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- f. Accusing any person of a crime or formally censuring any person;
- g. Trade secrets or commercial or financial information that is privileged or confidential;
- h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- i. Investigative records compiled for law enforcement purposes;
- j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
- k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or Member State law; or

m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

#### G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

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

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

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

#### H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against

whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

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

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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

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

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

#### **ARTICLE 10- DATA SYSTEM**

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

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

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

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license and information related thereto;
4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);
6. The existence of Investigative Information;
7. The existence of Current Significant Investigative Information; and
8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to monitor the database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.

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

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

## **ARTICLE 11- RULEMAKING**

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and

purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

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

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

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

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

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

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

1. On the website of the Commission or other publicly accessible platform;
2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and
3. In such other way(s) as the Commission may by Rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;
2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;
3. The text of the proposed Rule and the reason therefor;
4. A request for comments on the proposed Rule from any interested person; and
5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Article.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

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

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

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

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

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

or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

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

**ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT****A. Oversight**

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

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

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

**B. Default, Technical Assistance, and Termination**

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

5. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this

Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.

7. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

8. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

#### D. Enforcement

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

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

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

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

### **ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

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

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

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

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

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

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

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

B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's State Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

**ARTICLE 14- CONSTRUCTION AND SEVERABILITY**

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

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

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

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

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

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

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

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

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

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

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

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

(3) Pays the applicable fee.

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

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

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

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

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

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

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

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

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

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

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

cosmetology.

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

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

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

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

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

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

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

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

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

(C) Chapter 4796. of the Revised Code does not apply to a temporary special occasion work permit issued under this section.

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

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

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

(A)(1) An individual holding a current, valid cosmetologist license or boutique services

registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A)(2) of this section.

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

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

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

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

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

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

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

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

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

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

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology or barbering to be taught at the school equal to the requirements for admission to an examination under section 4709.07 or 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) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

(4) In the case of a 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;

(5) Except as provided in division (C)(2) of this section, files with the board a good and sufficient surety bond executed by the individual, firm, or corporation operating the school as

principal and by a surety company as surety in the amount of ten thousand dollars;

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

(7) Complies with the requirements of division (B) of this section if the school offers instruction in theory and practice of one or more branches of cosmetology;

(8) Complies with the requirements of section 4709.10 of the Revised Code if the school offers instruction in the theory and practice of barbering;

(9) Pays the licensure fee.

(B) If the school for which an applicant is applying for a license under division (A) of this section offers instruction in the theory and practice of one or more branches of cosmetology, the applicant shall do all of the following to be issued the license:

(1) Maintain individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branch or branches of cosmetology offered at the school;

(2) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certify the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

(3) Instruct not more than six apprentice cosmetology instructors at any one time.

(C)(1) The bond required under division (A)(5) of this section shall be in the form prescribed by the board and be conditioned on the school's continued instruction in the theory and practice of one or more branches of cosmetology or barbering. The bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide.

(2) The requirement under division (A)(5) of this section does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district.

(D) A school licensed under this section is an educational institution and is authorized to offer educational programs beyond secondary education, advanced practice programs, or both in accordance with rules adopted by the board pursuant to section 4713.08 of the Revised Code.

(E) A school license issued to an applicant under division (A) of this section is not transferable from one owner to another or from one location to another.

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

(1) In accordance with rules adopted under section 4713.08 of the Revised Code, a school may offer clock hours, credit hours, or competency-based credits for the purpose of satisfying minimum hours of training and instruction;

(2) Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor or barber instructor license to teach subjects related to a branch of cosmetology or barbering;

(3) If the school offers instruction in the theory and practice of one or more branches of

cosmetology, both of the following:

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

(b) Compensate an apprentice cosmetology instructor.

(4) If the school offers instruction in the theory and practice of barbering, establish entrance requirements for the acceptance of student applicants that are more stringent than those prescribed by the board under division (A)(20) of section 4713.08 of the Revised Code, but at a minimum require an applicant to meet both of the following:

(a) Be at least sixteen years of age;

(b) Have an eighth grade education, or an equivalent education as determined by the state board of education.

(B)(1) A school shall have a licensed cosmetology or barber instructor present when an individual employed pursuant to division (A)(2) of this section teaches at the school, unless the individual is one of the following:

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

(b) An individual with a bachelor's degree in the subject the individual teaches at the school;

(c) An individual also employed by a university or college to teach the subject the individual teaches at the school.

(2) An individual employed pursuant to division (A)(2) of this section by a school that offers instruction in the theory and practice of barbering may only teach subjects related to business and management at the school, including laws and rules concerning the practice of barbering, advertising and salesmanship, public relations, and barber shop duties and management.

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

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

Sec. 4713.49. The owner or manager of a salon or school that has a permit issued under section 4713.48 of the Revised Code may operate a tanning facility at the salon or school.

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

The board shall specify on each practicing and advanced license that the board issues the

branch of cosmetology that the license entitles the holder to practice. ~~The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice.~~ The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues that the holder is entitled to practice only the branch of cosmetology ~~that the~~ for which a current, valid license entitles the holder to offer is held within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies.

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

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.

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.

Every individual who provides massage therapy or other professional service in a salon 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.

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

(1) A cosmetology instructor who has previously been ~~licensed as~~ issued a practicing cosmetologist license or an advanced ~~cosmetologist license to practice cosmetology~~, is entitled to the reissuance of ~~a cosmetologist the practicing~~ or advanced cosmetologist license;

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

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

(4) A manicurist instructor who has previously been ~~licensed as~~ issued a practicing manicurist license or an advanced ~~manicurist license to practice manicuring~~, is entitled to the

reissuance of a ~~manicurist~~ the practicing or advanced manicurist license;

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

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

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

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

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

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

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

- (1) An emergency;
- (2) An unusual or prolonged illness;

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

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

Sec. 4713.61. (A) If the state cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

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

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

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

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

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

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

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

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

(3) The program is operated by an employee, officer, or director of a nonprofit professional

association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school ~~of cosmetology~~ licensed by the board, salon licensed by the board, barber shop licensed by the board under section 4709.09 of the Revised Code, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology or barbering.

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

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

(b) Protect the public;

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

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

Sec. 4713.63. A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the individual who held the license meets ~~all~~ both of the following applicable conditions:

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

(B) In the case of a practicing license or advanced license ~~that has been expired for more than two consecutive license renewal periods~~, completes eight hours of the continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours requirement for renewal of a license established by the board in the rules adopted under section 4713.09 of the Revised Code.

~~At least four of those hours shall include a course pertaining to sanitation and safety methods.~~

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

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

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

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

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

(4) Willful false and fraudulent or deceptive advertising;

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

- (6) Failure to pay a fine or abide by a suspension order issued by the board;
- (7) Failure to cooperate with an investigation or inspection;
- (8) Failure to respond to a subpoena;
- (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;
- (10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:

(1) Deny, revoke, ~~or suspend,~~ or impose conditions on a license, permit, or registration issued by the board under this chapter;

(2) Impose a fine;

(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.

(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~~ 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 violation. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

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

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

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

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

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

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

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

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

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

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

Sec. 4713.641. Any ~~student or former student of a school of cosmetology licensed under division (A) of section 4713.44 of the Revised Code~~ individual may file a complaint with the state cosmetology and barber board alleging that ~~the~~ an individual, salon, barber shop, school, or tanning facility has violated ~~division (A) of section 4713.64 this chapter or Chapter 4709. of the Revised Code or rules adopted under either chapter.~~ The complaint shall be in writing and signed by the ~~individual bringing the complaint.~~ Upon receiving a complaint, the board shall initiate a preliminary investigation to determine whether it is probable that a violation was committed. If the board determines after preliminary investigation that it is not probable that a violation was committed, the board shall notify the individual who filed the complaint of the board's findings and that the board will not ~~issue a~~ pursue formal complaint action in the matter. If the board determines after a preliminary investigation that it is probable that a violation was committed, the board shall ~~may~~ proceed against the individual, salon, barber shop, school, or tanning facility pursuant to the board's authority under section 4709.13 or 4713.64 of the Revised Code and in accordance with the hearing and notice requirements prescribed in Chapter 119. of the Revised Code.

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board, on its own motion or on receipt of a ~~written~~ complaint, may investigate or inspect the activities or premises of an individual or entity who is alleged to have violated this chapter or Chapter 4709. of the Revised Code or rules adopted under ~~it either chapter~~, regardless of whether the individual or entity holds a license ~~or~~ registration, or permit issued under this chapter or Chapter 4709. of the Revised Code.

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

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

Sec. 4713.69. (A) Except as provided in division ~~(D)~~ (C) of this section, the state cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies ~~all~~ both of the following ~~applicable~~ conditions:

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

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

~~(3)~~ Has submitted a written application on a form prescribed by the board containing all of the following:

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

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

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

(d) The applicant's date of birth;

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

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

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

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

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

~~(C)~~ The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.

~~(D)~~ ~~(C)~~ The board shall issue a boutique services registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or registration in providing boutique services in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in providing boutique services in a state that does not issue that license or registration.

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

Sec. 4973.17. (A)(1) Upon the application of any bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions in this state, the secretary of state may appoint and commission any persons that the bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions designates, or as many of those persons as the secretary of state considers proper, to act as police officers for and on the premises of that bank; savings and

loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions; or elsewhere, when directly in the discharge of their duties. Police officers so appointed shall be citizens of this state and of good character. Police officers so appointed who start to perform their duties on or after April 14, 2006, shall successfully complete a training program approved by the Ohio peace officer training commission described in section 109.71 of the Revised Code and be certified by the commission within six months after starting to perform their duties. Police officers so appointed shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state, or by the bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions, as provided by law.

(2) Persons commissioned as police officers pursuant to division (A) of this section prior to April 14, 2006, who have not successfully completed a training program approved by the Ohio peace officer training commission, and who have not been certified by the commission, may be reappointed and re-commissioned by the secretary of state only during the person's continuous employment as a police officer by the institution for which the person was employed on April 14, 2006, or by a successor institution to the institution for which the person was employed on April 14, 2006. The secretary of state shall note on such appointments and commissions that the person is not a peace officer as defined in section 109.71 of the Revised Code.

(3) For the exclusive purpose of assigning break in service update training as prescribed in rule 109:2-1-12 (D) of the Administrative Code, a police officer appointed under division (A) of this section, who began performing police officer duties on or before April 14, 2006, shall be credited as holding a valid peace officer appointment retroactive to the date on which the officer began performing these duties.

(B) Upon the application of a company owning or using a railroad in this state and subject to section 4973.171 of the Revised Code, the secretary of state may appoint and commission any persons that the railroad company designates, or as many of those persons as the secretary of state considers proper, to act as police officers for and on the premises of the railroad company, its affiliates or subsidiaries, or elsewhere, when directly in the discharge of their duties. Police officers so appointed, within the time set by the Ohio peace officer training commission, shall successfully complete a commission approved training program and be certified by the commission. They shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state, or railroad company, as provided by law.

Any person holding a similar commission in another state may be commissioned and may hold office in this state without completing the approved training program required by this division provided that the person has completed a substantially equivalent training program in the other state. The Ohio peace officer training commission shall determine whether a training program in another state meets the requirements of this division.

(C) Upon the application of any company under contract with the United States atomic

energy commission for the construction or operation of a plant at a site owned by the commission, the secretary of state may appoint and commission persons the company designates, not to exceed one hundred fifty, to act as police officers for the company at the plant or site owned by the commission. Police officers so appointed shall be citizens of this state and of good character. They shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state or by the company, as provided by law.

(D)(1) Upon the application of any hospital ~~that is operated by a public hospital agency or a nonprofit hospital agency and~~ that employs and maintains its own proprietary police department or security department and that satisfies division (D)(1)(a) or (b) of this section and subject to section 4973.171 of the Revised Code, the secretary of state may appoint and commission any persons that the hospital designates, or as many of those persons as the secretary of state considers proper, to act as police officers for the hospital. ~~No~~

A hospital described in this division must satisfy either of the following conditions:

(a) Be operated by a public hospital agency or nonprofit hospital agency;

(b) Be a for-profit hospital that, before converting to for-profit status, was operated by a nonprofit hospital agency employing police officers appointed under this division.

(2) No person who is appointed as a police officer under this division (D)(1) of this section shall engage in any duties or activities as a police officer for the hospital or any affiliate or subsidiary of the hospital unless all of the following apply:

(a) The chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, the sheriff of that county has granted approval to the hospital to permit persons appointed as police officers under ~~this division (D)(1) of this section~~ to engage in those duties and activities. The approval required by this division is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the hospital under ~~this division (D)(1) of this section~~; a separate approval is not required for each appointee on an individual basis.

(b) Subsequent to the grant of approval described in division ~~(D)(1)(a) (D)(2)(a)~~ of this section, the hospital has entered into a written agreement with the chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, with the sheriff of that county, that sets forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the hospital under ~~this division (D)(1) of this section~~ and law enforcement officers serving the agency represented by the chief of police or sheriff who signed the agreement in areas of their concurrent jurisdiction. The written agreement shall be signed by the appointing authority of the hospital and by the chief of police or sheriff. The standards and criteria may include, but are not limited to, provisions governing the reporting of offenses discovered by hospital police officers to the agency represented by the chief of police or sheriff, provisions governing investigatory responsibilities relative to offenses committed on hospital property, and provisions governing the processing and confinement of

persons arrested for offenses committed on hospital property. The agreement required by this division is intended to apply in the aggregate to all persons appointed as police officers for the hospital under this division; a separate agreement is not required for each appointee on an individual basis.

(c) The person has successfully completed a training program approved by the Ohio peace officer training commission and has been certified by the commission. A person appointed as a police officer under ~~this division~~ (D)(1) of this section may attend a training program approved by the commission and be certified by the commission regardless of whether the appropriate chief of police or sheriff has granted the approval described in division ~~(D)(1)(a)-(D)(2)(a)~~ of this section and regardless of whether the hospital has entered into the written agreement described in division ~~(D)(1)(b)-(D)(2)(b)~~ of this section with the appropriate chief of police or sheriff.

~~(2)(a)-(3)(a)~~ A person who is appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division ~~(D)(1)(a)-(D)(2)(a)~~ of this section and upon the person's and the hospital's compliance with the requirements of divisions ~~(D)(1)(b)-(D)(2)(b)~~ and (c) of this section, to act as a police officer for the hospital on the premises of the hospital and of its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the written agreement described in division ~~(D)(1)(b)-(D)(2)(b)~~ of this section, whichever is applicable, and anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the hospital. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division ~~(D)(1)(b)-(D)(2)(b)~~ of this section.

(b) Additionally, a person appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division ~~(D)(1)(a)-(D)(2)(a)~~ of this section and upon the person's and the hospital's compliance with the requirements of divisions ~~(D)(1)(b)-(D)(2)(b)~~ and (c) of this section, to act as a police officer elsewhere, within the territory of a municipal corporation or within the unincorporated area of a county, if the chief of police of that municipal corporation or the sheriff of that county, respectively, has granted approval for that activity to the hospital, police department, or security department served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the hospital. The approval described in this division may be general in nature or may be limited in scope, duration, or applicability, as determined by the chief of police or sheriff granting the approval.

~~(3)-(4)~~ Police officers appointed under division (D)(1) of this section shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state or by the hospital, as provided by law.

~~(4)~~~~(5)~~ Notwithstanding section 2744.02 of the Revised Code, the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, the county is immune from civil or criminal liability in any action brought under the laws of this state if all of the following apply:

(a) The action arises out of the actions of a police officer appointed under division (D)(1) of this section.

(b) The actions of the police officer are directly in the discharge of the person's duties as a police officer for the hospital.

(c) The actions of the police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement described in division ~~(D)(1)(b)~~~~(D)(2)(b)~~ of this section, whichever is applicable, or anywhere else within the territory of that municipal corporation or within the unincorporated area of that county.

~~(5)~~~~(6)~~ A court's finding of tort liability of any public hospital agency ~~or~~ nonprofit hospital agency, or for-profit hospital for any actions of a police officer appointed for the applicable hospital agency or for-profit hospital under division (D)(1) of this section is not subject to apportionment of tort liability under sections 2307.22 and 2307.23 of the Revised Code with the municipal corporation or the county in which a written agreement as described in division ~~(D)(1)(b)~~~~(D)(2)(b)~~ of this section is in effect.

~~(6)~~~~(7)~~ Nothing in division ~~(D)(4)~~~~(D)(5)~~ of this section shall be construed as granting immunity from civil or criminal liability for any actions occurring on the premises of any hospital operated by a public hospital agency or nonprofit hospital agency, on the premises of any for-profit hospital, or on the premises of that hospital's affiliate or subsidiary to any of the following:

(a) Any police officer appointed under division (D)(1) of this section;

(b) Any hospital ~~operated by a public hospital agency or a nonprofit hospital agency~~ that applied for the appointment of any police officer under division (D)(1) of this section, or any affiliate or subsidiary of the hospital;

(c) Any other police or security officer who is employed by, or whose services are utilized by, any hospital operated by a public hospital agency or a nonprofit hospital agency, any for-profit hospital, or any affiliate or subsidiary of the hospital;

(d) Any entity that supplies the services of police or security officers to any hospital operated by a public hospital agency or a nonprofit hospital agency, any for-profit hospital, or any affiliate or subsidiary of the hospital.

~~(7)~~~~(8)~~ As used in division (D) of this section:

(a) "Public hospital agency" and "nonprofit hospital agency" have the same meanings as in section 140.01 of the Revised Code.

(b) "Tort liability" means the liability of a party as determined by a court in a tort action as defined in section 2307.011 of the Revised Code.

(E)(1) Upon the application of any owner or operator of an amusement park that has an average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department and subject to section 4973.171 of the Revised Code, any judge of the municipal court or county court that has territorial jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of those persons as the judge considers proper, to act as police officers for the amusement park. If the amusement park is located in more than one county, any judge of the municipal court or county court of any of those counties may make the appointments and commissions as described in this division. No person who is appointed as a police officer under this division shall engage in any duties or activities as a police officer for the amusement park or any affiliate or subsidiary of the owner or operator of the amusement park unless all of the following apply:

(a) The appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division have granted approval to the owner or operator of the amusement park to permit persons appointed as police officers under this division to engage in those duties and activities. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for the grant of approval under this division. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for the grant of approval under this division, and the approval must be jointly granted by all of those chiefs of police. The approval required by this division is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the amusement park under this division. A separate approval is not required for each appointee on an individual basis.

(b) Subsequent to the grant of approval described in division (E)(1)(a) of this section, the owner or operator has entered into a written agreement with the appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division and has provided the sheriff of the county in which the political subdivision or subdivisions are located with a copy of the agreement. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for entering into the written agreement under this division. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for entering into the written agreement under this division, and the written agreement must be jointly entered into by all of those chiefs of police. The written agreement between the owner or operator and the chief or chiefs of police shall address the scope of activities, the duration of the agreement,

and mutual aid arrangements and shall set forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the amusement park under this division and law enforcement officers serving the agency represented by the chief of police who signed the agreement. The written agreement shall be signed by the owner or operator and by the chief or chiefs of police who enter into it. The standards and criteria may include, but are not limited to, provisions governing the reporting of offenses discovered by the amusement park's police officers to the agency represented by the chief of police of the municipal corporation or township in which the offense occurred, provisions governing investigatory responsibilities relative to offenses committed on amusement park property, and provisions governing the processing and confinement of persons arrested for offenses committed on amusement park property. The agreement required by this division is intended to apply in the aggregate to all persons appointed as police officers for the amusement park under this division. A separate agreement is not required for each appointee on an individual basis.

(c) The person has successfully completed a training program approved by the Ohio peace officer training commission and has been certified by the commission. A person appointed as a police officer under this division may attend a training program approved by the commission and be certified by the commission regardless of whether the appropriate chief of police has granted the approval described in division (E)(1)(a) of this section and regardless of whether the owner or operator of the amusement park has entered into the written agreement described in division (E)(1)(b) of this section with the appropriate chief of police.

(2)(a) A person who is appointed as a police officer under division (E)(1) of this section is entitled, upon the grant of approval described in section (E)(1)(a) of this section and upon the person's and the owner or operator's compliance with the requirements of division (E)(1)(b) and (c) of this section, to act as a police officer for the amusement park and its affiliates and subsidiaries that are within the territory of the political subdivision or subdivisions served by the chief of police, or respective chiefs of police, who signed the written agreement described in division (E)(1)(b) of this section, and upon any contiguous real property of the amusement park that is covered by the written agreement, whether within or adjacent to the political subdivision or subdivisions. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (E)(1)(b) of this section.

(b) In addition to the authority granted under division (E)(2)(a) of this section, a person appointed as a police officer under division (E)(1) of this section is entitled, upon the grant of approval described in division (E)(1)(a) of this section and upon the person's and the owner or operator's compliance with the requirements of divisions (E)(1)(b) and (c) of this section, to act as a police officer elsewhere within the territory of a municipal corporation or township if the chief of

police of that municipal corporation or township has granted approval for that activity to the owner or operator served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The approval described in this division may be general in nature or may be limited in scope, duration, or applicability, as determined by the chief of police granting the approval.

(3) Police officers appointed under division (E)(1) of this section shall hold office for five years, unless, for good cause shown, their commission is revoked by the appointing judge or the judge's successor or by the owner or operator, as provided by law.

(F) A fee of fifteen dollars for each commission applied for under this section shall be paid at the time the application is made, and this amount shall be returned if for any reason a commission is not issued.

SECTION 2. That existing sections 2925.01, 3333.26, 3937.41, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 4713.69, 4713.99, and 4973.17 of the Revised Code are hereby repealed.

SECTION 3. That sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 4713.45 of the Revised Code are hereby repealed.

SECTION 4. Section 4713.02 of the Revised Code, as amended by this act, does not affect the terms of members of the State Cosmetology and Barber Board serving on the Board on the effective date of this section.

SECTION 5. Notwithstanding the amendment of sections in Chapter 4713. of the Revised Code in this act, which no longer provides for school of cosmetology licenses, a valid school of cosmetology license held by a person on or after the effective date of this section is valid for the duration of that license term. On the expiration of that license, the State Cosmetology and Barber Board shall issue to a license holder who wishes to renew that license a school license under section 4713.44 of the Revised Code, as enacted by this act, if the license holder meets the requirements to be issued the school license.

SECTION 6. Notwithstanding the amendment of sections in Chapter 4709. of the Revised Code in this act, which no longer provides for barber school licenses, if a valid barber school license held

by a person on or after the effective date of this section is set to expire on August 31, 2024, that license is valid until January 31, 2025. If a valid barber school license held by a person on or after the effective date of this section is set to expire on August 31, 2026, that license is valid until January 31, 2027. On the expiration of that license, the State Cosmetology and Barber Board shall issue to a license holder who wishes to renew that license a school license under section 4713.44 of the Revised Code, as enacted by this act, if the license holder meets the requirements to be issued the school license.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_