

**As Passed by the Senate**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 158**

**Representatives Roemer, Miller, M.**

**Cosponsors: Representatives Ferguson, Fowler Arthur, Gross, Johnson, Brennan, Carruthers, Creech, Edwards, Forhan, Jones, Kick, Lorenz, Loychik, Mathews, Merrin, Peterson, Ray, Rogers, Upchurch, Willis, Young, T.**

**Senators Antonio, Cirino, Craig, DeMora, Hicks-Hudson, Johnson, Reineke, Reynolds, Roegner, Smith, Wilkin**

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**A BILL**

To amend sections 2925.01, 3333.26, 3937.41, 1  
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 2  
4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 3  
4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4  
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 5  
4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 6  
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 7  
4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 8  
4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 9  
4713.64, 4713.641, 4713.66, 4713.69, 4713.99, 10  
and 4973.17; to enact new sections 4709.02, 11  
4709.03, 4709.05, 4709.10, 4709.13, 4713.44, and 12  
4713.45 and sections 4709.031, 4709.051, 13  
4709.071, 4709.072, 4709.073, 4709.091, 14  
4709.111, 4709.112, 4713.33, and 4713.331; and 15  
to repeal sections 4709.02, 4709.03, 4709.05, 16  
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 17  
4713.44, and 4713.45 of the Revised Code to make 18  
changes to the law governing the regulation of 19  
cosmetologists and barbers, to enter into the 20

Cosmetology Licensure Compact, and to revise the 21  
law governing hospital police officer 22  
commissions. 23

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

**Section 1.** That sections 2925.01, 3333.26, 3937.41, 24  
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 25  
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 26  
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 27  
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.37, 28  
4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 29  
4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 30  
4713.66, 4713.69, 4713.99, and 4973.17 be amended and new 31  
sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, 32  
and 4713.45 and sections 4709.031, 4709.051, 4709.071, 4709.072, 33  
4709.073, 4709.091, 4709.111, 4709.112, 4713.33, and 4713.331 of 34  
the Revised Code be enacted to read as follows: 35

**Sec. 2925.01.** As used in this chapter: 36

(A) "Administer," "controlled substance," "controlled 37  
substance analog," "dispense," "distribute," "hypodermic," 38  
"manufacturer," "official written order," "person," 39  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 40  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 41  
have the same meanings as in section 3719.01 of the Revised 42  
Code. 43

(B) "Drug of abuse" and "person with a drug dependency" 44  
have the same meanings as in section 3719.011 of the Revised 45  
Code. 46

(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 76  
doses of a compound, mixture, preparation, or substance that is 77  
or contains any amount of phencyclidine; 78

(f) An amount equal to or exceeding one hundred twenty 79  
grams or thirty times the maximum daily dose in the usual dose 80  
range specified in a standard pharmaceutical reference manual of 81  
a compound, mixture, preparation, or substance that is or 82  
contains any amount of a schedule II stimulant that is in a 83  
final dosage form manufactured by a person authorized by the 84  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 85  
U.S.C.A. 301, as amended, and the federal drug abuse control 86  
laws, as defined in section 3719.01 of the Revised Code, that is 87  
or contains any amount of a schedule II depressant substance or 88  
a schedule II hallucinogenic substance; 89

(g) An amount equal to or exceeding three grams of a 90  
compound, mixture, preparation, or substance that is or contains 91  
any amount of a schedule II stimulant, or any of its salts or 92  
isomers, that is not in a final dosage form manufactured by a 93  
person authorized by the Federal Food, Drug, and Cosmetic Act 94  
and the federal drug abuse control laws. 95

(2) An amount equal to or exceeding one hundred twenty 96  
grams or thirty times the maximum daily dose in the usual dose 97  
range specified in a standard pharmaceutical reference manual of 98  
a compound, mixture, preparation, or substance that is or 99  
contains any amount of a schedule III or IV substance other than 100  
an anabolic steroid or a schedule III opiate or opium 101  
derivative; 102

(3) An amount equal to or exceeding twenty grams or five 103  
times the maximum daily dose in the usual dose range specified 104  
in a standard pharmaceutical reference manual of a compound, 105

mixture, preparation, or substance that is or contains any 106  
amount of a schedule III opiate or opium derivative; 107

(4) An amount equal to or exceeding two hundred fifty 108  
milliliters or two hundred fifty grams of a compound, mixture, 109  
preparation, or substance that is or contains any amount of a 110  
schedule V substance; 111

(5) An amount equal to or exceeding two hundred solid 112  
dosage units, sixteen grams, or sixteen milliliters of a 113  
compound, mixture, preparation, or substance that is or contains 114  
any amount of a schedule III anabolic steroid; 115

(6) For any compound, mixture, preparation, or substance 116  
that is a combination of a fentanyl-related compound and any 117  
other compound, mixture, preparation, or substance included in 118  
schedule III, schedule IV, or schedule V, if the defendant is 119  
charged with a violation of section 2925.11 of the Revised Code 120  
and the sentencing provisions set forth in divisions (C)(10)(b) 121  
and (C)(11) of that section will not apply regarding the 122  
defendant and the violation, the bulk amount of the controlled 123  
substance for purposes of the violation is the amount specified 124  
in division (D)(1), (2), (3), (4), or (5) of this section for 125  
the other schedule III, IV, or V controlled substance that is 126  
combined with the fentanyl-related compound. 127

(E) "Unit dose" means an amount or unit of a compound, 128  
mixture, or preparation containing a controlled substance that 129  
is separately identifiable and in a form that indicates that it 130  
is the amount or unit by which the controlled substance is 131  
separately administered to or taken by an individual. 132

(F) "Cultivate" includes planting, watering, fertilizing, 133  
or tilling. 134

(G) "Drug abuse offense" means any of the following:	135
(1) A violation of division (A) of section 2913.02 that	136
constitutes theft of drugs, or a violation of section 2925.02,	137
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	138
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	139
or 2925.37 of the Revised Code;	140
(2) A violation of an existing or former law of this or	141
any other state or of the United States that is substantially	142
equivalent to any section listed in division (G)(1) of this	143
section;	144
(3) An offense under an existing or former law of this or	145
any other state, or of the United States, of which planting,	146
cultivating, harvesting, processing, making, manufacturing,	147
producing, shipping, transporting, delivering, acquiring,	148
possessing, storing, distributing, dispensing, selling, inducing	149
another to use, administering to another, using, or otherwise	150
dealing with a controlled substance is an element;	151
(4) A conspiracy to commit, attempt to commit, or	152
complicity in committing or attempting to commit any offense	153
under division (G)(1), (2), or (3) of this section.	154
(H) "Felony drug abuse offense" means any drug abuse	155
offense that would constitute a felony under the laws of this	156
state, any other state, or the United States.	157
(I) "Harmful intoxicant" does not include beer or	158
intoxicating liquor but means any of the following:	159
(1) Any compound, mixture, preparation, or substance the	160
gas, fumes, or vapor of which when inhaled can induce	161
intoxication, excitement, giddiness, irrational behavior,	162
depression, stupefaction, paralysis, unconsciousness,	163

asphyxiation, or other harmful physiological effects, and	164
includes, but is not limited to, any of the following:	165
(a) Any volatile organic solvent, plastic cement, model	166
cement, fingernail polish remover, lacquer thinner, cleaning	167
fluid, gasoline, or other preparation containing a volatile	168
organic solvent;	169
(b) Any aerosol propellant;	170
(c) Any fluorocarbon refrigerant;	171
(d) Any anesthetic gas.	172
(2) Gamma Butyrolactone;	173
(3) 1,4 Butanediol.	174
(J) "Manufacture" means to plant, cultivate, harvest,	175
process, make, prepare, or otherwise engage in any part of the	176
production of a drug, by propagation, extraction, chemical	177
synthesis, or compounding, or any combination of the same, and	178
includes packaging, repackaging, labeling, and other activities	179
incident to production.	180
(K) "Possess" or "possession" means having control over a	181
thing or substance, but may not be inferred solely from mere	182
access to the thing or substance through ownership or occupation	183
of the premises upon which the thing or substance is found.	184
(L) "Sample drug" means a drug or pharmaceutical	185
preparation that would be hazardous to health or safety if used	186
without the supervision of a licensed health professional	187
authorized to prescribe drugs, or a drug of abuse, and that, at	188
one time, had been placed in a container plainly marked as a	189
sample by a manufacturer.	190

(M) "Standard pharmaceutical reference manual" means the	191
current edition, with cumulative changes if any, of references	192
that are approved by the state board of pharmacy.	193
(N) "Juvenile" means a person under eighteen years of age.	194
(O) "Counterfeit controlled substance" means any of the	195
following:	196
(1) Any drug that bears, or whose container or label	197
bears, a trademark, trade name, or other identifying mark used	198
without authorization of the owner of rights to that trademark,	199
trade name, or identifying mark;	200
(2) Any unmarked or unlabeled substance that is	201
represented to be a controlled substance manufactured,	202
processed, packed, or distributed by a person other than the	203
person that manufactured, processed, packed, or distributed it;	204
(3) Any substance that is represented to be a controlled	205
substance but is not a controlled substance or is a different	206
controlled substance;	207
(4) Any substance other than a controlled substance that a	208
reasonable person would believe to be a controlled substance	209
because of its similarity in shape, size, and color, or its	210
markings, labeling, packaging, distribution, or the price for	211
which it is sold or offered for sale.	212
(P) An offense is "committed in the vicinity of a school"	213
if the offender commits the offense on school premises, in a	214
school building, or within one thousand feet of the boundaries	215
of any school premises, regardless of whether the offender knows	216
the offense is being committed on school premises, in a school	217
building, or within one thousand feet of the boundaries of any	218
school premises.	219

(Q) "School" means any school operated by a board of 220  
education, any community school established under Chapter 3314. 221  
of the Revised Code, or any nonpublic school for which the 222  
director of education and workforce prescribes minimum standards 223  
under section 3301.07 of the Revised Code, whether or not any 224  
instruction, extracurricular activities, or training provided by 225  
the school is being conducted at the time a criminal offense is 226  
committed. 227

(R) "School premises" means either of the following: 228

(1) The parcel of real property on which any school is 229  
situated, whether or not any instruction, extracurricular 230  
activities, or training provided by the school is being 231  
conducted on the premises at the time a criminal offense is 232  
committed; 233

(2) Any other parcel of real property that is owned or 234  
leased by a board of education of a school, the governing 235  
authority of a community school established under Chapter 3314. 236  
of the Revised Code, or the governing body of a nonpublic school 237  
for which the director of education and workforce prescribes 238  
minimum standards under section 3301.07 of the Revised Code and 239  
on which some of the instruction, extracurricular activities, or 240  
training of the school is conducted, whether or not any 241  
instruction, extracurricular activities, or training provided by 242  
the school is being conducted on the parcel of real property at 243  
the time a criminal offense is committed. 244

(S) "School building" means any building in which any of 245  
the instruction, extracurricular activities, or training 246  
provided by a school is conducted, whether or not any 247  
instruction, extracurricular activities, or training provided by 248  
the school is being conducted in the school building at the time 249

a criminal offense is committed.	250
(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.	251 252 253 254
(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.	255 256 257 258 259
(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.	260 261 262 263 264 265
(W) "Professionally licensed person" means any of the following:	266 267
(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;	268 269 270 271 272
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	273 274 275
(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;	276 277 278

(4) A person licensed under Chapter 4707. of the Revised Code;	279 280
(5) A person who has been issued a <del>certificate of registration as a registered barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license</del> under Chapter 4709. of the Revised Code;	281 282 283 284 285
(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;	286 287 288
(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 <del>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,</del> 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;	289 290 291 292 293 294 295 296 297 298 299 300 301
(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;	302 303 304 305 306
(9) A person who has been issued an embalmer's license, a	307

funeral director's license, a funeral home license, or a	308
crematory license, or who has been registered for an embalmer's	309
or funeral director's apprenticeship under Chapter 4717. of the	310
Revised Code;	311
(10) A person who has been licensed as a registered nurse	312
or practical nurse, or who has been issued a certificate for the	313
practice of nurse-midwifery under Chapter 4723. of the Revised	314
Code;	315
(11) A person who has been licensed to practice optometry	316
or to engage in optical dispensing under Chapter 4725. of the	317
Revised Code;	318
(12) A person licensed to act as a pawnbroker under	319
Chapter 4727. of the Revised Code;	320
(13) A person licensed to act as a precious metals dealer	321
under Chapter 4728. of the Revised Code;	322
(14) A person licensed under Chapter 4729. of the Revised	323
Code as a pharmacist or pharmacy intern or registered under that	324
chapter as a registered pharmacy technician, certified pharmacy	325
technician, or pharmacy technician trainee;	326
(15) A person licensed under Chapter 4729. of the Revised	327
Code as a manufacturer of dangerous drugs, outsourcing facility,	328
third-party logistics provider, repackager of dangerous drugs,	329
wholesale distributor of dangerous drugs, or terminal	330
distributor of dangerous drugs;	331
(16) A person who is authorized to practice as a physician	332
assistant under Chapter 4730. of the Revised Code;	333
(17) A person who has been issued a license to practice	334
medicine and surgery, osteopathic medicine and surgery, or	335

podiatric medicine and surgery under Chapter 4731. of the	336
Revised Code or has been issued a certificate to practice a	337
limited branch of medicine under that chapter;	338
(18) A person licensed as a psychologist, independent	339
school psychologist, or school psychologist under Chapter 4732.	340
of the Revised Code;	341
(19) A person registered to practice the profession of	342
engineering or surveying under Chapter 4733. of the Revised	343
Code;	344
(20) A person who has been issued a license to practice	345
chiropractic under Chapter 4734. of the Revised Code;	346
(21) A person licensed to act as a real estate broker or	347
real estate salesperson under Chapter 4735. of the Revised Code;	348
(22) A person registered as a registered environmental	349
health specialist under Chapter 3776. of the Revised Code;	350
(23) A person licensed to operate or maintain a junkyard	351
under Chapter 4737. of the Revised Code;	352
(24) A person who has been issued a motor vehicle salvage	353
dealer's license under Chapter 4738. of the Revised Code;	354
(25) A person who has been licensed to act as a steam	355
engineer under Chapter 4739. of the Revised Code;	356
(26) A person who has been issued a license or temporary	357
permit to practice veterinary medicine or any of its branches,	358
or who is registered as a graduate animal technician under	359
Chapter 4741. of the Revised Code;	360
(27) A person who has been issued a hearing aid dealer's	361
or fitter's license or trainee permit under Chapter 4747. of the	362

Revised Code;	363
(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;	364 365 366
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	367 368
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	369 370 371
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	372 373 374
(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;	375 376 377 378 379 380
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	381 382
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	383 384 385
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	386 387
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	388 389

(37) A person who has been admitted to the bar by order of 390  
the supreme court in compliance with its prescribed and 391  
published rules. 392

(X) "Cocaine" means any of the following: 393

(1) A cocaine salt, isomer, or derivative, a salt of a 394  
cocaine isomer or derivative, or the base form of cocaine; 395

(2) Coca leaves or a salt, compound, derivative, or 396  
preparation of coca leaves, including ecgonine, a salt, isomer, 397  
or derivative of ecgonine, or a salt of an isomer or derivative 398  
of ecgonine; 399

(3) A salt, compound, derivative, or preparation of a 400  
substance identified in division (X) (1) or (2) of this section 401  
that is chemically equivalent to or identical with any of those 402  
substances, except that the substances shall not include 403  
decocainized coca leaves or extraction of coca leaves if the 404  
extractions do not contain cocaine or ecgonine. 405

(Y) "L.S.D." means lysergic acid diethylamide. 406

(Z) "Hashish" means a resin or a preparation of a resin to 407  
which both of the following apply: 408

(1) It is contained in or derived from any part of the 409  
plant of the genus cannabis, whether in solid form or in a 410  
liquid concentrate, liquid extract, or liquid distillate form. 411

(2) It has a delta-9 tetrahydrocannabinol concentration of 412  
more than three-tenths per cent. 413

"Hashish" does not include a hemp byproduct in the 414  
possession of a licensed hemp processor under Chapter 928. of 415  
the Revised Code, provided that the hemp byproduct is being 416  
produced, stored, and disposed of in accordance with rules 417

adopted under section 928.03 of the Revised Code. 418

(AA) "Marihuana" has the same meaning as in section 419  
3719.01 of the Revised Code, except that it does not include 420  
hashish. 421

(BB) An offense is "committed in the vicinity of a 422  
juvenile" if the offender commits the offense within one hundred 423  
feet of a juvenile or within the view of a juvenile, regardless 424  
of whether the offender knows the age of the juvenile, whether 425  
the offender knows the offense is being committed within one 426  
hundred feet of or within view of the juvenile, or whether the 427  
juvenile actually views the commission of the offense. 428

(CC) "Presumption for a prison term" or "presumption that 429  
a prison term shall be imposed" means a presumption, as 430  
described in division (D) of section 2929.13 of the Revised 431  
Code, that a prison term is a necessary sanction for a felony in 432  
order to comply with the purposes and principles of sentencing 433  
under section 2929.11 of the Revised Code. 434

(DD) "Major drug offender" has the same meaning as in 435  
section 2929.01 of the Revised Code. 436

(EE) "Minor drug possession offense" means either of the 437  
following: 438

(1) A violation of section 2925.11 of the Revised Code as 439  
it existed prior to July 1, 1996; 440

(2) A violation of section 2925.11 of the Revised Code as 441  
it exists on and after July 1, 1996, that is a misdemeanor or a 442  
felony of the fifth degree. 443

(FF) "Mandatory prison term" has the same meaning as in 444  
section 2929.01 of the Revised Code. 445

(GG) "Adulterate" means to cause a drug to be adulterated	446
as described in section 3715.63 of the Revised Code.	447
(HH) "Public premises" means any hotel, restaurant,	448
tavern, store, arena, hall, or other place of public	449
accommodation, business, amusement, or resort.	450
(II) "Methamphetamine" means methamphetamine, any salt,	451
isomer, or salt of an isomer of methamphetamine, or any	452
compound, mixture, preparation, or substance containing	453
methamphetamine or any salt, isomer, or salt of an isomer of	454
methamphetamine.	455
(JJ) "Deception" has the same meaning as in section	456
2913.01 of the Revised Code.	457
(KK) "Fentanyl-related compound" means any of the	458
following:	459
(1) Fentanyl;	460
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	461
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	462
phenylethyl)-4-(N-propanilido) piperidine);	463
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	464
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	465
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	466
piperidinyl] -N-phenylpropanamide);	467
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	468
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	469
phenylpropanamide);	470
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	471
piperidyl]-N- phenylpropanamide);	472

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 473  
474
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 475  
476
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 477  
478
- (10) Alfentanil; 479
- (11) Carfentanil; 480
- (12) Remifentanil; 481
- (13) Sufentanil; 482
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 483  
484
- (15) Any compound that meets all of the following fentanyl 485  
pharmacophore requirements to bind at the mu receptor, as 486  
identified by a report from an established forensic laboratory, 487  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 488  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 489  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 490  
fluorofentanyl: 491
- (a) A chemical scaffold consisting of both of the 492  
following: 493
- (i) A five, six, or seven member ring structure containing 494  
a nitrogen, whether or not further substituted; 495
- (ii) An attached nitrogen to the ring, whether or not that 496  
nitrogen is enclosed in a ring structure, including an attached 497  
aromatic ring or other lipophilic group to that nitrogen. 498
- (b) A polar functional group attached to the chemical 499

scaffold, including but not limited to a hydroxyl, ketone, 500  
amide, or ester; 501

(c) An alkyl or aryl substitution off the ring nitrogen of 502  
the chemical scaffold; and 503

(d) The compound has not been approved for medical use by 504  
the United States food and drug administration. 505

(LL) "First degree felony mandatory prison term" means one 506  
of the definite prison terms prescribed in division (A) (1) (b) of 507  
section 2929.14 of the Revised Code for a felony of the first 508  
degree, except that if the violation for which sentence is being 509  
imposed is committed on or after March 22, 2019, it means one of 510  
the minimum prison terms prescribed in division (A) (1) (a) of 511  
that section for a felony of the first degree. 512

(MM) "Second degree felony mandatory prison term" means 513  
one of the definite prison terms prescribed in division (A) (2) 514  
(b) of section 2929.14 of the Revised Code for a felony of the 515  
second degree, except that if the violation for which sentence 516  
is being imposed is committed on or after March 22, 2019, it 517  
means one of the minimum prison terms prescribed in division (A) 518  
(2) (a) of that section for a felony of the second degree. 519

(NN) "Maximum first degree felony mandatory prison term" 520  
means the maximum definite prison term prescribed in division 521  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 522  
the first degree, except that if the violation for which 523  
sentence is being imposed is committed on or after March 22, 524  
2019, it means the longest minimum prison term prescribed in 525  
division (A) (1) (a) of that section for a felony of the first 526  
degree. 527

(OO) "Maximum second degree felony mandatory prison term" 528

means the maximum definite prison term prescribed in division 529  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 530  
the second degree, except that if the violation for which 531  
sentence is being imposed is committed on or after March 22, 532  
2019, it means the longest minimum prison term prescribed in 533  
division (A) (2) (a) of that section for a felony of the second 534  
degree. 535

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 536  
as in section 928.01 of the Revised Code. 537

(QQ) An offense is "committed in the vicinity of a 538  
substance addiction services provider or a recovering addict" if 539  
either of the following apply: 540

(1) The offender commits the offense on the premises of a 541  
substance addiction services provider's facility, including a 542  
facility licensed prior to June 29, 2019, under section 5119.391 543  
of the Revised Code to provide methadone treatment or an opioid 544  
treatment program licensed on or after that date under section 545  
5119.37 of the Revised Code, or within five hundred feet of the 546  
premises of a substance addiction services provider's facility 547  
and the offender knows or should know that the offense is being 548  
committed within the vicinity of the substance addiction 549  
services provider's facility. 550

(2) The offender sells, offers to sell, delivers, or 551  
distributes the controlled substance or controlled substance 552  
analog to a person who is receiving treatment at the time of the 553  
commission of the offense, or received treatment within thirty 554  
days prior to the commission of the offense, from a substance 555  
addiction services provider and the offender knows that the 556  
person is receiving or received that treatment. 557

(RR) "Substance addiction services provider" means an 558  
agency, association, corporation or other legal entity, 559  
individual, or program that provides one or more of the 560  
following at a facility: 561

(1) Either alcohol addiction services, or drug addiction 562  
services, or both such services that are certified by the 563  
director of mental health and addiction services under section 564  
5119.36 of the Revised Code; 565

(2) Recovery supports that are related to either alcohol 566  
addiction services, or drug addiction services, or both such 567  
services and paid for with federal, state, or local funds 568  
administered by the department of mental health and addiction 569  
services or a board of alcohol, drug addiction, and mental 570  
health services. 571

(SS) "Premises of a substance addiction services 572  
provider's facility" means the parcel of real property on which 573  
any substance addiction service provider's facility is situated. 574

(TT) "Alcohol and drug addiction services" has the same 575  
meaning as in section 5119.01 of the Revised Code. 576

**Sec. 3333.26.** (A) Any citizen of this state who has 577  
resided within the state for one year, who was in the active 578  
service of the United States as a soldier, sailor, nurse, or 579  
marine between September 1, 1939, and September 2, 1945, and who 580  
has been honorably discharged from that service, shall be 581  
admitted to any school, college, or university that receives 582  
state funds in support thereof, without being required to pay 583  
any tuition or matriculation fee, but is not relieved from the 584  
payment of laboratory or similar fees. 585

(B) (1) As used in this section: 586

(a) "Volunteer firefighter" has the meaning as in division 587  
(B) (1) of section 146.01 of the Revised Code. 588

(b) "Public service officer" means an Ohio firefighter, 589  
volunteer firefighter, police officer, member of the state 590  
highway patrol, employee designated to exercise the powers of 591  
police officers pursuant to section 1545.13 of the Revised Code, 592  
or other peace officer as defined by division (B) of section 593  
2935.01 of the Revised Code, or a person holding any equivalent 594  
position in another state. 595

(c) "Qualified former spouse" means the former spouse of a 596  
public service officer, or of a member of the armed services of 597  
the United States, who is the custodial parent of a minor child 598  
of that marriage pursuant to an order allocating the parental 599  
rights and responsibilities for care of the child issued 600  
pursuant to section 3109.04 of the Revised Code. 601

(d) "Operation enduring freedom" means that period of 602  
conflict which began October 7, 2001, and ends on a date 603  
declared by the president of the United States or the congress. 604

(e) "Operation Iraqi freedom" means that period of 605  
conflict which began March 20, 2003, and ends on a date declared 606  
by the president of the United States or the congress. 607

(f) "Combat zone" means an area that the president of the 608  
United States by executive order designates, for purposes of 26 609  
U.S.C. 112, as an area in which armed forces of the United 610  
States are or have engaged in combat. 611

(2) Subject to division (D) of this section, any resident 612  
of this state who is under twenty-six years of age, or under 613  
thirty years of age if the resident has been honorably 614  
discharged from the armed services of the United States, who is 615

the child of a public service officer killed in the line of duty 616  
or of a member of the armed services of the United States killed 617  
in the line of duty during operation enduring freedom or 618  
operation Iraqi freedom, and who is admitted to any state 619  
university or college as defined in division (A)(1) of section 620  
3345.12 of the Revised Code, community college, state community 621  
college, university branch, or technical college shall not be 622  
required to pay any tuition or any student fee for up to four 623  
academic years of education, which shall be at the undergraduate 624  
level, or a certificate program as prescribed under division (E) 625  
of this section. 626

A child of a member of the armed services of the United 627  
States killed in the line of duty during operation enduring 628  
freedom or operation Iraqi freedom is eligible for a waiver of 629  
tuition and student fees under this division only if the student 630  
is not eligible for a war orphans and severely disabled 631  
veterans' children scholarship authorized by Chapter 5910. of 632  
the Revised Code. In any year in which the war orphans and 633  
severely disabled veterans' children scholarship board reduces 634  
the percentage of tuition covered by a war orphans and severely 635  
disabled veterans' children scholarship below one hundred per 636  
cent pursuant to division (A) of section 5910.04 of the Revised 637  
Code, the waiver of tuition and student fees under this division 638  
for a child of a member of the armed services of the United 639  
States killed in the line of duty during operation enduring 640  
freedom or operation Iraqi freedom shall be reduced by the same 641  
percentage. 642

(3) Subject to division (D) of this section, any resident 643  
of this state who is the spouse or qualified former spouse of a 644  
public service officer killed in the line of duty, and who is 645  
admitted to any state university or college as defined in 646

division (A) (1) of section 3345.12 of the Revised Code, 647  
community college, state community college, university branch, 648  
or technical college, shall not be required to pay any tuition 649  
or any student fee for up to four academic years of education, 650  
which shall be at the undergraduate level, or a certificate 651  
program as prescribed under division (E) of this section. 652

(4) Any resident of this state who is the spouse or 653  
qualified former spouse of a member of the armed services of the 654  
United States killed in the line of duty while serving in a 655  
combat zone after May 7, 1975, and who is admitted to any state 656  
university or college as defined in division (A) (1) of section 657  
3345.12 of the Revised Code, community college, state community 658  
college, university branch, or technical college, shall not be 659  
required to pay any tuition or any student fee for up to four 660  
years of academic education, which shall be at the undergraduate 661  
level, or a certificate program as prescribed under division (E) 662  
of this section. In order to qualify under division (B) (4) of 663  
this section, the spouse or qualified former spouse shall have 664  
been a resident of this state at the time the member was killed 665  
in the line of duty. 666

(C) Any institution that is not subject to division (B) of 667  
this section and that holds a valid certificate of registration 668  
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 669  
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 670  
valid license issued under Chapter 4713. of the Revised Code, or 671  
that is nonprofit and has a certificate of authorization issued 672  
under section 1713.02 of the Revised Code, or that is a private 673  
institution exempt from regulation under Chapter 3332. of the 674  
Revised Code as prescribed in section 3333.046 of the Revised 675  
Code, which reduces tuition and student fees of a student who is 676  
eligible to attend an institution of higher education under the 677

provisions of division (B) of this section by an amount 678  
indicated by the chancellor of higher education shall be 679  
eligible to receive a grant in that amount from the chancellor. 680

Each institution that enrolls students under division (B) 681  
of this section shall report to the chancellor, by the first day 682  
of July of each year, the number of students who were so 683  
enrolled and the average amount of all such tuition and student 684  
fees waived during the preceding year. The chancellor shall 685  
determine the average amount of all such tuition and student 686  
fees waived during the preceding year. The average amount of the 687  
tuition and student fees waived under division (B) of this 688  
section during the preceding year shall be the amount of grants 689  
that participating institutions shall receive under this 690  
division during the current year, but no grant under this 691  
division shall exceed the tuition and student fees due and 692  
payable by the student prior to the reduction referred to in 693  
this division. The grants shall be made for two certificate 694  
programs or four years of undergraduate education of an eligible 695  
student. 696

(D) Notwithstanding anything to the contrary in section 697  
3333.31 of the Revised Code, for the purposes of divisions (B) 698  
(2) and (3) of this section, the child, spouse, or qualified 699  
former spouse of a public service officer or a member of the 700  
armed services of the United States killed in the line of duty 701  
shall be considered a resident of this state for the purposes of 702  
this section if the child, spouse, or qualified former spouse 703  
was a resident of this state at the time that the public service 704  
officer or member of the armed services was killed. 705

However, no child, spouse, or qualified former spouse of a 706  
public service officer or a member of the armed services of the 707

United States killed in the line of duty shall be required to be 708  
a resident of this state at the time the public service officer 709  
or member of the armed services of the United States was killed 710  
in order to receive benefits under divisions (B)(2) and (3) of 711  
this section. 712

(E) A child, spouse, or qualified former spouse of a 713  
public service officer or a member of the armed services killed 714  
in the line of duty shall receive benefits for a certificate 715  
program in accordance with division (B) or (C) of this section, 716  
except that a particular child, spouse, or qualified former 717  
spouse shall not receive benefits for: 718

(1) More than two certificate programs; 719

(2) A total number of academic credits or instructional 720  
hours equivalent to more than four academic years; 721

(3) For any particular academic year, an amount that is 722  
greater than eight thousand dollars. 723

**Sec. 3937.41.** (A) As used in this section: 724

(1) "Ambulance" has the same meaning as in section 4765.01 725  
of the Revised Code and also includes private ambulance 726  
companies under contract to a municipal corporation, township, 727  
or county. 728

(2) "Emergency vehicle" means any of the following: 729

(a) Any vehicle, as defined in section 4511.01 of the 730  
Revised Code, that is an emergency vehicle of a municipal, 731  
township, or county department or public utility corporation and 732  
that is identified as such as required by law, the director of 733  
public safety, or local authorities; 734

(b) Any motor vehicle, as defined in section 4511.01 of 735

the Revised Code, when commandeered by a police officer; 736

(c) Any vehicle, as defined in section 4511.01 of the 737  
Revised Code, that is an emergency vehicle of a qualified 738  
nonprofit corporation police department established pursuant to 739  
section 1702.80 of the Revised Code and that is identified as an 740  
emergency vehicle; 741

(d) Any vehicle, as defined in section 4511.01 of the 742  
Revised Code, that is an emergency vehicle of a proprietary 743  
police department or security department of a hospital ~~operated~~ 744  
~~by a public hospital agency or a nonprofit hospital agency that~~ 745  
~~employs police officers under described in section 4973.17 of~~ 746  
the Revised Code, and that is identified as an emergency 747  
vehicle. 748

(3) "Firefighter" means any regular, paid, member of a 749  
lawfully constituted fire department of a municipal corporation 750  
or township. 751

(4) "Law enforcement officer" means any of the following: 752

(a) A sheriff, deputy sheriff, constable, marshal, deputy 753  
marshal, municipal police officer, police officer of a township 754  
or joint police district, state highway patrol trooper, or 755  
member of a police force employed by a metropolitan housing 756  
authority under division (D) of section 3735.31 of the Revised 757  
Code; 758

(b) A police officer employed by a qualified nonprofit 759  
police department pursuant to section 1702.80 of the Revised 760  
Code, or police officer employed by a proprietary police 761  
department or security department of a hospital ~~operated by a~~ 762  
~~public hospital agency or nonprofit hospital agency pursuant to~~ 763  
~~described in section 4973.17 of the Revised Code;~~ 764

(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	794
upon a private automobile, or increasing the rate to be charged	795
for such a policy;	796
(2) Increasing the premium rate, canceling, or failing to	797
renew an existing policy of insurance upon a private automobile.	798
(C) Any applicant or policyholder affected by an action of	799
an insurer in violation of this section may appeal to the	800
superintendent of insurance. After a hearing held upon not less	801
than ten days' notice to the applicant or policyholder and to	802
the insurer and if the superintendent determines that the	803
insurer has violated this section, the superintendent may direct	804
the issuance of a policy, decrease the premium rate on a policy,	805
or reinstate insurance coverage.	806
(D) The employer of the law enforcement officer,	807
firefighter, investigator, or operator of an emergency vehicle	808
or ambulance, operator of a vehicle engaged in mowing or snow	809
and ice removal, or operator of a vehicle who is a member of the	810
motor carrier enforcement unit, except as otherwise provided in	811
division (F) of this section, shall certify to the state highway	812
patrol or law enforcement agency that investigates the accident	813
whether the officer, firefighter, investigator, or operator of	814
an emergency vehicle or ambulance, operator of a vehicle engaged	815
in mowing or snow and ice removal, or operator of a vehicle who	816
is a member of the motor carrier enforcement unit, was engaged	817
in the performance of the person's official duties as such	818
employee at the time of the accident. The employer shall	819
designate an official authorized to make the certifications. The	820
state highway patrol or law enforcement agency shall include the	821
certification in any report of the accident forwarded to the	822
department of public safety pursuant to sections 5502.11 and	823

5502.12 of the Revised Code and shall forward the certification 824  
to the department if received after the report of the accident 825  
has been forwarded to the department. The registrar of motor 826  
vehicles shall not include an accident in a certified abstract 827  
of information under division (A) of section 4509.05 of the 828  
Revised Code, if the person involved has been so certified as 829  
having been engaged in the performance of the person's official 830  
duties at the time of the accident. 831

(E) Division (B) of this section does not apply to an 832  
insurer whose policy covers the motor vehicle at the time the 833  
motor vehicle is involved in an accident described in division 834  
(B) of this section. 835

(F) Division (B) of this section does not apply if an 836  
applicant or policyholder, on the basis of the applicant's or 837  
policyholder's involvement in an accident described in that 838  
division, is convicted of or pleads guilty or no contest to a 839  
violation of section 4511.19 of the Revised Code or a municipal 840  
OVI ordinance as defined in section 4511.181 of the Revised 841  
Code. 842

**Sec. 4709.01.** As used in this chapter: 843

(A) (1) Except as provided in division (A) (2) of this 844  
section, "the practice of barbering" means any one or more of 845  
the following when performed upon the head, neck, or face for 846  
cosmetic purposes and when performed upon the public for pay, 847  
free, or otherwise: 848

(a) Shaving the face, shaving around the vicinity of the 849  
ears and neckline, or trimming facial hair; 850

(b) Cutting or styling hair; 851

(c) Facials, skin care, or scalp massages; 852

(d) Shampooing, bleaching, coloring, straightening, or 853  
permanent waving hair; 854

(e) Cutting, fitting, or forming head caps for wigs or 855  
hair pieces. 856

(2) "The practice of barbering" does not include the 857  
practice of natural hair styling. 858

~~(B) Sanitary means free of infectious agents, disease, or 859  
infestation by insects or vermin and free of soil, dust, or 860  
foreign material. 861~~

~~(C) "Barber" means any person an individual who engages in 862  
or attempts to engage in the practice of barbering. 863~~

~~(D) Barber school means any establishment that engages in 864  
or attempts to engage in the teaching of the practice of 865  
barbering. 866~~

~~(E) (C) "Barber teacher instructor" means any person who 867  
engages in or attempts to engage in the teaching of an 868  
individual authorized to teach the theory and practice of 869  
barbering. 870~~

~~(F) (D) "Assistant barber teacher instructor" means any 871  
person who assists an individual authorized to assist a barber 872  
teacher instructor in the teaching of the theory and practice of 873  
barbering. 874~~

~~(G) (E) "Barber pole" means a cylinder or pole with 875  
alternating stripes of any combination including red and white, 876  
and red, white, and blue, which run diagonally along the length 877  
of the cylinder or pole. 878~~

~~(F) "Barber shop" means any premises, building, or part of 879  
a building in which an individual engages in the practice of 880~~

barbering. 881

(G) "Biennial licensing period" means the two-year period 882  
beginning on the first day of September of an even-numbered year 883  
and ending on the last day of August of the next even-numbered 884  
year. 885

(H) ~~The "Cosmetic therapy," "practice of natural hair~~ 886  
~~styling means work done for a fee or other form of compensation,~~ 887  
~~by any person, utilizing techniques performed by hand that~~ 888  
~~result in tension on hair roots such as twisting, wrapping,~~ 889  
~~weaving, extending, locking, or braiding of the hair, and which~~ 890  
~~work does not include the application of dyes, reactive~~ 891  
~~chemicals, or other preparations to alter the color or to~~ 892  
~~straighten, curl, or alter the structure of the hair," and~~ 893  
"school" have the same meanings as in section 4713.01 of the 894  
Revised Code. 895

(I) Braiding means intertwining the hair in a systematic 896  
motion to create patterns in a three dimensional form, inverting 897  
the hair against the scalp along part of a straight or curved 898  
row of intertwined hair, or twisting the hair in a systematic 899  
motion, and includes extending the hair with natural or 900  
synthetic hair fibers."Independent contractor" means an 901  
individual who is not an employee of a barber shop but practices 902  
barbering within a barber shop. 903

(J) "Infection control" means the practice of preventing 904  
the spread of infections and disease by ensuring that a barber 905  
shop, including all equipment and implements in the barber shop, 906  
are maintained by doing all of the following, as applicable: 907

(1) Removing surface or visible dirt or debris by cleaning 908  
with soap, detergent, or a chemical cleaner, followed by rinsing 909

<u>with clean water;</u>	910
<u>(2) Using a chemical disinfectant to kill or denature</u>	911
<u>bacteria, fungi, and viruses;</u>	912
<u>(3) Applying heat or using other procedures to eliminate,</u>	913
<u>remove, or kill all forms of microbial life present on a surface</u>	914
<u>or contained in a fluid.</u>	915
<u>Sec. 4709.02. Except as otherwise provided in this</u>	916
<u>chapter, no individual shall do any of the following:</u>	917
<u>(A) Engage in the practice of barbering without one of the</u>	918
<u>following:</u>	919
<u>(1) A current, valid barber license issued under section</u>	920
<u>4709.07 or 4709.08 of the Revised Code;</u>	921
<u>(2) A current, valid temporary pre-examination work permit</u>	922
<u>issued under section 4709.071 of the Revised Code.</u>	923
<u>(B) Operate a barber shop without a current, valid barber</u>	924
<u>shop license issued under section 4709.09 of the Revised Code;</u>	925
<u>(C) Except as provided in section 4713.45 of the Revised</u>	926
<u>Code, teach or assist in teaching the theory and practice of</u>	927
<u>barbering without a current, valid barber instructor or</u>	928
<u>assistant barber instructor license issued under section</u>	929
<u>4709.072 of the Revised Code;</u>	930
<u>(D) Use or display a barber pole for the purpose of</u>	931
<u>advertising or offering barber services without a current, valid</u>	932
<u>barber shop license issued under section 4709.09 of the Revised</u>	933
<u>Code;</u>	934
<u>(E) Use fraud or deceit in obtaining or applying for a</u>	935
<u>license or permit issued pursuant to this chapter;</u>	936

<u>(F) Employ an individual to perform the practice of</u>	937
<u>barbering unless the individual holds one of the following:</u>	938
<u>(1) A current, valid barber license issued under section</u>	939
<u>4709.07 or 4709.08 of the Revised Code;</u>	940
<u>(2) A current, valid temporary pre-examination work permit</u>	941
<u>issued under section 4709.071 of the Revised Code.</u>	942
<u>(G) Practice barbering at a barber shop as an independent</u>	943
<u>contractor without a current, valid independent contractor</u>	944
<u>license issued under section 4709.09 of the Revised Code;</u>	945
<u>(H) Provide any of the following at a barber shop for pay,</u>	946
<u>free, or otherwise:</u>	947
<u>(1) Massage therapy, unless the individual has a current,</u>	948
<u>valid license issued by the state medical board under section</u>	949
<u>4731.15 of the Revised Code;</u>	950
<u>(2) Any other professional service, unless the individual</u>	951
<u>has a current, valid license or certificate issued by the</u>	952
<u>professional regulatory board of this state that regulates the</u>	953
<u>profession;</u>	954
<u>(3) Cosmetic therapy, unless the individual is authorized</u>	955
<u>by rules adopted under section 4709.05 of the Revised Code.</u>	956
<u>(I) Practice barbering in a location other than a barber</u>	957
<u>shop unless exempted under section 4709.031 or 4713.351 of the</u>	958
<u>Revised Code;</u>	959
<u>(J) Aid or abet any individual or entity in any of the</u>	960
<u>following:</u>	961
<u>(1) Violating this chapter or a rule adopted under it;</u>	962
<u>(2) Obtaining a license or permit fraudulently;</u>	963

<u>(3) Falsely pretending to hold a current, valid license or permit.</u>	964
	965
<u>Sec. 4709.03. (A) The following individuals are exempt from this chapter, except section 4709.091 of the Revised Code, as applicable:</u>	966
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	968
<u>(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;</u>	969
	970
	971
	972
<u>(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;</u>	973
	974
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	976
<u>(3) Nurses licensed under Chapter 4723. of the Revised Code, while acting within the scope of practice for the license or certificate held;</u>	977
	978
	979
<u>(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;</u>	980
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	982
<u>(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;</u>	983
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	986
<u>(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;</u>	987
	988
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	990
<u>(7) Nurse aides and other employees of hospitals and homes</u>	991

as defined in section 3721.01 of the Revised Code, who engage in 992  
the practice of barbering on registered patients only as part of 993  
general patient care services and who do not charge patients 994  
directly on a fee-for-service basis; 995

(8) Massage therapists who hold current, valid licenses to 996  
practice massage therapy issued by the state medical board under 997  
section 4731.15 of the Revised Code, while acting within the 998  
scope of practice for the license held; 999

(9) Inmates who provide services related to the practice 1000  
of barbering to other inmates, except when those services are 1001  
provided in a licensed barber shop or school within a state 1002  
correctional institution. 1003

(B) A volunteer described in division (A) (6) of this 1004  
section shall not use or work with any chemical products such as 1005  
permanent wave, hair dye, or chemical hair relaxer, which 1006  
without proper training would pose a health or safety problem to 1007  
a patient. 1008

(C) The director of rehabilitation and correction shall 1009  
oversee the services described in division (A) (9) of this 1010  
section with respect to infection control and adopt rules 1011  
governing those types of services provided by inmates. 1012

**Sec. 4709.031.** Nothing in this chapter prohibits an 1013  
individual holding a license issued under this chapter from 1014  
practicing barbering on a dead human body at a funeral home or 1015  
embalming facility licensed under section 4717.06 of the Revised 1016  
Code. 1017

**Sec. 4709.05.** (A) In addition to any other duty imposed on 1018  
the state cosmetology and barber board under this chapter or 1019  
Chapter 4713. of the Revised Code, the board shall do all of the 1020

<u>following:</u>	1021
<u>(1) Regulate the practice of barbering in this state;</u>	1022
<u>(2) Conduct or have conducted the examination for</u> <u>applicants to practice as licensed barbers;</u>	1023 1024
<u>(3) Prescribe and make available application forms to be</u> <u>used by individuals seeking admission to an examination</u> <u>conducted under section 4709.07 of the Revised Code or a license</u> <u>or permit issued under this chapter;</u>	1025 1026 1027 1028
<u>(4) Prescribe and make available application forms to be</u> <u>used by individuals seeking renewal of a license or permit</u> <u>issued under this chapter;</u>	1029 1030 1031
<u>(5) Furnish a copy of the infection control standards</u> <u>adopted pursuant to division (A) (8) (a) of this section to both</u> <u>of the following:</u>	1032 1033 1034
<u>(a) Each individual or person to whom the board issues a</u> <u>barber license or license to operate a barber shop;</u>	1035 1036
<u>(b) Each individual providing cosmetic therapy, massage</u> <u>therapy, or other professional service in a barber shop under</u> <u>section 4709.091 of the Revised Code.</u>	1037 1038 1039
<u>(6) Supply a copy of the poster created pursuant to</u> <u>division (B) of section 5502.63 of the Revised Code to each</u> <u>person authorized to operate a barber shop under this chapter;</u>	1040 1041 1042
<u>(7) Comply with sections 4713.641 and 4713.66 of the</u> <u>Revised Code regarding investigations and inspections;</u>	1043 1044
<u>(8) Adopt rules, in accordance with Chapter 119. of the</u> <u>Revised Code, to administer and enforce this chapter and that</u> <u>cover all of the following:</u>	1045 1046 1047

<u>(a) Infection control standards for the practice of</u>	1048
<u>barbering and the operation of barber shops;</u>	1049
<u>(b) The content of the examination required of an</u>	1050
<u>applicant for a barber license under section 4709.07 of the</u>	1051
<u>Revised Code and the passing score required for the examination;</u>	1052
<u>(c) Conditions an individual must satisfy to qualify for a</u>	1053
<u>temporary pre-examination work permit under section 4709.071 of</u>	1054
<u>the Revised Code and the conditions and method of renewing a</u>	1055
<u>temporary pre-examination work permit under that section;</u>	1056
<u>(d) Requirements for the licensure of barber instructors</u>	1057
<u>and assistant barber instructors that are in addition to the</u>	1058
<u>requirements specified in section 4709.072 of the Revised Code;</u>	1059
<u>(e) Conditions under which the board will take into</u>	1060
<u>account, under section 4709.073 of the Revised Code, instruction</u>	1061
<u>an applicant for a license under section 4709.07 or 4709.072 of</u>	1062
<u>the Revised Code received more than five years before the date</u>	1063
<u>of application for the license;</u>	1064
<u>(f) Conditions an applicant must satisfy for the board to</u>	1065
<u>issue the applicant a license under section 4709.08 of the</u>	1066
<u>Revised Code without the applicant taking an examination</u>	1067
<u>conducted under section 4709.07 of the Revised Code;</u>	1068
<u>(g) Conditions an applicant must satisfy for the board to</u>	1069
<u>issue the applicant an independent contractor license under</u>	1070
<u>section 4709.09 of the Revised Code and the fee for the issuance</u>	1071
<u>and renewal of the license;</u>	1072
<u>(h) Specify which professions regulated by a professional</u>	1073
<u>regulatory board of this state may be practiced in a barber shop</u>	1074
<u>under section 4709.091 of the Revised Code, including whether</u>	1075
<u>cosmetic therapy may be practiced in a barber shop;</u>	1076

(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; 1077  
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(j) If the board, under section 4709.111 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following: 1080  
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(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service; 1083  
1084  
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(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. 1086  
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(k) Any other area the board determines appropriate to administer or enforce this chapter. 1089  
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(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. 1091  
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(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. 1095  
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(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 1103  
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Code that are applicable to individuals who are licensed to 1106  
practice barbering in another state or country. 1107

(E) The conditions specified in rules adopted under 1108  
division (A) (8) (f) of this section may include that an applicant 1109  
is applying for a barber license for which the board determines 1110  
an examination is unnecessary. 1111

(F) The rules adopted under division (A) (8) (h) of this 1112  
section shall not include a profession if practice of the 1113  
profession in a barber shop is a violation of a statute or rule 1114  
governing the profession. 1115

(G) If the board adopts a procedure for classifying 1116  
licenses inactive, the continuing education specified under 1117  
division (A) (8) (j) (ii) of this section shall be sufficient to 1118  
ensure the minimum competency in the use or administration of a 1119  
new procedure or product required by a licensee necessary to 1120  
protect public health and safety. The requirement shall not 1121  
exceed the cumulative number of hours of continuing education 1122  
that the individual would have been required to complete had the 1123  
individual retained an active license. 1124

**Sec. 4709.051.** (A) The state cosmetology and barber board 1125  
may adopt rules in accordance with section 4709.05 of the 1126  
Revised Code to establish a continuing education requirement, 1127  
not to exceed eight hours in a biennial licensing period, as a 1128  
condition of renewal for a barber license, barber instructor 1129  
license, or assistant barber instructor license. 1130

(B) If the board establishes a continuing education 1131  
requirement under division (A) of this section, an individual 1132  
holding a barber license, barber instructor license, or 1133  
assistant barber instructor license shall satisfy the 1134

requirement by completing a continuing education program 1135  
approved in accordance with division (B) of section 4713.62 of 1136  
the Revised Code. 1137

These hours may include training in identifying and 1138  
addressing the crime of trafficking in persons as described in 1139  
section 2905.32 of the Revised Code. At least two of the eight 1140  
hours of the continuing education requirement must be achieved 1141  
in courses concerning safety and infection control, and at least 1142  
one hour of the eight hours of the continuing education 1143  
requirement must be achieved in courses concerning law and rule 1144  
updates. 1145

**Sec. 4709.07.** (A) ~~Each person individual who desires to~~ 1146  
~~obtain an initial license to practice barbering shall apply to~~ 1147  
~~the state cosmetology and barber board, on forms provided by the~~ 1148  
~~board. The application form shall include the name of the person~~ 1149  
~~applying for the license and evidence that the applicant meets~~ 1150  
~~all of the requirements of division (B) of this section. The~~ 1151  
~~application shall be accompanied by the examination application~~ 1152  
~~fee.~~ 1153

~~(B) In order applies to take the required barber~~ 1154  
~~examination and to qualify for licensure as a barber, an~~ 1155  
~~applicant must shall demonstrate that the applicant individual~~ 1156  
~~meets all of the following:~~ 1157

(1) Is at least ~~eighteen~~ sixteen years of age; 1158

(2) Has an eighth grade education or an equivalent 1159  
education as determined by the department of education and 1160  
workforce, or equivalent organization in the state where the 1161  
applicant resides; 1162

(3) Has submitted a written application on a form 1163

furnished by the board that contains all of the following: 1164

(a) The name of the individual and any other identifying information required by the board; 1165  
1166

(b) A photocopy of the individual's current driver's license or other proof of legal residence; 1167  
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(c) An oath verifying that the information in the application is true. 1169  
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(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph and biometric fingerprint scan taken by the board; 1171  
1172  
1173

(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; 1174  
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(6) Has paid the application fee. 1183

(B) The board shall issue a barber license to an applicant who passes the examination and pays the license fee. 1184  
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(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 1186  
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~~examination within ninety days after the date of the release of~~ 1192  
~~the examination scores by paying and pay the required~~ 1193  
reexamination fee. An applicant is only required to take that 1194  
part or parts of the examination ~~on which that~~ the applicant did 1195  
not ~~receive a score of seventy five per cent or higher~~ pass. If 1196  
the applicant fails to reapply for examination within ninety 1197  
days or fails the second examination, in order to reapply for 1198  
examination for licensure the applicant shall complete an 1199  
additional course of study of not less than two hundred hours, 1200  
~~in a board approved barber school.~~ The board shall provide to an 1201  
applicant, upon request, a report which explains the reasons for 1202  
the applicant's failure to pass the examination. 1203

(D) ~~The board shall issue a license to practice barbering~~ 1204  
~~to any applicant who, to the satisfaction of the board, meets~~ 1205  
~~the requirements of divisions (A) and (B) of this section, who~~ 1206  
~~passes the required examination, and pays the initial licensure~~ 1207  
~~fee.~~ Every licensed barber shall ~~display~~ maintain the 1208  
~~certificate of licensure in a conspicuous place adjacent to or~~ 1209  
~~near the licensed barber's work chair~~ board-issued, wallet-sized 1210  
license or electronically generated license certification and a 1211  
current government-issued photo identification that can be 1212  
produced on inspection or request. 1213

(E) The board shall issue a license to practice barbering 1214  
in accordance with Chapter 4796. of the Revised Code to an 1215  
applicant if either of the following applies: 1216

(1) The applicant holds a license to practice barbering in 1217  
another state. 1218

(2) The applicant has satisfactory work experience, a 1219  
government certification, or a private certification as 1220  
described in that chapter as a barber in a state that does not 1221

issue that license. 1222

Sec. 4709.071. (A) The state cosmetology and barber board 1223  
shall issue a temporary pre-examination work permit to practice 1224  
barbering to an individual who applies for and is eligible to 1225  
take an examination conducted under section 4709.07 of the 1226  
Revised Code, if the individual satisfies all of the following 1227  
conditions: 1228

(1) The individual has not previously failed an 1229  
examination conducted under section 4709.07 of the Revised Code. 1230

(2) The individual pays to the board the applicable fee. 1231

(3) The individual satisfies all other conditions 1232  
established by rules adopted under section 4709.05 of the 1233  
Revised Code. 1234

(B) An individual issued a temporary pre-examination work 1235  
permit under this section may practice barbering until the date 1236  
the individual is scheduled to take an examination under section 1237  
4709.07 of the Revised Code. The individual shall practice under 1238  
the supervision of an individual holding a current, valid barber 1239  
license. 1240

(C) A temporary pre-examination work permit is renewable 1241  
in accordance with rules adopted under section 4709.05 of the 1242  
Revised Code. 1243

Sec. 4709.072. (A) The state cosmetology and barber board 1244  
shall issue a barber instructor license to an applicant who 1245  
meets all of the following requirements: 1246

(1) Is at least eighteen years of age; 1247

(2) Holds a current, valid barber license issued under 1248  
section 4709.07 of the Revised Code and meets either of the 1249

<u>following requirements:</u>	1250
<u>(a) Has at least eighteen months of work experience in a</u>	1251
<u>licensed barber shop;</u>	1252
<u>(b) Has been employed as an assistant barber instructor</u>	1253
<u>under the supervision of a licensed barber for at least one</u>	1254
<u>year.</u>	1255
<u>(3) Passes the required examination;</u>	1256
<u>(4) Pays the applicable license fee;</u>	1257
<u>(5) Meets any additional requirements specified in rules</u>	1258
<u>adopted by the board under section 4709.05 of the Revised Code.</u>	1259
<u>(B) The board shall issue an assistant barber instructor</u>	1260
<u>license to an applicant who holds a current, valid barber</u>	1261
<u>license issued under section 4709.07 of the Revised Code and</u>	1262
<u>meets the requirements listed in divisions (A) (1), (4), and (5)</u>	1263
<u>of this section.</u>	1264
<u>(C) Every holder of a barber instructor license or</u>	1265
<u>assistant barber instructor license shall maintain a board-</u>	1266
<u>issued, wallet-sized license or electronically generated license</u>	1267
<u>certification and a current government-issued photo</u>	1268
<u>identification that can be produced upon inspection or request.</u>	1269
<u><b>Sec. 4709.073.</b> When determining the total hours of</u>	1270
<u>instruction received by an applicant under section 4709.07 or</u>	1271
<u>4709.072 of the Revised Code, the state cosmetology and barber</u>	1272
<u>board shall not take into account more than ten hours of</u>	1273
<u>instruction per day. The board shall take into account</u>	1274
<u>instruction received more than five years before the date of</u>	1275
<u>application for the license in accordance with rules adopted</u>	1276
<u>under section 4709.05 of the Revised Code.</u>	1277

**Sec. 4709.08.** ~~(A) Any person individual~~ who holds a 1278  
current license or registration to practice as a barber or teach 1279  
the theory and practice of barbering in any other country whose 1280  
requirements for licensure or registration of barbers, barber 1281  
instructors, or assistant barber instructors are substantially 1282  
equivalent to the requirements of this chapter and rules adopted 1283  
under it ~~and that extends similar reciprocity to persons~~ 1284  
~~licensed as barbers in this state~~ may apply to the state 1285  
cosmetology and barber board for a barber, barber instructor, or 1286  
assistant barber instructor license. 1287

~~(B) The board shall, without examination, unless the board~~ 1288  
~~determines to require an examination,~~ issue a license to 1289  
~~practice as a licensed barber in this state if the person an~~ 1290  
applicant who meets all of the following requirements of this 1291  
section, is: 1292

(1) Is at least eighteen years of age, and pays; 1293

(2) In the case of an applicant for a barber license, 1294  
passes an examination conducted under section 4709.07 of the 1295  
Revised Code, unless the applicant satisfies conditions 1296  
specified in rules adopted under section 4709.05 of the Revised 1297  
Code for the board to issue the applicant a license without 1298  
taking the examination; 1299

(3) Pays the required fees. ~~The board may waive any of the~~ 1300  
~~requirements of this section.~~ 1301

**Sec. 4709.09.** (A) Each ~~person applicant~~ who desires to 1302  
obtain a barber shop license shall apply to the state 1303  
cosmetology and barber board, on forms provided by the board. 1304  
The board shall issue a barber shop license to a ~~person an~~ 1305  
applicant if the board determines that the ~~person meets all of~~ 1306

~~the requirements of division (B) of this section and pays-~~ 1307  
applicant has paid the required license and inspection fees. 1308

~~(B) In order for a person to qualify for a license to~~ 1309  
~~operate a barber shop, fee and ensured that~~ the barber shop shall 1310  
meet all of the following requirements: 1311

(1) Be in the charge and under the immediate supervision 1312  
of a licensed barber; 1313

(2) Be equipped to provide running hot and cold water and 1314  
proper drainage; 1315

~~(3) Sanitize and maintain in a sanitary condition, all-~~ 1316  
~~instruments and supplies;~~ 1317

~~(4) Keep towels and linens clean and sanitary and in a~~ 1318  
~~dry, dust-proof container;~~ 1319

~~(5) Display~~ Be in compliance with the infection control 1320  
standards adopted by the board in rule; 1321

(4) Pass an initial inspection as described in division 1322  
(A) (10) of section 4713.07 of the Revised Code. 1323

(B) An applicant issued a barber shop license under 1324  
division (A) of this section shall display the shop license and 1325  
a copy of the board's sanitary rules-infection control standards 1326  
provided by the board under division (A) (5) of section 4709.05 1327  
of the Revised Code in a public and conspicuous place in the 1328  
working areabarber shop. 1329

(C) (1) Any licensed barber who leases space in a licensed 1330  
barber shop and engages in the practice of barbering independent 1331  
and free from supervision of the owner or manager of the barber 1332  
shop ~~is considered to be engaged in the operation of a separate-~~ 1333  
~~and distinct barber shop and shall obtain a~~ an independent 1334

~~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.~~ 1335  
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(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. 1340  
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(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.~~ 1345  
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~~(E) (1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.~~ 1351  
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~~(2) (E) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.~~ 1353  
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~~(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.~~ 1355  
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**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. 1358  
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if the individual's profession is authorized by rules adopted 1364  
under section 4709.05 of the Revised Code to practice in a 1365  
barber shop. An individual may provide cosmetic therapy in a 1366  
barber shop if authorized by rules adopted under section 4709.05 1367  
of the Revised Code to practice in a barber shop. 1368

(B) An individual providing cosmetic therapy, massage 1369  
therapy, or other professional service in a barber shop pursuant 1370  
to this section shall satisfy the standards established by rules 1371  
adopted under section 4709.05 of the Revised Code. 1372

(C) An individual who provides massage therapy or other 1373  
professional services in a barber shop under this section shall 1374  
maintain the individual's professional license or certificate or 1375  
electronically generated license certification or registration 1376  
and a state of Ohio issued photo identification that can be 1377  
produced on inspection or request. 1378

**Sec. 4709.10.** An applicant for a license to operate a 1379  
school shall submit an application to the state cosmetology and 1380  
barber board and satisfy the requirements under section 4713.44 1381  
of the Revised Code to be issued the license. If the school for 1382  
which the applicant is applying for a license under that section 1383  
offers instruction in the theory and practice of barbering, the 1384  
applicant shall do all of the following to be issued the 1385  
license: 1386

(A) Provide sufficient licensed teaching personnel to meet 1387  
the minimum student-instructor ratio established by the board in 1388  
rules adopted under section 4713.08 of the Revised Code; 1389

(B) Establish minimum standards for acceptance of student 1390  
applicants for admission to the school to learn the theory and 1391  
practice of barbering; 1392

(C) Employ not more than two licensed assistant barber 1393  
instructors for each licensed barber instructor employed or 1394  
fewer than two licensed instructors or one licensed instructor 1395  
and one licensed assistant instructor at each facility; 1396

(D) Pass an initial inspection as described in division 1397  
(A) (10) of section 4713.07 of the Revised Code. 1398

**Sec. 4709.11.** Every license issued pursuant to this 1399  
chapter expires on the thirty-first day of August of each even- 1400  
numbered year. Each licensee desiring to do so shall, on or 1401  
before the first day of September of each even-numbered year, 1402  
renew the licensee's license pursuant to the standard renewal 1403  
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1404  
~~expired license shall restore the holder's license before~~ 1405  
~~continuing the practice of barbering or the activity for which~~ 1406  
~~the holder is licensed under this chapter and pay the~~ 1407  
~~appropriate restoration fee. If the person fails to restore the~~ 1408  
~~person's license within six years, the person shall pay any~~ 1409  
~~required restoration fee and take any examination required for~~ 1410  
~~the license under this chapter~~ 1411

If the state cosmetology and barber board adopts rules 1412  
under section 4709.051 of the Revised Code to establish a 1413  
continuing education requirement as a condition of renewal for a 1414  
barber license, barber instructor license, or assistant barber 1415  
instructor license, the board shall inform each licensee of the 1416  
continuing education requirement that applies to the next 1417  
biennial licensing period by including that information in the 1418  
renewal notification the board sends the licensee. The board 1419  
shall state in the notification that the licensee must complete 1420  
the continuing education requirement by the fifteenth day of 1421  
August of the next even-numbered year. Hours completed in excess 1422

of the continuing education requirement may not be applied to 1423  
the next biennial licensing period. 1424

The board may waive or extend the period for a licensee to 1425  
complete any applicable continuing education requirement in 1426  
accordance with division (B) of section 4713.60 of the Revised 1427  
Code. Every license that has not been renewed in the timeframe 1428  
specified in this section and for which the continuing education 1429  
requirement has not been waived or extended shall be considered 1430  
expired. 1431

**Sec. 4709.111.** (A) If the state cosmetology and barber 1432  
board adopts a continuing education requirement under section 1433  
4709.051 of the Revised Code, it may develop a procedure by 1434  
which an individual who holds a barber license, barber 1435  
instructor license, or assistant barber instructor license and 1436  
who is not currently engaged in the practice of barbering or 1437  
teaching or assisting in teaching of the theory and practice of 1438  
barbering, but who desires to be so engaged in the future, may 1439  
apply to the board to have the individual's license classified 1440  
inactive. If the board develops this procedure, an individual 1441  
seeking to have the individual's license classified inactive 1442  
shall apply to the board on a form provided by the board and pay 1443  
the fee established by rules adopted under section 4709.05 of 1444  
the Revised Code. 1445

(B) The board shall not restore an inactive license until 1446  
the individual holding the license submits proof satisfactory to 1447  
the board that the individual has completed the continuing 1448  
education requirement established by the board in rules adopted 1449  
under section 4709.05 of the Revised Code. 1450

**Sec. 4709.112.** A barber license, barber instructor 1451  
license, or assistant barber instructor license that has not 1452

been renewed for any reason other than because it has been 1453  
revoked, suspended, classified inactive, or because the license 1454  
holder has been given a waiver or extension under section 1455  
4709.11 of the Revised Code, is expired. An expired license may 1456  
be restored if the individual who held the license satisfies 1457  
both of the following requirements: 1458

(A) Pays to the state cosmetology and barber board the 1459  
restoration fee established under section 4709.12 of the Revised 1460  
Code; 1461

(B) Completes the continuing education requirement for 1462  
renewal of a license established by the board in rules adopted 1463  
under section 4709.051 of the Revised Code. 1464

**Sec. 4709.12.** (A) The state cosmetology and barber board 1465  
shall charge and collect the following nonrefundable fees: 1466

(1) For the application to take the barber examination, 1467  
not more than ninety dollars; 1468

(2) For an application to retake any one part of the 1469  
barber examination, not more than forty-five dollars; 1470

(3) For an application to take the barber examination by 1471  
an applicant who has previously applied to take but failed to 1472  
appear for the examination, not more than one hundred dollars; 1473

(4) For the initial issuance of a license to practice as a 1474  
barber, not more than thirty dollars; 1475

~~(4)~~(5) For the biennial renewal of the license to 1476  
practice as a barber, not more than one hundred ten dollars; 1477

~~(5)~~(6) For the restoration of an expired barber license, 1478  
not more than one hundred fifty dollars, and not more than 1479  
seventy-five dollars for each lapsed year, provided that the 1480

total fee shall not exceed six hundred ninety dollars;	1481
<del>(6)</del> <u>(7)</u> For the issuance of a duplicate barber <del>or</del> shop license, <u>not more than</u> forty-five dollars;	1482
	1483
<del>(7)</del> <u>(8)</u> For the <del>inspection</del> <u>issuance</u> of a new barber shop, <del>license or a change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license,</del> <u>not more than</u> one hundred ten dollars;	1484
	1485
	1486
	1487
<del>(8)</del> <u>(9)</u> For the biennial renewal of a barber shop license, <u>not more than</u> seventy-five dollars;	1488
	1489
<del>(9)</del> <u>(10)</u> For the restoration of a barber shop license, <u>not more than</u> one hundred ten dollars;	1490
	1491
<del>(10)</del> For each <del>inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school,</del> seven hundred fifty dollars;	1492
	1493
	1494
<del>(11)</del> For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	1495
	1496
	1497
<del>(12)</del> For the restoration of a barber school license, one thousand dollars;	1498
	1499
<del>(13)</del> For the issuance of a student registration, forty dollars;	1500
	1501
<del>(14)</del> <u>(11)</u> For the examination and issuance of a biennial <del>teacher</del> <u>barber instructor</u> license, <u>not more than</u> one hundred eighty-five dollars;	1502
	1503
	1504
<del>(15)</del> <u>(12)</u> For the issuance of a biennial assistant barber <u>instructor license, not more than one hundred fifty dollars;</u>	1505
	1506
<u>(13)</u> For the renewal of a biennial <del>teacher</del> <u>barber</u>	1507

instructor or assistant barber instructor license, not more than 1508  
one hundred fifty dollars; 1509

~~(16)~~ (14) For the restoration of an expired ~~teacher~~ barber  
instructor or assistant barber instructor license, not more than 1510  
two hundred twenty-five dollars, and not more than sixty dollars 1511  
for each lapsed year, provided that the total fee shall not 1512  
exceed four hundred fifty dollars; 1514

~~(17)~~ (15) For the issuance of a barber license by 1515  
reciprocity pursuant to section 4709.08 of the Revised Code, not 1516  
more than three hundred dollars; 1517

~~(18)~~ (16) For ~~providing licensure information concerning~~ 1518  
~~an applicant, upon written request of the applicant~~ the 1519  
preparation and mailing of a licensee's records to another state 1520  
for a reciprocal license, not more than forty dollars; 1521

(17) For a temporary pre-examination work permit under 1522  
section 4709.071 of the Revised Code, not more than fifteen 1523  
dollars. 1524

(B) The board shall adjust the fees biennially, by rule, 1525  
within the limits established by division (A) of this section, 1526  
to provide sufficient revenues to meet its expenses. 1527

(C) The board, subject to the approval of the controlling 1528  
board, may establish fees in excess of the amounts provided in 1529  
this section, provided that the fees do not exceed the amounts 1530  
permitted by this section by more than fifty per cent. 1531

~~(C) In addition to any other fee charged and collected~~ 1532  
~~under this section, the board shall ask each person renewing a~~ 1533  
~~license to practice as a barber whether the person wishes to~~ 1534  
~~make a two-dollar voluntary contribution to the Ed Jeffers~~ 1535  
~~barber museum. The board shall transmit any contributions to the~~ 1536

~~treasurer of state for deposit into the occupational licensing  
fund.~~ 1537  
1538

(D) At the request of a person who is temporarily unable 1539  
to pay a fee imposed under division (A) of this section, or on 1540  
its own motion, the board may extend the date payment is due by 1541  
up to ninety days. If the fee remains unpaid after the date 1542  
payment is due, the amount of the fee shall be certified to the 1543  
attorney general for collection in the form and manner 1544  
prescribed by the attorney general. The attorney general may 1545  
assess the collection cost to the amount certified in such a 1546  
manner and amount as prescribed by the attorney general. 1547

**Sec. 4709.13.** (A) The state cosmetology and barber board 1548  
may take disciplinary action under division (B) of this section 1549  
for any of the following: 1550

(1) Willful, false, and fraudulent or deceptive 1551  
advertising; 1552

(2) Habitual drunkenness or addiction to any habit-forming 1553  
drug; 1554

(3) Failure to comply with the safety, infection control, 1555  
and licensing requirements of this chapter or rules adopted 1556  
under it; 1557

(4) Continued practice by an individual knowingly having 1558  
an infectious or contagious disease; 1559

(5) Falsification of any record or application required to 1560  
be filed with the board; 1561

(6) Failure to pay a fine or abide by a suspension order 1562  
issued by the board; 1563

(7) Failure to cooperate with an investigation or 1564

<u>inspection;</u>	1565
<u>(8) Failure to respond to a subpoena;</u>	1566
<u>(9) Conviction of or plea of guilty to a violation of</u> <u>section 2905.32 of the Revised Code;</u>	1567 1568
<u>(10) In the case of a barber shop, any individual's</u> <u>conviction of or plea of guilty to a violation of section</u> <u>2905.32 of the Revised Code for an activity that took place on</u> <u>the premises of the barber shop.</u>	1569 1570 1571 1572
<u>(B) On determining that there is cause for disciplinary</u> <u>action, the board may do one or more of the following:</u>	1573 1574
<u>(1) Deny, suspend, revoke, or impose conditions on a</u> <u>license or permit issued by the board pursuant to this chapter;</u>	1575 1576
<u>(2) Impose a fine;</u>	1577
<u>(3) Require the holder of a license or permit issued under</u> <u>this chapter to take corrective action courses.</u>	1578 1579
<u>(C) (1) Except as provided in divisions (C) (2) and (3) of</u> <u>this section, the board shall take disciplinary action pursuant</u> <u>to an adjudication under Chapter 119. of the Revised Code.</u>	1580 1581 1582
<u>(2) The board may take disciplinary action without</u> <u>conducting an adjudication under Chapter 119. of the Revised</u> <u>Code against an individual who or barber shop that is subject to</u> <u>discipline under division (A) (9) or (10) of this section. After</u> <u>the board takes such disciplinary action, the board shall give</u> <u>written notice to the subject of the disciplinary action of the</u> <u>right to request a hearing under Chapter 119. of the Revised</u> <u>Code.</u>	1583 1584 1585 1586 1587 1588 1589 1590
<u>(3) In lieu of an adjudication, the board may enter into a</u>	1591

consent agreement with the holder of a license or permit issued 1592  
under this chapter. A consent agreement that is ratified by a 1593  
majority vote of a quorum of the board members is considered to 1594  
constitute the findings and orders of the board with respect to 1595  
the matter addressed in the agreement. If the board does not 1596  
ratify a consent agreement, the admissions and findings 1597  
contained in the agreement are of no effect, and the case shall 1598  
be scheduled for adjudication under Chapter 119. of the Revised 1599  
Code. 1600

(D) The amount and content of corrective action courses 1601  
and other relevant criteria shall be established by the board in 1602  
rules adopted under section 4709.05 of the Revised Code. 1603

(E) (1) The board may impose a separate fine for each 1604  
offense listed in division (A) of this section. The amount of 1605  
the first fine issued for a violation as the result of an 1606  
inspection shall be not more than two hundred fifty dollars if 1607  
the violator has not previously been fined for that offense. Any 1608  
finest issued for additional violations during such an inspection 1609  
shall not be more than one hundred dollars for each additional 1610  
violation. The fine shall be not more than five hundred dollars 1611  
if the violator has been fined for the same offense once before. 1612  
Any fines issued for additional violations during a second 1613  
inspection shall not be more than two hundred dollars for each 1614  
additional violation. The fine shall be not more than one 1615  
thousand dollars if the violator has been fined for the same 1616  
offense two or more times before. Any fines issued for 1617  
additional violations during a third inspection shall not be 1618  
more than three hundred dollars for each additional violation. 1619

(2) The board shall issue an order notifying a violator of 1620  
a fine imposed under division (E) (1) of this section. The notice 1621

shall specify the date by which the fine is to be paid. The date 1622  
shall be less than forty-five days after the board issues the 1623  
order. 1624

(3) At the request of a violator who is temporarily unable 1625  
to pay a fine, or on the board's own motion, the board may 1626  
extend the time period within which the violator shall pay the 1627  
fine up to ninety days after the date the board issues the 1628  
order. 1629

(4) If the fine remains unpaid on the ninety-first day 1630  
after the board issues an order under division (E) (2) of this 1631  
section, the amount of the fine shall be certified to the 1632  
attorney general for collection in the form and manner 1633  
prescribed by the attorney general. The attorney general may 1634  
assess the collection cost to the amount certified in such a 1635  
manner and amount as prescribed by the attorney general. 1636

(F) The board shall notify a licensee who is subject to 1637  
discipline under division (A) of this section and the owner of 1638  
the barber shop in which the conditions constituting the reason 1639  
for discipline were found. The individual receiving the notice 1640  
and the owner of the barber shop may request a hearing pursuant 1641  
to section 119.07 of the Revised Code. If the individual or 1642  
owner fails to request a hearing or enter into a consent 1643  
agreement thirty days after the date the board, in accordance 1644  
with sections 119.05 and 119.07 of the Revised Code, notifies 1645  
the individual or owner of the board's intent to act against the 1646  
individual or owner under division (A) of this section, the 1647  
board, by a majority vote of a quorum of the board members, may 1648  
take the action against the individual or owner without holding 1649  
an adjudication hearing. 1650

(G) The board, after a hearing in accordance with Chapter 1651

119. of the Revised Code or pursuant to a consent agreement, may 1652  
suspend a license or permit if the licensee or permit holder 1653  
fails to correct an unsafe condition that exists in violation of 1654  
the board's rules or fails to cooperate in an inspection. If a 1655  
violation of this chapter or rules adopted under it has resulted 1656  
in a condition reasonably believed by an inspector to create an 1657  
immediate danger to the health and safety of any individual 1658  
using the facility, the inspector may suspend the license or 1659  
permit of the facility or the individual responsible for the 1660  
violation without a prior hearing until the condition is 1661  
corrected or until a hearing in accordance with Chapter 119. of 1662  
the Revised Code is held or a consent agreement is entered into 1663  
and the board either upholds the suspension or reinstates the 1664  
license or permit. 1665

(H) The board shall not take disciplinary action against a 1666  
person licensed to operate a barber shop for a violation of this 1667  
chapter that was committed by a licensed barber while practicing 1668  
within the barber shop, when the barber's actions were beyond 1669  
the control of the barber shop owner. 1670

**Sec. 4709.14.** ~~(A) If the state cosmetology and barber~~ 1671  
~~board determines that any person-individual is violating or~~ 1672  
~~threatening is about to violate any provision of this chapter or~~ 1673  
~~the rules adopted pursuant thereto and such violation or~~ 1674  
~~threatened violation is a threat to the health or safety of~~ 1675  
~~persons who use barber services, the board may apply to a court~~ 1676  
~~of competent jurisdiction in the county in which the violation~~ 1677  
~~or threatened violation occurred or will occur for injunctive~~ 1678  
~~relief and such other relief to prevent further violations. The~~ 1679  
~~attorney general shall, at the board's request, represent the~~ 1680  
~~board in any such action.~~ 1681

~~(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 1711  
authorized to engage in all branches of cosmetology. 1712

(D) "Biennial licensing period" means the two-year period 1713  
beginning on the first day of February of an odd-numbered year 1714  
and ending on the last day of January of the next odd-numbered 1715  
year. 1716

(E) "Boutique salon" means a salon in which an individual 1717  
engages in the practice of boutique services and no other branch 1718  
of cosmetology. 1719

~~"Boutique services" means braiding, threading, shampooing,~~ 1720  
~~and makeup artistry.~~ 1721

(F) "Braiding" means intertwining the hair in a systematic 1722  
motion to create patterns in a three-dimensional form, ~~inverting~~ 1723  
~~the hair including patterns that are inverted, upright, or~~ 1724  
~~singled against the scalp that follow along part of a straight~~ 1725  
~~or curved row of intertwined hair, or partings. "Braiding" may~~ 1726  
~~include twisting, locking, beading, crocheting, wrapping, or~~ 1727  
~~similarly manipulating the hair in a systematic motion, and~~ 1728  
~~includes extending the while adding bulk or length with human~~ 1729  
~~hair with natural or, synthetic hair fibers, or both, and using~~ 1730  
~~simple devices such as clips, combs, crochet hooks, blunt-~~ 1731  
~~tipped needles, and hairpins. "Braiding" does not include the~~ 1732  
~~use of chemical hair-joining agents such as synthetic tape,~~ 1733  
~~keratin bonds, or fusion bonds to weave or fuse individual~~ 1734  
~~strands or wefts; applications of dyes, reactive chemicals, or~~ 1735  
~~other preparations to alter the color or straighten, curl, or~~ 1736  
~~alter the structure of hair; or embellishing or beautifying hair~~ 1737  
~~by cutting or singeing, except as needed to finish the ends of~~ 1738  
~~synthetic hair used to add bulk to or lengthen hair.~~ 1739

(G) "Branch of cosmetology" means the ~~practice of~~ 1740  
~~cosmetology,~~ practice of esthetics, practice of hair design, 1741  
practice of manicuring, practice of natural hair styling, or 1742  
practice of boutique services. 1743

(H) "Cosmetic therapy" means the permanent removal of hair 1744  
from the human body through the use of electric modalities and 1745  
may include the systematic friction, stroking, slapping, and 1746  
kneading or tapping of the face, neck, scalp, or shoulders. 1747

(I) "Cosmetologist" means an individual authorized to 1748  
engage in all branches of cosmetology in a licensed facility. 1749

~~"Cosmetology" means the art or practice of embellishment,~~ 1750  
~~cleansing, beautification, and styling of hair, wigs, postiches,~~ 1751  
~~face, body, or nails.~~ 1752

(J) "Cosmetology instructor" means an individual 1753  
authorized to teach the theory and practice of all branches of 1754  
cosmetology at a school ~~of cosmetology.~~ 1755

(K) "Esthetician" means an individual who engages in the 1756  
practice of esthetics but no other branch of cosmetology in a 1757  
licensed facility. 1758

(L) "Esthetics instructor" means an individual who teaches 1759  
the theory and practice of esthetics, but no other branch of 1760  
cosmetology, at a school ~~of cosmetology.~~ 1761

(M) "Esthetics salon" means a salon in which an individual 1762  
engages in the practice of esthetics but no other branch of 1763  
cosmetology. 1764

(N) "Eye lash extensions" include temporary and semi- 1765  
permanent enhancements designed to add length, thickness, and 1766  
fullness to natural eyelashes. 1767

(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~~ 1796  
~~cosmetology.~~ 1797

(V) "Licensed facility" means any premises, building, or 1798  
part of a building licensed under section 4713.41 of the Revised 1799  
Code in which the practice of one or more branches of 1800  
cosmetology ~~services~~ are authorized by the state cosmetology and 1801  
barber board to be performed. 1802

~~"Advanced cosmetologist" means an individual authorized to~~ 1803  
~~work in a beauty salon and engage in all branches of~~ 1804  
~~cosmetology.~~ 1805

~~"Advanced esthetician" means an individual authorized to~~ 1806  
~~work in an esthetics salon, but no other type of salon, and~~ 1807  
~~engage in the practice of esthetics, but no other branch of~~ 1808  
~~cosmetology.~~ 1809

~~"Advanced hair designer" means an individual authorized to~~ 1810  
~~work in a hair design salon, but no other type of salon, and~~ 1811  
~~engage in the practice of hair design, but no other branch of~~ 1812  
~~cosmetology.~~ 1813

(W) "Advanced license" means a license issued under 1814  
section 4713.30 of the Revised Code to work in a salon and 1815  
practice the branch of cosmetology practiced at the salon. 1816

~~"Advanced manicurist" means an individual authorized to~~ 1817  
~~work in a nail salon, but no other type of salon, and engage in~~ 1818  
~~the practice of manicuring, but no other branch of cosmetology.~~ 1819

~~"Advanced natural hair stylist" means an individual~~ 1820  
~~authorized to work in a natural hair style salon, but no other~~ 1821  
~~type of salon, and engage in the practice of natural hair~~ 1822  
~~styling, but no other branch of cosmetology.~~ 1823

(X) "Makeup artistry" means the application of cosmetics 1824  
for the purpose of skin beautification. "Makeup artistry" does 1825  
not include any other services described in the practice of any 1826  
other branch of cosmetology. 1827

(Y) "Manicurist" means an individual who engages in the 1828  
practice of manicuring but no other branch of cosmetology in a 1829  
licensed facility. 1830

(Z) "Manicurist instructor" means an individual who 1831  
teaches the theory and practice of manicuring, but no other 1832  
branch of cosmetology, at a school ~~of cosmetology.~~ 1833

(AA) "Nail salon" means a salon in which an individual 1834  
engages in the practice of manicuring but no other branch of 1835  
cosmetology. 1836

(BB) "Natural hair stylist" means an individual who 1837  
engages in the practice of natural hair styling but no other 1838  
branch of cosmetology in a licensed facility. 1839

(CC) "Natural hair style instructor" means an individual 1840  
who teaches the theory and practice of natural hair styling, but 1841  
no other branch of cosmetology, at a school ~~of cosmetology.~~ 1842

(DD) "Natural hair style salon" means a salon in which an 1843  
individual engages in the practice of natural hair styling but 1844  
no other branch of cosmetology. 1845

~~"Practice of braiding" means utilizing the technique of 1846  
intertwining hair in a systematic motion to create patterns in a 1847  
three dimensional form, including patterns that are inverted, 1848  
upright, or singled against the scalp that follow along straight 1849  
or curved partings. It may include twisting or locking the hair 1850  
while adding bulk or length with human hair, synthetic hair, or 1851  
both and using simple devices such as clips, combs, and 1852~~

~~hairpins. "Practice of braiding" does not include application of 1853~~  
~~weaving, bonding, and fusion of individual strands or wefts; 1854~~  
~~application of dyes, reactive chemicals, or other preparations 1855~~  
~~to alter the color or straighten, curl, or alter the structure 1856~~  
~~of hair; embellishing or beautifying hair by cutting or 1857~~  
~~singeing, except as needed to finish the ends of synthetic 1858~~  
~~fibers used to add bulk to or lengthen hair. 1859~~

(EE) "Practice of boutique services" means braiding, 1860  
threading, shampooing, and makeup artistry. 1861

(FF) "Practice of cosmetology" means the practice of all 1862  
branches of cosmetology. 1863

(GG) "Practice of esthetics" means the application of 1864  
cosmetics, tonics, antiseptics, creams, lotions, or other 1865  
preparations for the purpose of skin beautification and includes 1866  
preparation of the skin by manual massage techniques or by use 1867  
of electrical, mechanical, or other apparatus; enhancement of 1868  
the skin by skin care, facials, body treatments, hair removal, 1869  
and other treatments; and eye lash extension services. 1870

(HH) "Practice of hair design" means embellishing or 1871  
beautifying hair, wigs, or hairpieces by arranging, dressing, 1872  
pressing, curling, waving, permanent waving, cleansing, cutting, 1873  
singeing, bleaching, coloring, braiding, weaving, bonding and 1874  
fusion of individual strands or wefts, or similar work. 1875

"Practice of hair design" includes utilizing techniques 1876  
performed by hand that result in tension on hair roots such as 1877  
twisting, wrapping, weaving, extending, locking, or braiding of 1878  
the hair. 1879

(II) "Practice of manicuring" means cleaning, trimming, 1880  
shaping the free edge of, or applying polish to the nails of any 1881

individual; applying nail enhancements and embellishments to any 1882  
individual; massaging the hands and lower arms up to the elbow 1883  
of any individual; massaging the feet and lower legs up to the 1884  
knee of any individual; using lotions or softeners on the hands 1885  
and feet of any individual; or any combination of these types of 1886  
services. 1887

(JJ) "Practice of natural hair styling" means utilizing 1888  
techniques performed by hand that result in tension on hair 1889  
roots such as twisting, wrapping, weaving, bonding and fusion of 1890  
individual strands or wefts, extending, locking, or braiding of 1891  
the hair and includes cleansing the hair in preparation for 1892  
performing such techniques on the hair. "Practice of natural 1893  
hair styling" does not include the application of dyes, reactive 1894  
chemicals, or other preparations to alter the color or to 1895  
straighten, curl, or alter the structure of the hair. "Practice 1896  
of natural hair styling" also does not include embellishing or 1897  
beautifying hair by cutting or singeing, except as needed to 1898  
finish off the end of a braid, or by dressing, pressing, 1899  
curling, waving, permanent waving, or similar work. 1900

(KK) "Practicing license" means a license to practice a 1901  
branch of cosmetology in a licensed facility. 1902

(LL) "Salon" means a licensed facility on any premises, 1903  
building, or part of a building in which an individual engages 1904  
in the practice of one or more branches of cosmetology. "Salon" 1905  
does not include a barber shop licensed under Chapter 4709. of 1906  
the Revised Code. "Salon" does not mean a tanning facility, 1907  
although a tanning facility may be located in a salon. 1908

(MM) "~~School of cosmetology~~" means any premises, building, 1909  
or part of a building in which students are instructed in the 1910  
theories and practices of one or more branches of cosmetology or 1911

barbering. 1912

(NN) "Shampooing" means the act of cleansing and 1913  
conditioning an individual's hair under the supervision of an 1914  
individual licensed under this chapter and in preparation to 1915  
immediately receive a service from a licensee. 1916

(OO) "Student" means ~~an~~ both of the following: 1917

(1) An individual, other than an apprentice instructor, 1918  
who is engaged in learning or acquiring knowledge of the 1919  
practice of a branch of cosmetology at a school ~~of cosmetology;~~ 1920

(2) An individual engaged in learning or acquiring 1921  
knowledge of the practice of barbering at a school. 1922

(PP) "Tanning facility" means any premises, building, or 1923  
part of a building that contains one or more rooms or booths 1924  
with any of the following: 1925

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1926  
the use of fluorescent sun lamps using ultraviolet or other 1927  
artificial radiation; 1928

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1929  
human skin, including chemical applications commonly referred to 1930  
as spray-on, mist-on, or sunless tans; 1931

~~(C)~~ (3) Equipment or beds that use visible light for 1932  
cosmetic purposes. 1933

(QQ) "Threading" includes a service that results in the 1934  
removal of hair from its follicle from around the eyebrows and 1935  
from other parts of the face with the use of a single strand of 1936  
thread and an astringent, if the service does not use chemicals 1937  
of any kind, wax, or any implements, instruments, or tools to 1938  
remove hair. 1939

Sec. 4713.02. (A) There is hereby created the state 1940  
cosmetology and barber board, consisting of all of the following 1941  
members appointed by the governor, with the advice and consent 1942  
of the senate: 1943

(1) One individual holding a current, valid cosmetologist 1944  
or cosmetology instructor license at the time of appointment; 1945

(2) Two individuals holding current, valid cosmetologist 1946  
licenses and actively engaged in managing beauty salons for a 1947  
period of not less than five years at the time of appointment; 1948

(3) One individual who holds a current, valid independent 1949  
contractor license issued under this chapter or Chapter 4709. of 1950  
the Revised Code at the time of appointment ~~and practices a~~ 1951  
~~branch of cosmetology;~~ 1952

(4) One individual who represents individuals who teach 1953  
the theory and practice of a branch of cosmetology at a 1954  
vocational or career-technical school; 1955

(5) One owner or executive actively engaged in the daily 1956  
operations of a licensed school ~~of cosmetology;~~ 1957

(6) One owner of at least five licensed salons; 1958

(7) One individual who is either a certified nurse 1959  
practitioner or clinical nurse specialist holding a current, 1960  
valid license to practice nursing as an advanced practice 1961  
registered nurse issued under Chapter 4723. of the Revised Code 1962  
or a physician authorized under Chapter 4731. of the Revised 1963  
Code to practice medicine and surgery or osteopathic medicine 1964  
and surgery; 1965

(8) One individual representing the general public; 1966

(9) One individual who holds a current, valid tanning 1967

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 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. 2027

(F) Whenever the term "state board of cosmetology" is 2028  
used, referred to, or designated in statute, rule, contract, 2029  
grant, or other document, the use, reference, or designation 2030  
shall be deemed to mean the "state cosmetology and barber board" 2031  
or the executive director of the state cosmetology and barber 2032  
board, whichever is appropriate in context. Whenever the term 2033  
"barber board" is used, referred to, or designated in statute, 2034  
rule, contract, grant, or other document, the use, reference, or 2035  
designation shall be deemed to mean the "state cosmetology and 2036  
barber board" or the executive director of the state cosmetology 2037  
and barber board, whichever is appropriate in context. 2038

**Sec. 4713.06.** The state cosmetology and barber board shall 2039  
annually appoint an executive director. The executive director 2040  
may not be a member of the board, but subsequent to appointment, 2041  
shall serve as secretary of the board. The executive director, 2042  
before entering upon the discharge of the executive director's 2043  
duties, shall file with the secretary of state a good and 2044  
sufficient bond payable to the state, to ensure the faithful 2045  
performance of duties of the office of executive director. The 2046  
bond shall be in an amount the board requires. The premium of 2047  
the bond shall be paid from appropriations made to the board for 2048  
operating purposes. Whenever the term "executive director of the 2049  
state board of cosmetology" or the term "executive director of 2050  
the barber board," or variations thereof, is used, referred to, 2051  
or designated in statute, rule, contract, grant, or other 2052  
document, the use, reference, or designation shall be deemed to 2053  
mean the "executive director of the state cosmetology and barber 2054  
board." 2055

The board may employ inspectors, examiners, consultants on 2056

contents of examinations, clerks, or other individuals as 2057  
necessary for the administration of this chapter and Chapter 2058  
4709. of the Revised Code. All inspectors and examiners shall be 2059  
licensed cosmetologists pursuant to this chapter or licensed 2060  
barbers pursuant to Chapter 4709. of the Revised Code. 2061

The board may appoint inspectors to inspect and 2062  
investigate all facilities regulated by this chapter and Chapter 2063  
4709. of the Revised Code, including tanning facilities, to 2064  
ensure compliance with this chapter and Chapter 4709. of the 2065  
Revised Code, the rules adopted by the board, and the board's 2066  
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 2067  
4713.07 of the Revised Code. 2068

**Sec. 4713.07.** (A) The state cosmetology and barber board 2069  
shall do all of the following: 2070

(1) Regulate the practice of cosmetology and all of its 2071  
branches in this state; 2072

(2) Investigate or inspect, when evidence appears to 2073  
demonstrate that an individual has violated any provision of 2074  
this chapter or Chapter 4709. of the Revised Code or any rule 2075  
adopted pursuant to it under either chapter, the activities or 2076  
premises of a license holder or unlicensed individual; 2077

(3) Adopt rules in accordance with section 4713.08 of the 2078  
Revised Code; 2079

(4) Prescribe and make available application forms to be 2080  
used by individuals seeking admission to an examination 2081  
conducted under section 4713.24 of the Revised Code or a license 2082  
or registration issued under this chapter; 2083

(5) Prescribe and make available application forms to be 2084  
used by individuals seeking renewal of a license or registration 2085

issued under this chapter;	2086
(6) Provide a toll-free number and an online service to	2087
receive complaints alleging violations of this chapter or	2088
Chapter 4709. of the Revised Code;	2089
<del>(7) Report to the proper prosecuting officer violations of</del>	2090
<del>section 4713.14 of the Revised Code of which the board is aware;</del>	2091
<del>(8)</del> Submit a written report annually to the governor that	2092
provides all of the following:	2093
(a) A discussion of the conditions in this state of the	2094
<u>practice of barbering, cosmetology, and the branches of</u>	2095
cosmetology;	2096
(b) An evaluation of board activities intended to aid or	2097
protect consumers;	2098
(c) A brief summary of the board's proceedings during the	2099
year the report covers;	2100
(d) A statement of all money that the board received and	2101
expended during the year the report covers.	2102
<del>(9)</del> <u>(8)</u> Keep a record of all of the following:	2103
(a) The board's proceedings;	2104
(b) The name and last known physical address, electronic	2105
mail address, and telephone number of each individual issued a	2106
license or registration under this chapter <u>or Chapter 4709. of</u>	2107
<u>the Revised Code;</u>	2108
(c) The date and number of each license, permit, and	2109
registration that the board issues.	2110
<del>(10)</del> <u>(9)</u> Assist ex-offenders and military veterans who	2111
hold licenses issued by the board to find employment within	2112

salons, barber shops, or other facilities within this state; 2113

~~(11)~~ (10) Require inspectors appointed pursuant to section 2114  
4713.06 of the Revised Code to conduct inspections of licensed 2115  
or permitted facilities, including salons and boutique salons, 2116  
~~schools of cosmetology, barber schools,~~ barber shops, and 2117  
tanning facilities, within ninety days of the opening for 2118  
business of a licensed facility, upon complaints reported to the 2119  
board, within ninety days after a violation was documented at a 2120  
facility, and at least once every two years. Any individual, 2121  
after providing the individual's name and contact information, 2122  
may report to the board any information the individual may have 2123  
that appears to show a violation of any provision of this 2124  
chapter or rule adopted under it or a violation of any provision 2125  
of Chapter 4709. of the Revised Code or rule adopted by the 2126  
board pursuant to Chapter 4709. of the Revised Code. In the 2127  
absence of bad faith, any individual who reports information of 2128  
that nature or who testifies before the board in any 2129  
adjudication conducted under Chapter 119. of the Revised Code 2130  
shall not be liable for damages in a civil action as a result of 2131  
the report or testimony. For the purpose of inspections, an 2132  
independent contractor licensed under this chapter or Chapter 2133  
4709. of the Revised Code shall be added to the board's records 2134  
as an individual salon or barber shop. 2135

~~(12)~~ (11) Supply a copy of the poster created pursuant to 2136  
division (B) of section 5502.63 of the Revised Code to each 2137  
person authorized to operate a salon, ~~school of cosmetology,~~ 2138  
tanning facility, or other type of facility under this chapter; 2139

~~(13)~~ (12) All other duties that this chapter imposes on 2140  
the board. 2141

(B) The board may ~~delegate~~ do either of the following: 2142

<u>(1) Report to the proper prosecuting officer violations of</u>	2143
<u>section 4709.02 or 4713.14 of the Revised Code;</u>	2144
<u>(2) Delegate</u> any of the duties listed in division (A) of	2145
this section to the executive director of the board or to an	2146
individual designated by the executive director.	2147
<b>Sec. 4713.071.</b> (A) <del>The</del> <u>Before the fifteenth day of</u>	2148
<u>November of each year,</u> the state cosmetology and barber board	2149
shall annually submit a written report to the governor,	2150
president of the senate, and speaker of the house of	2151
representatives. The report shall list all of the following for	2152
the preceding <del>twelve-month period</del> <u>fiscal year</u> :	2153
(1) The number of students enrolled in courses at licensed	2154
public and private schools <del>of cosmetology and barbering;</del>	2155
(2) The number of students graduating from licensed public	2156
and private schools <del>of cosmetology and barbering;</del>	2157
(3) The annual cost for students to attend each licensed	2158
public or private school <del>of cosmetology and barbering;</del>	2159
(4) The loan default rates for licensed public and private	2160
schools <del>of cosmetology and barbering;</del>	2161
(5) The first-time licensure passage rate for graduates of	2162
all public and private schools <del>of cosmetology and barbering;</del>	2163
(6) The total number of new and renewal licenses in each	2164
profession;	2165
(7) The total number of complaint-driven inspections	2166
conducted by the board;	2167
(8) The total number and type of violations, including a	2168
list of the top ten violations, which shall aid in the	2169

identification of focus areas for continuing education purposes;	2170
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	2171 2172
(10) The number of adjudications or other disciplinary action taken by the board.	2173 2174
(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.	2175 2176 2177
<b>Sec. 4713.08.</b> (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:	2178 2179 2180 2181
(1) Govern the practice of the branches of cosmetology;	2182
(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;	2183 2184 2185 2186 2187
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	2188 2189
(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;	2190 2191 2192 2193 2194
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	2195 2196

- (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; 2197  
2198  
2199  
2200
- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 2201  
2202  
2203
- (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; 2204  
2205  
2206  
2207
- (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; 2208  
2209  
2210  
2211
- (10) Establish conditions under which food may be sold at a salon; 2212  
2213
- (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; 2214  
2215  
2216  
2217
- (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; 2218  
2219  
2220
- (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; 2221  
2222  
2223
- (14) Establish the manner in which a school ~~of cosmetology~~ 2224

licensed under section 4713.44 of the Revised Code may offer	2225
post-secondary and advanced practice programs;	2226
(15) Establish <del>sanitary</del> <u>infection control</u> standards for	2227
the practice of the branches of cosmetology, <del>and the operation</del>	2228
<u>of salons</u> , <del>and schools of cosmetology</del> ;	2229
(16) Establish the application process for obtaining a	2230
tanning facility permit under section 4713.48 of the Revised	2231
Code, including the amount of the fee for an initial or renewed	2232
permit;	2233
(17) Establish standards for installing and operating a	2234
tanning facility in a manner that ensures the health and safety	2235
of consumers, including <u>infection control standards and</u>	2236
standards that do all of the following:	2237
(a) Establish a maximum safe time of exposure to radiation	2238
and a maximum safe temperature at which sun lamps may be	2239
operated;	2240
(b) Require consumers to wear protective eyeglasses;	2241
(c) Require consumers to be supervised as to the length of	2242
time consumers use the facility's sun lamps;	2243
(d) Require the operator to prohibit consumers from	2244
standing too close to sun lamps and to post signs warning	2245
consumers of the potential effects of radiation on individuals	2246
taking certain medications and of the possible relationship of	2247
the radiation to skin cancer;	2248
(e) Require the installation of protective shielding for	2249
sun lamps and handrails for consumers;	2250
(f) Require floors to be dry during operation of lamps;	2251

(g) Establish procedures an operator must follow in making 2252  
reasonable efforts in compliance with section 4713.50 of the 2253  
Revised Code to determine the age of an individual seeking to 2254  
use sun lamp tanning services. 2255

~~(18)(a)~~ (18) If the board, under section 4713.61 of the 2256  
Revised Code, develops a procedure for classifying licenses 2257  
inactive, do both of the following: 2258

~~(i)(a)~~ (a) Establish a fee for having a license classified 2259  
inactive that reflects the cost to the board of providing the 2260  
inactive license service. ~~If one or more renewal periods have~~ 2261  
~~elapsed since the license was valid, the fee shall not include~~ 2262  
~~lapsed renewal fees for more than three of those renewal~~ 2263  
~~periods;~~ 2264

~~(ii)(b)~~ (b) Specify the continuing education that an 2265  
individual whose license has been classified inactive must 2266  
complete to have the license restored. The continuing education 2267  
shall be sufficient to ensure the minimum competency in the use 2268  
or administration of a new procedure or product required by a 2269  
licensee necessary to protect public health and safety. The 2270  
requirement shall not exceed the cumulative number of hours of 2271  
continuing education that the individual would have been 2272  
required to complete had the individual retained an active 2273  
license. 2274

~~(b) In addition, the board may specify the conditions and~~ 2275  
~~method for granting a temporary work permit to practice a branch~~ 2276  
~~of cosmetology to an individual whose license has been~~ 2277  
~~classified inactive.~~ 2278

(19) Establish a fee for approval of a continuing 2279  
education program under section 4713.62 of the Revised Code that 2280

is adequate to cover any expense the board incurs in the 2281  
approval process; 2282

(20) Establish requirements for students of schools who 2283  
are engaged in learning the theory and practice of barbering; 2284

(21) Establish the minimum student-instructor ratio that a 2285  
school offering instruction in the theory and practice of 2286  
barbering must meet; 2287

(22) Anything else necessary to implement this chapter. 2288

~~(B) (1)~~ (B) The rules adopted under division (A) (2) of this 2289  
section may establish additional conditions for a temporary pre- 2290  
examination work permit under section 4713.22 of the Revised 2291  
Code that are applicable to individuals who practice a branch of 2292  
cosmetology in another state or country. 2293

~~(2) The rules adopted under division (A) (18) (b) of this~~ 2294  
~~section may establish additional conditions for a temporary work~~ 2295  
~~permit that are applicable to individuals who practice a branch~~ 2296  
~~of cosmetology in another state.~~ 2297

(C) The conditions specified in rules adopted under 2298  
division (A) (6) of this section may include that an applicant is 2299  
applying for a license to practice a branch of cosmetology for 2300  
which the board determines an examination is unnecessary. 2301

(D) The rules adopted under division (A) (11) of this 2302  
section shall not include a profession if practice of the 2303  
profession in a salon is a violation of a statute or rule 2304  
governing the profession. 2305

(E) The ~~sanitary~~ infection control standards established 2306  
under division (A) (15) of this section shall focus in particular 2307  
on precautions to be employed to prevent infectious or 2308

contagious diseases being created or spread. ~~The board shall~~ 2309  
~~consult with the Ohio department of health when establishing the~~ 2310  
~~sanitary standards.~~ 2311

(F) The fee established by rules adopted under division 2312  
(A) (16) of this section shall cover the cost the board incurs in 2313  
inspecting tanning facilities and enforcing the board's rules 2314  
but may not exceed one hundred dollars per location of such 2315  
facilities. 2316

**Sec. 4713.081.** (A) The state cosmetology and barber board 2317  
shall furnish a copy of the ~~sanitary-infection control~~ standards 2318  
established by rules adopted under section 4713.08 of the 2319  
Revised Code to ~~each~~ both of the following: 2320

(1) Each individual or person to whom the board issues a 2321  
practicing license, advanced license, license to operate a salon 2322  
or school ~~of cosmetology~~, or boutique services registration. ~~The~~ 2323  
~~board also shall furnish a copy of the sanitary standards to~~ 2324  
~~each;~~ 2325

(2) Each individual providing cosmetic therapy, massage 2326  
therapy, or other professional service in a salon under section 2327  
4713.42 of the Revised Code. 2328

(B) A salon or school ~~of cosmetology~~ provided a copy of 2329  
the ~~sanitary-infection control~~ standards under division (A) of 2330  
this section shall post the standards in a public and 2331  
conspicuous place in the salon or school. 2332

**Sec. 4713.09.** The state cosmetology and barber board may 2333  
adopt rules in accordance with section 4713.08 of the Revised 2334  
Code to establish a continuing education requirement, not to 2335  
exceed eight hours in a biennial licensing period, as a 2336  
condition of renewal for a practicing license, advanced license, 2337

instructor license, or boutique services registration. These 2338  
hours may include training in identifying and addressing the 2339  
crime of trafficking in persons as described in section 2905.32 2340  
of the Revised Code. At least two of the eight hours of the 2341  
continuing education requirement must be achieved in courses 2342  
concerning safety and ~~sanitation~~infection control, and at least 2343  
one hour of the eight hours of the continuing education 2344  
requirement must be achieved in courses concerning law and rule 2345  
updates. 2346

**Sec. 4713.10.** (A) The state cosmetology and barber board 2347  
shall charge and collect the following nonrefundable fees: 2348

(1) For a temporary pre-examination work permit under 2349  
section 4713.22 of the Revised Code, not more than fifteen 2350  
dollars; 2351

(2) For initial application to take an examination under 2352  
section 4713.24 of the Revised Code, not more than forty 2353  
dollars; 2354

(3) For application to take an examination under section 2355  
4713.24 of the Revised Code by an applicant who has previously 2356  
applied to take, but failed to appear for, the examination, not 2357  
more than fifty-five dollars; 2358

(4) For application to re-take an examination under 2359  
section 4713.24 of the Revised Code by an applicant who has 2360  
previously appeared for, but failed to pass, the examination, 2361  
not more than forty dollars; 2362

(5) For the issuance of a license by examination under 2363  
section 4713.28, 4713.30, or 4713.31 of the Revised Code, not 2364  
more than seventy-five dollars; 2365

(6) For the issuance of a license under section 4713.34 of 2366

the Revised Code, not more than seventy dollars;	2367
(7) For renewal of a license issued under section 4713.28,	2368
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	2369
seventy dollars;	2370
(8) For the issuance or renewal of a <del>cosmetology</del> school	2371
license, <u>or the change of name or ownership of a licensed</u>	2372
<u>school, not more than two hundred fifty dollars;</u>	2373
(9) For the issuance of a new salon license or the change	2374
of name or ownership of a salon license under section 4713.41 of	2375
the Revised Code, not more than one hundred dollars;	2376
(10) For the renewal of a salon license under section	2377
4713.41 of the Revised Code, not more than ninety dollars;	2378
(11) For the restoration of an expired license that may be	2379
restored pursuant to section 4713.63 of the Revised Code, an	2380
amount equal to the sum of the current license renewal fee and a	2381
lapsed renewal fee of not more than forty-five dollars per	2382
license renewal period that has elapsed since the license was	2383
last issued or renewed <u>for up to three license renewal periods;</u>	2384
(12) For the issuance of a duplicate <del>of any salon license,</del>	2385
<u>school license, or tanning facility permit, not more than thirty</u>	2386
dollars;	2387
(13) For the preparation and mailing of a licensee's	2388
records to another state for a reciprocity license, not more	2389
than fifty dollars;	2390
(14) For the processing of any fees related to a check	2391
from a licensee returned to the board for insufficient funds, an	2392
additional thirty dollars.	2393
(B) The board shall adjust the fees biennially, by rule,	2394

within the limits established by division (A) of this section, 2395  
to provide sufficient revenues to meet its expenses. 2396

(C) The board may ~~establish an installment plan for the~~ 2397  
~~payment of fines and fees and may reduce fees as considered~~ 2398  
appropriate by the board. 2399

(D) At the request of a person who is temporarily unable 2400  
to pay a fee imposed under division (A) of this section, or on 2401  
its own motion, the board may extend the date payment is due by 2402  
up to ninety days. If the fee remains unpaid after the date 2403  
payment is due, the amount of the fee shall be certified to the 2404  
attorney general for collection in the form and manner 2405  
prescribed by the attorney general. The attorney general may 2406  
assess the collection cost to the amount certified in such a 2407  
manner and amount as prescribed by the attorney general. 2408

**Sec. 4713.14.** No individual shall do any of the following: 2409

(A) Use fraud or deceit in obtaining or making application 2410  
for a license, permit, or registration; 2411

(B) Aid or abet any individual or entity in any of the 2412  
following: 2413

(1) Violating this chapter or a rule adopted under it; 2414

(2) Obtaining a license, permit, or registration 2415  
fraudulently; 2416

(3) Falsely pretending to hold a current, valid license or 2417  
permit. 2418

(C) Practice a branch of cosmetology, for pay, free, or 2419  
otherwise, without one of the following authorizing the practice 2420  
of that branch of cosmetology: 2421

(1) A current, valid license under section 4713.28,	2422
4713.30, or 4713.34 of the Revised Code;	2423
(2) A current, valid temporary pre-examination work permit	2424
issued under section 4713.22 of the Revised Code;	2425
(3) A current, valid temporary special occasion work	2426
permit issued under section 4713.37 of the Revised Code;	2427
<del>(4) A current, valid temporary work permit issued under</del>	2428
<del>rules adopted by the board pursuant to section 4713.08 of the</del>	2429
<del>Revised Code;</del>	2430
<del>(5) A current, valid registration under section 4713.69 of</del>	2431
<del>the Revised Code.</del>	2432
(D) Employ an individual to practice a branch of	2433
cosmetology if the individual does not hold one of the following	2434
authorizing the practice of that branch of cosmetology:	2435
(1) A current, valid license under section 4713.28,	2436
4713.30, or 4713.34 of the Revised Code;	2437
(2) A current, valid temporary pre-examination work permit	2438
issued under section 4713.22 of the Revised Code;	2439
(3) A current, valid temporary special occasion work	2440
permit issued under section 4713.37 of the Revised Code;	2441
<del>(4) A current, valid temporary work permit issued under</del>	2442
<del>rules adopted by the board pursuant to section 4713.08 of the</del>	2443
<del>Revised Code;</del>	2444
<del>(5) A current, valid registration under section 4713.69 of</del>	2445
<del>the Revised Code.</del>	2446
(E) Except for apprentice instructors and as provided in	2447
section 4713.45 of the Revised Code, teach the theory or	2448

practice of a branch of cosmetology at a school ~~of cosmetology~~ 2449  
without either of the following authorizing the teaching of that 2450  
branch of cosmetology: 2451

(1) A current, valid license under section 4713.31 or 2452  
4713.34 of the Revised Code; 2453

(2) A current, valid temporary special occasion work 2454  
permit issued under section 4713.37 of the Revised Code. 2455

(F) Advertise or operate a glamour photography service in 2456  
which a branch of cosmetology is practiced unless the individual 2457  
practicing the branch of cosmetology holds either of the 2458  
following authorizing the practice of that branch of 2459  
cosmetology: 2460

(1) A current, valid license under section 4713.28, 2461  
4713.30, or 4713.34 of the Revised Code; 2462

(2) A current, valid temporary special occasion work 2463  
permit issued under section 4713.37 of the Revised Code. 2464

(G) Advertise or operate a glamour photography service in 2465  
which a branch of cosmetology is practiced at a location not 2466  
specified by rules adopted under section 4713.08 of the Revised 2467  
Code; 2468

(H) Practice a branch of cosmetology at a salon as an 2469  
independent contractor without a current, valid independent 2470  
contractor license issued under section 4713.39 of the Revised 2471  
Code; 2472

(I) Operate a salon without a current, valid license under 2473  
section 4713.41 of the Revised Code; 2474

(J) Provide any of the following at a salon for pay, free, 2475  
or otherwise: 2476

(1) Massage therapy, unless the individual has a current,	2477
valid license issued by the state medical board under section	2478
4731.15 of the Revised Code;	2479
(2) Any other professional service, unless the individual	2480
has a current, valid license or certificate issued by the	2481
professional regulatory board of this state that regulates the	2482
profession;	2483
(3) Cosmetic therapy, unless the individual is authorized	2484
by rules adopted under section 4713.08 of the Revised Code.	2485
(K) Teach a branch of cosmetology at a salon, unless the	2486
individual receiving the instruction holds either of the	2487
following authorizing the practice of that branch of	2488
cosmetology:	2489
(1) A current, valid license under section 4713.28,	2490
4713.30, or 4713.34 of the Revised Code;	2491
(2) A current, valid temporary pre-examination work permit	2492
issued under section 4713.22 of the Revised Code.	2493
(L) Operate a school <del>of cosmetology</del> without a current,	2494
valid license under section 4713.44 of the Revised Code;	2495
(M) At a salon or school <del>of cosmetology</del> , do any of the	2496
following:	2497
(1) Use or possess a cosmetic product containing an	2498
ingredient that the United States food and drug administration	2499
has prohibited by regulation;	2500
(2) Use a cosmetic product in a manner inconsistent with a	2501
restriction established by the United States food and drug	2502
administration by regulation;	2503

(3) Use or possess a liquid nail monomer containing any 2504  
trace of methyl methacrylate (MMA). 2505

(N) While in charge of a salon or school ~~of cosmetology~~, 2506  
permit any individual to sleep in, or use for residential 2507  
purposes, any room used wholly or in part as the salon or school 2508  
~~of cosmetology~~; 2509

(O) Maintain, as an established place of business for the 2510  
practice of one or more of the branches of cosmetology, a room 2511  
used wholly or in part for sleeping or residential purposes; 2512

(P) Operate a tanning facility that is offered to the 2513  
public for a fee or other compensation without a current, valid 2514  
permit under section 4713.48 of the Revised Code; 2515

(Q) Practice a branch of cosmetology in a location other 2516  
than a licensed facility unless otherwise exempted under section 2517  
4713.16 ~~or~~, 4713.17, or 4713.351 of the Revised Code; 2518

(R) Use any of the services or arts that are part of the 2519  
practice of a branch of cosmetology to treat or attempt to cure 2520  
a physical or mental disease or ailment. 2521

**Sec. 4713.141.** An inspector employed by the state 2522  
cosmetology and barber board may take a sample of a product used 2523  
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2524  
examining the sample, or causing an examination of the sample to 2525  
be made, to determine whether division (M) of section 4713.14 of 2526  
the Revised Code has been violated. 2527

Should the results of the test prove that division (M) of 2528  
section 4713.14 of the Revised Code has been violated, the board 2529  
shall take action in accordance with section 4713.64 of the 2530  
Revised Code. A fine imposed under that section shall include 2531  
the cost of the test. The person's license may be suspended or 2532

revoked.	2533
<b>Sec. 4713.16.</b> (A) This chapter does not prohibit any of	2534
the following:	2535
(1) Practicing a branch of cosmetology without a license	2536
or registration if the individual does so for free at the	2537
individual's home for a family member who resides in the same	2538
household as the individual;	2539
(2) The retail sale, or trial demonstration by application	2540
to the skin for purposes of retail sale, of cosmetics,	2541
preparations, tonics, antiseptics, creams, lotions, wigs, or	2542
hairpieces without a practicing license or registration;	2543
(3) The retailing, at a salon, of cosmetics, preparations,	2544
tonics, antiseptics, creams, lotions, wigs, hairpieces,	2545
clothing, or any other items that pose no risk of creating	2546
unsanitary conditions at the salon;	2547
(4) The provision of glamour photography services at a	2548
licensed salon if either of the following is the case:	2549
(a) A branch of cosmetology is not practiced as part of	2550
the services.	2551
(b) If a branch of cosmetology is practiced as part of the	2552
services, the part of the services that is a branch of	2553
cosmetology is performed by an individual who holds either of	2554
the following authorizing the individual to practice that branch	2555
of cosmetology:	2556
(i) A current, valid license under section 4713.28,	2557
4713.30, or 4713.34 of the Revised Code;	2558
(ii) A current, valid temporary special occasion work	2559
permit issued under section 4713.37 of the Revised Code.	2560

(5) A student engaging, as a student, in work connected 2561  
with a branch of cosmetology taught at the school ~~of cosmetology~~ 2562  
at which the student is enrolled; 2563

(6) Practicing a branch of cosmetology without a license 2564  
or registration if the individual does so for free for the 2565  
purpose of researching or developing a cosmetic as defined in 2566  
section 3715.01 of the Revised Code; 2567

(7) An individual who holds a license or registration 2568  
issued under this chapter practicing a branch of cosmetology on 2569  
a dead human body at a funeral home or embalming facility 2570  
licensed under section 4717.06 of the Revised Code. 2571

(B) A student in a career-technical program learning a 2572  
branch of cosmetology may continue developing skills in the 2573  
respective branch of cosmetology after completing the required 2574  
coursework or obtaining a license in the respective branch of 2575  
cosmetology by working in the licensed career-technical school 2576  
clinic if the student does not receive any compensation. This 2577  
allowance terminates upon the graduation of the student from the 2578  
career-technical school. 2579

**Sec. 4713.17.** (A) The following persons are exempt from 2580  
the provisions of this chapter, except, as applicable, section 2581  
4713.42 of the Revised Code: 2582

(1) All individuals authorized to practice medicine, 2583  
surgery, dentistry, and nursing or any of its branches in this 2584  
state, while acting within the scope of practice for the 2585  
license, permit, or certificate held; 2586

(2) Commissioned surgical and medical officers of the 2587  
United States army, navy, air force, or marine hospital service 2588  
when engaged in the actual performance of their official duties, 2589

and attendants attached to same, while acting within the scope 2590  
of practice for the license, permit, or certificate held; 2591

(3) Funeral directors, embalmers, and apprentices licensed 2592  
or ~~registered-certified~~ under Chapter 4717. of the Revised Code, 2593  
while acting within the scope of practice for the license, 2594  
permit, or certificate held; 2595

(4) Persons who are engaged in the retail sale, cleaning, 2596  
or beautification of wigs and hairpieces but who do not engage 2597  
in any other act constituting the practice of a branch of 2598  
cosmetology; 2599

(5) Volunteers of hospitals, and homes as defined in 2600  
section 3721.01 of the Revised Code, who render service to 2601  
registered patients and inpatients who reside in such hospitals 2602  
or homes. Such volunteers shall not use or work with any 2603  
chemical products such as permanent wave, hair dye, or chemical 2604  
hair relaxer, which without proper training would pose a health 2605  
or safety problem to the patient. 2606

(6) Nurse aides and other employees of hospitals and homes 2607  
as defined in section 3721.01 of the Revised Code, who practice 2608  
a branch of cosmetology on registered patients only as part of 2609  
general patient care services and who do not charge patients 2610  
directly on a fee for service basis; 2611

(7) Massage therapists who hold current, valid licenses to 2612  
practice massage therapy issued by the state medical board under 2613  
section 4731.15 of the Revised Code, ~~to the extent their actions~~ 2614  
~~are authorized by their licenses~~ while acting within the scope of 2615  
practice for the license held; 2616

(8) Inmates who provide services related to the practice 2617  
of a branch of cosmetology to other inmates, except when those 2618

services are provided in a licensed school ~~of cosmetology~~ within 2619  
a state correctional institution ~~for females~~. 2620

(B) The director of rehabilitation and correction shall 2621  
oversee the services described in division (A) (8) of this 2622  
section with respect to ~~sanitation~~ infection control and adopt 2623  
rules governing those types of services provided by inmates. 2624

**Sec. 4713.25.** (A) The state cosmetology and barber board 2625  
may administer a separate ~~advanced cosmetologist~~ examination for 2626  
an advanced license to practice cosmetology for individuals who 2627  
complete an advanced cosmetologist training course separate from 2628  
a cosmetologist training course. The board may combine the 2629  
advanced cosmetologist examination with the cosmetologist 2630  
examination for individuals who complete a combined 2631  
cosmetologist and advanced cosmetologist training course. 2632

(B) The board may administer a separate ~~advanced~~ 2633  
~~esthetician~~ examination for an advanced license to practice 2634  
esthetics for individuals who complete an advanced esthetician 2635  
training course separate from an esthetician training course. 2636  
The board may combine the advanced esthetician examination with 2637  
the esthetician examination for individuals who complete an 2638  
esthetician and advanced esthetician training course. 2639

(C) The board may administer a separate ~~advanced hair~~ 2640  
~~designer~~ examination for an advanced license to practice hair 2641  
design for individuals who complete an advanced hair designer 2642  
training course separate from a hair designer training course. 2643  
The board may combine the advanced hair designer examination 2644  
with the hair designer examination for individuals who complete 2645  
a hair designer and advanced hair designer training course. 2646

(D) The board may administer a separate ~~advanced~~ 2647

~~manicurist~~ examination for an advanced license to practice 2648  
manicuring for individuals who complete an advanced manicurist 2649  
training course separate from a manicurist training course. The 2650  
board may combine the advanced manicurist examination with the 2651  
manicurist examination for individuals who complete a manicurist 2652  
and advanced manicurist training course. 2653

(E) The board may administer a separate ~~advanced natural~~ 2654  
~~hair stylist~~ examination for an advanced license to practice 2655  
natural hair styling for individuals who complete an advanced 2656  
natural hair stylist training course separate from a natural 2657  
hair stylist training course. The board may combine the advanced 2658  
natural hair stylist examination with the natural hair stylist 2659  
examination for individuals who complete a natural hair stylist 2660  
and advanced natural hair stylist training course. 2661

**Sec. 4713.28.** (A) ~~The~~ Except as provided in division (C) 2662  
of this section, the state cosmetology and barber board shall 2663  
issue a practicing license to an applicant who satisfies all of 2664  
the following applicable conditions: 2665

(1) Is at least sixteen years of age; 2666

(2) Has the equivalent of an Ohio public school tenth 2667  
grade education; 2668

(3) Has submitted a written application on a form 2669  
furnished by the board that contains all of the following: 2670

(a) The name of the individual and any other identifying 2671  
information required by the board; 2672

(b) A photocopy of the individual's current driver's 2673  
license or other proof of legal residence; 2674

(c) Proof that the individual is qualified to take the 2675

applicable examination as required by section 4713.20 of the Revised Code; 2676  
2677

(d) An oath verifying that the information in the application is true; 2678  
2679

(e) The applicable application fee. 2680

(4) Notwithstanding section 4798.05 of the Revised Code, submits to having a photograph taken by the board; 2681  
2682

(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; 2683  
2684  
2685

~~(5)~~ (6) Pays to the board the applicable license fee; 2686

~~(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; 2687  
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~~(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;~~ 2695  
2696  
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2698

~~(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 2699  
2700  
2701  
2702  
2703

~~school of cosmetology licensed in this state~~ is required of an 2704  
individual licensed as a barber under Chapter 4709. of the 2705  
Revised Code; 2706

~~(9)~~ (10) In the case of an applicant for an initial 2707  
manicurist license, has successfully completed at least two 2708  
hundred hours of board-approved manicurist training in a school 2709  
~~of cosmetology licensed in this state;~~ 2710

~~(10)~~ (11) In the case of an applicant for an initial 2711  
natural hair stylist license, has successfully completed at 2712  
least four hundred fifty hours of instruction in subjects 2713  
relating to ~~sanitation~~ infection control, scalp care, anatomy, 2714  
hair styling, communication skills, and laws and rules governing 2715  
the practice of cosmetology. 2716

(B) The board shall not deny a license to any applicant 2717  
based on prior incarceration or conviction for any crime. If the 2718  
board denies an individual a license or license renewal, the 2719  
reasons for such denial shall be put in writing. 2720

(C) The board shall issue a practicing license in a branch 2721  
of cosmetology in accordance with Chapter 4796. of the Revised 2722  
Code to an applicant if either of the following applies: 2723

(1) The applicant holds a license in that branch of 2724  
cosmetology in another state. 2725

(2) The applicant has satisfactory work experience, a 2726  
government certification, or a private certification as 2727  
described in that chapter in that branch of cosmetology in a 2728  
state that does not issue that license. 2729

**Sec. 4713.30.** (A) Except as provided in division (B) of 2730  
this section, the state cosmetology and barber board shall issue 2731  
an advanced license to an applicant who satisfies all of the 2732

following applicable conditions:	2733
(1) Is at least sixteen years of age;	2734
(2) Has the equivalent of an Ohio public school tenth grade education;	2735 2736
(3) Pays to the board the applicable <u>application fee</u> ;	2737
(4) <u>Notwithstanding section 4798.05 of the Revised Code,</u> <u>submits to having a photograph taken by the board;</u>	2738 2739
<u>(5)</u> Passes the appropriate advanced license examination;	2740
<del>(5)</del> <u>(6)</u> In the case of an applicant for an initial advanced <del>cosmetologist</del> <u>license to practice cosmetology</u> , does either of the following:	2741 2742 2743
(a) <del>Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to</del> <u>Submits proof, as determined by the board,</u> that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;	2744 2745 2746 2747 2748
(b) Has a school <del>of cosmetology</del> 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.	2749 2750 2751 2752 2753
<del>(6)</del> <u>(7)</u> In the case of an applicant for an initial advanced <del>esthetician</del> <u>license to practice esthetics</u> , does either of the following:	2754 2755 2756
(a) <del>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</del>	2757 2758 2759

~~certify to~~ Submits proof, as determined by the board, that the 2760  
applicant has practiced esthetics for at least one thousand 2761  
eight hundred hours as an esthetician in a licensed esthetics 2762  
salon or as a cosmetologist in a licensed beauty salon; 2763

(b) Has a school ~~of cosmetology~~ licensed in this state 2764  
certify to the board that the applicant has successfully 2765  
completed, in addition to the hours required for licensure as an 2766  
esthetician or cosmetologist, at least one hundred fifty hours 2767  
of board-approved advanced esthetician training. 2768

~~(7)~~ (8) In the case of an applicant for an initial 2769  
advanced ~~hair designer~~ license to practice hair design, does 2770  
either of the following: 2771

(a) ~~Has the licensed advanced hair designer, licensed~~ 2772  
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 2773  
~~or licensed beauty salon located in this or another state~~ 2774  
~~certify to~~ Submits proof, as determined by the board, that the 2775  
applicant has practiced hair design for at least one thousand 2776  
eight hundred hours as a hair designer in a licensed hair design 2777  
salon or as a cosmetologist in a licensed beauty salon; 2778

(b) Has a school ~~of cosmetology~~ licensed in this state 2779  
certify to the board that the applicant has successfully 2780  
completed, in addition to the hours required for licensure as a 2781  
hair designer or cosmetologist, at least two hundred forty hours 2782  
of board-approved advanced hair designer training. 2783

~~(8)~~ (9) In the case of an applicant for an initial 2784  
advanced ~~manicurist~~ license to practice manicuring, does either 2785  
of the following: 2786

(a) ~~Has the licensed advanced manicurist, licensed~~ 2787  
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2788

~~licensed beauty salon, or licensed barber shop located in this~~ 2789  
~~or another state certify to~~ Submits proof, as determined by the 2790  
board, that the applicant has practiced manicuring for at least 2791  
one thousand eight hundred hours as a manicurist in a licensed 2792  
nail salon or licensed barber shop or as a cosmetologist in a 2793  
licensed beauty salon or licensed barber shop; 2794

(b) Has a school ~~of cosmetology~~ licensed in this state 2795  
certify to the board that the applicant has successfully 2796  
completed, in addition to the hours required for licensure as a 2797  
manicurist or cosmetologist, at least one hundred hours of 2798  
board-approved advanced manicurist training. 2799

~~(9)-(10)~~ In the case of an applicant for an initial 2800  
advanced natural hair stylist license to practice natural hair 2801  
styling, does either of the following: 2802

(a) ~~Has the licensed advanced natural hair stylist,~~ 2803  
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 2804  
~~hair style salon or licensed beauty salon located in this or~~ 2805  
~~another state certify to~~ Submits proof, as determined by the 2806  
board, that the applicant has practiced natural hair styling for 2807  
at least one thousand eight hundred hours as a natural hair 2808  
stylist in a licensed natural hair style salon or as a 2809  
cosmetologist in a licensed beauty salon; 2810

(b) Has a school ~~of cosmetology~~ licensed in this state 2811  
certify to the board that the applicant has successfully 2812  
completed, in addition to the hours required for licensure as a 2813  
natural hair stylist or cosmetologist, at least one hundred 2814  
fifty hours of board-approved advanced natural hair stylist 2815  
training. 2816

(11) Pays to the board the applicable license fee. 2817

(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; 2846

(b) Has a school ~~of cosmetology~~ licensed in this state 2847  
certify to the board that the applicant has successfully 2848  
completed one thousand hours of board-approved cosmetology 2849  
instructor training as an apprentice instructor. 2850

~~(5)~~ (6) In the case of an applicant for an initial 2851  
esthetics instructor license, holds a current, valid advanced 2852  
~~esthetician or advanced cosmetologist~~ license to practice 2853  
esthetics or cosmetology issued in this state and does either of 2854  
the following: 2855

(a) ~~Has the licensed advanced esthetician, licensed~~ 2856  
~~advanced cosmetologist, or owner of the licensed esthetics salon~~ 2857  
~~or licensed beauty salon in which the applicant has been~~ 2858  
~~employed~~ certify to Submits proof, as determined by the board, 2859  
that the applicant has engaged in the practice of esthetics in a 2860  
licensed esthetics salon or practice of cosmetology in a 2861  
licensed beauty salon for at least one thousand eight hundred 2862  
hours; 2863

(b) Has a school ~~of cosmetology~~ licensed in this state 2864  
certify to the board that the applicant has successfully 2865  
completed at least five hundred hours of board-approved 2866  
esthetics instructor training as an apprentice instructor. 2867

~~(6)~~ (7) In the case of an applicant for an initial hair 2868  
design instructor license, holds a current, valid advanced ~~hair~~ 2869  
~~designer or advanced cosmetologist~~ license to practice hair 2870  
design or cosmetology and does either of the following: 2871

(a) ~~Has the licensed advanced hair designer, licensed~~ 2872  
~~advanced cosmetologist, or owner of the licensed hair design~~ 2873  
~~salon or licensed beauty salon in which the applicant has been~~ 2874

~~employed certify to~~ Submits proof, as determined by the board, 2875  
that the applicant has engaged in the practice of hair design in 2876  
a licensed hair design salon or practice of cosmetology in a 2877  
licensed beauty salon for at least one thousand eight hundred 2878  
hours; 2879

(b) Has a school ~~of cosmetology~~ licensed in this state 2880  
certify to the board that the applicant has successfully 2881  
completed at least eight hundred hours of board-approved hair 2882  
design ~~instructor's~~ instructor training as an apprentice 2883  
instructor. 2884

~~(7)~~ (8) In the case of an applicant for an initial 2885  
manicurist instructor license, holds a current, valid advanced 2886  
~~manicurist or advanced cosmetologist~~ license to practice 2887  
manicuring or cosmetology and does either of the following: 2888

(a) ~~Has the licensed advanced manicurist, licensed~~ 2889  
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2890  
~~licensed beauty salon in which the applicant has been employed~~ 2891  
~~certify to~~ Submits proof, as determined by the board, that the 2892  
applicant has engaged in the practice of manicuring in a 2893  
licensed nail salon or practice of cosmetology in a licensed 2894  
beauty salon for at least one thousand eight hundred hours; 2895

(b) Has a school ~~of cosmetology~~ licensed in this state 2896  
certify to the board that the applicant has successfully 2897  
completed at least three hundred hours of board-approved 2898  
manicurist instructor training as an apprentice instructor. 2899

~~(8)~~ (9) In the case of an applicant for an initial natural 2900  
hair style instructor license, holds a current, valid advanced 2901  
~~natural hair stylist or advanced cosmetologist~~ license to 2902  
practice natural hair styling or cosmetology and does either of 2903

the following: 2904

(a) ~~Has the licensed advanced natural hair stylist,~~ 2905  
~~licensed advanced cosmetologist, or owner of the licensed~~ 2906  
~~natural hair style salon or licensed beauty salon in which the~~ 2907  
~~applicant has been employed certify to~~ Submits proof, as 2908  
determined by the board, that the applicant has engaged in the 2909  
practice of natural hair styling in a licensed natural hair 2910  
style salon or practice of cosmetology in a licensed beauty 2911  
salon for at least one thousand eight hundred hours; 2912

(b) Has a school ~~of cosmetology~~ licensed in this state 2913  
certify to the board that the applicant has successfully 2914  
completed at least four hundred hours of board-approved natural 2915  
hair style instructor training as an apprentice instructor. 2916

~~(9)~~ (10) In the case of all applicants, passes an 2917  
examination conducted under division (B) of section 4713.24 of 2918  
the Revised Code for the branch of cosmetology the applicant 2919  
seeks to instruct. 2920

(11) Pays to the board the applicable license fee. 2921

(B) The board shall issue an instructor license for a 2922  
branch of cosmetology in accordance with Chapter 4796. of the 2923  
Revised Code to an applicant if either of the following applies: 2924

(1) The applicant holds an instructor license in that 2925  
branch of cosmetology in another state. 2926

(2) The applicant has satisfactory work experience, a 2927  
government certification, or a private certification as 2928  
described in that chapter as an instructor in that branch of 2929  
cosmetology in a state that does not issue that license. 2930

Sec. 4713.33. The "Cosmetology Licensure Compact" is 2931

hereby ratified, enacted into law, and entered into by the state 2932  
of Ohio as a party to the compact with any other state that has 2933  
legally joined in the compact as follows: 2934

**COSMETOLOGY LICENSURE COMPACT** 2935

**ARTICLE 1- PURPOSE** 2936

The purpose of this Compact is to facilitate the 2937  
interstate practice and regulation of Cosmetology with the goal 2938  
of improving public access to, and the safety of, Cosmetology 2939  
Services and reducing unnecessary burdens related to Cosmetology 2940  
licensure. Through this Compact, the Member States seek to 2941  
establish a regulatory framework which provides for a new 2942  
multistate licensing program. Through this new licensing 2943  
program, the Member States seek to provide increased value and 2944  
mobility to licensed Cosmetologists in the Member States, while 2945  
ensuring the provision of safe, effective, and reliable services 2946  
to the public. 2947

This Compact is designed to achieve the following 2948  
objectives, and the Member States hereby ratify the same 2949  
intentions by subscribing hereto: 2950

A. Provide opportunities for interstate practice by 2951  
Cosmetologists who meet uniform requirements for multistate 2952  
licensure; 2953

B. Enhance the abilities of Member States to protect 2954  
public health and safety, and prevent fraud and unlicensed 2955  
activity within the profession; 2956

C. Ensure and encourage cooperation between Member States 2957  
in the licensure and regulation of the Practice of Cosmetology; 2958

D. Support relocating military members and their spouses; 2959

E. Facilitate the exchange of information between Member States related to the licensure, investigation, and discipline of the Practice of Cosmetology; 2960  
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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. 2963  
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**ARTICLE 2- DEFINITIONS** 2966

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein: 2967  
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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. 2969  
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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. 2972  
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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. 2982  
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D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's 2987  
2988

<u>State Licensing Authority.</u>	2989
<u>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.</u>	2990 2991 2992 2993 2994 2995
<u>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.</u>	2996 2997 2998 2999
<u>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.</u>	3000 3001 3002 3003 3004
<u>H. "Cosmetologist" means an individual licensed in their Home State to practice Cosmetology.</u>	3005 3006
<u>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.</u>	3007 3008 3009 3010
<u>J. "Current Significant Investigative Information" means:</u>	3011
<u>1. Investigative Information that a State Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding fraud or the Practice of Cosmetology; or</u>	3012 3013 3014 3015 3016 3017

2. Investigative Information that indicates that a 3018  
Licensee has engaged in fraud or represents an immediate threat 3019  
to public health and safety, regardless of whether the Licensee 3020  
has been notified and had an opportunity to respond. 3021
- K. "Data System" means a repository of information about 3022  
Licensees, including but not limited to license status, 3023  
Investigative Information, and Adverse Actions. 3024
- L. "Disqualifying Event" means any event which shall disqualify 3025  
an individual from holding a Multistate License under this 3026  
Compact, which the Commission may by Rule or order specify. 3027
- M. "Encumbered License" means a license in which an Adverse 3028  
Action restricts the Practice of Cosmetology by a Licensee, or 3029  
where said Adverse Action has been reported to the Commission. 3030
- N. "Encumbrance" means a revocation or suspension of, or any 3031  
limitation on, the full and unrestricted Practice of Cosmetology 3032  
by a State Licensing Authority. 3033
- O. "Executive Committee" means a group of delegates elected or 3034  
appointed to act on behalf of, and within the powers granted to 3035  
them by, the Commission. 3036
- P. "Home State" means the Member State which is a Licensee's 3037  
primary State of residence, and where that Licensee holds an 3038  
active and unencumbered license to practice Cosmetology. 3039
- Q. "Investigative Information" means information, records, or 3040  
documents received or generated by a State Licensing Authority 3041  
pursuant to an investigation or other inquiry. 3042
- R. "Jurisprudence Requirement" means the assessment of an 3043  
individual's knowledge of the laws and rules governing the 3044  
Practice of Cosmetology in a State. 3045

<u>S. "Licensee" means an individual who currently holds a license</u>	3046
<u>from a Member State to practice as a Cosmetologist.</u>	3047
<u>T. "Member State" means any State that has adopted this Compact.</u>	3048
<u>U. "Multistate License" means a license issued by and subject to</u>	3049
<u>the enforcement jurisdiction of the State Licensing Authority in</u>	3050
<u>a Licensee's Home State, which authorizes the Practice of</u>	3051
<u>Cosmetology in Member States and includes Authorizations to</u>	3052
<u>Practice Cosmetology in all Remote States pursuant to this</u>	3053
<u>Compact.</u>	3054
<u>V. "Remote State" means any Member State, other than the</u>	3055
<u>Licensee's Home State.</u>	3056
<u>W. "Rule" means any rule or regulation promulgated by the</u>	3057
<u>Commission under this Compact which has the force of law.</u>	3058
<u>X. "Single-State License" means a Cosmetology license issued by</u>	3059
<u>a Member State that authorizes practice of Cosmetology only</u>	3060
<u>within the issuing State and does not include any authorization</u>	3061
<u>outside of the issuing State.</u>	3062
<u>Y. "State" means a State, territory, or possession of the United</u>	3063
<u>States and the District of Columbia.</u>	3064
<u>Z. "State Licensing Authority" means a Member State's regulatory</u>	3065
<u>body responsible for issuing Cosmetology licenses or otherwise</u>	3066
<u>overseeing the Practice of Cosmetology in that State.</u>	3067
<b><u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u></b>	3068
<u>A. To be eligible to join this Compact, and to maintain</u>	3069
<u>eligibility as a Member State, a State must:</u>	3070
<u>1. License and regulate Cosmetology;</u>	3071
<u>2. Have a mechanism or entity in place to receive and</u>	3072

<u>investigate complaints about Licensees practicing in that State;</u>	3073
<u>3. Require that Licensees within the State pass a</u>	3074
<u>Cosmetology competency examination prior to being licensed to</u>	3075
<u>provide Cosmetology Services to the public in that State;</u>	3076
<u>4. Require that Licensees satisfy educational or training</u>	3077
<u>requirements in Cosmetology prior to being licensed to provide</u>	3078
<u>Cosmetology Services to the public in that State;</u>	3079
<u>5. Implement procedures for considering one or more of the</u>	3080
<u>following categories of information from applicants for</u>	3081
<u>licensure: criminal history; disciplinary history; or Background</u>	3082
<u>Check. Such procedures may include the submission of information</u>	3083
<u>by applicants for the purpose of obtaining an applicant's</u>	3084
<u>Background Check as defined herein;</u>	3085
<u>6. Participate in the Data System, including through the</u>	3086
<u>use of unique identifying numbers;</u>	3087
<u>7. Share information related to Adverse Actions with the</u>	3088
<u>Commission and other Member States, both through the Data System</u>	3089
<u>and otherwise;</u>	3090
<u>8. Notify the Commission and other Member States, in</u>	3091
<u>compliance with the terms of the Compact and Rules of the</u>	3092
<u>Commission, of the existence of Investigative Information or</u>	3093
<u>Current Significant Investigative Information in the State's</u>	3094
<u>possession regarding a Licensee practicing in that State;</u>	3095
<u>9. Comply with such Rules as may be enacted by the</u>	3096
<u>Commission to administer the Compact; and</u>	3097
<u>10. Accept Licensees from other Member States as</u>	3098
<u>established herein.</u>	3099
<u>B. Member States may charge a fee for granting a license to</u>	3100

practice Cosmetology. 3101

C. Individuals not residing in a Member State shall continue to 3102  
be able to apply for a Member State's Single-State License as 3103  
provided under the laws of each Member State. However, the 3104  
Single-State License granted to these individuals shall not be 3105  
recognized as granting a Multistate License to provide services 3106  
in any other Member State. 3107

D. Nothing in this Compact shall affect the requirements 3108  
established by a Member State for the issuance of a Single-State 3109  
License. 3110

E. A Multistate License issued to a Licensee by a Home State to 3111  
a resident of that State shall be recognized by each Member 3112  
State as authorizing a Licensee to practice Cosmetology in each 3113  
Member State. 3114

F. At no point shall the Commission have the power to define the 3115  
educational or professional requirements for a license to 3116  
practice Cosmetology. The Member States shall retain sole 3117  
jurisdiction over the provision of these requirements. 3118

**ARTICLE 4- MULTISTATE LICENSE** 3119

A. To be eligible to apply to their Home State's State Licensing 3120  
Authority for an initial Multistate License under this Compact, 3121  
a Licensee must hold an active and unencumbered Single-State 3122  
License to practice Cosmetology in their Home State. 3123

B. Upon the receipt of an application for a Multistate License, 3124  
according to the Rules of the Commission, a Member State's State 3125  
Licensing Authority shall ascertain whether the applicant meets 3126  
the requirements for a Multistate License under this Compact. 3127

C. If an applicant meets the requirements for a Multistate 3128

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. 3129  
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3131  
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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. 3134  
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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. 3139  
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F. To maintain a Multistate License under this Compact, a Licensee must: 3142  
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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; 3144  
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2. Pay all required fees related to the application and process, and any other fees which the Commission may by Rule require; and 3148  
3149  
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3. Comply with any and all other requirements regarding Multistate Licenses which the Commission may by Rule provide. 3151  
3152

G. A Licensee practicing in a Member State is subject to all scope of practice laws governing Cosmetology Services in that State. 3153  
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H. The Practice of Cosmetology under a Multistate License 3156

granted pursuant to this Compact will subject the Licensee to 3157  
the jurisdiction of the State Licensing Authority, the courts, 3158  
and the laws of the Member State in which the Cosmetology 3159  
Services are provided. 3160

**ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME** 3161  
**STATE** 3162

A. A Licensee may hold a Multistate License, issued by their 3163  
Home State, in only one Member State at any given time. 3164

B. If a Licensee changes their Home State by moving between two 3165  
Member States: 3166

1. The Licensee shall immediately apply for the reissuance 3167  
of their Multistate License in their new Home State. The 3168  
Licensee shall pay all applicable fees and notify the prior Home 3169  
State in accordance with the Rules of the Commission. 3170

2. Upon receipt of an application to reissue a Multistate 3171  
License, the new Home State shall verify that the Multistate 3172  
License is active, unencumbered and eligible for reissuance 3173  
under the terms of the Compact and the Rules of the Commission. 3174  
The Multistate License issued by the prior Home State will be 3175  
deactivated and all Member States notified in accordance with 3176  
the applicable Rules adopted by the Commission. 3177

3. If required for initial licensure, the new Home State 3178  
may require a Background Check as specified in the laws of that 3179  
State, or the compliance with any Jurisprudence Requirements of 3180  
the new Home State. 3181

4. Notwithstanding any other provision of this Compact, if 3182  
a Licensee does not meet the requirements set forth in this 3183  
Compact for the reissuance of a Multistate License by the new 3184  
Home State, then the Licensee shall be subject to the new Home 3185

<u>State requirements for the issuance of a Single-State License in that State.</u>	3186
	3187
<u>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.</u>	3188
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<u>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.</u>	3193
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<u>E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single-State License.</u>	3197
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<b><u>ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES</u></b>	3200
	3201
<u>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.</u>	3202
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<u>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.</u>	3209
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<u>C. Discipline shall be the sole responsibility of the State in</u>	3214

which Cosmetology Services are provided. Accordingly, each 3215  
Member State's State Licensing Authority shall be responsible 3216  
for receiving complaints about individuals practicing 3217  
Cosmetology in that State, and for communicating all relevant 3218  
Investigative Information about any such Adverse Action to the 3219  
other Member States through the Data System in addition to any 3220  
other methods the Commission may by Rule require. 3221

**ARTICLE 7- ADVERSE ACTIONS** 3222

A. A Licensee's Home State shall have exclusive power to impose 3223  
an Adverse Action against a Licensee's Multistate License issued 3224  
by the Home State. 3225

B. A Home State may take Adverse Action on a Multistate License 3226  
based on the Investigative Information, Current Significant 3227  
Investigative Information, or Adverse Action of a Remote State. 3228

C. In addition to the powers conferred by State law, each Remote 3229  
State's State Licensing Authority shall have the power to: 3230

1. Take Adverse Action against a Licensee's Authorization 3231  
to Practice Cosmetology through the Multistate License in that 3232  
Member State, provided that: 3233

a. Only the Licensee's Home State shall have the power to 3234  
take Adverse Action against the Multistate License issued by the 3235  
Home State; and 3236

b. For the purposes of taking Adverse Action, the Home 3237  
State's State Licensing Authority shall give the same priority 3238  
and effect to reported conduct received from a Remote State as 3239  
it would if such conduct had occurred within the Home State. In 3240  
so doing, the Home State shall apply its own State laws to 3241  
determine the appropriate action. 3242

<u>2. Issue cease and desist orders or impose an Encumbrance</u>	3243
<u>on a Licensee's Authorization to Practice within that Member</u>	3244
<u>State.</u>	3245
<u>3. Complete any pending investigations of a Licensee who</u>	3246
<u>changes their primary state of residence during the course of</u>	3247
<u>such an investigation. The State Licensing Authority shall also</u>	3248
<u>be empowered to report the results of such an investigation to</u>	3249
<u>the Commission through the Data System as described herein.</u>	3250
<u>4. Issue subpoenas for both hearings and investigations</u>	3251
<u>that require the attendance and testimony of witnesses, as well</u>	3252
<u>as the production of evidence. Subpoenas issued by a State</u>	3253
<u>Licensing Authority in a Member State for the attendance and</u>	3254
<u>testimony of witnesses or the production of evidence from</u>	3255
<u>another Member State shall be enforced in the latter State by</u>	3256
<u>any court of competent jurisdiction, according to the practice</u>	3257
<u>and procedure of that court applicable to subpoenas issued in</u>	3258
<u>proceedings before it. The issuing State Licensing Authority</u>	3259
<u>shall pay any witness fees, travel expenses, mileage, and other</u>	3260
<u>fees required by the service statutes of the State in which the</u>	3261
<u>witnesses or evidence are located.</u>	3262
<u>5. If otherwise permitted by State law, recover from the</u>	3263
<u>affected Licensee the costs of investigations and disposition of</u>	3264
<u>cases resulting from any Adverse Action taken against that</u>	3265
<u>Licensee.</u>	3266
<u>6. Take Adverse Action against the Licensee's</u>	3267
<u>Authorization to Practice in that State based on the factual</u>	3268
<u>findings of another Remote State.</u>	3269
<u>D. A Licensee's Home State shall complete any pending</u>	3270
<u>investigation(s) of a Cosmetologist who changes their primary</u>	3271

state of residence during the course of the investigation(s). 3272  
The Home State shall also have the authority to take appropriate 3273  
action(s) and shall promptly report the conclusions of the 3274  
investigations to the Data System. 3275

E. If an Adverse Action is taken by the Home State against a 3276  
Licensee's Multistate License, the Licensee's Authorization to 3277  
Practice in all other Member States shall be deactivated until 3278  
all Encumbrances have been removed from the Home State license. 3279  
All Home State disciplinary orders that impose an Adverse Action 3280  
against a Licensee's Multistate License shall include a 3281  
statement that the Cosmetologist's Authorization to Practice is 3282  
deactivated in all Member States during the pendency of the 3283  
order. 3284

F. Nothing in this Compact shall override a Member State's 3285  
authority to accept a Licensee's participation in an Alternative 3286  
Program in lieu of Adverse Action. A Licensee's Multistate 3287  
License shall be suspended for the duration of the Licensee's 3288  
participation in any Alternative Program. 3289

G. Joint Investigations 3290

1. In addition to the authority granted to a Member State 3291  
by its respective scope of practice laws or other applicable 3292  
State law, a Member State may participate with other Member 3293  
States in joint investigations of Licensees. 3294

2. Member States shall share any investigative, 3295  
litigation, or compliance materials in furtherance of any joint 3296  
or individual investigation initiated under the Compact. 3297

**ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES** 3298

Active Military Members, or their spouses, shall designate a 3299  
Home State where the individual has a current license to 3300

practice Cosmetology in good standing. The individual may retain 3301  
their Home State designation during any period of service when 3302  
that individual or their spouse is on active duty assignment. 3303

**ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY** 3304

**LICENSURE COMPACT COMMISSION** 3305

A. The Compact Member States hereby create and establish a joint 3306  
government agency whose membership consists of all Member States 3307  
that have enacted the Compact known as the Cosmetology Licensure 3308  
Compact Commission. The Commission is an instrumentality of the 3309  
Compact Member States acting jointly and not an instrumentality 3310  
of any one State. The Commission shall come into existence on or 3311  
after the effective date of the Compact as set forth in Article 3312  
13. 3313

B. Membership, Voting, and Meetings 3314

1. Each Member State shall have and be limited to one (1) 3315  
delegate selected by that Member State's State Licensing 3316  
Authority. 3317

2. The delegate shall be an administrator of the State 3318  
Licensing Authority of the Member State or their designee. 3319

3. The Commission shall by Rule or bylaw establish a term 3320  
of office for delegates and may by Rule or bylaw establish term 3321  
limits. 3322

4. The Commission may recommend removal or suspension of 3323  
any delegate from office. 3324

5. A Member State's State Licensing Authority shall fill 3325  
any vacancy of its delegate occurring on the Commission within 3326  
60 days of the vacancy. 3327

6. Each delegate shall be entitled to one vote on all 3328

<u>matters that are voted on by the Commission.</u>	3329
<u>7. The Commission shall meet at least once during each</u>	3330
<u>calendar year. Additional meetings may be held as set forth in</u>	3331
<u>the bylaws. The Commission may meet by telecommunication, video</u>	3332
<u>conference or other similar electronic means.</u>	3333
<u>C. The Commission shall have the following powers:</u>	3334
<u>1. Establish the fiscal year of the Commission;</u>	3335
<u>2. Establish code of conduct and conflict of interest</u>	3336
<u>policies;</u>	3337
<u>3. Adopt Rules and bylaws;</u>	3338
<u>4. Maintain its financial records in accordance with the</u>	3339
<u>bylaws;</u>	3340
<u>5. Meet and take such actions as are consistent with the</u>	3341
<u>provisions of this Compact, the Commission's Rules, and the</u>	3342
<u>bylaws;</u>	3343
<u>6. Initiate and conclude legal proceedings or actions in</u>	3344
<u>the name of the Commission, provided that the standing of any</u>	3345
<u>State Licensing Authority to sue or be sued under applicable law</u>	3346
<u>shall not be affected;</u>	3347
<u>7. Maintain and certify records and information provided</u>	3348
<u>to a Member State as the authenticated business records of the</u>	3349
<u>Commission, and designate an agent to do so on the Commission's</u>	3350
<u>behalf;</u>	3351
<u>8. Purchase and maintain insurance and bonds;</u>	3352
<u>9. Borrow, accept, or contract for services of personnel,</u>	3353
<u>including, but not limited to, employees of a Member State;</u>	3354
<u>10. Conduct an annual financial review;</u>	3355

11. Hire employees, elect or appoint officers, fix 3356  
compensation, define duties, grant such individuals appropriate 3357  
authority to carry out the purposes of the Compact, and 3358  
establish the Commission's personnel policies and programs 3359  
relating to conflicts of interest, qualifications of personnel, 3360  
and other related personnel matters; 3361

12. As set forth in the Commission Rules, charge a fee to 3362  
a Licensee for the grant of a Multistate License and thereafter, 3363  
as may be established by Commission Rule, charge the Licensee a 3364  
Multistate License renewal fee for each renewal period. Nothing 3365  
herein shall be construed to prevent a Home State from charging 3366  
a Licensee a fee for a Multistate License or renewals of a 3367  
Multistate License, or a fee for the jurisprudence requirement 3368  
if the Member State imposes such a requirement for the grant of 3369  
Multistate License; 3370

13. Assess and collect fees; 3371

14. Accept any and all appropriate gifts, donations, 3372  
grants of money, other sources of revenue, equipment, supplies, 3373  
materials, and services, and receive, utilize, and dispose of 3374  
the same; provided that at all times the Commission shall avoid 3375  
any appearance of impropriety or conflict of interest; 3376

15. Lease, purchase, retain, own, hold, improve, or use 3377  
any property, real, personal, or mixed, or any undivided 3378  
interest therein; 3379

16. Sell, convey, mortgage, pledge, lease, exchange, 3380  
abandon, or otherwise dispose of any property real, personal, or 3381  
mixed; 3382

17. Establish a budget and make expenditures; 3383

18. Borrow money; 3384

19. Appoint committees, including standing committees, 3385  
composed of members, State regulators, State legislators or 3386  
their representatives, and consumer representatives, and such 3387  
other interested persons as may be designated in this Compact 3388  
and the bylaws; 3389

20. Provide and receive information from, and cooperate 3390  
with, law enforcement agencies 3391

21. Elect a Chair, Vice Chair, Secretary and Treasurer and 3392  
such other officers of the Commission as provided in the 3393  
Commission's bylaws; 3394

22. Establish and elect an Executive Committee, including 3395  
a chair and a vice chair; 3396

23. Adopt and provide to the Member States an annual 3397  
report. 3398

24. Determine whether a State's adopted language is 3399  
materially different from the model Compact language such that 3400  
the State would not qualify for participation in the Compact; 3401  
and 3402

25. Perform such other functions as may be necessary or 3403  
appropriate to achieve the purposes of this Compact. 3404

D. The Executive Committee 3405

1. The Executive Committee shall have the power to act on 3406  
behalf of the Commission according to the terms of this Compact. 3407  
The powers, duties, and responsibilities of the Executive 3408  
Committee shall include: 3409

a. Overseeing the day-to-day activities of the 3410  
administration of the Compact including compliance with the 3411  
provisions of the Compact, the Commission's Rules and bylaws, 3412

<u>and other such duties as deemed necessary;</u>	3413
<u>b. Recommending to the Commission changes to the Rules or</u>	3414
<u>bylaws, changes to this Compact legislation, fees charged to</u>	3415
<u>Compact Member States, fees charged to Licensees, and other</u>	3416
<u>fees;</u>	3417
<u>c. Ensuring Compact administration services are</u>	3418
<u>appropriately provided, including by contract;</u>	3419
<u>d. Preparing and recommending the budget;</u>	3420
<u>e. Maintaining financial records on behalf of the</u>	3421
<u>Commission;</u>	3422
<u>f. Monitoring Compact compliance of Member States and</u>	3423
<u>providing compliance reports to the Commission;</u>	3424
<u>g. Establishing additional committees as necessary;</u>	3425
<u>h. Exercising the powers and duties of the Commission</u>	3426
<u>during the interim between Commission meetings, except for</u>	3427
<u>adopting or amending Rules, adopting or amending bylaws, and</u>	3428
<u>exercising any other powers and duties expressly reserved to the</u>	3429
<u>Commission by Rule or bylaw; and</u>	3430
<u>i. Other duties as provided in the Rules or bylaws of the</u>	3431
<u>Commission.</u>	3432
<u>2. The Executive Committee shall be composed of up to</u>	3433
<u>seven voting members:</u>	3434
<u>a. The chair and vice chair of the Commission and any</u>	3435
<u>other members of the Commission who serve on the Executive</u>	3436
<u>Committee shall be voting members of the Executive Committee;</u>	3437
<u>and</u>	3438
<u>b. Other than the chair, vice-chair, secretary and</u>	3439

treasurer, the Commission shall elect three voting members from 3440  
the current membership of the Commission. 3441

c. The Commission may elect ex-officio, nonvoting members 3442  
from a recognized national Cosmetology professional association 3443  
as approved by the Commission. The Commission's bylaws shall 3444  
identify qualifying organizations and the manner of appointment 3445  
if the number of organizations seeking to appoint an ex officio 3446  
member exceeds the number of members specified in this Article. 3447

3. The Commission may remove any member of the Executive 3448  
Committee as provided in the Commission's bylaws. 3449

4. The Executive Committee shall meet at least annually. 3450

a. Annual Executive Committee meetings, as well as any 3451  
Executive Committee meeting at which it does not take or intend 3452  
to take formal action on a matter for which a Commission vote 3453  
would otherwise be required, shall be open to the public, except 3454  
that the Executive Committee may meet in a closed, non-public 3455  
session of a public meeting when dealing with any of the matters 3456  
covered under Article 9.F.4. 3457

b. The Executive Committee shall give five business days 3458  
advance notice of its public meetings, posted on its website and 3459  
as determined to provide notice to persons with an interest in 3460  
the public matters the Executive Committee intends to address at 3461  
those meetings. 3462

5. The Executive Committee may hold an emergency meeting 3463  
when acting for the Commission to: 3464

a. Meet an imminent threat to public health, safety, or 3465  
welfare; 3466

b. Prevent a loss of Commission or Member State funds; or 3467

<u>c. Protect public health and safety.</u>	3468
<u>E. The Commission shall adopt and provide to the Member States</u>	3469
<u>an annual report.</u>	3470
<u>F. Meetings of the Commission</u>	3471
<u>1. All meetings of the Commission that are not closed</u>	3472
<u>pursuant to Article 9.F.4 shall be open to the public. Notice of</u>	3473
<u>public meetings shall be posted on the Commission's website at</u>	3474
<u>least thirty (30) days prior to the public meeting.</u>	3475
<u>2. Notwithstanding Article 9.F.1, the Commission may</u>	3476
<u>convene an emergency public meeting by providing at least</u>	3477
<u>twenty-four (24) hours prior notice on the Commission's website,</u>	3478
<u>and any other means as provided in the Commission's Rules, for</u>	3479
<u>any of the reasons it may dispense with notice of proposed</u>	3480
<u>rulemaking under Article 11.L. The Commission's legal counsel</u>	3481
<u>shall certify that one of the reasons justifying an emergency</u>	3482
<u>public meeting has been met.</u>	3483
<u>3. Notice of all Commission meetings shall provide the</u>	3484
<u>time, date, and location of the meeting, and if the meeting is</u>	3485
<u>to be held or accessible via telecommunication, video</u>	3486
<u>conference, or other electronic means, the notice shall include</u>	3487
<u>the mechanism for access to the meeting.</u>	3488
<u>4. The Commission may convene in a closed, non-public</u>	3489
<u>meeting for the Commission to discuss:</u>	3490
<u>a. Non-compliance of a Member State with its obligations</u>	3491
<u>under the Compact;</u>	3492
<u>b. The employment, compensation, discipline or other</u>	3493
<u>matters, practices or procedures related to specific employees</u>	3494
<u>or other matters related to the Commission's internal personnel</u>	3495

<u>practices and procedures;</u>	3496
<u>c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;</u>	3497
	3498
<u>d. Current, threatened, or reasonably anticipated litigation;</u>	3499
	3500
<u>e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;</u>	3501
	3502
<u>f. Accusing any person of a crime or formally censuring any person;</u>	3503
	3504
<u>g. Trade secrets or commercial or financial information that is privileged or confidential;</u>	3505
	3506
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	3507
	3508
<u>i. Investigative records compiled for law enforcement purposes;</u>	3509
	3510
<u>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;</u>	3511
	3512
	3513
	3514
<u>k. Legal advice;</u>	3515
<u>l. Matters specifically exempted from disclosure to the public by federal or Member State law; or</u>	3516
	3517
<u>m. Other matters as promulgated by the Commission by Rule.</u>	3518
5. <u>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.</u>	3519
	3520
	3521
	3522

6. The Commission shall keep minutes that fully and 3523  
clearly describe all matters discussed in a meeting and shall 3524  
provide a full and accurate summary of actions taken, and the 3525  
reasons therefore, including a description of the views 3526  
expressed. All documents considered in connection with an action 3527  
shall be identified in such minutes. All minutes and documents 3528  
of a closed meeting shall remain under seal, subject to release 3529  
only by a majority vote of the Commission or order of a court of 3530  
competent jurisdiction. 3531

G. Financing of the Commission 3532

1. The Commission shall pay, or provide for the payment 3533  
of, the reasonable expenses of its establishment, organization, 3534  
and ongoing activities. 3535

2. The Commission may accept any and all appropriate 3536  
sources of revenue, donations, and grants of money, equipment, 3537  
supplies, materials, and services. 3538

3. The Commission may levy on and collect an annual 3539  
assessment from each Member State and impose fees on Licensees 3540  
of Member States to whom it grants a Multistate License to cover 3541  
the cost of the operations and activities of the Commission and 3542  
its staff, which must be in a total amount sufficient to cover 3543  
its annual budget as approved each year for which revenue is not 3544  
provided by other sources. The aggregate annual assessment 3545  
amount for Member States shall be allocated based upon a formula 3546  
that the Commission shall promulgate by Rule. 3547

4. The Commission shall not incur obligations of any kind 3548  
prior to securing the funds adequate to meet the same; nor shall 3549  
the Commission pledge the credit of any Member States, except by 3550  
and with the authority of the Member State. 3551

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 3582  
person against whom the claim is made had a reasonable basis for 3583  
believing occurred within the scope of Commission employment, 3584  
duties, or responsibilities; provided that nothing herein shall 3585  
be construed to prohibit that person from retaining their own 3586  
counsel at their own expense; and provided further, that the 3587  
actual or alleged act, error, or omission did not result from 3588  
that person's intentional or willful or wanton misconduct. 3589

3. The Commission shall indemnify and hold harmless any 3590  
member, officer, executive director, employee, and 3591  
representative of the Commission for the amount of any 3592  
settlement or judgment obtained against that person arising out 3593  
of any actual or alleged act, error, or omission that occurred 3594  
within the scope of Commission employment, duties, or 3595  
responsibilities, or that such person had a reasonable basis for 3596  
believing occurred within the scope of Commission employment, 3597  
duties, or responsibilities, provided that the actual or alleged 3598  
act, error, or omission did not result from the intentional or 3599  
willful or wanton misconduct of that person. 3600

4. Nothing herein shall be construed as a limitation on 3601  
the liability of any Licensee for professional malpractice or 3602  
misconduct, which shall be governed solely by any other 3603  
applicable State laws. 3604

5. Nothing in this Compact shall be interpreted to waive 3605  
or otherwise abrogate a Member State's State action immunity or 3606  
State action affirmative defense with respect to antitrust 3607  
claims under the Sherman Act, Clayton Act, or any other State or 3608  
federal antitrust or anticompetitive law or regulation. 3609

6. Nothing in this Compact shall be construed to be a 3610  
waiver of sovereign immunity by the Member States or by the 3611

Commission. 3612

**ARTICLE 10- DATA SYSTEM** 3613

A. The Commission shall provide for the development, 3614  
maintenance, operation, and utilization of a coordinated 3615  
database and reporting system. 3616

B. The Commission shall assign each applicant for a Multistate 3617  
License a unique identifier, as determined by the Rules of the 3618  
Commission. 3619

C. Notwithstanding any other provision of State law to the 3620  
contrary, a Member State shall submit a uniform data set to the 3621  
Data System on all individuals to whom this Compact is 3622  
applicable as required by the Rules of the Commission, 3623  
including: 3624

1. Identifying information; 3625

2. Licensure data; 3626

3. Adverse Actions against a license and information 3627  
related thereto; 3628

4. Non-confidential information related to Alternative 3629  
Program participation, the beginning and ending dates of such 3630  
participation, and other information related to such 3631  
participation; 3632

5. Any denial of application for licensure, and the 3633  
reason(s) for such denial (excluding the reporting of any 3634  
criminal history record information where prohibited by law); 3635

6. The existence of Investigative Information; 3636

7. The existence of Current Significant Investigative 3637  
Information; and 3638

8. Other information that may facilitate the 3639  
administration of this Compact or the protection of the public, 3640  
as determined by the Rules of the Commission. 3641

D. The records and information provided to a Member State 3642  
pursuant to this Compact or through the Data System, when 3643  
certified by the Commission or an agent thereof, shall 3644  
constitute the authenticated business records of the Commission, 3645  
and shall be entitled to any associated hearsay exception in any 3646  
relevant judicial, quasi-judicial or administrative proceedings 3647  
in a Member State. 3648

E. The existence of Current Significant Investigative 3649  
Information and the existence of Investigative Information 3650  
pertaining to a Licensee in any Member State will only be 3651  
available to other Member States. 3652

F. It is the responsibility of the Member States to monitor the 3653  
database to determine whether Adverse Action has been taken 3654  
against such a Licensee or License applicant. Adverse Action 3655  
information pertaining to a Licensee or License applicant in any 3656  
Member State will be available to any other Member State. 3657

G. Member States contributing information to the Data System may 3658  
designate information that may not be shared with the public 3659  
without the express permission of the contributing State. 3660

H. Any information submitted to the Data System that is 3661  
subsequently expunged pursuant to federal law or the laws of the 3662  
Member State contributing the information shall be removed from 3663  
the Data System. 3664

**ARTICLE 11- RULEMAKING** 3665

A. The Commission shall promulgate reasonable Rules in order to 3666  
effectively and efficiently implement and administer the 3667

purposes and provisions of the Compact. A Rule shall be invalid 3668  
and have no force or effect only if a court of competent 3669  
jurisdiction holds that the Rule is invalid because the 3670  
Commission exercised its rulemaking authority in a manner that 3671  
is beyond the scope and purposes of the Compact, or the powers 3672  
granted hereunder, or based upon another applicable standard of 3673  
review. 3674

B. The Rules of the Commission shall have the force of law in 3675  
each Member State, provided however that where the Rules of the 3676  
Commission conflict with the laws of the Member State that 3677  
establish the Member State's scope of practice laws governing 3678  
the Practice of Cosmetology as held by a court of competent 3679  
jurisdiction, the Rules of the Commission shall be ineffective 3680  
in that State to the extent of the conflict. 3681

C. The Commission shall exercise its rulemaking powers pursuant 3682  
to the criteria set forth in this Article and the Rules adopted 3683  
thereunder. Rules shall become binding as of the date specified 3684  
by the Commission for each Rule. 3685

D. If a majority of the legislatures of the Member States 3686  
rejects a Rule or portion of a Rule, by enactment of a statute 3687  
or resolution in the same manner used to adopt the Compact 3688  
within four (4) years of the date of adoption of the Rule, then 3689  
such Rule shall have no further force and effect in any Member 3690  
State or to any State applying to participate in the Compact. 3691

E. Rules shall be adopted at a regular or special meeting of the 3692  
Commission. 3693

F. Prior to adoption of a proposed Rule, the Commission shall 3694  
hold a public hearing and allow persons to provide oral and 3695  
written comments, data, facts, opinions, and arguments. 3696

G. Prior to adoption of a proposed Rule by the Commission, and 3697  
at least thirty (30) days in advance of the meeting at which the 3698  
Commission will hold a public hearing on the proposed Rule, the 3699  
Commission shall provide a notice of proposed rulemaking: 3700

1. On the website of the Commission or other publicly 3701  
accessible platform; 3702

2. To persons who have requested notice of the 3703  
Commission's notices of proposed rulemaking, and 3704

3. In such other way(s) as the Commission may by Rule 3705  
specify. 3706

H. The notice of proposed rulemaking shall include: 3707

1. The time, date, and location of the public hearing at 3708  
which the Commission will hear public comments on the proposed 3709  
Rule and, if different, the time, date, and location of the 3710  
meeting where the Commission will consider and vote on the 3711  
proposed Rule; 3712

2. If the hearing is held via telecommunication, video 3713  
conference, or other electronic means, the Commission shall 3714  
include the mechanism for access to the hearing in the notice of 3715  
proposed rulemaking; 3716

3. The text of the proposed Rule and the reason therefor; 3717

4. A request for comments on the proposed Rule from any 3718  
interested person; and 3719

5. The manner in which interested persons may submit 3720  
written comments. 3721

I. All hearings will be recorded. A copy of the recording and 3722  
all written comments and documents received by the Commission in 3723

response to the proposed Rule shall be available to the public. 3724

J. Nothing in this Article shall be construed as requiring a 3725  
separate hearing on each Rule. Rules may be grouped for the 3726  
convenience of the Commission at hearings required by this 3727  
Article. 3728

K. The Commission shall, by majority vote of all members, take 3729  
final action on the proposed Rule based on the rulemaking record 3730  
and the full text of the Rule. 3731

1. The Commission may adopt changes to the proposed Rule 3732  
provided the changes do not enlarge the original purpose of the 3733  
proposed Rule. 3734

2. The Commission shall provide an explanation of the 3735  
reasons for substantive changes made to the proposed Rule as 3736  
well as reasons for substantive changes not made that were 3737  
recommended by commenters. 3738

3. The Commission shall determine a reasonable effective 3739  
date for the Rule. Except for an emergency as provided in 3740  
Article 11.L, the effective date of the Rule shall be no sooner 3741  
than forty-five (45) days after the Commission issuing the 3742  
notice that it adopted or amended the Rule. 3743

L. Upon determination that an emergency exists, the Commission 3744  
may consider and adopt an emergency Rule with five (5) days' 3745  
notice, with opportunity to comment, provided that the usual 3746  
rulemaking procedures provided in the Compact and in this 3747  
Article shall be retroactively applied to the Rule as soon as 3748  
reasonably possible, in no event later than ninety (90) days 3749  
after the effective date of the Rule. For the purposes of this 3750  
provision, an emergency Rule is one that must be adopted 3751  
immediately to: 3752

<u>1. Meet an imminent threat to public health, safety, or</u>	3753
<u>welfare;</u>	3754
<u>2. Prevent a loss of Commission or Member State funds;</u>	3755
<u>3. Meet a deadline for the promulgation of a Rule that is</u>	3756
<u>established by federal law or rule; or</u>	3757
<u>4. Protect public health and safety.</u>	3758
<u>M. The Commission or an authorized committee of the Commission</u>	3759
<u>may direct revisions to a previously adopted Rule for purposes</u>	3760
<u>of correcting typographical errors, errors in format, errors in</u>	3761
<u>consistency, or grammatical errors. Public notice of any</u>	3762
<u>revisions shall be posted on the website of the Commission. The</u>	3763
<u>revision shall be subject to challenge by any person for a</u>	3764
<u>period of thirty (30) days after posting. The revision may be</u>	3765
<u>challenged only on grounds that the revision results in a</u>	3766
<u>material change to a Rule. A challenge shall be made in writing</u>	3767
<u>and delivered to the Commission prior to the end of the notice</u>	3768
<u>period. If no challenge is made, the revision will take effect</u>	3769
<u>without further action. If the revision is challenged, the</u>	3770
<u>revision may not take effect without the approval of the</u>	3771
<u>Commission.</u>	3772
<u>N. No Member State's rulemaking requirements shall apply under</u>	3773
<u>this Compact.</u>	3774
<b><u>ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u></b>	3775
<u>A. Oversight</u>	3776
<u>1. The executive and judicial branches of State government</u>	3777
<u>in each Member State shall enforce this Compact and take all</u>	3778
<u>actions necessary and appropriate to implement the Compact.</u>	3779
<u>2. Venue is proper and judicial proceedings by or against</u>	3780

the Commission shall be brought solely and exclusively in a 3781  
court of competent jurisdiction where the principal office of 3782  
the Commission is located. The Commission may waive venue and 3783  
jurisdictional defenses to the extent it adopts or consents to 3784  
participate in alternative dispute resolution proceedings. 3785  
Nothing herein shall affect or limit the selection or propriety 3786  
of venue in any action against a Licensee for professional 3787  
malpractice, misconduct or any such similar matter. 3788

3. The Commission shall be entitled to receive service of 3789  
process in any proceeding regarding the enforcement or 3790  
interpretation of the Compact and shall have standing to 3791  
intervene in such a proceeding for all purposes. Failure to 3792  
provide the Commission service of process shall render a 3793  
judgment or order void as to the Commission, this Compact, or 3794  
promulgated Rules. 3795

B. Default, Technical Assistance, and Termination 3796

1. If the Commission determines that a Member State has 3797  
defaulted in the performance of its obligations or 3798  
responsibilities under this Compact or the promulgated Rules, 3799  
the Commission shall provide written notice to the defaulting 3800  
State. The notice of default shall describe the default, the 3801  
proposed means of curing the default, and any other action that 3802  
the Commission may take, and shall offer training and specific 3803  
technical assistance regarding the default. 3804

2. The Commission shall provide a copy of the notice of 3805  
default to the other Member States. 3806

3. If a State in default fails to cure the default, the 3807  
defaulting State may be terminated from the Compact upon an 3808  
affirmative vote of a majority of the delegates of the Member 3809

States, and all rights, privileges and benefits conferred on 3810  
that State by this Compact may be terminated on the effective 3811  
date of termination. A cure of the default does not relieve the 3812  
offending State of obligations or liabilities incurred during 3813  
the period of default. 3814

4. Termination of membership in the Compact shall be 3815  
imposed only after all other means of securing compliance have 3816  
been exhausted. Notice of intent to suspend or terminate shall 3817  
be given by the Commission to the governor, the majority and 3818  
minority leaders of the defaulting State's legislature, the 3819  
defaulting State's State Licensing Authority and each of the 3820  
Member States' State Licensing Authority. 3821

5. A State that has been terminated is responsible for all 3822  
assessments, obligations, and liabilities incurred through the 3823  
effective date of termination, including obligations that extend 3824  
beyond the effective date of termination. 3825

6. Upon the termination of a State's membership from this 3826  
Compact, that State shall immediately provide notice to all 3827  
Licensees who hold a Multistate License within that State of 3828  
such termination. The terminated State shall continue to 3829  
recognize all licenses granted pursuant to this Compact for a 3830  
minimum of one hundred eighty (180) days after the date of said 3831  
notice of termination. 3832

7. The Commission shall not bear any costs related to a 3833  
State that is found to be in default or that has been terminated 3834  
from the Compact, unless agreed upon in writing between the 3835  
Commission and the defaulting State. 3836

8. The defaulting State may appeal the action of the 3837  
Commission by petitioning the United States District Court for 3838

the District of Columbia or the federal district where the 3839  
Commission has its principal offices. The prevailing party shall 3840  
be awarded all costs of such litigation, including reasonable 3841  
attorney's fees. 3842

C. Dispute Resolution 3843

1. Upon request by a Member State, the Commission shall 3844  
attempt to resolve disputes related to the Compact that arise 3845  
among Member States and between Member and non-Member States. 3846

2. The Commission shall promulgate a Rule providing for 3847  
both mediation and binding dispute resolution for disputes as 3848  
appropriate. 3849

D. Enforcement 3850

1. The Commission, in the reasonable exercise of its 3851  
discretion, shall enforce the provisions of this Compact and the 3852  
Commission's Rules. 3853

2. By majority vote as provided by Commission Rule, the 3854  
Commission may initiate legal action against a Member State in 3855  
default in the United States District Court for the District of 3856  
Columbia or the federal district where the Commission has its 3857  
principal offices to enforce compliance with the provisions of 3858  
the Compact and its promulgated Rules. The relief sought may 3859  
include both injunctive relief and damages. In the event 3860  
judicial enforcement is necessary, the prevailing party shall be 3861  
awarded all costs of such litigation, including reasonable 3862  
attorney's fees. The remedies herein shall not be the exclusive 3863  
remedies of the Commission. The Commission may pursue any other 3864  
remedies available under federal or the defaulting Member 3865  
State's law. 3866

3. A Member State may initiate legal action against the 3867

Commission in the United States District Court for the District 3868  
of Columbia or the federal district where the Commission has its 3869  
principal offices to enforce compliance with the provisions of 3870  
the Compact and its promulgated Rules. The relief sought may 3871  
include both injunctive relief and damages. In the event 3872  
judicial enforcement is necessary, the prevailing party shall be 3873  
awarded all costs of such litigation, including reasonable 3874  
attorney's fees. 3875

4. No individual or entity other than a Member State may 3876  
enforce this Compact against the Commission. 3877

**ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT** 3878

A. The Compact shall come into effect on the date on which the 3879  
Compact statute is enacted into law in the seventh Member State. 3880

1. On or after the effective date of the Compact, the 3881  
Commission shall convene and review the enactment of each of the 3882  
Charter Member States to determine if the statute enacted by 3883  
each such Charter Member State is materially different than the 3884  
model Compact statute. 3885

a. A Charter Member State whose enactment is found to be 3886  
materially different from the model Compact statute shall be 3887  
entitled to the default process set forth in Article 12. 3888

b. If any Member State is later found to be in default, or 3889  
is terminated or withdraws from the Compact, the Commission 3890  
shall remain in existence and the Compact shall remain in effect 3891  
even if the number of Member States should be less than seven 3892  
(7). 3893

2. Member States enacting the Compact subsequent to the 3894  
Charter Member States shall be subject to the process set forth 3895  
in Article 9.C.24 to determine if their enactments are 3896

materially different from the model Compact statute and whether 3897  
they qualify for participation in the Compact. 3898

3. All actions taken for the benefit of the Commission or 3899  
in furtherance of the purposes of the administration of the 3900  
Compact prior to the effective date of the Compact or the 3901  
Commission coming into existence shall be considered to be 3902  
actions of the Commission unless specifically repudiated by the 3903  
Commission. 3904

4. Any State that joins the Compact shall be subject to 3905  
the Commission's Rules and bylaws as they exist on the date on 3906  
which the Compact becomes law in that State. Any Rule that has 3907  
been previously adopted by the Commission shall have the full 3908  
force and effect of law on the day the Compact becomes law in 3909  
that State. 3910

B. Any Member State may withdraw from this Compact by enacting a 3911  
statute repealing that State's enactment of the Compact. 3912

1. A Member State's withdrawal shall not take effect until 3913  
one hundred eighty (180) days after enactment of the repealing 3914  
statute. 3915

2. Withdrawal shall not affect the continuing requirement 3916  
of the withdrawing State's State Licensing Authority to comply 3917  
with the investigative and Adverse Action reporting requirements 3918  
of this Compact prior to the effective date of withdrawal. 3919

3. Upon the enactment of a statute withdrawing from this 3920  
Compact, a State shall immediately provide notice of such 3921  
withdrawal to all Licensees within that State. Notwithstanding 3922  
any subsequent statutory enactment to the contrary, such 3923  
withdrawing State shall continue to recognize all licenses 3924  
granted pursuant to this Compact for a minimum of one hundred 3925

eighty (180) days after the date of such notice of withdrawal. 3926

C. Nothing contained in this Compact shall be construed to 3927  
invalidate or prevent any licensure agreement or other 3928  
cooperative arrangement between a Member State and a non-Member 3929  
State that does not conflict with the provisions of this 3930  
Compact. 3931

D. This Compact may be amended by the Member States. No 3932  
amendment to this Compact shall become effective and binding 3933  
upon any Member State until it is enacted into the laws of all 3934  
Member States. 3935

**ARTICLE 14- CONSTRUCTION AND SEVERABILITY** 3936

A. This Compact and the Commission's rulemaking authority shall 3937  
be liberally construed so as to effectuate the purposes, and the 3938  
implementation and administration of the Compact. Provisions of 3939  
the Compact expressly authorizing or requiring the promulgation 3940  
of Rules shall not be construed to limit the Commission's 3941  
rulemaking authority solely for those purposes. 3942

B. The provisions of this Compact shall be severable and if any 3943  
phrase, clause, sentence or provision of this Compact is held by 3944  
a court of competent jurisdiction to be contrary to the 3945  
constitution of any Member State, a State seeking participation 3946  
in the Compact, or of the United States, or the applicability 3947  
thereof to any government, agency, person or circumstance is 3948  
held to be unconstitutional by a court of competent 3949  
jurisdiction, the validity of the remainder of this Compact and 3950  
the applicability thereof to any other government, agency, 3951  
person or circumstance shall not be affected thereby. 3952

C. Notwithstanding Article 14.B, the Commission may deny a 3953  
State's participation in the Compact or, in accordance with the 3954

requirements of Article 12, terminate a Member State's 3955  
participation in the Compact, if it determines that a 3956  
constitutional requirement of a Member State is a material 3957  
departure from the Compact. Otherwise, if this Compact shall be 3958  
held to be contrary to the constitution of any Member State, the 3959  
Compact shall remain in full force and effect as to the 3960  
remaining Member States and in full force and effect as to the 3961  
Member State affected as to all severable matters. 3962

**ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 3963

A. Nothing herein shall prevent or inhibit the enforcement of 3964  
any other law of a Member State that is not inconsistent with 3965  
the Compact. 3966

B. Any laws, statutes, regulations, or other legal requirements 3967  
in a Member State in conflict with the Compact are superseded to 3968  
the extent of the conflict. 3969

C. All permissible agreements between the Commission and the 3970  
Member States are binding in accordance with their terms. 3971

**Sec. 4713.331.** Not later than sixty days after the 3972  
"Cosmetology Licensure Compact" is entered into under section 3973  
4713.33 of the Revised Code, the state cosmetology and barber 3974  
board, in accordance with Article 9 of the compact, shall select 3975  
one individual to serve as a delegate to the cosmetology 3976  
licensure compact commission created under the compact. The 3977  
board shall fill a vacancy in this position not later than sixty 3978  
days after the vacancy occurs. 3979

**Sec. 4713.34.** (A) The state cosmetology and barber board 3980  
shall issue a license to practice a branch of cosmetology or 3981  
instructor license to an applicant who is licensed or registered 3982  
in another country to practice that branch of cosmetology or 3983

teach the theory and practice of that branch of cosmetology, as 3984  
appropriate, if ~~all of the following conditions are satisfied:~~ 3985

~~(A) The applicant satisfies all of the following 3986  
conditions: 3987~~

(1) Is not less than eighteen years of age; 3988

(2) In the case of an applicant for a practicing license, 3989  
passes an examination conducted under section 4713.24 of the 3990  
Revised Code for the license the applicant seeks, unless the 3991  
applicant satisfies conditions specified in rules adopted under 3992  
section 4713.08 of the Revised Code for the board to issue the 3993  
applicant a license without taking the examination; 3994

(3) Pays the applicable fee. 3995

(B) At the time the applicant obtained the license or 3996  
registration in the other country, the requirements in this 3997  
state for obtaining the license the applicant seeks were 3998  
substantially equal to the other country's requirements. 3999

~~(C) The jurisdiction that issued the applicant's license 4000  
or registration extends similar reciprocity to individuals 4001  
holding a license issued by the board. 4002~~

**Sec. 4713.35.** An individual who holds a current, valid 4003  
cosmetologist license or an advanced cosmetologist license to 4004  
practice cosmetology issued by the state cosmetology and barber 4005  
board may engage in the practice of one or more branches of 4006  
cosmetology as the individual chooses in a licensed facility. 4007

An individual who holds a current, valid esthetician 4008  
license or an advanced esthetician license to practice esthetics 4009  
issued by the board may engage in the practice of esthetics but 4010  
no other branch of cosmetology in a licensed facility. 4011

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.~~ 4041

An individual who holds a current, valid natural hair 4042  
style instructor license issued by the board may teach the 4043  
theory and practice of natural hair styling, but no other branch 4044  
of cosmetology, at a ~~school of cosmetology.~~ 4045

An individual who holds a current, valid boutique services 4046  
registration with the board may engage in the practice of 4047  
boutique services but no other branch of cosmetology. 4048

**Sec. 4713.37.** (A) The state cosmetology and barber board 4049  
may issue a temporary special occasion work permit to a 4050  
nonresident individual who satisfies all of the following 4051  
conditions: 4052

(1) Has been licensed or registered in another state or 4053  
country to practice a branch of cosmetology or teach the theory 4054  
and practice of a branch of cosmetology for at least five years; 4055

(2) Is a recognized expert in the practice or teaching of 4056  
the branch of cosmetology the individual practices or teaches; 4057

(3) Is to practice that branch of cosmetology or teach the 4058  
theory and practice of that branch of cosmetology in this state 4059  
as part of a promotional or instructional program for not more 4060  
than the amount of time a temporary special occasion work permit 4061  
is effective; 4062

(4) Satisfies all other conditions for a temporary special 4063  
occasion work permit established by rules adopted under section 4064  
4713.08 of the Revised Code; 4065

(5) Pays the fee established by rules adopted under 4066  
section 4713.08 of the Revised Code. 4067

(B) An individual issued a temporary special occasion work 4068

permit may practice the branch of cosmetology the individual 4069  
practices in another state or country, or teach the theory and 4070  
practice of the branch of cosmetology the individual teaches in 4071  
another state or country, until the expiration date of the 4072  
permit. A temporary special occasion work permit is valid for 4073  
the period of time specified in rules adopted under section 4074  
4713.08 of the Revised Code. 4075

(C) Chapter 4796. of the Revised Code does not apply to a 4076  
temporary special occasion work permit issued under this 4077  
section. 4078

(D) An individual does not need to obtain a temporary 4079  
special occasion work permit under this section if the 4080  
individual is practicing in accordance with the compact 4081  
privilege granted by this state through the "Cosmetology 4082  
Licensure Compact" entered into under section 4713.33 of the 4083  
Revised Code. 4084

**Sec. 4713.39.** The state cosmetology and barber board shall 4085  
issue a license to engage in the practice of a branch of 4086  
cosmetology as an independent contractor to an applicant who 4087  
pays the applicable fee; holds a current, valid license for the 4088  
~~type of salon in which the applicant will practice that branch~~ 4089  
of cosmetology that the applicant practices; and satisfies the 4090  
conditions for the license established by rules adopted under 4091  
section 4713.08 of the Revised Code. 4092

**Sec. 4713.41.** The state cosmetology and barber board shall 4093  
issue a license to operate a salon, including a boutique salon, 4094  
to an applicant who pays the applicable fee and affirms that all 4095  
of the following conditions will be met: 4096

(A) (1) An individual holding a current, valid 4097

cosmetologist license or boutique services registration 4098  
pertaining to the branch of cosmetology services performed at 4099  
the salon or boutique salon, shall have charge of and immediate 4100  
supervision over the salon at all times when the salon is open 4101  
for business except as permitted under division (A) (2) of this 4102  
section. 4103

(2) A business establishment that is engaged primarily in 4104  
retail sales but is also licensed as a salon shall have present 4105  
an individual holding a current, valid license or registration 4106  
to practice in that type of salon in charge of and in immediate 4107  
supervision of the salon during posted or advertised service 4108  
hours, if the practice of cosmetology is restricted to those 4109  
posted or advertised service hours. 4110

(B) The salon is equipped to do all of the following: 4111

(1) Provide potable running hot and cold water and proper 4112  
drainage; 4113

(2) ~~Sanitize-Disinfect~~ all instruments and supplies used 4114  
in the branch of cosmetology provided at the salon; 4115

(3) If cosmetic therapy, massage therapy, or other 4116  
professional service is provided at the salon under section 4117  
4713.42 of the Revised Code, ~~sanitize-disinfect~~ all instruments 4118  
and supplies used in the cosmetic therapy, massage therapy, or 4119  
other professional service. 4120

(C) Except as provided in sections 4713.42 and 4713.49 of 4121  
the Revised Code, only the branch of cosmetology that the salon 4122  
is licensed to provide is practiced at the salon. 4123

(D) The salon is kept in a clean and sanitary condition 4124  
and properly ventilated. 4125

(E) No food is sold at the salon in a manner inconsistent 4126  
with rules adopted under section 4713.08 of the Revised Code. 4127

(F) A notice that contains a toll-free number and online 4128  
process for reporting alleged violations of this chapter, as 4129  
prescribed by the board ~~of cosmetology~~, is posted at the salon 4130  
in a common area for all customers of salon services. 4131

Sec. 4713.44. (A) The state cosmetology and barber board 4132  
shall issue a license to operate a school to an applicant who 4133  
satisfies all of the following requirements: 4134

(1) Maintains a course of practical training and technical 4135  
instruction for the branch or branches of cosmetology or 4136  
barbering to be taught at the school equal to the requirements 4137  
for admission to an examination under section 4709.07 or 4713.24 4138  
of the Revised Code that an individual must pass to obtain a 4139  
license to practice that branch or those branches of cosmetology 4140  
or barbering; 4141

(2) Possesses or makes available apparatus and equipment 4142  
sufficient for the ready and full teaching of all subjects of 4143  
the curriculum; 4144

(3) Notifies the board of the enrollment of each new 4145  
student, keeps a record devoted to the different practices, 4146  
establishes grades, and holds examinations in order to certify 4147  
the students' completion of the prescribed course of study 4148  
before the issuance of certificates of completion; 4149

(4) In the case of a school that offers clock hours for 4150  
the purpose of satisfying minimum hours of training and 4151  
instruction, keeps a daily record of the attendance of each 4152  
student; 4153

(5) Except as provided in division (C) (2) of this section, 4154

files with the board a good and sufficient surety bond executed 4155  
by the individual, firm, or corporation operating the school as 4156  
principal and by a surety company as surety in the amount of ten 4157  
thousand dollars; 4158

(6) Establishes and maintains an internal procedure for 4159  
processing complaints filed against the school and for providing 4160  
students with instructions on how to file a complaint directly 4161  
with the board pursuant to section 4713.641 of the Revised Code; 4162

(7) Complies with the requirements of division (B) of this 4163  
section if the school offers instruction in theory and practice 4164  
of one or more branches of cosmetology; 4165

(8) Complies with the requirements of section 4709.10 of 4166  
the Revised Code if the school offers instruction in the theory 4167  
and practice of barbering; 4168

(9) Pays the licensure fee. 4169

(B) If the school for which an applicant is applying for a 4170  
license under division (A) of this section offers instruction in 4171  
the theory and practice of one or more branches of cosmetology, 4172  
the applicant shall do all of the following to be issued the 4173  
license: 4174

(1) Maintain individuals licensed under section 4713.31 or 4175  
4713.34 of the Revised Code to teach the theory and practice of 4176  
the branch or branches of cosmetology offered at the school; 4177

(2) On the date that an apprentice cosmetology instructor 4178  
begins cosmetology instructor training at the school, certify 4179  
the name of the apprentice cosmetology instructor to the board 4180  
along with the date on which the apprentice's instructor 4181  
training began; 4182

(3) Instruct not more than six apprentice cosmetology 4183  
instructors at any one time. 4184

(C) (1) The bond required under division (A) (5) of this 4185  
section shall be in the form prescribed by the board and be 4186  
conditioned on the school's continued instruction in the theory 4187  
and practice of one or more branches of cosmetology or 4188  
barbering. The bond shall continue in effect until notice of its 4189  
termination is given to the board by registered mail and every 4190  
bond shall so provide. 4191

(2) The requirement under division (A) (5) of this section 4192  
does not apply to a vocational or career-technical school 4193  
program conducted by a city, exempted village, local, or joint 4194  
vocational school district. 4195

(D) A school licensed under this section is an educational 4196  
institution and is authorized to offer educational programs 4197  
beyond secondary education, advanced practice programs, or both 4198  
in accordance with rules adopted by the board pursuant to 4199  
section 4713.08 of the Revised Code. 4200

(E) A school license issued to an applicant under division 4201  
(A) of this section is not transferable from one owner to 4202  
another or from one location to another. 4203

**Sec. 4713.45. (A) A school may do any of the following:** 4204

(1) In accordance with rules adopted under section 4713.08 4205  
of the Revised Code, a school may offer clock hours, credit 4206  
hours, or competency-based credits for the purpose of satisfying 4207  
minimum hours of training and instruction; 4208

(2) Subject to division (B) of this section, employ an 4209  
individual who does not hold a current, valid instructor or 4210  
barber instructor license to teach subjects related to a branch 4211

<u>of cosmetology or barbering;</u>	4212
<u>(3) If the school offers instruction in the theory and</u>	4213
<u>practice of one or more branches of cosmetology, both of the</u>	4214
<u>following:</u>	4215
<u>(a) Allow an apprentice cosmetology instructor the regular</u>	4216
<u>quota of students prescribed by the state cosmetology and barber</u>	4217
<u>board if a cosmetology instructor is present;</u>	4218
<u>(b) Compensate an apprentice cosmetology instructor.</u>	4219
<u>(4) If the school offers instruction in the theory and</u>	4220
<u>practice of barbering, establish entrance requirements for the</u>	4221
<u>acceptance of student applicants that are more stringent than</u>	4222
<u>those prescribed by the board under division (A) (20) of section</u>	4223
<u>4713.08 of the Revised Code, but at a minimum require an</u>	4224
<u>applicant to meet both of the following:</u>	4225
<u>(a) Be at least sixteen years of age;</u>	4226
<u>(b) Have an eighth grade education, or an equivalent</u>	4227
<u>education as determined by the state board of education.</u>	4228
<u>(B) (1) A school shall have a licensed cosmetology or</u>	4229
<u>barber instructor present when an individual employed pursuant</u>	4230
<u>to division (A) (2) of this section teaches at the school, unless</u>	4231
<u>the individual is one of the following:</u>	4232
<u>(a) An individual with a current, valid teacher's</u>	4233
<u>certificate or educator license issued by the state board of</u>	4234
<u>education;</u>	4235
<u>(b) An individual with a bachelor's degree in the subject</u>	4236
<u>the individual teaches at the school;</u>	4237
<u>(c) An individual also employed by a university or college</u>	4238

to teach the subject the individual teaches at the school. 4239

(2) An individual employed pursuant to division (A)(2) of 4240  
this section by a school that offers instruction in the theory 4241  
and practice of barbering may only teach subjects related to 4242  
business and management at the school, including laws and rules 4243  
concerning the practice of barbering, advertising and 4244  
salesmanship, public relations, and barber shop duties and 4245  
management. 4246

(C) A school annually shall review the subjects and 4247  
coursework required to receive an initial practicing, advanced, 4248  
or barber license and, in doing so, shall incorporate standards 4249  
adopted by the board pursuant to division (A)(13) of section 4250  
4713.08 of the Revised Code. 4251

**Sec. 4713.46.** A student who is injured or damaged by 4252  
reason of the failure of a school ~~of cosmetology~~ to continue 4253  
instruction in the theory and practice of a branch of 4254  
cosmetology or barbering may maintain an action on the bond 4255  
against the school, or surety named therein, or both of them, 4256  
for the recovery of any money or tuition paid in advance for 4257  
instruction in the theory and practice of a branch of 4258  
cosmetology or barbering that was not received. The aggregate 4259  
liability of the surety to all students shall not exceed the sum 4260  
of the bond. 4261

**Sec. 4713.49.** The owner or manager of a salon or school 4262  
that has a permit issued under section 4713.48 of the Revised 4263  
Code may operate a tanning facility at the salon or school. 4264

**Sec. 4713.55.** Every license issued by the state 4265  
cosmetology and barber board shall be signed by the chairperson 4266  
and attested by the executive director of the board, with the 4267

seal of the board attached. 4268

The board shall specify on each practicing and advanced 4269  
license that the board issues the branch of cosmetology that the 4270  
license entitles the holder to practice. ~~The board shall specify~~ 4271  
~~on each advanced license that the board issues the type of salon~~ 4272  
~~in which the license entitles the holder to work and the branch~~ 4273  
~~of cosmetology that the license entitles the holder to practice.~~ 4274  
The board shall specify on each instructor license that the 4275  
board issues the branch of cosmetology that the license entitles 4276  
the holder to teach. The board shall specify on each salon 4277  
license that the board issues the branch of cosmetology that the 4278  
license entitles the holder to offer. The board shall specify on 4279  
each independent contractor license that the board issues that 4280  
the holder is entitled to practice only the branch of 4281  
cosmetology ~~that the~~ for which a current, valid license entitles 4282  
~~the holder to offer~~ is held within a licensed salon. Such 4283  
licenses are prima-facie evidence of the right of the holder to 4284  
practice or teach the branch of cosmetology that the license 4285  
specifies. 4286

**Sec. 4713.56.** Every holder of a practicing license, 4287  
advanced license, instructor license, independent contractor 4288  
license, or boutique service registration issued by the state 4289  
cosmetology and barber board shall maintain the board-issued, 4290  
wallet-sized license or electronically generated license 4291  
certification or registration and a current government-issued 4292  
photo identification that can be produced upon inspection or 4293  
request. 4294

Every holder of a license to operate a salon issued by the 4295  
board shall display the license in a public and conspicuous 4296  
place in the salon. 4297

Every holder of a license to operate a school ~~of~~ 4298  
~~cosmetology~~ issued by the board shall display the license in a 4299  
public and conspicuous place in the school. 4300

Every individual who provides massage therapy or other 4301  
professional service in a salon under section 4713.42 of the 4302  
Revised Code shall maintain the individual's professional 4303  
license or certificate or electronically generated license 4304  
certification or registration and a state of Ohio issued photo 4305  
identification that can be produced upon inspection or request. 4306

**Sec. 4713.58.** (A) Except as provided in division (B) of 4307  
this section, on payment of the renewal fee and ~~submission of~~ 4308  
~~proof satisfactory attestation~~ to the state cosmetology and 4309  
barber board that any applicable continuing education 4310  
requirements have been completed, an individual currently 4311  
licensed as: 4312

(1) A cosmetology instructor who has previously been 4313  
~~licensed as an~~ issued a practicing cosmetologist license or an 4314  
advanced ~~cosmetologist~~ license to practice cosmetology, is 4315  
entitled to the reissuance of ~~a cosmetologist~~ the practicing or 4316  
advanced cosmetologist license; 4317

(2) An esthetics instructor who has previously been 4318  
~~licensed as an~~ issued a practicing esthetician license or an 4319  
advanced ~~esthetician~~ license to practice esthetics, is entitled 4320  
to the reissuance of ~~an esthetician~~ the practicing or advanced 4321  
esthetician license; 4322

(3) A hair design instructor who has previously been 4323  
~~licensed as an~~ issued a practicing hair designer license or an 4324  
advanced ~~hair designer~~ license to practice hair design, is 4325  
entitled to the reissuance of ~~a hair designer~~ the practicing or 4326

advanced hair designer license; 4327

(4) A manicurist instructor who has previously been 4328  
~~licensed as issued a practicing manicurist license~~ or an 4329  
advanced ~~manicurist~~license to practice manicuring, is entitled 4330  
to the reissuance of ~~a manicurist the practicing~~ or advanced 4331  
manicurist license; 4332

(5) A natural hair style instructor who has previously 4333  
been ~~licensed as issued a practicing natural hair stylist~~ 4334  
~~license~~ or an advanced ~~natural hair stylist~~license to practice 4335  
natural hair styling, is entitled to the reissuance of ~~a natural~~ 4336  
~~hair stylist the practicing~~ or advanced natural hair stylist 4337  
license. 4338

(B) No individual is entitled to the reissuance of a 4339  
license under division (A) of this section if the license was 4340  
revoked or suspended or the individual has an outstanding unpaid 4341  
fine levied under section 4713.64 of the Revised Code. 4342

**Sec. 4713.59.** If the state cosmetology and barber board 4343  
adopts rules under section 4713.09 of the Revised Code to 4344  
establish a continuing education requirement as a condition of 4345  
renewal for a practicing license, advanced license, ~~or~~ 4346  
instructor license, or boutique services registration, the board 4347  
shall inform each affected licensee or registrant of the 4348  
continuing education requirement that applies to the next 4349  
biennial licensing period by including that information in the 4350  
renewal notification it sends the licensee or registrant. The 4351  
notification shall state that the licensee or registrant must 4352  
complete the continuing education requirement by the fifteenth 4353  
day of January of the next odd-numbered year. 4354

Hours completed in excess of the continuing education 4355

requirement may not be applied to the next biennial licensing 4356  
period. 4357

**Sec. 4713.60.** (A) Except as provided in division ~~(C)~~ (B) 4358  
of this section, an individual seeking a renewal of a license to 4359  
practice a branch of cosmetology, advanced license, instructor 4360  
license, or boutique services registration shall ~~include~~ attest 4361  
in the renewal application ~~proof satisfactory~~ to the ~~board of~~ 4362  
completion of any applicable continuing education requirements 4363  
established by rules adopted under section 4713.09 of the 4364  
Revised Code. 4365

~~(B) If an applicant fails to provide satisfactory proof of~~ 4366  
~~completion of any applicable continuing education requirements,~~ 4367  
~~the board shall notify the applicant that the application is~~ 4368  
~~incomplete. The board shall not renew the license or~~ 4369  
~~registration until the applicant provides satisfactory proof of~~ 4370  
~~completion of any applicable continuing education requirements.~~ 4371  
~~The board may provide the applicant with an extension of up to~~ 4372  
~~ninety days in which to complete the continuing education~~ 4373  
~~requirement. In providing for the extension, the board may~~ 4374  
~~charge the licensee or registrant a fine of up to one hundred~~ 4375  
~~dollars.~~ 4376

~~(C)~~ The state cosmetology and barber board may waive, or 4377  
extend the period for completing, any continuing education 4378  
requirement if a licensee or registrant applies to the board and 4379  
provides proof satisfactory to the board of being unable to 4380  
complete the requirement within the time allowed because of any 4381  
of the following: 4382

(1) An emergency; 4383

(2) An unusual or prolonged illness; 4384

(3) Active duty service in any branch of the armed forces 4385  
of the United States or a reserve component of the armed forces 4386  
of the United States, including the Ohio national guard or the 4387  
national guard of any other state. 4388

The board shall determine the period of time during which 4389  
each extension is effective and shall inform the applicant. The 4390  
board shall also inform the applicant of the continuing 4391  
education requirements that must be met to have the license or 4392  
registration renewed. If an extension is granted for less than 4393  
one year, the continuing education requirement for that year, in 4394  
addition to the required continuing education for the succeeding 4395  
year, must be completed in the succeeding year. In all other 4396  
cases the board may waive all or part of the continuing 4397  
education requirement on a case-by-case basis. Any required 4398  
continuing education shall be completed ~~and satisfactory proof~~ 4399  
~~of its completion submitted to the board~~ by a date specified by 4400  
the board. Every license or registration that has not been 4401  
renewed in the timeframe specified in section 4713.57 of the 4402  
Revised Code and for which the continuing education requirement 4403  
has not been waived or extended shall be considered expired. 4404

**Sec. 4713.61.** (A) If the state cosmetology and barber 4405  
board adopts a continuing education requirement under section 4406  
4713.09 of the Revised Code, it may develop a procedure by which 4407  
an individual who holds a license to practice a branch of 4408  
cosmetology, advanced license, or instructor license and who is 4409  
not currently engaged in the practice of the branch of 4410  
cosmetology or teaching the theory and practice of the branch of 4411  
cosmetology, but who desires to be so engaged in the future, may 4412  
apply to the board to have the individual's license classified 4413  
inactive. If the board develops such a procedure, an individual 4414  
seeking to have the individual's license classified inactive 4415

shall apply to the board on a form provided by the board and pay 4416  
the fee established by rules adopted under section 4713.08 of 4417  
the Revised Code. 4418

(B) The board shall not restore an inactive license until 4419  
~~the later of the following:~~ 4420

~~(1) The date that the individual holding the license 4421  
submits proof satisfactory to the board that the individual has 4422  
completed the continuing education that a rule adopted under 4423  
section 4713.08 of the Revised Code requires.~~ 4424

~~(2) The last day of January of the next odd numbered year 4425  
following the year the license is classified inactive.~~ 4426

~~(C) An individual who holds an inactive license may engage 4427  
in the practice of a branch of cosmetology if the individual 4428  
holds a temporary work permit as specified in rules adopted by 4429  
the board under section 4713.08 of the Revised Code. 4430~~

**Sec. 4713.62.** (A) An individual holding a practicing 4431  
license, advanced license, instructor license, or boutique 4432  
services registration may satisfy a continuing education 4433  
requirement established by rules adopted under section 4713.09 4434  
of the Revised Code only by completing continuing education 4435  
programs approved under division (B) of this section. 4436

(B) The state cosmetology and barber board shall approve a 4437  
continuing education program if all of the following conditions 4438  
are satisfied: 4439

(1) The person operating the program submits to the board 4440  
a written application for approval. 4441

(2) The person operating the program pays to the board a 4442  
fee established by rules adopted under section 4713.08 of the 4443

Revised Code. 4444

(3) The program is operated by an employee, officer, or 4445  
director of a nonprofit professional association, college or 4446  
university, proprietary continuing education institutions 4447  
providing programs approved by the board, vocational school, 4448  
postsecondary proprietary school ~~of cosmetology~~ licensed by the 4449  
board, salon licensed by the board, barber shop licensed by the 4450  
board under section 4709.09 of the Revised Code, or manufacturer 4451  
of supplies or equipment used in the practice of a branch of 4452  
cosmetology or barbering. 4453

(4) The program will do at least one of the following: 4454

(a) Enhance the professional competency of the affected 4455  
licensees or registrants; 4456

(b) Protect the public; 4457

(c) Educate the affected licensees or registrants in the 4458  
application of the laws and rules regulating the practice of a 4459  
branch of cosmetology or barbering. 4460

(5) The person operating the program provides the board a 4461  
tentative schedule of when the program will be available so that 4462  
the board can make the schedule readily available to all 4463  
licensees and registrants throughout the state. 4464

**Sec. 4713.63.** A practicing license, advanced license, or 4465  
instructor license that has not been renewed for any reason 4466  
other than because it has been revoked, suspended, or classified 4467  
inactive, or because the license holder has been given a waiver 4468  
or extension under section 4713.60 of the Revised Code, is 4469  
expired. An expired license may be restored if the individual 4470  
who held the license meets ~~all~~ both of the following applicable 4471  
conditions: 4472

(A) Pays to the state cosmetology and barber board the 4473  
restoration fee established under section 4713.10 of the Revised 4474  
Code; 4475

(B) In the case of a practicing license or advanced 4476  
license ~~that has been expired for more than two consecutive~~ 4477  
~~license renewal periods,~~ completes ~~eight hours of the~~ continuing 4478  
education ~~for each license renewal period that has elapsed since~~ 4479  
~~the license was last issued or renewed, up to a maximum of~~ 4480  
~~twenty four hours~~requirement for renewal of a license 4481  
established by the board in the rules adopted under section 4482  
4713.09 of the Revised Code. 4483

~~At least four of those hours shall include a course~~ 4484  
~~pertaining to sanitation and safety methods.~~ 4485

~~The board shall deposit all fees it receives under~~ 4486  
~~division (B) of this section into the general revenue fund.~~ 4487

**Sec. 4713.64.** (A) The state cosmetology and barber board 4488  
may take disciplinary action under this chapter for any of the 4489  
following: 4490

(1) Failure to comply with the safety, ~~sanitation~~infection 4491  
control, and licensing requirements of this chapter or rules 4492  
adopted under it; 4493

(2) Continued practice by an individual knowingly having 4494  
an infectious or contagious disease; 4495

(3) Habitual drunkenness or addiction to any habit-forming 4496  
drug; 4497

(4) Willful false and fraudulent or deceptive advertising; 4498

(5) Falsification of any record or application required to 4499  
be filed with the board; 4500

(6) Failure to pay a fine or abide by a suspension order issued by the board;	4501 4502
(7) Failure to cooperate with an investigation or inspection;	4503 4504
(8) Failure to respond to a subpoena;	4505
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	4506 4507
(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.	4508 4509 4510 4511
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	4512 4513
(1) Deny, revoke, <del>or suspend,</del> <u>or impose conditions on</u> a license, permit, or registration issued by the board under this chapter;	4514 4515 4516
(2) Impose a fine;	4517
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	4518 4519 4520
(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.	4521 4522 4523
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual <u>who</u> or salon <del>who</del> <u>that</u> violates division (A) (9) or (10) of this section. After the board takes	4524 4525 4526 4527

such disciplinary action, the board shall give written notice to 4528  
the subject of the disciplinary action of the right to request a 4529  
hearing under Chapter 119. of the Revised Code. 4530

(3) In lieu of an adjudication, the board may enter into a 4531  
consent agreement with the holder of a license, permit, or 4532  
registration issued under this chapter. A consent agreement that 4533  
is ratified by a majority vote of a quorum of the board members 4534  
is considered to constitute the findings and orders of the board 4535  
with respect to the matter addressed in the agreement. If the 4536  
board does not ratify a consent agreement, the admissions and 4537  
findings contained in the agreement are of no effect, and the 4538  
case shall be scheduled for adjudication under Chapter 119. of 4539  
the Revised Code. 4540

(D) The amount and content of corrective action courses 4541  
and other relevant criteria shall be established by the board in 4542  
rules adopted under section 4713.08 of the Revised Code. 4543

(E) (1) The board may impose a separate fine for each 4544  
offense listed in division (A) of this section. The amount of 4545  
the first fine issued for a violation as the result of an 4546  
inspection shall be not more than two hundred fifty dollars if 4547  
the violator has not previously been fined for that offense. Any 4548  
fines issued for additional violations during such an inspection 4549  
shall not be more than one hundred dollars for each additional 4550  
violation. The fine shall be not more than five hundred dollars 4551  
if the violator has been fined for the same offense once before. 4552  
Any fines issued for additional violations during a second 4553  
inspection shall not be more than two hundred dollars for each 4554  
additional violation. The fine shall be not more than one 4555  
thousand dollars if the violator has been fined for the same 4556  
offense two or more times before. Any fines issued for 4557

additional violations during a third inspection shall not be 4558  
more than three hundred dollars for each additional violation. 4559

(2) The board shall issue an order notifying a violator of 4560  
a fine imposed under division (E) (1) of this section. The notice 4561  
shall specify the date by which the fine is to be paid. The date 4562  
shall be less than forty-five days after the board issues the 4563  
order. 4564

(3) At the request of a violator who is temporarily unable 4565  
to pay a fine, or upon its own motion, the board may extend the 4566  
time period within which the violator shall pay the fine up to 4567  
ninety days after the date the board issues the order. 4568

~~(4) If a violator fails to pay a fine by the date 4569  
specified in the board's order and does not request an extension 4570  
within ten days after the date the board issues the order, or if 4571  
the violator fails to pay the fine within the extended time 4572  
period as described in division (E) (3) of this section, the 4573  
board shall add to the fine an additional penalty equal to ten 4574  
per cent of the fine. 4575~~

~~(5) If a violator fails to pay a fine within ninety days 4576  
after the board issues the order, the board shall add to the 4577  
fine interest at a rate specified by the board in rules adopted 4578  
under section 4713.08 of the Revised Code. 4579~~

~~(6) If the fine, including any interest or additional 4580  
penalty, remains unpaid on the ninety-first day after the board 4581  
issues an order under division (E) (2) of this section, the 4582  
amount of the fine and any interest or additional penalty shall 4583  
be certified to the attorney general for collection in the form 4584  
and manner prescribed by the attorney general. The attorney 4585  
general may assess the collection cost to the amount certified 4586~~

in such a manner and amount as prescribed by the attorney 4587  
general. 4588

(F) In the case of an offense of failure to comply with 4589  
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 4590  
Code, the board shall impose a fine of five hundred dollars if 4591  
the violator has not previously been fined for that offense. If 4592  
the violator has previously been fined for the offense, the 4593  
board may impose a fine in accordance with this division or take 4594  
another action in accordance with division (B) of this section. 4595

(G) The board shall notify a licensee or registrant who is 4596  
in violation of division (A) of this section and the owner of 4597  
the salon in which the conditions constituting the violation 4598  
were found. The individual receiving the notice of violation and 4599  
the owner of the salon may request a hearing pursuant to section 4600  
119.07 of the Revised Code. If the individual or owner fails to 4601  
request a hearing or enter into a consent agreement thirty days 4602  
after the date the board, in accordance with sections 119.05 and 4603  
119.07 of the Revised Code ~~and division (J) of this section,~~ 4604  
notifies the individual or owner of the board's intent to act 4605  
against the individual or owner under division (A) of this 4606  
section, the board by a majority vote of a quorum of the board 4607  
members may take the action against the individual or owner 4608  
without holding an adjudication hearing. 4609

(H) The board, after a hearing in accordance with Chapter 4610  
119. of the Revised Code or pursuant to a consent agreement, may 4611  
suspend a license, permit, or registration if the licensee, 4612  
permit holder, or registrant fails to correct an unsafe 4613  
condition that exists in violation of the board's rules or fails 4614  
to cooperate in an inspection. If a violation of this chapter or 4615  
rules adopted under it has resulted in a condition reasonably 4616

believed by an inspector to create an immediate danger to the 4617  
health and safety of any individual using the facility, the 4618  
inspector may suspend the license or permit of the facility or 4619  
the individual responsible for the violation without a prior 4620  
hearing until the condition is corrected or until a hearing in 4621  
accordance with Chapter 119. of the Revised Code is held or a 4622  
consent agreement is entered into and the board either upholds 4623  
the suspension or reinstates the license, permit, or 4624  
registration. 4625

(I) The board shall not take disciplinary action against 4626  
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 4627  
~~cosmetology~~ for a violation of this chapter that was committed 4628  
by an individual licensed to practice a branch of cosmetology or 4629  
barbering, while practicing within the salon or school, when the 4630  
individual's actions were beyond the control of the salon owner 4631  
or school. 4632

**Sec. 4713.641.** Any ~~student or former student of a school~~ 4633  
~~of cosmetology licensed under division (A) of section 4713.44 of~~ 4634  
~~the Revised Code~~ individual may file a complaint with the state 4635  
cosmetology and barber board alleging that ~~the~~ an individual, 4636  
salon, barber shop, school, or tanning facility has violated 4637  
~~division (A) of section 4713.64~~ this chapter or Chapter 4709. of 4638  
the Revised Code or rules adopted under either chapter. ~~The~~ 4639  
~~complaint shall be in writing and signed by the individual~~ 4640  
~~bringing the complaint.~~ Upon receiving a complaint, the board 4641  
shall initiate a preliminary investigation to determine whether 4642  
it is probable that a violation was committed. If the board 4643  
determines after preliminary investigation that it is not 4644  
probable that a violation was committed, the board shall notify 4645  
the individual who filed the complaint of the board's findings 4646  
and that the board will not ~~issue a~~ pursue formal complaint. 4647

action in the matter. If the board determines after a 4648  
preliminary investigation that it is probable that a violation 4649  
was committed, the board ~~shall~~ may proceed against the 4650  
individual, salon, barber shop, school, or tanning facility 4651  
pursuant to the board's authority under section 4709.13 or 4652  
4713.64 of the Revised Code and in accordance with the hearing 4653  
and notice requirements prescribed in Chapter 119. of the 4654  
Revised Code. 4655

**Sec. 4713.66.** ~~(A)~~ The state cosmetology and barber board, 4656  
on its own motion or on receipt of a ~~written~~ complaint, may 4657  
investigate or inspect the activities or premises of an 4658  
individual or entity who is alleged to have violated this 4659  
chapter or Chapter 4709. of the Revised Code or rules adopted 4660  
under ~~it~~ either chapter, regardless of whether the individual or 4661  
entity holds a license ~~or~~ registration, or permit issued under 4662  
this chapter or Chapter 4709. of the Revised Code. 4663

~~(B) If, based on its investigation, the board determines~~ 4664  
~~that there is reasonable cause to believe that an individual or~~ 4665  
~~entity has violated this chapter or rules adopted under it, the~~ 4666  
~~board shall afford the individual or entity an opportunity for a~~ 4667  
~~hearing. Notice shall be given and any hearing conducted in~~ 4668  
~~accordance with Chapter 119. of the Revised Code.~~ 4669

~~(C) The board shall maintain a transcript of the hearing~~ 4670  
~~and issue a written opinion to all parties, citing its findings~~ 4671  
~~and ground for any action it takes. Any action shall be taken in~~ 4672  
~~accordance with section 4713.64 of the Revised Code.~~ 4673

**Sec. 4713.69.** (A) Except as provided in division ~~(D)~~ (C) 4674  
of this section, the state cosmetology and barber board shall 4675  
issue a boutique services registration to an applicant who 4676  
satisfies ~~all~~ both of the following ~~applicable~~ conditions: 4677

- (1) Is at least sixteen years of age; 4678
- (2) ~~Has the equivalent of an Ohio public school tenth-grade education;~~ 4679  
4680
- ~~(3)~~ Has submitted a written application on a form 4681  
prescribed by the board containing all of the following: 4682
- (a) The applicant's name and home address; 4683
- (b) The applicant's home telephone number and cellular 4684  
telephone number, if any; 4685
- (c) The applicant's electronic mail address, if any; 4686
- (d) The applicant's date of birth; 4687
- (e) ~~The address and telephone number where boutique-~~ 4688  
~~services will be performed. The address shall not contain a post-~~ 4689  
~~office box number.~~ 4690
- ~~(f)~~ Whether the applicant has an occupational license, 4691  
certification, or registration to provide beauty services in 4692  
another state, and if so, what type of license and in what 4693  
state; 4694
- ~~(g)~~ (f) Whether the applicant has ever had an occupational 4695  
license, certification, or registration suspended, revoked, or 4696  
denied in any state; 4697
- ~~(h)~~ (g) An affidavit or certificate providing proof of 4698  
formal training or apprenticeship under an individual providing 4699  
such services. 4700
- (B) ~~The place of business where boutique services are~~ 4701  
~~performed must comply with the safety and sanitation~~ 4702  
~~requirements for licensed salon facilities as described in~~ 4703  
~~section 4713.41 of the Revised Code.~~ 4704

~~(C)~~—The board shall specify the manner by which boutique 4705  
services registrants shall fulfill the continuing education 4706  
requirements set forth in section 4713.09 of the Revised Code. 4707

~~(D)~~—(C) The board shall issue a boutique services 4708  
registration in accordance with Chapter 4796. of the Revised 4709  
Code to an applicant if either of the following applies: 4710

(1) The applicant holds a license or registration in 4711  
providing boutique services in another state. 4712

(2) The applicant has satisfactory work experience, a 4713  
government certification, or a private certification as 4714  
described in that chapter in providing boutique services in a 4715  
state that does not issue that license or registration. 4716

**Sec. 4713.99.** Whoever violates section 4713.14 of the 4717  
Revised Code ~~is guilty of a misdemeanor of the fourth degree on~~ 4718  
shall be fined not less than one hundred nor more than five 4719  
hundred dollars for a first offense; ~~on~~ for each subsequent 4720  
offense violation of the same provision, such individual ~~is~~ 4721  
guilty of a misdemeanor of the third degree shall be fined not 4722  
less than five hundred nor more than one thousand dollars. 4723

**Sec. 4973.17.** (A) (1) Upon the application of any bank; 4724  
savings and loan association; savings bank; credit union; or 4725  
association of banks, savings and loan associations, savings 4726  
banks, or credit unions in this state, the secretary of state 4727  
may appoint and commission any persons that the bank; savings 4728  
and loan association; savings bank; credit union; or association 4729  
of banks, savings and loan associations, savings banks, or 4730  
credit unions designates, or as many of those persons as the 4731  
secretary of state considers proper, to act as police officers 4732  
for and on the premises of that bank; savings and loan 4733

association; savings bank; credit union; or association of 4734  
banks, savings and loan associations, savings banks, or credit 4735  
unions; or elsewhere, when directly in the discharge of their 4736  
duties. Police officers so appointed shall be citizens of this 4737  
state and of good character. Police officers so appointed who 4738  
start to perform their duties on or after April 14, 2006, shall 4739  
successfully complete a training program approved by the Ohio 4740  
peace officer training commission described in section 109.71 of 4741  
the Revised Code and be certified by the commission within six 4742  
months after starting to perform their duties. Police officers 4743  
so appointed shall hold office for three years, unless, for good 4744  
cause shown, their commission is revoked by the secretary of 4745  
state, or by the bank; savings and loan association; savings 4746  
bank; credit union; or association of banks, savings and loan 4747  
associations, savings banks, or credit unions, as provided by 4748  
law. 4749

(2) Persons commissioned as police officers pursuant to 4750  
division (A) of this section prior to April 14, 2006, who have 4751  
not successfully completed a training program approved by the 4752  
Ohio peace officer training commission, and who have not been 4753  
certified by the commission, may be reappointed and re- 4754  
commissioned by the secretary of state only during the person's 4755  
continuous employment as a police officer by the institution for 4756  
which the person was employed on April 14, 2006, or by a 4757  
successor institution to the institution for which the person 4758  
was employed on April 14, 2006. The secretary of state shall 4759  
note on such appointments and commissions that the person is not 4760  
a peace officer as defined in section 109.71 of the Revised 4761  
Code. 4762

(3) For the exclusive purpose of assigning break in 4763  
service update training as prescribed in rule 109:2-1-12 (D) of 4764

the Administrative Code, a police officer appointed under 4765  
division (A) of this section, who began performing police 4766  
officer duties on or before April 14, 2006, shall be credited as 4767  
holding a valid peace officer appointment retroactive to the 4768  
date on which the officer began performing these duties. 4769

(B) Upon the application of a company owning or using a 4770  
railroad in this state and subject to section 4973.171 of the 4771  
Revised Code, the secretary of state may appoint and commission 4772  
any persons that the railroad company designates, or as many of 4773  
those persons as the secretary of state considers proper, to act 4774  
as police officers for and on the premises of the railroad 4775  
company, its affiliates or subsidiaries, or elsewhere, when 4776  
directly in the discharge of their duties. Police officers so 4777  
appointed, within the time set by the Ohio peace officer 4778  
training commission, shall successfully complete a commission 4779  
approved training program and be certified by the commission. 4780  
They shall hold office for three years, unless, for good cause 4781  
shown, their commission is revoked by the secretary of state, or 4782  
railroad company, as provided by law. 4783

Any person holding a similar commission in another state 4784  
may be commissioned and may hold office in this state without 4785  
completing the approved training program required by this 4786  
division provided that the person has completed a substantially 4787  
equivalent training program in the other state. The Ohio peace 4788  
officer training commission shall determine whether a training 4789  
program in another state meets the requirements of this 4790  
division. 4791

(C) Upon the application of any company under contract 4792  
with the United States atomic energy commission for the 4793  
construction or operation of a plant at a site owned by the 4794

commission, the secretary of state may appoint and commission 4795  
persons the company designates, not to exceed one hundred fifty, 4796  
to act as police officers for the company at the plant or site 4797  
owned by the commission. Police officers so appointed shall be 4798  
citizens of this state and of good character. They shall hold 4799  
office for three years, unless, for good cause shown, their 4800  
commission is revoked by the secretary of state or by the 4801  
company, as provided by law. 4802

(D) (1) Upon the application of any hospital ~~that is~~ 4803  
~~operated by a public hospital agency or a nonprofit hospital~~ 4804  
~~agency and~~ that employs and maintains its own proprietary police 4805  
department or security department and that satisfies division 4806  
(D) (1) (a) or (b) of this section and subject to section 4973.171 4807  
of the Revised Code, the secretary of state may appoint and 4808  
commission any persons that the hospital designates, or as many 4809  
of those persons as the secretary of state considers proper, to 4810  
act as police officers for the hospital. ~~No~~ 4811

A hospital described in this division must satisfy either 4812  
of the following conditions: 4813

(a) Be operated by a public hospital agency or nonprofit 4814  
hospital agency; 4815

(b) Be a for-profit hospital that, before converting to 4816  
for-profit status, was operated by a nonprofit hospital agency 4817  
employing police officers appointed under this division. 4818

(2) No person who is appointed as a police officer under 4819  
this division (D) (1) of this section shall engage in any duties 4820  
or activities as a police officer for the hospital or any 4821  
affiliate or subsidiary of the hospital unless all of the 4822  
following apply: 4823

(a) The chief of police of the municipal corporation in 4824  
which the hospital is located or, if the hospital is located in 4825  
the unincorporated area of a county, the sheriff of that county 4826  
has granted approval to the hospital to permit persons appointed 4827  
as police officers under ~~this~~ division (D)(1) of this section to 4828  
engage in those duties and activities. The approval required by 4829  
this division is general in nature and is intended to cover in 4830  
the aggregate all persons appointed as police officers for the 4831  
hospital under ~~this~~ division (D)(1) of this section; a separate 4832  
approval is not required for each appointee on an individual 4833  
basis. 4834

(b) Subsequent to the grant of approval described in 4835  
division ~~(D)(1)(a)~~ (D)(2)(a) of this section, the hospital has 4836  
entered into a written agreement with the chief of police of the 4837  
municipal corporation in which the hospital is located or, if 4838  
the hospital is located in the unincorporated area of a county, 4839  
with the sheriff of that county, that sets forth the standards 4840  
and criteria to govern the interaction and cooperation between 4841  
persons appointed as police officers for the hospital under ~~this~~ 4842  
division (D)(1) of this section and law enforcement officers 4843  
serving the agency represented by the chief of police or sheriff 4844  
who signed the agreement in areas of their concurrent 4845  
jurisdiction. The written agreement shall be signed by the 4846  
appointing authority of the hospital and by the chief of police 4847  
or sheriff. The standards and criteria may include, but are not 4848  
limited to, provisions governing the reporting of offenses 4849  
discovered by hospital police officers to the agency represented 4850  
by the chief of police or sheriff, provisions governing 4851  
investigatory responsibilities relative to offenses committed on 4852  
hospital property, and provisions governing the processing and 4853  
confinement of persons arrested for offenses committed on 4854

hospital property. The agreement required by this division is 4855  
intended to apply in the aggregate to all persons appointed as 4856  
police officers for the hospital under this division; a separate 4857  
agreement is not required for each appointee on an individual 4858  
basis. 4859

(c) The person has successfully completed a training 4860  
program approved by the Ohio peace officer training commission 4861  
and has been certified by the commission. A person appointed as 4862  
a police officer under ~~this~~ division (D) (1) of this section may 4863  
attend a training program approved by the commission and be 4864  
certified by the commission regardless of whether the 4865  
appropriate chief of police or sheriff has granted the approval 4866  
described in division ~~(D) (1) (a)~~ (D) (2) (a) of this section and 4867  
regardless of whether the hospital has entered into the written 4868  
agreement described in division ~~(D) (1) (b)~~ (D) (2) (b) of this 4869  
section with the appropriate chief of police or sheriff. 4870

~~(2) (a)~~ (3) (a) A person who is appointed as a police 4871  
officer under division (D) (1) of this section is entitled, upon 4872  
the grant of approval described in division ~~(D) (1) (a)~~ (D) (2) (a) 4873  
of this section and upon the person's and the hospital's 4874  
compliance with the requirements of divisions ~~(D) (1) (b)~~ (D) (2) 4875  
(b) and (c) of this section, to act as a police officer for the 4876  
hospital on the premises of the hospital and of its affiliates 4877  
and subsidiaries that are within the territory of the municipal 4878  
corporation served by the chief of police or the unincorporated 4879  
area of the county served by the sheriff who signed the written 4880  
agreement described in division ~~(D) (1) (b)~~ (D) (2) (b) of this 4881  
section, whichever is applicable, and anywhere else within the 4882  
territory of that municipal corporation or within the 4883  
unincorporated area of that county. The authority to act as a 4884  
police officer as described in this division is granted only if 4885

the person, when engaging in that activity, is directly in the 4886  
discharge of the person's duties as a police officer for the 4887  
hospital. The authority to act as a police officer as described 4888  
in this division shall be exercised in accordance with the 4889  
standards and criteria set forth in the written agreement 4890  
described in division ~~(D) (1) (b)~~ (D) (2) (b) of this section. 4891

(b) Additionally, a person appointed as a police officer 4892  
under division (D) (1) of this section is entitled, upon the 4893  
grant of approval described in division ~~(D) (1) (a)~~ (D) (2) (a) of 4894  
this section and upon the person's and the hospital's compliance 4895  
with the requirements of divisions ~~(D) (1) (b)~~ (D) (2) (b) and (c) 4896  
of this section, to act as a police officer elsewhere, within 4897  
the territory of a municipal corporation or within the 4898  
unincorporated area of a county, if the chief of police of that 4899  
municipal corporation or the sheriff of that county, 4900  
respectively, has granted approval for that activity to the 4901  
hospital, police department, or security department served by 4902  
the person as a police officer and if the person, when engaging 4903  
in that activity, is directly in the discharge of the person's 4904  
duties as a police officer for the hospital. The approval 4905  
described in this division may be general in nature or may be 4906  
limited in scope, duration, or applicability, as determined by 4907  
the chief of police or sheriff granting the approval. 4908

~~(3)~~ (4) Police officers appointed under division (D) (1) of 4909  
this section shall hold office for three years, unless, for good 4910  
cause shown, their commission is revoked by the secretary of 4911  
state or by the hospital, as provided by law. 4912

~~(4)~~ (5) Notwithstanding section 2744.02 of the Revised 4913  
Code, the municipal corporation in which the hospital is located 4914  
or, if the hospital is located in the unincorporated area of a 4915

county, the county is immune from civil or criminal liability in 4916  
any action brought under the laws of this state if all of the 4917  
following apply: 4918

(a) The action arises out of the actions of a police 4919  
officer appointed under division (D)(1) of this section. 4920

(b) The actions of the police officer are directly in the 4921  
discharge of the person's duties as a police officer for the 4922  
hospital. 4923

(c) The actions of the police officer occur on the 4924  
premises of the hospital or its affiliates or subsidiaries that 4925  
are within the territory of the municipal corporation served by 4926  
the chief of police or the unincorporated area of the county 4927  
served by the sheriff who signed the agreement described in 4928  
division ~~(D)(1)(b)~~ (D)(2)(b) of this section, whichever is 4929  
applicable, or anywhere else within the territory of that 4930  
municipal corporation or within the unincorporated area of that 4931  
county. 4932

~~(5)~~ (6) A court's finding of tort liability of any public 4933  
hospital agency ~~or~~, nonprofit hospital agency, or for-profit 4934  
hospital for any actions of a police officer appointed for the 4935  
applicable hospital agency or for-profit hospital under division 4936  
(D)(1) of this section is not subject to apportionment of tort 4937  
liability under sections 2307.22 and 2307.23 of the Revised Code 4938  
with the municipal corporation or the county in which a written 4939  
agreement as described in division ~~(D)(1)(b)~~ (D)(2)(b) of this 4940  
section is in effect. 4941

~~(6)~~ (7) Nothing in division ~~(D)(4)~~ (D)(5) of this section 4942  
shall be construed as granting immunity from civil or criminal 4943  
liability for any actions occurring on the premises of any 4944

hospital operated by a public hospital agency or nonprofit 4945  
hospital agency, on the premises of any for-profit hospital, or 4946  
on the premises of that hospital's affiliate or subsidiary to 4947  
any of the following: 4948

(a) Any police officer appointed under division (D) (1) of 4949  
this section; 4950

(b) Any hospital ~~operated by a public hospital agency or a~~ 4951  
~~nonprofit hospital agency~~ that applied for the appointment of 4952  
any police officer under division (D) (1) of this section, or any 4953  
affiliate or subsidiary of the hospital; 4954

(c) Any other police or security officer who is employed 4955  
by, or whose services are utilized by, any hospital operated by 4956  
a public hospital agency or a nonprofit hospital agency, any 4957  
for-profit hospital, or any affiliate or subsidiary of the 4958  
hospital; 4959

(d) Any entity that supplies the services of police or 4960  
security officers to any hospital operated by a public hospital 4961  
agency or a nonprofit hospital agency, any for-profit hospital, 4962  
or any affiliate or subsidiary of the hospital. 4963

~~(7)~~ (8) As used in division (D) of this section: 4964

(a) "Public hospital agency" and "nonprofit hospital 4965  
agency" have the same meanings as in section 140.01 of the 4966  
Revised Code. 4967

(b) "Tort liability" means the liability of a party as 4968  
determined by a court in a tort action as defined in section 4969  
2307.011 of the Revised Code. 4970

(E) (1) Upon the application of any owner or operator of an 4971  
amusement park that has an average yearly attendance in excess 4972

of six hundred thousand guests and that employs and maintains 4973  
its own proprietary police department or security department and 4974  
subject to section 4973.171 of the Revised Code, any judge of 4975  
the municipal court or county court that has territorial 4976  
jurisdiction over the amusement park may appoint and commission 4977  
any persons that the owner or operator designates, or as many of 4978  
those persons as the judge considers proper, to act as police 4979  
officers for the amusement park. If the amusement park is 4980  
located in more than one county, any judge of the municipal 4981  
court or county court of any of those counties may make the 4982  
appointments and commissions as described in this division. No 4983  
person who is appointed as a police officer under this division 4984  
shall engage in any duties or activities as a police officer for 4985  
the amusement park or any affiliate or subsidiary of the owner 4986  
or operator of the amusement park unless all of the following 4987  
apply: 4988

(a) The appropriate chief or chiefs of police of the 4989  
political subdivision or subdivisions in which the amusement 4990  
park is located as specified in this division have granted 4991  
approval to the owner or operator of the amusement park to 4992  
permit persons appointed as police officers under this division 4993  
to engage in those duties and activities. If the amusement park 4994  
is located in a single municipal corporation or a single 4995  
township, the chief of police of that municipal corporation or 4996  
township is the appropriate chief of police for the grant of 4997  
approval under this division. If the amusement park is located 4998  
in two or more townships, two or more municipal corporations, or 4999  
one or more townships and one or more municipal corporations, 5000  
the chiefs of police of all of the affected townships and 5001  
municipal corporations are the appropriate chiefs of police for 5002  
the grant of approval under this division, and the approval must 5003

be jointly granted by all of those chiefs of police. The 5004  
approval required by this division is general in nature and is 5005  
intended to cover in the aggregate all persons appointed as 5006  
police officers for the amusement park under this division. A 5007  
separate approval is not required for each appointee on an 5008  
individual basis. 5009

(b) Subsequent to the grant of approval described in 5010  
division (E) (1) (a) of this section, the owner or operator has 5011  
entered into a written agreement with the appropriate chief or 5012  
chiefs of police of the political subdivision or subdivisions in 5013  
which the amusement park is located as specified in this 5014  
division and has provided the sheriff of the county in which the 5015  
political subdivision or subdivisions are located with a copy of 5016  
the agreement. If the amusement park is located in a single 5017  
municipal corporation or a single township, the chief of police 5018  
of that municipal corporation or township is the appropriate 5019  
chief of police for entering into the written agreement under 5020  
this division. If the amusement park is located in two or more 5021  
townships, two or more municipal corporations, or one or more 5022  
townships and one or more municipal corporations, the chiefs of 5023  
police of all of the affected townships and municipal 5024  
corporations are the appropriate chiefs of police for entering 5025  
into the written agreement under this division, and the written 5026  
agreement must be jointly entered into by all of those chiefs of 5027  
police. The written agreement between the owner or operator and 5028  
the chief or chiefs of police shall address the scope of 5029  
activities, the duration of the agreement, and mutual aid 5030  
arrangements and shall set forth the standards and criteria to 5031  
govern the interaction and cooperation between persons appointed 5032  
as police officers for the amusement park under this division 5033  
and law enforcement officers serving the agency represented by 5034

the chief of police who signed the agreement. The written 5035  
agreement shall be signed by the owner or operator and by the 5036  
chief or chiefs of police who enter into it. The standards and 5037  
criteria may include, but are not limited to, provisions 5038  
governing the reporting of offenses discovered by the amusement 5039  
park's police officers to the agency represented by the chief of 5040  
police of the municipal corporation or township in which the 5041  
offense occurred, provisions governing investigatory 5042  
responsibilities relative to offenses committed on amusement 5043  
park property, and provisions governing the processing and 5044  
confinement of persons arrested for offenses committed on 5045  
amusement park property. The agreement required by this division 5046  
is intended to apply in the aggregate to all persons appointed 5047  
as police officers for the amusement park under this division. A 5048  
separate agreement is not required for each appointee on an 5049  
individual basis. 5050

(c) The person has successfully completed a training 5051  
program approved by the Ohio peace officer training commission 5052  
and has been certified by the commission. A person appointed as 5053  
a police officer under this division may attend a training 5054  
program approved by the commission and be certified by the 5055  
commission regardless of whether the appropriate chief of police 5056  
has granted the approval described in division (E) (1) (a) of this 5057  
section and regardless of whether the owner or operator of the 5058  
amusement park has entered into the written agreement described 5059  
in division (E) (1) (b) of this section with the appropriate chief 5060  
of police. 5061

(2) (a) A person who is appointed as a police officer under 5062  
division (E) (1) of this section is entitled, upon the grant of 5063  
approval described in section (E) (1) (a) of this section and upon 5064  
the person's and the owner or operator's compliance with the 5065

requirements of division (E) (1) (b) and (c) of this section, to 5066  
act as a police officer for the amusement park and its 5067  
affiliates and subsidiaries that are within the territory of the 5068  
political subdivision or subdivisions served by the chief of 5069  
police, or respective chiefs of police, who signed the written 5070  
agreement described in division (E) (1) (b) of this section, and 5071  
upon any contiguous real property of the amusement park that is 5072  
covered by the written agreement, whether within or adjacent to 5073  
the political subdivision or subdivisions. The authority to act 5074  
as a police officer as described in this division is granted 5075  
only if the person, when engaging in that activity, is directly 5076  
in the discharge of the person's duties as a police officer for 5077  
the amusement park. The authority to act as a police officer as 5078  
described in this division shall be exercised in accordance with 5079  
the standards and criteria set forth in the written agreement 5080  
described in division (E) (1) (b) of this section. 5081

(b) In addition to the authority granted under division 5082  
(E) (2) (a) of this section, a person appointed as a police 5083  
officer under division (E) (1) of this section is entitled, upon 5084  
the grant of approval described in division (E) (1) (a) of this 5085  
section and upon the person's and the owner or operator's 5086  
compliance with the requirements of divisions (E) (1) (b) and (c) 5087  
of this section, to act as a police officer elsewhere within the 5088  
territory of a municipal corporation or township if the chief of 5089  
police of that municipal corporation or township has granted 5090  
approval for that activity to the owner or operator served by 5091  
the person as a police officer and if the person, when engaging 5092  
in that activity, is directly in the discharge of the person's 5093  
duties as a police officer for the amusement park. The approval 5094  
described in this division may be general in nature or may be 5095  
limited in scope, duration, or applicability, as determined by 5096

the chief of police granting the approval. 5097

(3) Police officers appointed under division (E) (1) of 5098  
this section shall hold office for five years, unless, for good 5099  
cause shown, their commission is revoked by the appointing judge 5100  
or the judge's successor or by the owner or operator, as 5101  
provided by law. 5102

(F) A fee of fifteen dollars for each commission applied 5103  
for under this section shall be paid at the time the application 5104  
is made, and this amount shall be returned if for any reason a 5105  
commission is not issued. 5106

**Section 2.** That existing sections 2925.01, 3333.26, 5107  
3937.41, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 5108  
4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 5109  
4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 5110  
4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 5111  
4713.37, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 5112  
4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 5113  
4713.641, 4713.66, 4713.69, 4713.99, and 4973.17 of the Revised 5114  
Code are hereby repealed. 5115

**Section 3.** That sections 4709.02, 4709.03, 4709.05, 5116  
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 5117  
4713.45 of the Revised Code are hereby repealed. 5118

**Section 4.** Section 4713.02 of the Revised Code, as amended 5119  
by this act, does not affect the terms of members of the State 5120  
Cosmetology and Barber Board serving on the Board on the 5121  
effective date of this section. 5122

**Section 5.** Notwithstanding the amendment of sections in 5123  
Chapter 4713. of the Revised Code in this act, which no longer 5124  
provides for school of cosmetology licenses, a valid school of 5125

cosmetology license held by a person on or after the effective 5126  
date of this section is valid for the duration of that license 5127  
term. On the expiration of that license, the State Cosmetology 5128  
and Barber Board shall issue to a license holder who wishes to 5129  
renew that license a school license under section 4713.44 of the 5130  
Revised Code, as enacted by this act, if the license holder 5131  
meets the requirements to be issued the school license. 5132

**Section 6.** Notwithstanding the amendment of sections in 5133  
Chapter 4709. of the Revised Code in this act, which no longer 5134  
provides for barber school licenses, if a valid barber school 5135  
license held by a person on or after the effective date of this 5136  
section is set to expire on August 31, 2024, that license is 5137  
valid until January 31, 2025. If a valid barber school license 5138  
held by a person on or after the effective date of this section 5139  
is set to expire on August 31, 2026, that license is valid until 5140  
January 31, 2027. On the expiration of that license, the State 5141  
Cosmetology and Barber Board shall issue to a license holder who 5142  
wishes to renew that license a school license under section 5143  
4713.44 of the Revised Code, as enacted by this act, if the 5144  
license holder meets the requirements to be issued the school 5145  
license. 5146