

# AN ACT

To amend sections 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, and 4713.99 and to enact sections 4713.071, 4713.66, and 4713.69 of the Revised Code to make changes to the Cosmetology Licensing Law.

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

SECTION 1. That sections 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, and 4713.99 be amended and sections 4713.071, 4713.66, and 4713.69 of the Revised Code be enacted to read as follows:

Sec. 2925.01. As used in this chapter:

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

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

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

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

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

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

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or

substance that is or contains any amount of raw or gum opium;

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

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

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

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

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

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

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

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

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

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

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

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

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13,

2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

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

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

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

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

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

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

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

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

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

identifying mark;

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

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

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

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

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

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

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

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

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

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

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

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that

is described in divisions (W)(1) to (36) of this section and that qualifies a person as a professionally licensed person.

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

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

(2) 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;

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

(4) 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;

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

(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(7) 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;

(8) 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, ~~managing-advanced~~ cosmetologist's license, ~~managing-advanced~~ hair designer's license, ~~managing-advanced~~ manicurist's license, ~~managing-advanced~~ esthetician's license, ~~managing-advanced~~ natural hair stylist's license, 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;

(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous 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;

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

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

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

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

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

(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;

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

the Revised Code;

(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;

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

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

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

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

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

(36) A person who has been admitted to the bar by order of the supreme court in compliance

with its prescribed and published rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.

Sec. 4713.01. As used in this chapter:

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

"Beauty salon" means ~~any premises, building, or part of a building~~ salon in which ~~a person~~ an individual is authorized to engage in all branches of cosmetology. ~~"Beauty salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.~~

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

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

"Boutique services" means braiding, threading, and shampooing.

"Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

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

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

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

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

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

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

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

"Esthetics salon" means ~~any premises, building, or part of a building~~ salon in which ~~a person~~ an individual engages in the practice of esthetics but no other branch of cosmetology.

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

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

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

"Hair design salon" means ~~any premises, building, or part of a building~~ salon in which a



~~person~~an individual engages in the practice of hair design but no other branch of cosmetology.

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

~~"Independent contractor license" means a license to practice~~an individual who is not an employee of a salon but practices a branch of cosmetology at within a salon in which the license holder rents booth space a licensed facility.

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

"Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which cosmetology services are authorized by the state board of cosmetology to be performed.

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

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

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

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

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

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

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

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

~~"Nail salon" means any premises, building, or part of a building salon in which a person~~an individual engages in the practice of manicuring but no other branch of cosmetology. ~~"Nail salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.~~

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

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

"Natural hair style salon" means ~~any premises, building, or part of a building salon~~in which a person~~an individual~~ engages in the practice of natural hair styling but no other branch of cosmetology.

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

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

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

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

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

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

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

"Salon" means a ~~beauty salon, esthetics salon, hair design salon, nail salon, or natural hair style salon~~ licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

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

"Shampooing" means the act of cleansing and conditioning an individual's hair under the

supervision of an individual licensed under this chapter and in preparation to immediately receive a service from a licensee.

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

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

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

(B) ~~Equipment or booths that applies use chemicals applied to human skin to create the appearance of being suntanned,~~ including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;

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

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

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

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

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

(3) ~~One person~~ individual who holds a current, valid independent contractor license at the time of appointment ~~or the owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license and~~ practices a branch of cosmetology;

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

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

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

(7) ~~One person~~ individual who is either a certified nurse practitioner or clinical nurse specialist holding a certificate of authority issued under Chapter 4723. of the Revised Code, or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) ~~One person~~ individual representing the general public;

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment.

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

(B) The superintendent of public instruction shall nominate three ~~persons~~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 or salon.

~~Except for the initial members appointed under divisions (A)(3) and (4) of this section, terms~~ Terms of office are for five years. ~~The term of the initial member appointed under division (A)(3) of this section shall be three years. The term of the initial member appointed under division (A)(4) of this section shall be four years.~~ Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution.

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

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

(D) The board shall prescribe the duties of its officers and establish an office within Franklin ~~County~~ 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.

Sec. 4713.03. The state board of cosmetology shall hold ~~a meeting~~meetings to transact its business at least four times a year. The board may hold additional meetings as, in its judgment, are necessary. The board shall meet at the times and places it selects.

Sec. 4713.06. The state board of cosmetology shall annually appoint an executive director. The executive director may not be a member of the board, but subsequent to appointment, shall serve as secretary of the board. The executive director, before entering upon the discharge of the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of duties of the office of executive director. The bond shall be in an amount the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes.

The board may employ inspectors, examiners, consultants on contents of examinations, ~~and~~

clerks, or other individuals as necessary for the administration of this chapter. All inspectors and examiners shall be licensed cosmetologists.

The board may appoint inspectors ~~of to inspect and investigate all facilities regulated by this chapter, including tanning facilities as needed to make periodic inspections as the board specifies, to ensure compliance with this chapter, the rules adopted pursuant to it, and the board's policies, in accordance with division (A)(11) of section 4713.07 of the Revised Code.~~

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

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

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

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

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

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

~~(C)(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter;~~

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

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

~~(1)(a) A discussion of the conditions in this state of the branches of cosmetology;~~

~~(2)(b) A brief summary of the board's proceedings during the year the report covers;~~

~~(3)(c) A statement of all money that the board received and expended during the year the report covers.~~

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

~~(1)(a) The board's proceedings;~~

~~(2)(b) The name and last known physical address, electronic mail address, and telephone number of each person-individual issued a license or registration under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code this chapter;~~

~~(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;~~

~~(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;~~

~~(5)(c) The date and number of each license-and-permit, and registration that the board issues;~~

~~(F)(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;~~

~~(G)(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, and tanning facilities, within ninety days of the opening for business of a licensed~~

facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.

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

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

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

Sec. 4713.071. (A) Beginning one year after the effective date of this section, the state board of cosmetology shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period:

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

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

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

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

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

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

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

(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;

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

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

(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter.

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

(1) Govern the practice of the branches of cosmetology and management of salons;

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

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

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

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

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

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

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

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;

(10) Establish conditions under which food may be sold at a salon;

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

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

(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;

(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;

(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;

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

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

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

(b) Require consumers to wear protective eyeglasses;

(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;

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

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

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

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

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

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

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

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

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

(20) Anything else necessary to implement this chapter.

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

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

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

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

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

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

Sec. 4713.081. The state board of cosmetology shall furnish a copy of the sanitary standards established by rules adopted under section 4713.08 of the Revised Code to each ~~person~~individual to whom the board issues a practicing license, ~~managing advanced~~ license, ~~or~~ license to operate a salon or school of cosmetology, or boutique services registration. The board also shall furnish a copy of the sanitary standards to each ~~person~~individual providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code. A salon or school of



cosmetology provided a copy of the sanitary standards shall post the standards in a public and conspicuous place in the salon or school.

Sec. 4713.082. The state board of cosmetology shall furnish a copy of the standards established by rules adopted under section 4713.08 of the Revised Code for installing and operating a tanning facility to each ~~person~~individual to whom the board issues a permit to operate a tanning facility. ~~A person~~An individual provided a copy of the standards shall post the standards in a public and conspicuous place in the tanning facility.

Sec. 4713.09. The state board of cosmetology may adopt rules in accordance with ~~Chapter 119-section~~ 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, ~~managing advanced~~ license, ~~or~~ instructor license, ~~or~~ boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

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

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

~~(B)~~(2) For initial application to take an examination under section 4713.24 of the Revised Code, ~~twenty one~~ thirty one dollars and fifty cents;

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

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

~~(E)~~(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, ~~thirty forty five~~ dollars;

~~(F)~~(6) For the issuance of a license under section 4713.34 of the Revised Code, ~~sixty seventy~~ dollars;

~~(G)~~(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~thirty forty five~~ dollars;

~~(H)~~(8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;

~~(I)~~(9) For the ~~inspection and~~ issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~sixty seventy five~~ dollars;

~~(J)~~(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~fifty~~ sixty dollars;

~~(K)~~(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, ~~and in addition to the payments for all an amount equal to the sum of the current license renewal fee and a lapsed renewal fees, thirty fee~~ of forty five dollars per license

renewal period that has elapsed since the license was last issued or renewed;

~~(L)~~(12) For the issuance of a duplicate of any license, ~~fifteen~~twenty dollars;

~~(M)~~(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;

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

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

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

Sec. 4713.13. Whenever in the judgment of the state board of cosmetology any ~~person~~individual has engaged in or is about to engage in any acts or practices that constitute a violation of this chapter, or any rule adopted under this chapter, the board may apply to the appropriate court for an order enjoining the acts or practices, and upon a showing by the board that the ~~person~~individual has engaged in the acts or practices, the court shall grant an injunction, restraining order, or other order as may be appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Employ a ~~person~~an individual to practice a branch of cosmetology if the ~~person~~individual does not hold one of the following authorizing the practice of that branch of cosmetology:

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

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

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

the Revised Code;

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

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

~~(E) Manage a salon without a current, valid license under section 4713.30 or 4713.34 of the Revised Code to manage that type of salon;~~

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

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

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

~~(G)~~~~(E)~~ Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the ~~person~~ individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:

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

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

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

~~(I)~~~~(H)~~ Practice a branch of cosmetology at a salon ~~in which the person rents booth space as an independent contractor~~ without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;

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

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

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

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

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

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

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

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

(2) Use a cosmetic product in a manner inconsistent with a restriction established by the

United States food and drug administration by regulation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) All ~~persons~~ individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;

(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned;

(4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;

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

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

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

(8) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by their certificates to practice;

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

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

Sec. 4713.20. ~~(A) Each person~~ individual who seeks admission to an examination conducted under section 4713.24 of the Revised Code ~~and each person who seeks a license under this chapter shall do all~~ submit both of the following:

~~(1) Submit to the state board of cosmetology a written application containing:~~

(A) As part of a license application, proof of the following:

~~(a) If the person seeks admission to an examination, that the person individual satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;~~

~~(b) If the person seeks a license, that the person satisfies all conditions for obtaining the license.~~

~~(2) Pay to the board the applicable fee;~~

~~(3) Verify by oath that the application is true.~~

~~(B) An application to operate a salon or school of cosmetology may be submitted by the owner, manager, or person in charge of the salon or school. A set of the individual's biometric fingerprint scan taken at the board's offices.~~

Sec. 4713.21. Both of the following may apply again under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code:

(A) ~~A person~~ An individual who failed to appear for an examination that the ~~person individual~~ was previously scheduled to take;

(B) ~~A person~~ An individual who appeared for a previously scheduled examination but failed to pass it.

Sec. 4713.22. (A) The state board of cosmetology shall issue a temporary pre-examination work permit to ~~a person~~ an individual who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code, if the ~~person individual~~ satisfies all of the following conditions:

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

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

(3) Pays to the board the applicable fee;

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

(B) ~~A person~~ An individual issued a temporary pre-examination work permit may practice the branch of cosmetology for which the ~~person individual~~ seeks a practicing license until the date the ~~person individual~~ is scheduled to take an examination under section 4713.24 of the Revised Code. The ~~person individual~~ shall practice under the supervision of ~~a person~~ an individual holding a current, valid ~~managing~~ license appropriate for the type of salon in which the permit holder practices.

~~A~~

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

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

Sec. 4713.24. (A) The state board of cosmetology shall conduct an examination for each ~~person individual~~ who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. Examinations for licensure for any branch of cosmetology shall assess the ability of a prospective cosmetology professional to maintain a safe and sanitary place of

service delivery. The board may develop and administer the appropriate examination or enter into an agreement with a national testing service to develop the examination, administer the examination, or both. The examination shall be specific to the type of license the ~~person~~-individual seeks and satisfy all of the following conditions:

~~(A)~~(1) Include both practical demonstrations and written or oral tests related to the type of license the ~~person~~-individual seeks;

~~(B)~~(2) Relate only to a branch of cosmetology, ~~managing license, or both,~~ but not be confined to any special system or method;

~~(C)~~(3) Be consistent in both practical and technical requirements for the type of license the ~~person~~-individual seeks;

~~(D)~~(4) Be of sufficient thoroughness to satisfy the board as to the ~~person's~~-individual's skill in and knowledge of the branch of cosmetology, ~~managing license, or both,~~ for which the examination is conducted.

(B) Not later than two years after the effective date of this amendment, the board shall create a curriculum and an examination for individuals seeking licensure to become an instructor and shall conduct an examination for each individual who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination.

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

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

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

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

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

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

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

Sec. 4713.25. (A) The state board of cosmetology may administer a separate ~~managing~~

advanced cosmetologist examination for ~~persons~~ individuals who complete a ~~managing-an~~ advanced cosmetologist training course separate from a cosmetologist training course. The board may combine the ~~managing-advanced~~ cosmetologist examination with the cosmetologist examination for ~~persons~~ individuals who complete a combined ~~eighteen-hundred-hour~~ cosmetologist and ~~managing-advanced~~ cosmetologist training course.

(B) The board may administer a separate ~~managing-advanced~~ esthetician examination for ~~persons~~ individuals who complete a ~~managing-an~~ advanced esthetician training course separate from an esthetician training course. The board may combine the ~~managing-advanced~~ esthetician examination with the esthetician examination for ~~persons~~ individuals who complete a ~~combined seven-hundred-fifty-hour-an~~ esthetician and ~~managing-advanced~~ esthetician training course.

(C) The board may administer a separate ~~managing-advanced~~ hair designer examination for ~~persons~~ individuals who complete a ~~managing-an~~ advanced hair designer training course separate from a hair designer training course. The board may combine the ~~managing-advanced~~ hair designer examination with the hair designer examination for ~~persons~~ individuals who complete a ~~combined one-thousand-four-hundred-forty-hour~~ hair designer and ~~managing-advanced~~ hair designer training course.

(D) The board may administer a separate ~~managing-advanced~~ manicurist examination for ~~persons~~ individuals who complete a ~~managing-an~~ advanced manicurist training course separate from a manicurist training course. The board may combine the ~~managing-advanced~~ manicurist examination with the manicurist examination for ~~persons~~ individuals who complete a ~~combined three-hundred-hour~~ manicurist and ~~managing-advanced~~ manicurist training course.

(E) The board may administer a separate ~~managing-advanced~~ natural hair stylist examination for ~~persons~~ individuals who complete a ~~managing-an~~ advanced natural hair stylist training course separate from a natural hair stylist training course. The board may combine the ~~managing-advanced~~ natural hair stylist examination with the natural hair stylist examination for ~~persons~~ individuals who complete a ~~combined six-hundred-hour~~ natural hair stylist and ~~managing-advanced~~ natural hair stylist training course.

Sec. 4713.26. Each ~~person~~ individual admitted to an examination conducted under section 4713.24 of the Revised Code shall furnish the ~~person's~~ individual's own model.

Sec. 4713.28. (A) The state board of cosmetology shall issue a practicing license to an applicant who, ~~except as provided in section 4713.30 of the Revised Code,~~ satisfies all of the following applicable conditions:

- ~~(A)~~(1) Is at least sixteen years of age;
- ~~(B)~~(2) Is of good moral character;
- ~~(C)~~(3) Has the equivalent of an Ohio public school tenth grade education;
- ~~(D)~~(4) Has submitted a written application on a form furnished by the board that contains all of the following:
  - (a) The name of the individual and any other identifying information required by the board;
  - (b) A recent photograph of the individual that meets the specifications established by the board;
  - (c) A photocopy of the individual's current driver's license or other proof of legal residence;
  - (d) Proof that the individual is qualified to take the applicable examination as required by



section 4713.20 of the Revised Code:

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

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

~~(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;

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

~~(F)~~~~(7)~~ In the case of an applicant for an initial cosmetologist license, has successfully completed at least ~~fifteen~~ 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 a ~~person~~ an individual licensed as a barber under Chapter 4709. of the Revised Code;

~~(G)~~~~(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;

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

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

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

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

Sec. 4713.30. The state board of cosmetology shall issue a ~~managing~~ an advanced license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;

(B) Is of good moral character;

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

(D) Pays to the board the applicable fee;

(E) Passes the appropriate ~~managing~~ advanced license examination;

(F) In the case of an applicant for an initial ~~managing~~ advanced cosmetologist license, does either of the following:

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

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

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

(G) In the case of an applicant for an initial ~~managing-advanced~~ esthetician license, does either of the following:

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

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

(H) In the case of an applicant for an initial ~~managing-advanced~~ hair designer license, does either of the following:

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

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

(I) In the case of an applicant for an initial ~~managing-advanced~~ manicurist license, does either of the following:

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

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

(J) In the case of an applicant for an initial ~~managing-advanced~~ natural hair stylist license, does either of the following:

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

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

has successfully completed, in addition to the hours required for licensure as natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved ~~managing-advanced~~ natural hair stylist training.

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

(A) Is at least eighteen years of age;

(B) Is of good moral character;

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

(D) Pays to the board the applicable fee;

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

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

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

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

(1) Has the licensed ~~managing-advanced~~ esthetician, licensed ~~managing-advanced~~ cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least ~~two-one~~ thousand eight hundred hours;

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

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

(1) Has the licensed ~~managing-advanced~~ hair designer, licensed ~~managing-advanced~~ cosmetologist, or owner of the licensed hair design salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of hair design in a licensed hair design salon or practice of cosmetology in a licensed beauty salon for at least ~~two-one~~ thousand eight hundred hours;

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

(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid ~~managing-advanced~~ manicurist or ~~managing-advanced~~ cosmetologist license and does either of the following:

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

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

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

(1) Has the licensed ~~managing-advanced~~ natural hair stylist, licensed ~~managing-advanced~~ cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least ~~two-one~~ thousand eight hundred hours;

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

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

Sec. 4713.34. The state board of cosmetology shall issue a license to practice a branch of cosmetology, ~~managing~~ license, or instructor license to an applicant who is licensed or registered in another state or country to practice that branch of cosmetology, ~~manage that type of salon~~, or teach the theory and practice of that branch of cosmetology, as appropriate, if all of the following conditions are satisfied:

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

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

(2) Is of good moral character;

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

(4) Pays the applicable fee.

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

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

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

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

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

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

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

~~A person who holds a current, valid managing cosmetologist license issued by the board may manage all types of salons and engage in the practice of one or more branches of cosmetology as the person chooses.~~

~~A person who holds a current, valid managing esthetician license issued by the board may manage an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.~~

~~A person who holds a current, valid managing hair designer license issued by the board may manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.~~

~~A person who holds a current, valid managing manicurist license issued by the board may manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.~~

~~A person who holds a current, valid managing natural hair stylist license issued by the board may manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.~~

~~A person~~ 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 ~~person~~ individual chooses.

~~A person~~ 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.

~~A person~~ 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.

~~A person~~ 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.

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

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

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

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

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

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

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

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

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

(B) ~~A person~~ An individual issued a temporary special occasion work permit may practice the branch of cosmetology the ~~person~~ individual practices in another state or country, or teach the theory and practice of the branch of cosmetology the ~~person~~ individual teaches in another state or country, until the expiration date of the permit. A temporary special occasion work permit is valid for the period of time specified in rules adopted under section 4713.08 of the Revised Code.

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

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

(A)(1) ~~A person~~ An individual holding a current, valid ~~managing~~ cosmetologist license ~~or license to manage that type of salon has charge of and immediate supervision over~~ or boutique services registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A)(2) of this section.

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

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

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

(2) Sanitize all instruments and supplies used in the branch of cosmetology provided at the salon;

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

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

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

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

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

Sec. 4713.42. ~~A person~~ An individual holding a current, valid certificate issued under section 4731.15 of the Revised Code to provide cosmetic therapy or massage therapy may provide cosmetic therapy or massage therapy, as appropriate, in a salon. ~~A person~~ An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the ~~person's~~ individual's profession in a salon if the ~~person's~~ individual's profession is authorized by rules adopted under section 4713.08 of the Revised Code to practice in a salon.

~~A person~~ An individual providing cosmetic therapy, massage therapy, or other professional service in a salon pursuant to this section shall satisfy the standards established by rules adopted under section 4713.08 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Compensate an apprentice cosmetology instructor;

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

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

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

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

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

(C) A school of cosmetology shall annually review the subjects and coursework required to receive an initial cosmetology license and advanced license and, in doing so, shall incorporate standards adopted by the state board of cosmetology pursuant to division (A)(13) of section 4713.08



of the Revised Code.

Sec. 4713.48. (A) The state board of cosmetology shall issue a permit to operate a tanning facility to an applicant if all of the following conditions are satisfied:

(1) The applicant applies in accordance with the application process adopted by rules adopted under section 4713.08 of the Revised Code.

(2) The applicant pays to the treasurer of state the fee established by those rules.

(3) An initial inspection of the premises indicates that the tanning facility has been installed and will be operated in accordance with those rules.

(B) A permit holder shall post the permit in a public and conspicuous place on any premises where the tanning facility is located. ~~A person~~ An individual shall obtain a separate permit for each of the premises owned or operated by that ~~person~~ individual at which the ~~person~~ individual seeks to operate a tanning facility.

(C) ~~A~~ To continue operating, a permit holder ~~may~~ shall biennially renew ~~a~~ the permit by the last day of January of each odd-numbered year ~~upon~~. The board shall renew the permit upon the holder's payment to the treasurer of state of the biennial renewal fee.

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

The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each ~~managing~~ advanced license that the board issues the type of salon ~~that in which~~ the license entitles the holder to ~~manage work~~ and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology; ~~or manage the type of salon~~; that the license specifies.

Sec. 4713.56. Every holder of a practicing license, ~~managing license~~, instructor license, ~~or independent contractor license~~, or boutique service registration issued by the state board of cosmetology shall ~~display~~ maintain the board-issued, wallet-sized license in a public and conspicuous place in the place of employment of the holder ~~or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request.~~

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

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

Every ~~person~~ individual who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall ~~display~~ maintain the ~~person's~~ individual's professional license or certificate ~~in a public and conspicuous place in the room~~

~~used for the therapy or other service and a state of Ohio issued photo identification that can be produced upon inspection or request.~~

Sec. 4713.57. A license or registration issued by the state board of cosmetology is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. Renewal shall be done in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board may refuse to renew a license if the ~~person~~-individual holding the license has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

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

(1) A cosmetology instructor who has previously been licensed as a cosmetologist or ~~a managing-an advanced~~ cosmetologist, is entitled to the reissuance of a cosmetologist or ~~managing-advanced~~ cosmetologist license;

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

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

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

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

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

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

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

Sec. 4713.60. (A) Except as provided in division (C) of this section, ~~a person~~-an individual seeking a renewal of a license to practice a branch of cosmetology, ~~managing-advanced~~ license, ~~or~~ instructor license, or boutique services registration shall include in the renewal application proof

satisfactory to the board of completion of any applicable continuing education requirements established by rules adopted under section 4713.09 of the Revised Code.

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

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

- (1) An emergency;
- (2) An unusual or prolonged illness;
- (3) Active duty service in any branch of the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

The board shall determine the period of time during which each extension is effective and shall inform the applicant. The board shall also inform the applicant of the continuing education requirements that must be met to have the license or registration renewed. If an extension is granted for less than one year, the continuing education requirement for that year, in addition to the required continuing education for the succeeding year, must be completed in the succeeding year. In all other cases the board may waive all or part of the continuing education requirement on a case-by-case basis. Any required continuing education shall be completed and satisfactory proof of its completion submitted to the board by a date specified by the board. Every license ~~which or registration that has not been renewed in any odd-numbered year by the last day of January in the timeframe specified in section 4713.57 of the Revised Code~~ and for which the continuing education requirement has not been waived or extended shall be considered expired.

Sec. 4713.61. (A) If the state board of cosmetology adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which ~~a person~~ an individual who holds a license to practice a branch of cosmetology, ~~managing advanced~~ license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology, ~~managing a salon~~, or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the ~~person's~~ individual's license classified inactive. If the board develops such a procedure, ~~a person~~ an individual seeking to have the ~~person's~~ individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

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

- (1) The date that the ~~person~~ individual holding the license submits proof satisfactory to the board that the ~~person~~ individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

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

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

Sec. 4713.62. (A) ~~A person~~ An individual holding a practicing license, ~~managing-advanced~~ license, ~~or~~ instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section ~~or developed under division (C) of this section.~~

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

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

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

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.

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

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

(b) Protect the public;

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

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

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

(A) Pays to the state board of cosmetology the restoration fee, ~~the current renewal fee, and any applicable late fees~~ established under section 4713.10 of the Revised Code;

(B) Pays a ~~lapsed renewal fee of forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;~~

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

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

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

- (1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;
- (2) Continued practice by ~~a person~~ an individual knowingly having an infectious or contagious disease;
- (3) Habitual drunkenness or addiction to any habit-forming drug;
- (4) Willful false and fraudulent or deceptive advertising;
- (5) Falsification of any record or application required to be filed with the board;
- (6) Failure to pay a fine or abide by a suspension order issued by the board;
- (7) Failure to cooperate with an investigation or inspection;
- (8) Failure to respond to a subpoena;
- (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;
- (10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.

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

- (1) Deny, revoke, or suspend a license ~~or~~ permit, or registration issued by the board;
- (2) Impose a fine;
- (3) Require the holder of a license ~~or~~ permit, or registration to take corrective action courses.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

(F)-(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a tanning facility license, permit, or registration if the owner or operator-licensee, permit holder, or registrant fails to correct an unsafe condition that exists

in violation of the board's rules or fails to cooperate in an inspection ~~of the tanning facility~~. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any ~~person~~ individual using the ~~tanning facility~~, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

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

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

Sec. 4713.641. Any student or former student of a school of cosmetology licensed under division (A) of section 4713.44 of the Revised Code may file a complaint with the state board of cosmetology alleging that the school has violated division (A) of section 4713.64 of the Revised Code. The complaint shall be in writing and signed by the ~~person~~ individual bringing the complaint. Upon receiving a complaint, the board shall initiate a preliminary investigation to determine whether it is probable that a violation was committed. If the board determines after preliminary investigation that it is not probable that a violation was committed, the board shall notify the ~~person~~ individual who filed the complaint of the board's findings and that the board will not issue a formal complaint in the matter. If the board determines after a preliminary investigation that it is probable that a violation was committed, the board shall proceed against the school pursuant to the board's authority under section 4713.64 of the Revised Code and in accordance with the hearing and notice requirements prescribed in Chapter 119. of the Revised Code.

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

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

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

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

(1) Is at least sixteen years of age;

- (2) Is of good moral character;
- (3) Has the equivalent of an Ohio public school tenth grade education;
- (4) Has submitted a written application on a form prescribed by the board containing all of the following:
- (a) The applicant's name and home address;
- (b) The applicant's home telephone number and cellular telephone number, if any;
- (c) The applicant's electronic mail address, if any;
- (d) The applicant's date of birth;
- (e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.
- (f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;
- (g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;
- (h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.
- (B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.
- (C) Within six months of the effective date of this section, the board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.

Sec. 4713.99. Whoever violates section 4713.14 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such ~~person~~ individual is guilty of a misdemeanor of the third degree.

SECTION 2. That existing sections 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, and 4713.99 of the Revised Code are hereby repealed.

SECTION 3. Not more than two years after the effective date of this act, the State Board of Cosmetology shall issue an advanced license to all individuals holding a valid managing license for the level of licensure attained by the individual prior to the effective date of this act.

SECTION 4. On or before December 31, 2016, the Governor shall appoint the member of the State Board of Cosmetology who holds a tanning permit, and the member who holds an esthetician license as described in section 4713.02 of the Revised Code. The initial terms of office shall be from the date of appointment until October 31, 2021.



SECTION 5. Notwithstanding division (A) of section 4713.02 of the Revised Code which, as a result of amendments made by this act, no longer permits an owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license practices a branch of cosmetology to be appointed to a seat on the Board of Cosmetology, an owner or manager of such a salon who holds a seat on the Board on the effective date of this act may retain that seat until the current term of the seat expires.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Am. Sub. S. B. No. 213

131st G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_