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OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research
and Drafting

Legislative Budget
Office

H.B. 158*
135th General Assembly

Occupational Regulation Report

[Click here for H.B. 158's Bill Analysis/Fiscal Note](#)

Primary Sponsors: Reps. Roemer and M. Miller

Impacted Professions: Barbers, cosmetologists, massage therapists, cosmetic therapists, and boutique service providers

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

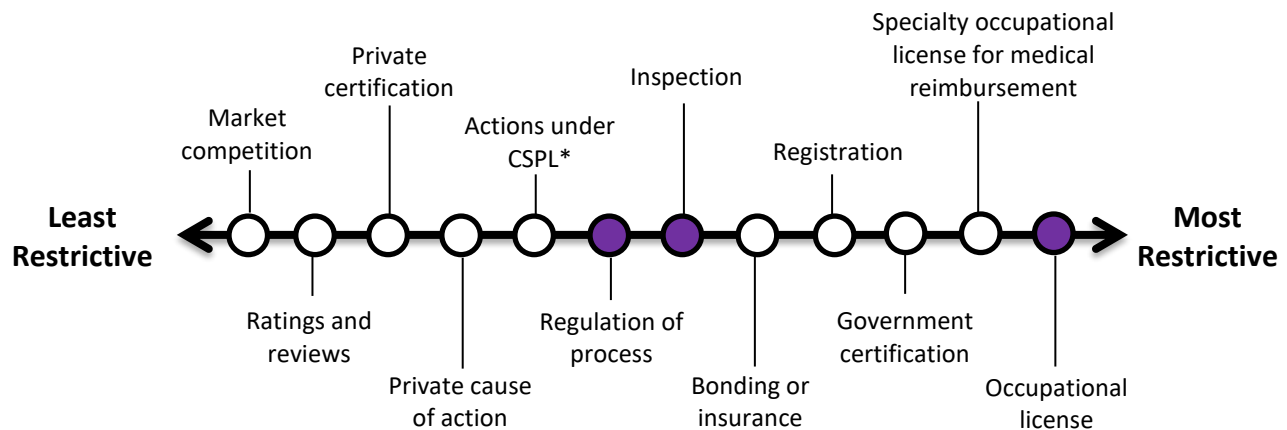
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

* This report addresses the "As Introduced" version of H.B. 158. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.

The degree of “restrictiveness” of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state’s policy by least to most restrictive:



*CSPL – The Consumer Sales Practices Law

The bill amends a number of provisions in the Barber Law to make them consistent with continuing provisions in the Cosmetology Law, and it makes numerous other changes that apply to both Barber and Cosmetology law. These changes involve all of the following:

- Occupational licensure (modification of an existing licensure framework governing barbering and cosmetology³);
- Inspection (modification of provisions governing barber shop inspections⁴); and
- Regulation of process (establishment of requirements for providing massage therapy, cosmetic therapy, or other professional services in a barber shop⁵).

Necessity of regulations

Representative Bill Roemer, one of the bill’s primary sponsors, testified that its two main goals are: (1) to better reflect the current standards, procedures, and terminology used by the Board of Cosmetology and Barbering and (2) to better serve aspiring cosmetologists and barbers who may be unduly burdened by regulations when trying to enter the field.

He explained that, in 2017, the Cosmetology Board and Barber Board were merged into one consolidated board. Despite this merger, the law governing barbering and cosmetology generally remained unchanged. Therefore, the consolidated board is responsible for administering two separate regulatory programs, one for barbers and one for cosmetologists.

³ R.C. Chapters 4709 and 4713.

⁴ R.C. 4709.09, 4709.12, and 4709.13.

⁵ R.C. 4709.091(B).

Representative Roemer stressed that the bifurcated system is needlessly complicated for both the Board and for persons engaged in barbering and cosmetology professions.

Representative Roemer asserted that the bill is intended to streamline the two licensure programs and, thereby, simplify the Board's administration and enforcement duties. As an example, he specified that the bill merges the barber school license and the school of cosmetology license into a single school license.⁶ He stated that this merger eliminates the current need for a school that teaches both barbering and cosmetology to obtain two licenses, each of which entails its own paperwork and renewal dates.⁷

Representative Roemer and cosponsor Representative Melanie Miller testified that the bill will better serve those who aspire to enter the field. Their testimony commonly referenced the following examples of how the bill will help aspiring barbers:

- It establishes a temporary preexamination work permit that authorizes permittees to engage in barbering if they are eligible to take the barber licensure examination; and
- It lowers the age, from 18 to 16, at which an individual may start barbering school or apply for a barber license, thus facilitating training through high school technical education programs.⁸

Restrictiveness of regulations

Licensing requirements

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations in which required licensure is appropriate; specifically, when all of the following circumstances are present:

- The occupation involves providing a service regulated by both state and federal law;
- The licensing framework allows individuals licensed in other states and territories to practice in Ohio; and
- The licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁹

⁶ These school licenses appear to function primarily as a "business license" or a "facility license" that is excluded from the state's definition of occupational regulation (R.C. 4798.01). Therefore, this report does not discuss them further.

⁷ See Representative Bill Roemer's [H.B. 158 Sponsor Testimony \(PDF\)](#), which is available on the General Assembly's website, legislature.ohio.gov, by searching for "HB 542" and looking under the "Committee Activity" tab.

⁸ See [sponsor testimony](#) on the bill, which is available on the General Assembly's website, legislature.ohio.gov, by searching for "HB 158" and looking under the "Committee Activity" tab.

⁹ R.C. 4798.02, not in the bill.

Currently, Ohio's barber and cosmetology laws do not satisfy two of the three criteria under which licensure is the preferred method of regulation. There is no federal regulatory framework governing barbering or cosmetology. In addition, although all 50 states require licensure of barbers and cosmetologists, the licensing laws vary from state to state and lack uniformity.¹⁰

However, Ohio's current barber and cosmetologist licensing laws do satisfy the reciprocity criterion. An individual who is licensed to practice barbering or cosmetology in another state or country may do so in Ohio, provided that all of the following conditions are met: (1) the other state or country extends similar reciprocity to Ohio licensees (this requirement is eliminated by the bill), (2) the other state or country has licensing requirements that are substantially similar to Ohio's, (3) the individual is at least 18 years of age, and (4) the individual passes the applicable Ohio examination. In addition, the state's recently enacted Occupational Licenses for Out-of-State Applicants Law, effective December 29, 2023, generally requires a licensing authority to issue licenses to applicants who hold analogous out-of-state occupational licenses.¹¹

The bill makes numerous modifications to the law governing licensure of barbers and cosmetologists. Some of these changes increase the restrictiveness of current regulations while others decrease restrictiveness. The changes do not bring the cosmetology and barber laws into compliance with the state's general policy on occupational regulations but they retain and enhance the existing reciprocity provision. Therefore, the laws continue to meet one of the three criteria under which licensure is the preferred method of regulation.

Barber examination

The bill eliminates a current requirement that an applicant for a barber license attain at least a 75% pass rate on each part of the barber examination. Instead, the bill requires the State Cosmetology and Barber Board to establish the passing score by rule. This change could make it more difficult or easier to pass the examination and obtain licensure, depending on the rules adopted by the Board. Under continuing law, an individual is ineligible for a barber license if the individual fails any part of the barber examination.¹²

The bill eliminates a requirement that certain individuals who do not pass part of the barber examination complete an additional 200 hours of study before retaking the examination. Under current law, the requirement applies to individuals who either fail to reapply for examination within 90 days, or fail the same part of the examination a second time. This change appears to decrease the restrictiveness of current regulations by allowing prospective barbers to

¹⁰ See the National Conference of State Legislatures [National Occupational Licensing Database](https://www.ncsl.org), which may be accessed by conducting a keyword "occupational licensing database" search on the Conference's website, [ncsl.org](https://www.ncsl.org).

¹¹ R.C. 4709.08 and 4713.34; R.C. 4796.03, effective December 29, 2023).

¹² R.C. 4709.05(A)(8)(b) and 4709.07(C).

retake failed portions of the examination an unlimited number of times without completing additional training.¹³

Restoration of expired barber license

Under current law, if an expired barber license is not restored within six years, the holder must retake the barber examination.¹⁴ The bill instead requires, for a barber whose license has been expired for more than two consecutive two-year renewal periods, completion of any outstanding continuing education requirements for each license renewal period that lapsed since the license was last issued or renewed, up to a maximum of 24 hours.¹⁵ It appears that this change generally decreases the restrictiveness of current regulations since completing additional continuing education hours is likely an easier path to restoring an expired license than retaking the barber examination.

Age and training for barber license

The bill does both of the following to decrease the restrictiveness of the Barber Law:

- Lowers the minimum age to apply for a barber license from 18 to 16; and
- Allows applicants to count hours of training earned five or more years before taking the barber examination.¹⁶

Fees

New and increased fee amounts

The bill does all of the following with respect to barber and cosmetology licensure-related fees, thus increasing the restrictiveness of regulations:

- Establishes a fee of not more than \$100 for each time an applicant applies to take a portion of the barber examination for which the applicant previously applied but failed to appear;
- Establishes a fee of not more than \$150 for the issuance or renewal of an assistant barber instructor license (called an assistant barber teacher license under current law);
- Potentially increases the restoration fee for an expired barber license from \$100 to not more than \$150, but maintains the current penalty of not more than \$75 for each lapsed year, up to a total fee of \$690; and

¹³ R.C. 4709.07(C).

¹⁴ R.C. 4709.11.

¹⁵ R.C. 4709.112.

¹⁶ R.C. 4709.07.

- Requires an applicant for an advanced or instructor cosmetologist license to pay an application fee of not more than \$75, in addition to the license fee of not more than \$75 required by continuing law.¹⁷

Installment plans

The bill increases restrictiveness of regulations by eliminating the availability of installment plans for paying fees under the Cosmetology Law.¹⁸

Extension for unpaid fees

For barbering-related fees, the bill decreases restrictiveness by specifying that if an individual is temporarily unable to pay a fee (or on the Board's own motion), the Board may extend the date the payment is due by up to 90 days. The bill adds that any fee amount that is unpaid 91 days after payment was due must be certified to the Attorney General for collection.¹⁹ These provisions mirror those in continuing Cosmetology Law.²⁰

Nonrefundable

The bill increases the restrictiveness of regulations by specifying that fees charged under both Barber Law and Cosmetology Law for the issuance, renewal, and restoration of licenses, application to take examinations, and other purposes are nonrefundable.²¹

Adjustable

The bill specifies that the Board must adjust the fees charged under the Barber Law biennially, subject to statutorily prescribed maximum amounts, to provide sufficient revenues to meet its expenses. This requirement currently exists in the Cosmetology Law.²² The requirement may reduce restrictiveness with respect to barber licenses if the Board determines that it can reduce fees and continue to meet its operating expenses.

Photograph and biometric fingerprint requirements

The bill requires applicants to take the barber examination to submit to a photograph and biometric fingerprint scan taken by the Board. This requirement is more restrictive than current law, which prohibits all occupational licensing boards from requiring an applicant to submit a photograph or physical description as a condition of issuing or renewing a license.²³

¹⁷ R.C. 4709.12, 4713.10(A)(5), 4713.30(C) and (K), and 4713.31(C) and (K).

¹⁸ R.C. 4713.10(C).

¹⁹ R.C. 4709.12(D).

²⁰ R.C. 4713.10.

²¹ R.C. 4709.12 and 4713.10.

²² R.C. 4709.12(B) and 4713.10(B).

²³ R.C. 4709.07(A); R.C. 4798.05, not in the bill.

The bill also requires an applicant for a cosmetology practicing, advanced, or instructor license to submit to having a photograph taken by the Board. Again, this is more restrictive than current law, which prohibits the Board from requiring a photograph.²⁴ Continuing law requires an applicant for a cosmetology licensure examination to submit to a biometric fingerprint scan taken by the Board.²⁵

Independent contractor license

The bill eliminates a requirement that a licensed barber who leases space in a barber shop and practices independently must obtain a barber shop license. Instead, the bill creates a barber independent contractor license for that purpose. Since the Board must adopt rules establishing the requirements that govern this new license, it is unclear how the restrictiveness of the new license will compare to the barber shop license under current law.²⁶

In addition, the bill requires an applicant for a cosmetology independent contractor license, which is issued under continuing law, to hold a license for the branch of cosmetology the applicant practices, rather than requiring the applicant to also hold a salon license.²⁷ This appears to reduce restrictiveness of regulations by eliminating the need to obtain an additional license.

Work permit

The bill allows an individual who does not hold a barber license, but who has applied for and is eligible to take the barber licensure examination, to practice barbering under certain circumstances. To do so, the person must obtain from the Board a temporary preexamination work permit, which the bill creates, and satisfy certain other conditions. The permit authorizes its holder to practice barbering until the date the holder is scheduled to take the barber examination. During the permit period, the holder must practice under the supervision of an individual holding a current, valid barber license.²⁸ These provisions are similar to those in continuing Cosmetology Law that govern temporary preexamination work permits to practice cosmetology.²⁹

This temporary preexamination work permit expands the situations in which individuals may lawfully practice barbering. Thus, the provision appears to reduce the restrictiveness of regulations.

Inactive licenses

The bill decreases the restrictiveness of regulations by allowing a barber, barber instructor, or assistant barber instructor to classify a license as inactive and, thereby, avoid

²⁴ R.C. 4713.28(A), 4713.30(D), and 4713.31(D).

²⁵ R.C. 4713.20(B), not in the bill.

²⁶ R.C. 4709.09(C).

²⁷ R.C. 4713.39, with conforming changes in R.C. 4713.55.

²⁸ R.C. 4709.071.

²⁹ R.C. 4713.22, not in the bill.

license renewal fees and continuing education requirements during the inactive period. The Board must adopt rules that establish the fee for classifying a license as inactive and that specify the continuing education an individual must complete to restore the license. To restore a license to active status, the licensee must submit satisfactory proof to the Board of having completed the continuing education required by rule.³⁰

The bill appears to increase the restrictiveness of regulations by eliminating the temporary work permit that authorizes the holder of certain inactive cosmetology licenses to practice or teach cosmetology. Under current law, an inactive cosmetology practicing or advanced licensee may practice a branch of cosmetology if the licensee also has a temporary work permit. In addition, current law allows the holder of an inactive instructor license to practice or teach that branch of cosmetology after obtaining a temporary work permit.³¹

Under current law, the Board may restore an inactive practicing, advanced, or cosmetology instructor license on the later of the following two events:

- When the Board receives satisfactory proof regarding completion of continuing education requirements set by the Board in rule; or
- On January 31 of the next odd-numbered year after the license was classified as inactive.

The bill eliminates the second criterion, thus allowing license restoration immediately on completion of continuing education even if it occurs before January 31 of the next odd-numbered year.³² This change appears to decrease the restrictiveness of regulations by allowing inactive licenses to be restored earlier.

Barber shop license

The bill increases restrictiveness by specifying that a barber shop license is not transferable from one location to another.³³

License maintenance

The bill increases restrictiveness by adding that the applicable Board-issued license or an electronically generated license certification, as well as state-issued photo identification, must be maintained (and produced on inspection or request) by all of the following individuals:

- The holder of a barber instructor or assistant barber instructor license, independent contractor license to practice barbering, or advanced cosmetology license; and
- An individual providing massage therapy or another professional service in a barber shop.³⁴

³⁰ R.C. 4709.05(A)(8) and (G) and 4709.111.

³¹ R.C. 4713.08(A)(18) and (B)(2), 4713.14, and 4713.61.

³² R.C. 4713.61.

³³ R.C. 4709.09(D).

³⁴ R.C. 4709.072(C), 4709.09(C)(2), and 4709.091(C).

The bill similarly requires that a licensed barber maintain the license or an electronically generated license certification, as well as photo identification. However, the bill offsets this increase in restrictiveness by eliminating the current law requirement that a licensed barber display the license and a signed photograph in a conspicuous place near the licensed barber's work chair.³⁵

Reciprocity

The bill makes three changes regarding licensure reciprocity that decrease the overall restrictiveness of existing regulations.

First, the bill eliminates the requirement under the current Barber and Cosmetology Law that the jurisdiction that issued the applicant's license must extend similar reciprocity to individuals holding a license issued by the Board.³⁶

Second, the bill authorizes an individual who holds a license to teach the theory and practice of barbering in another state or country to apply to the Board for a barber instructor or assistant barber instructor license, provided that the other state's or country's licensure requirements are substantially similar to Ohio's.³⁷

Third, the bill allows applicants for a practicing cosmetologist license to complete required training in another state.³⁸

The bill's changes to the reciprocity requirements will apply to applicants from other states for barber and barber instructor licenses and practicing, advanced, and instructor licenses until December 29, 2023, at which time they will be subject to the Occupational Licenses for Out-of-State Applicants Law.

Qualifications for boutique services license

Under continuing law, an individual who performs boutique services, including braiding, threading, shampooing, and makeup artistry, must obtain a boutique services registration issued by the Board. This registration functions as a license requirement under the state policy because, rather than merely requiring identification and contact information, the applicant must demonstrate certain personal qualifications in order to perform services. Any regulation that requires an individual to meet certain personal qualifications to work legally in this state is an occupational license for the purposes of the state policy.³⁹

The bill decreases restrictiveness of the boutique services license by eliminating the requirements that an applicant have a tenth-grade education and include in the application the

³⁵ R.C. 4709.07(D).

³⁶ R.C. 4709.08 and 4713.34.

³⁷ R.C. 4709.08. Similar to current Cosmetology Law under R.C. 4713.34.

³⁸ R.C. 4713.28(A).

³⁹ R.C. 4798.01(B)(3), not in the bill.

address and telephone number where the applicant will perform boutique services. Applicants must still submit proof of formal training or an apprenticeship, so the regulation remains a license under the state's policy.⁴⁰

Penalties

Civil penalties for violations of Cosmetology Law

Under the bill, an individual who commits certain violations of the Cosmetology Law is subject to civil fines, rather than criminal penalties, as is the case under current law. These civil fines are similar to the penalties for violating similar prohibitions in the Barber Law.⁴¹ Since civil penalties are generally regarded as less severe than criminal penalties, the bill appears to decrease the restrictiveness of regulations with respect to cosmetologists.

License suspension or revocation for drug offenses

The bill adds that licensed barber instructors, assistant barber instructors, and barber independent contractors are subject to Ohio law regarding revocation or suspension of a license due to a drug offense. These provisions are similar to those that apply to licensed cosmetology instructors and cosmetology independent contractors under continuing law.⁴² The change appears to increase the restrictiveness of regulations.

Disciplinary actions for violations of Barber Law

The bill modifies and adds to the list of reasons for which an individual may be subject to disciplinary action under the Barber Law. In addition, the bill authorizes the Board to prescribe courses of corrective action for violators of the Barber Law.

If an inspector reasonably believes that a violation of the Barber Law creates an immediate danger to the health and safety of any individual using a facility, the bill authorizes the inspector to suspend the licenses or permits of the responsible facility or individual without a hearing. If a violation involves failure to cooperate with an inspection or to correct an unsafe condition, the bill specifies that the violator's license, permit, or registration is subject to suspension by the Board after a hearing or pursuant to a consent agreement.⁴³

These changes generally appear to increase the restrictiveness of regulations.

Fines

The bill eliminates an individual's ability to use an installment plan for paying fines imposed under the Cosmetology Law.⁴⁴ However, if an individual fails to timely pay a fine, the bill

⁴⁰ R.C. 4713.01 and 4713.69.

⁴¹ R.C. 4709.02, 4709.99, and 4713.99.

⁴² R.C. 2925.01.

⁴³ R.C. 4709.13.

⁴⁴ R.C. 4713.10(C).

specifies that the individual is not subject to an additional penalty or interest, as is the case under current law.⁴⁵

The bill reduces, from \$500 to \$250, the maximum fine that an individual must pay to the Board for a first violation of the Barber Law. Depending on the number of inspections and additional violations involved, it also potentially reduces the maximum fine for subsequent offenses.⁴⁶

The bill specifies that if a violator is temporarily unable to pay a fine (or on the Board's own motion), the Board may extend the period to pay to 90 days after imposition of the fine. Under the bill, any amount of a fine that is unpaid 91 days after the board imposed it must be certified to the Attorney General for collection. These provisions are similar to those in continuing Cosmetology Law.⁴⁷

The elimination of the availability of installment plans for fines imposed under the Cosmetology Law appears to increase the restrictiveness of regulations. All other changes to the barber and cosmetology laws' fines appear to decrease the restrictiveness of regulations.

Human trafficking

Under the bill a person is subject to Board disciplinary action for conviction of or a plea of guilty to a human trafficking violation or, in the case of a barber shop, any individual's conviction of or plea of guilty to a human trafficking violation for an activity that took place on the barber shop premises. Under the bill, the Board may take action against an individual or barber shop for a human trafficking violation without conducting an adjudication if the Board gives the individual or barber shop notice of the right to a hearing afterwards.⁴⁸

In addition, as a component of continuing education requirements established by the Board, individuals involved in barbering may be required to complete training on identifying and addressing human trafficking.⁴⁹ These changes appear to increase the restrictiveness of regulations.

Inspection requirements

Under the state's general policy, if regulations are intended to protect consumers against unsanitary facilities and general health, safety, or welfare concerns, the appropriate state action is to require periodic inspections.⁵⁰ Continuing law requires inspections for purposes that are consistent with this policy.

⁴⁵ R.C. 4713.64(E)(4) and (5), repealed.

⁴⁶ R.C. 4709.13(E) and 4709.14(B), repealed.

⁴⁷ R.C. 4709.13(E) and 4713.64(E).

⁴⁸ R.C. 4709.13(A) and (C).

⁴⁹ R.C. 4709.051(B).

⁵⁰ R.C. 4798.02, not in the bill.

The bill expressly requires an applicant for a barber shop license to pass an initial site inspection.⁵¹ It is unclear whether this is a new requirement that increases restrictiveness or merely a clarification regarding existing practices.

The bill appears to decrease restrictiveness by eliminating references to a barber shop inspection fee. The current fee is \$110.⁵²

Regulation of process

The state's policy does not provide specific guidance as to when a regulation of the process of providing specific goods or services is the best means of protecting the health, safety, and welfare of consumers. However, the policy as a whole suggests that regulations of process are the most preferred method of regulation when market competition, ratings and reviews, private certifications, private causes of action, and actions under the state's Consumer Sales Practices Law do not provide sufficient protection.⁵³

The bill includes a number of new requirements for providing certain nonbarbering services in a barber shop. The bill specifies that an individual who provides those services, including massage therapy or other professional services, in a barber shop must have the appropriate license issued by the applicable state regulatory board. In addition, the bill prohibits an individual from providing cosmetic therapy in a barber shop unless authorized by the State Cosmetology and Barber Board.⁵⁴ These changes appear to increase restrictiveness because they specify when additional professional licenses are required and, regarding cosmetic therapy, they allow the Board to determine when these activities may be practiced in a barber shop.

IMPACT STATEMENT

Opportunities for employment

The bill's numerous changes to law regulating barbering and cosmetology appear in several cases to increase opportunities for employment, but in other cases could decrease such opportunities or have little or no effect. Among the changes that increase opportunities for employment are the bill's reduction in the age at which individuals may take the barber license examination from 18 to 16 years, its requirement that the Board issue temporary preexamination work permits to qualifying individuals, and its repeal of a requirement that an applicant who fails to reapply for examination within 90 days or fails a second examination must complete an additional 200 hours of study in barber school. Changes that may decrease opportunities for employment include creation of certain fees and making fees nonrefundable, and eliminating barber shop license location transferability. The bill's elimination of certain criminal penalties, and imposition of civil penalties, might be viewed by some cosmetologists or prospective

⁵¹ R.C. 4709.09(A).

⁵² R.C. 4709.12.

⁵³ R.C. 4798.01, not in the bill.

⁵⁴ R.C. 4709.091(B).

cosmetologists as making employment in the field more desirable, or it may be viewed as having no effect.

Considering the bill as a whole, there are provisions working in both directions. Moreover, the bill leaves important licensing parameters to be established by the Board, such as replacing the 75% threshold for passing the licensing examination with the Board's criteria established in rule, its creation of an independent contractor license for barbers under criteria to be established in rule, and its authorization for the Board to reduce certain fee amounts if the fees continue to generate sufficient revenue. In light of these considerations, LSC cannot say if the bill will increase opportunities for employment, decrease them, or have a negligible effect.

In FY 2022 the Board reported 135,807 active licenses in Ohio, including 7,769 barber licenses, 23,354 cosmetologist licenses, 37,188 advanced cosmetologist licenses, and 21,355 independent contractor licenses.

Consumer choice and cost and market competition

Because some bill provisions make regulation more restrictive than current law, some make it less, and some depend on rules to be issued, LSC cannot say if the bill will enhance consumer choice and market competition.

Cost to government

The costs to government are outlined in the [LBO fiscal note \(PDF\)](#).

SUMMARY OF PROPOSED REGULATIONS

In addition to the changes discussed under “**Restrictiveness of regulations**” above, the bill makes the following changes to the Barber Law and Cosmetology Law. For a summary of the full bill, please see the [LSC bill analysis \(PDF\)](#).

Places in which barbering may be lawfully practiced

The bill eliminates a prohibition against using any room or place for barbering that is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition.⁵⁵

Practice in a funeral home

The bill specifies that nothing in the Barber Law or Cosmetology Law prohibits an individual who holds a license or registration issued by the Board under either law from practicing barbering or a branch of cosmetology on a dead human body at a licensed funeral home or embalming facility.⁵⁶

⁵⁵ R.C. 4709.02(L), repealed.

⁵⁶ R.C. 4709.031 and 4713.16, by reference to R.C. 4717.06, not in the bill.

Professions exempt from Barber Law

The bill specifically exempts from regulation under the Barber Law individuals in certain professions, including dentists, certain hospital and nursing home volunteers, certain nurses' aides and other hospital or nursing home employees, massage therapists, and certain inmates who provide barbering-related services to other inmates.⁵⁷

⁵⁷ R.C. 4709.03.

COMPARISON TO OTHER STATES

The table below addresses the laws of Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia (i.e., the surrounding states) concerning the following topics:

- Whether barbers and cosmetologists are regulated by the same occupational licensing board and under the same general body of law, allowing for some differences in regulation of barbers versus cosmetologists;
- Whether applicants to take the barber or cosmetologist licensure examination may obtain a temporary work permit that allows them to practice under the supervision of a licensed barber or cosmetologist until the next scheduled examination;
- Whether individuals seeking licensure as a barber or cosmetologist must have their photo and fingerprints taken by the appropriate occupational licensing board;
- Whether a separate license is required for “booth rentals,” (i.e., space in a barber shop or salon that a barber or cosmetologist rents or leases to operate an independent business); and
- What minimum age and education criteria must be satisfied to obtain a barber license?

State	Generally Combined Laws and Licensing Boards for Barbers and Cosmetologists?	Temporary Preexam Work Permit for Barbers or Cosmetologists?	Requirement That Licensing Board Take Photo and Fingerprints of Applicant?	Separate License Required for Booth Rental in Barber Shop or Salon?	Minimum Required Age and Education of Applicant for Barber License?
Indiana	Yes, the State Board of Cosmetology and Barber Examiners (<i>Ind. Code 25-8-3-1 to 30</i>)	No	No	No, furthermore, the law expressly prohibits a beauty culture licensee from being required to obtain a salon license or other additional license for a booth rental (<i>Ind. Code 25-8-7-7</i>)	Either: (1) age 18 or (2) age 17 and has a high school diploma or equivalent (<i>Ind. Code 25-8-12.1-3</i>)

State	Generally Combined Laws and Licensing Boards for Barbers and Cosmetologists?	Temporary Preexam Work Permit for Barbers or Cosmetologists?	Requirement That Licensing Board Take Photo and Fingerprints of Applicant?	Separate License Required for Booth Rental in Barber Shop or Salon?	Minimum Required Age and Education of Applicant for Barber License?
Kentucky	No, the Kentucky Board of Barbering licenses barbers and the Kentucky Board of Cosmetology licenses cosmetologists (<i>Ky. Rev. Stat. 317.430 and 317A.030</i>)	No	No, but an applicant for a cosmetologist license must submit a recent passport photo and a copy of government-issued photo identification (<i>201 Ky. Admin. Regs. 12:030</i>)	No, for cosmetology (<i>Ky. Rev. Stat. 317A.020</i>) Yes, for barbering. A licensed barber or apprentice barber who rents a booth in a barber shop must obtain a separate independent contract owner's license (but not a barber shop license) (<i>Ky. Rev. Stat. 317.410(8), 317.420(3), and 317.450(6)</i>).	Age 17 ½ and has a high school diploma or equivalent (<i>Ky. Rev. Stat. 317.450(1)</i>)
Michigan	No, the Board of Barber Examiners regulates barbers and the Board of Cosmetology regulates cosmetologists. But the Department of Licensing and Regulatory Affairs issues the licenses for both occupations (<i>Mich. Comp. Laws</i>)	No, but participation in an apprenticeship program (which appears to involve registration and a permit) enables individuals to provide barbering or cosmetology services before taking the applicable licensure	No	Yes, a rented or leased "cosmetology suite" (i.e., booth) located inside a licensed cosmetology establishment (i.e., salon) must comply with the same licensure requirements as the establishment itself (<i>Mich. Comp. Laws 339.1201 and</i>	Age 17 and has a tenth-grade or equivalent education (<i>Mich. Comp. Laws 339.1108</i>)

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	<i>339.104, 339.1102, and 339.1202)</i>	examination ⁵⁸ (<i>Mich. Comp. Laws 339.1108 and 339.1205a</i>)		<i>Mich. Admin. Code R. 338.2101)</i>	
Pennsylvania	No, the State Board of Barber Examiners licenses barbers and the State Board of Cosmetology licenses cosmetologists (<i>63 Pa. Stat. 507, 507.1, and 552.2</i>)	Yes (<i>63 Pa. Stat. 518.1 and 563.1</i>)	No, the State Board of Barber Examiners is expressly prohibited from requiring an applicant to provide a photograph (<i>63 Pa. Stat. 553</i>)	No, the law governing beauty culture expressly prohibits a salon owner from renting booth space to a licensee (<i>63 Pa. Stat. 514.1</i>)	Age 16 and has an eighth-grade or equivalent education (<i>63 Pa. Stat. 553</i>)
West Virginia	Yes, the West Virginia Board of Barbers and Cosmetologists (<i>W. Va. Code 30-27-4</i>)	Yes (<i>W. Va. Code 30-27-11</i>)	The law is silent regarding fingerprinting. The Board may require a photo for licensure purposes, but the law does not specify who must take it (<i>W. Va. Code 30-27-13 and W. Va. Code R. 3-1-2</i>)	Yes, a licensee must obtain a registration for a booth rental (<i>W. Va. Code 30-27-19</i>)	Age 18 and has a twelfth-grade or equivalent education (<i>W. Va. Code R. 3-1-3</i>)

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⁵⁸ The registrations and permits are discussed in the “[Michigan Barber Apprenticeship Guide \(PDF\)](#)” and the “[Michigan Cosmetology Apprenticeship Guide \(PDF\)](#),” which may be accessed by conducting a keyword search, respectively, for “Barber Apprenticeship Guide” or “Cosmetology Apprenticeship Guide” on the Michigan Department of Licensing and Regulatory Affairs website, michigan.gov/lara.