

# AN ACT

To amend sections 2925.01, 4709.03, 4709.07, 4709.09, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.08, 4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 4713.15, 4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.25, 4713.26, 4713.27, 4713.99, and 4717.14; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4713.04 (4713.28), 4713.05 (4713.20), 4713.06 (4713.24), 4713.08 (4713.55), 4713.09 (4713.34), 4713.11 (4713.60), 4713.111 (4713.59), 4713.12 (4713.17), 4713.14 (4713.41), 4713.15 (4713.44), 4713.16 (4713.56), 4713.17 (4713.64), 4713.18 (4713.04), 4713.19 (4713.05), 4713.20 (4713.14), 4713.22 (4713.11), 4713.25 (4713.48), 4713.26 (4713.13), and 4713.27 (4713.65); to enact new sections 4713.06, 4713.07, 4713.08, 4713.09, 4713.15, 4713.16, 4713.21, 4713.22, 4713.25, and 4713.26 and sections 4713.081, 4713.082, 4713.141, 4713.29, 4713.30, 4713.31, 4713.32, 4713.35, 4713.36, 4713.37, 4713.39, 4713.42, 4713.45, 4713.46, 4713.49, 4713.57, 4713.58, 4713.61, 4713.62, and 4713.63; and to repeal sections 4713.07, 4713.13, 4713.131, 4713.132, and 4713.21 of the Revised Code to revise the law governing the State Board of Cosmetology and the professions and facilities that the Board regulates.

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

SECTION 1. That sections 2925.01, 4709.03, 4709.07, 4709.09, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.08, 4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 4713.15, 4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.25, 4713.26, 4713.27, 4713.99, and 4717.14 be amended; sections 4713.04 (4713.28), 4713.05 (4713.20), 4713.06 (4713.24), 4713.08 (4713.55), 4713.09 (4713.34), 4713.11 (4713.60), 4713.111 (4713.59), 4713.12 (4713.17), 4713.14 (4713.41), 4713.15 (4713.44), 4713.16 (4713.56), 4713.17 (4713.64), 4713.18 (4713.04), 4713.19 (4713.05), 4713.20 (4713.14), 4713.22 (4713.11), 4713.25 (4713.48), 4713.26 (4713.13), and 4713.27 (4713.65) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 4713.06, 4713.07, 4713.08, 4713.09, 4713.15, 4713.16, 4713.21, 4713.22, 4713.25, and 4713.26 and sections 4713.081, 4713.082, 4713.141, 4713.29, 4713.30, 4713.31, 4713.32, 4713.35, 4713.36, 4713.37, 4713.39, 4713.42, 4713.45, 4713.46, 4713.49, 4713.57, 4713.58, 4713.61, 4713.62, and 4713.63 of the Revised Code be enacted to read as follows:

Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "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 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

s 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 any of the following reference works:

- (1) "The National Formulary";
- (2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;
- (3) Other standard 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.

(Q) "School" means any school operated by a board of education or any 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 or the governing body of a 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 (35) 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 as an auctioneer or apprentice auctioneer or licensed to operate an auction company 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 cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetician 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 professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, 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.

(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) "Crack cocaine" means a compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in a form that resembles rocks or pebbles generally intended for individual use.

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

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

Sec. 4709.03. The following persons are exempt from this chapter while in the proper discharge of their professional duties:

(A) Persons licensed by this state to practice medicine and surgery;

(B) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;

(C) Nurses registered under Chapter 4723. of the Revised Code;

(D) Cosmetologists and hair designers licensed under Chapter 4713. of the Revised Code, insofar as their usual and ordinary vocation and profession is concerned as described in section 4713.01 of the Revised Code;

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

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

signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

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

(1) Is of good moral character;

(2) Is at least eighteen years of age;

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

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

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

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display ~~his~~ the certificate of licensure in a conspicuous place adjacent to or near ~~his~~ the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

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

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

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

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

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

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

(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.

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

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

(2) Tanning facilities ~~licensed pursuant to~~ issued a permit under section ~~4713.25~~ 4713.48 of the Revised Code may be operated in a barber shop.

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

Sec. 4713.01. As used in ~~sections 4713.01 to 4713.21 of the Revised Code~~ this chapter:

~~(A) The practice of cosmetology includes work done for pay, free, or otherwise, by any person, which work is usually performed by hairdressers, cosmetologists, cosmeticians, natural hair stylists, or beauty culturists; however denominated, in beauty salons; which work is for the embellishment, cleanliness, and beautification of~~ "Apprentice instructor"

means a person 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 in which a person 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.

"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.

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

"Cosmetologist" means a person authorized to engage in all branches of cosmetology.

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

"Esthetician" means a person who engages in the practice of esthetics but no other branch of cosmetology.

"Esthetics instructor" means a person 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 in which a person engages in the practice of esthetics but no other branch of cosmetology.

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

"Hair design instructor" means a person 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

in which a person engages in the practice of hair design but no other branch of cosmetology.

"Independent contractor license" means a license to practice a branch of cosmetology at a salon in which the license holder rents booth space.

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

"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology.

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

"Managing hair designer" means a person authorized to 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.

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

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

"Managing natural hair stylist" means a person authorized to 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.

"Manicurist" means a person who engages in the practice of manicuring but no other branch of cosmetology.

"Manicurist instructor" means a person 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 in which a person 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 who engages in the practice of natural hair styling but no other branch of cosmetology.

"Natural hair style instructor" means a person 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 in which a person engages in the practice of natural hair styling but no other branch of cosmetology.

"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.

"Practice of hair design" means embellishing or beautifying hair, wigs, and postiches, such as or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work by the use of manual massage techniques or mechanical or electrically operated apparatus or appliances, or cosmetics, preparations, tonics, antiseptics, creams, or lotions, and of manicuring the nails or application of artificial nails, which enumerated practices shall be inclusive of the practice of cosmetology, but not in limitation thereof. Sections 4713.01 to 4713.21 of the Revised Code do not permit any of the services or arts described in this division to be used for the treatment or cure of any physical or mental diseases or ailments.

The retail sale or the trial demonstration by application to the skin for purposes of retail sale of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, and postiches shall not be considered the practice of cosmetology.

(B) Cosmetologist, cosmetician, beauty culturist, or hairdresser, means any person who, for pay, free, or otherwise, engages in the practice of cosmetology.

(C) Manicurist means any person who, for pay, free, or otherwise, engages only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both.

(D) The practice of esthetics includes work done for pay, free, or otherwise, by any person, which work is 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.

(E) Esthetician means any person who, for pay, free, or otherwise, engages only in the practice of esthetics.

(F) Beauty salon means any premises, building, or part of a building, in which any branch of cosmetology, except the occupation of a manicurist when carried on in a barber shop licensed under Chapter 4709. of the Revised Code, or the occupation of a cosmetologist is practiced.

(G) Student means any person who is engaged in learning or acquiring

~~knowledge of the occupation of a cosmetologist, manicurist, or esthetician in a school of cosmetology.~~

~~(H) School of cosmetology means any premises, building, or part of a building in which students are instructed in the theories and practices of cosmetology, manicuring, and esthetics.~~

~~(I) Managing cosmetologist means any person who has met the requirements of division (E) of section 4713.04 of the Revised Code, and has applied for and received a managing cosmetologist license.~~

~~(J) Cosmetology instructor means any person who has met the requirements of division (F) of section 4713.04 of the Revised Code, and has applied for and received an instructor's license.~~

~~(K) Apprentice instructor means any licensee of the state board of cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor, in any branch of cosmetology in a duly licensed school of cosmetology.~~

~~(L) Cosmetic therapy and cosmetic therapist have the same meanings as in section 4731.15 of the Revised Code.~~

~~(M) Nail salon means any premises, building, or part of a building in which manicurists engage only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both. For administrative purposes, a nail salon is deemed the equivalent of a beauty salon and is subject to appropriate rules with respect to sanitation and sterilization. A licensed manicurist may practice the occupation of manicuring nails in a nail salon, in a beauty salon, or in a barber shop.~~

~~(N) Esthetics salon means any premises, building, or part of a building in which esthetics is performed by a person licensed as a cosmetologist or esthetician. For administrative purposes, an esthetics salon is deemed the equivalent of a beauty salon and is subject to the appropriate rules with respect to sanitation and sterilization.~~

~~(O) Managing manicurist means any person who has met the requirements of division (H) of section 4713.04 of the Revised Code, and has applied for and received a managing manicurist license.~~

~~(P) Manicurist instructor means any person who meets the requirements of division (L) of section 4713.04 of the Revised Code and who has applied for and received a manicurist instructor license.~~

~~(Q) Managing esthetician means any person who has met the requirements of division (J) of section 4713.04 of the Revised Code, and has applied for and received a managing esthetician's license.~~

~~(R) Esthetics instructor means any person who meets the requirements of division (K) of section 4713.04 of the Revised Code and who has applied~~



~~for and received an esthetics instructor license.~~

~~(S) Glamour photography means the combination of a photographic service or product with the delivery of a cosmetology service advertised or sold to the public.~~

~~(T) The practice, "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 the nails of any person, applying artificial or sculptured nails to any person, massaging the hands and lower arms up to the elbow of any person, massaging the feet and lower legs up to the knee of any person, or any combination of these four types of services.~~

~~"Practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work. "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.~~

~~(U) 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 "Practicing license" means a license to practice a branch of cosmetology.~~

~~"Salon" means a beauty salon, esthetics salon, hair design salon, nail salon, or natural hair style 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.~~

~~"Student" means a person, 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 a room or booth that houses equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation.~~

Sec. 4713.02. (A) There is hereby created the state board of

cosmetology, consisting of all of the following ~~seven~~ members appointed by the governor, with the advice and consent of the senate: ~~four graduate licensed cosmetologists, three of whom are actively engaged in the management of a beauty salon~~

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

(2) Two persons holding current, valid managing cosmetologist licenses and actively engaged in managing beauty salons at the time of appointment;  
~~one regularly licensed physician; one~~

(3) One person 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 practices a branch of cosmetology;

(4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school;

~~(5) One owner of a licensed school of cosmetology; and one~~

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

(7) One person who is either an advanced practice nurse approved under section 4723.55 of the Revised Code, a certified nurse practitioner or clinical nurse specialist holding a certificate of authority under section 4723.41 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 representing the general public.

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

Terms Except for the initial members appointed under divisions (A)(3) and (4) of this section, terms of office are for five years, ~~commencing~~. 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 ~~ending~~ 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 annually appoint an executive director who is not a member 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, in such sum as the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes.~~

The board shall prescribe the duties of its officers and establish an office at Columbus, Ohio. 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. The board also shall adopt a seal.

~~(B) The board may employ necessary inspectors, examiners, consultants on contents of examinations, and clerks. All inspectors, and examiners of cosmetologists, shall be licensed cosmetologists.~~

~~(C) The board shall adopt rules for carrying out sections 4713.01 to 4713.25 of the Revised Code. The rules shall cover at least all of the following:~~

- ~~(1) Conducting examinations of applicants for a license;~~
- ~~(2) The recognition of, and the credits to be given to, the study of cosmetology, or any branch thereof, in a school of cosmetology licensed under the laws of this or another state;~~
- ~~(3) Establishing reasonable fees for application to take the examination for licensure as a natural hair stylist and for issuance of a license to practice natural hair styling;~~
- ~~(4) Sanitary standards, including those authorized by the department of health, with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in~~

~~beauty salons, nail salons, esthetics salons, or schools of cosmetology, or in the practice of cosmetology.~~

~~The board shall furnish a copy of all sanitary rules adopted to each person issued a license for the conduct of a beauty salon, nail salon, esthetics salon, or school of cosmetology and to each operator, manicurist, and person engaged in the practice of massage. A copy of all such sanitary rules shall be posted in a conspicuous place in all beauty salons, nail salons, esthetics salons, and schools of cosmetology.~~

~~The board may adopt rules authorizing beauty or nail salons to offer esthetic services in the salon and may adopt rules regulating the practice of the services.~~

~~(D) The board shall do all of the following:~~

~~(1) Hold examinations of all applicants for license whose applications have been submitted in proper form;~~

~~(2) Issue licenses to applicants who meet the requirements of sections 4713.01 to 4713.25 of the Revised Code;~~

~~(3) Register beauty salons, nail salons, esthetics salons, and schools of cosmetology;~~

~~(4) Report to the proper prosecuting officer all violations coming within its knowledge;~~

~~(5) Make a written report annually to the governor concerning the conditions in this state of cosmetology and the branches thereof, which report shall also contain a brief reference to the proceedings had by or before the board for the year last past and a statement of all money received and expended by the board during such year;~~

~~(6) Keep a record containing the name and known place of business, and the date and number of license, of every licensed cosmetologist, esthetician, and every person engaged in the practice of any branch of cosmetology, together with the name and address of all tanning facilities, licensed beauty salons, licensed nail salons, licensed esthetics salons, and schools of cosmetology;~~

~~(7) Keep a record of its proceedings;~~

~~(8) All things necessary to carry out sections 4713.01 to 4713.25 of the Revised Code.~~

~~Sec. 4713.03. The state board of cosmetology shall hold a meeting for the examination of applicants for license and the transaction of such other to transact its business as shall pertain to its duties at least four times a year and the. The board may hold other additional meetings for the examination of applicants or for the transaction of necessary business as, in its judgment, may be required, are necessary. The board shall meet at such the times and~~

laces as it ~~may determine~~ selects.

Sec. ~~4713.18~~ 4713.04. The state board of cosmetology may authorize any of its members, in writing, to undertake any proceedings authorized by ~~sections 4713.01 to 4713.21, inclusive, of the Revised Code~~ this chapter, and the finding or order of such members is the finding of the board when confirmed by it.

Sec. ~~4713.19~~ 4713.05. All receipts of the state board of cosmetology shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board ~~president~~ chairperson or executive director, or both, as authorized by the board.

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. 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 as necessary for the administration of this chapter. All inspectors and examiners shall be licensed cosmetologists.

The board may appoint inspectors of tanning facilities as needed to make periodic inspections as the board specifies.

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

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

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

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

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

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

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

(3) A statement of all money that the board received and expended

during the year the report covers.

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

(1) The board's proceedings;

(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code;

(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) The date and number of each license and permit that the board issues;

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

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 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 sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;

(15) 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;

(16) 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 and be supervised as to the length of time consumers use the facility;

(c) 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 taking certain medications and of the possible relationship of the radiation to skin cancer;

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

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

(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.

(17)(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;

(ii) Specify the continuing education that a person 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 would have been required to complete had the person 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 whose license has been classified inactive.

(18) 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;

(19) 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 who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(17)(b) of this section may establish additional conditions for a temporary work permit that are applicable to persons 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)(14) 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)(15) 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 to whom the board issues a practicing license, managing license, or license to operate a salon or school of cosmetology. The board also shall furnish a copy of the sanitary standards to each person 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 to whom the board issues a permit to operate a tanning facility. A person 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. 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 license, or instructor license.

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

(A) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, five dollars;

~~(B)~~ For initial application to take the an examination for a license to practice cosmetology, or any branch thereof under section 4713.24 of the Revised Code, twenty-one dollars;

~~(B)(C)~~ 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)~~ For the re-examination of any 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 dollars;

~~(C)(E)~~ For the issuance or renewal of a cosmetology, manicurist, or esthetics instructor's of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, thirty dollars;

~~(D)(F)~~ For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's of a license under section 4713.34 of the Revised Code, thirty sixty dollars;

~~(E)(G)~~ For renewal of a license issued under section 4713.28, 4713.30,

4713.31, or 4713.34 of the Revised Code, thirty dollars;

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

~~(F)(I)~~ For the inspection and issuance of a new ~~beauty salon, nail salon, or esthetics salon~~ license or the change of name or ownership of a ~~beauty salon, nail salon, or esthetics salon~~ license, sixty dollars;

~~(G)(J)~~ For the renewal of a ~~beauty salon, nail salon, or esthetics salon~~ license, fifty dollars;

~~(H)~~ For the issuance or renewal of a ~~cosmetologist's, manicurist's, or esthetician's~~ license, ~~thirty dollars;~~

~~(I)(K)~~ For the restoration of ~~any lapsed~~ an expired license ~~which that~~ may be restored pursuant to section ~~4713.11~~ 4713.63 of the Revised Code, and in addition to the payments ~~required by that section~~ for all lapsed renewal fees, thirty dollars;

~~(J)~~ For the issuance of a license under section ~~4713.09~~ of the Revised Code, ~~sixty dollars;~~

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

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

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

~~Each applicant shall, in addition to the fees specified, furnish the applicant's own models.~~

Sec. ~~4713.22~~ 4713.11. The state board of cosmetology, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4713.10 of the Revised Code, provided that any fee increase does not exceed the amount permitted by more than fifty per cent.

Sec. ~~4713.26~~ 4713.13. Whenever in the judgment of the state board of cosmetology any person 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 has engaged in the acts or practices, the court shall grant an injunction, restraining order, or other order as may be appropriate.

Sec. ~~4713.20~~ 4713.14. ~~(A)~~ No person shall do any of the following:

~~(1) Conduct or operate a nail salon, beauty salon, esthetics salon, or school of cosmetology without a license;~~

~~(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist,~~

~~managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;~~

~~(3) Practice natural hair styling for pay, free, or otherwise, without a license;~~

~~(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;~~

~~(5)(A) Use fraud or deceit in making application for a license or permit;~~

~~(B) Aid or abet any person;~~

~~(a)(1) Violating sections 4713.01 to 4713.21 of the Revised Code this chapter or a rule adopted under it;~~

~~(b)(2) Obtaining a license or permit fraudulently;~~

~~(e)(3) Falsely pretending to be licensed;~~

~~(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology hold a current, valid license or permit.~~

~~(6) Engage in the practice of (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.~~

~~(D) Employ a person to practice a branch of cosmetology if the person 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.~~

~~(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) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the person 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) 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) Practice a branch of cosmetology at a salon in which the person rents booth space without a current, valid independent contractor license under section 4713.39 of the Revised Code;

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

(K) Provide cosmetic therapy or massage in therapy at a beauty salon or nail salon for pay, free, or otherwise unless the person holds without a current, valid certificate issued by the state medical board pursuant to 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;

(7) Engage in the advertisement or operation of a glamour photography service unless properly licensed under this chapter by the state board of cosmetology;

(B) Sections 4713.01 to 4713.21 of the Revised Code do not prohibit any student in a licensed school of cosmetology in this state from engaging in that school, as a student, in work connected with any branch of cosmetology taught in the school

(L) Teach a branch of cosmetology at a salon, unless the person

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

(N) At a salon or school of cosmetology, do either 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).

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

(P) 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;

(Q) 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.

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) of section 4713.14 of the Revised Code has been violated.

Sec. 4713.15. This chapter does not permit any of the services or arts that are part of the practice of a branch of cosmetology to be used for the treatment or cure of a physical or mental disease or ailment.

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

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

(B) 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;

(C) The retailing, at a salon, of cosmetics, preparations, tonics,

ptics, creams, lotions, wigs, hairpieces, clothing, or any other items that pose no risk of creating unsanitary conditions at the salon;

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

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

(2) 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 who holds either of the following authorizing the person to practice that branch of cosmetology:

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

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

(E) 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.

~~Sec. 4713.12 4713.17. Sections 4713.01 to 4713.21 of the Revised Code do not prohibit service in cases of emergency or domestic administration, without compensation. (A) The following persons shall be are exempt from the provisions of such sections this chapter, except, as applicable, section 4713.42 of the Revised Code:~~

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

~~(B)~~(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;

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

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

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

~~(F)~~(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.

~~(G) Nurses~~ (7) Nurse aides and other employees of hospitals and homes

as defined in section 3721.01 of the Revised Code, who ~~render~~ practice a branch of cosmetology services to on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;

~~(H)~~ (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;

~~(I) Photographers engaged in delivering a glamour photography service in a licensed salon, so long as the person advertising and operating the glamour photography service is properly licensed under this chapter by the state board of cosmetology~~ (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. 4713.05 4713.20. Every application for (A) Each person who seeks admission to an examination; conducted under section 4713.24 of the Revised Code and every application for each person who seeks a license as a cosmetologist, a natural hair stylist, or in any branch of cosmetology, under this chapter shall be in writing, on forms prepared and furnished by the state board of cosmetology. Such application shall be accompanied by the fee specified, and shall contain do all of the following:~~

(1) Submit to the state board of cosmetology a written application containing proof of the qualifications of the applicant for following:

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

(b) If the person seeks a license, that the person satisfies all conditions for obtaining the license, and shall be verified.

(2) Pay to the board the applicable fee;

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

~~If, after application, the applicant fails to appear for the applicant's examination, in order to be examined at a later date, the applicant may apply again as specified above and shall pay the re-examination fee.~~

~~Applicants failing to pass the examination may apply again as specified above and shall pay the re-examination fee~~ (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.

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 who failed to appear for an examination that the person was previously scheduled to take;

(B) A person 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 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 satisfies all of the following conditions:

(1) Is seeking a practicing 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 the branch of cosmetology for which the person 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 issued a temporary pre-examination work permit may practice the branch of cosmetology for which the person seeks a license until the date the person is scheduled to take an examination under section 4713.24 of the Revised Code. The person shall practice under the supervision of a person holding a current, valid managing license appropriate for the type of salon in which the permit holder practices. A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code.

Sec. ~~4713.06~~ 4713.24. (A) ~~All examinations of applicants under sections 4713.01 to 4713.21 of the Revised Code shall meet~~ The state board of cosmetology shall conduct an examination for each person who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. The examination shall be specific to the type of license the person seeks and satisfy all of the following conditions:

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

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

~~(3)~~(C) Be consistent in both practical and technical requirements, and



for the type of license the person seeks;

~~(D) Be of sufficient thoroughness to satisfy the state board of cosmetology as to the applicant's person's skill in and knowledge if of the practice of the occupation for which a license is sought.~~

~~(B)(1) Examinations for licenses as cosmetologists shall, in addition to the requirements of division (A) of this section, include practical demonstrations and written or oral tests in sanitation and the use of mechanically and electrically operated apparatus as applicable to the practice branch of cosmetology, managing license, or both, for which the examination is conducted.~~

~~(2) Examinations for a managing cosmetologist's license may be administered separately at the completion of the managing cosmetologist's training course, or may be combined with the examination for a cosmetologist's license where the applicant has completed a single eighteen hundred-hour combined cosmetologist and managing cosmetologist course. Applicants may apply for an examination for a managing cosmetologist's license following completion of one year of certified employment experience in a licensed beauty salon.~~

~~(3) Examinations for a managing manicurist's license may be administered separately at the completion of the managing manicurist's training course, or may be combined with the examination for a manicurist license when the applicant has completed a single three hundred-hour course combining the manicurist and managing manicurist training certified to the board by a licensed school of cosmetology in this state.~~

~~(4) In addition to the requirements of division (A) of this section, examinations for licenses as an esthetician shall include a practical demonstration and a written or oral test in sanitation and the principles of esthetics.~~

~~(5) Examinations for a license as a managing esthetician may be administered separately at the completion of the applicant's training as a managing esthetician or may be combined with the examination for the license as an esthetician when the applicant has completed a single course of study of at least seven hundred fifty hours combining esthetics and managing esthetics training in a licensed school of cosmetology in this state.~~

Sec. 4713.25. The state board of cosmetology may administer a separate managing cosmetologist examination for persons who complete a managing cosmetologist training course separate from a cosmetologist training course. The board may combine the managing cosmetologist examination with the cosmetologist examination for persons who complete a combined eighteen hundred-hour cosmetologist and managing cosmetologist training course.

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

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

The board may administer a separate managing manicurist examination for persons who complete a managing manicurist training course separate from a manicurist training course. The board may combine the managing manicurist examination with the manicurist examination for persons who complete a combined three hundred-hour manicurist and managing manicurist training course.

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

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

Sec. ~~4713.04~~ 4713.28. (A) Applicants for a cosmetologist's license shall be 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) Is at least sixteen years of age;

(B) Is of good moral character; ~~have;~~

(C) Has the equivalent of an Ohio public school eighth tenth grade education; ~~and have received a total of not less than;~~

(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;

(E) Pays to the board the applicable fee;

(F) In the case of an applicant for an initial cosmetologist license, has

successfully completed at least fifteen hundred hours of instruction in the several branches of board-approved cosmetology, including subjects relating to sanitation; training in a licensed school of cosmetology licensed in Ohio or otherwise pursuant to credits given by the state board of cosmetology as provided in section 4713.02 of the Revised Code this state, provided except that only one thousand hours of instruction in the several branches of board-approved cosmetology training in a licensed school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination in order to qualify for a cosmetologist's license.

(B) Applicants;

(G) 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) 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 licensed as a barber under Chapter 4709. of the Revised Code;

(I) In the case of an applicant for a manicurist's an initial manicurist license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received, has successfully completed at least two hundred hours of instruction in subjects relating to sanitation, manicuring, and application of artificial or sculptured nails board-approved manicurist training in a licensed school of cosmetology licensed in Ohio. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination in order to qualify for a manicurist's license.

(C) Applicants for an esthetician's license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have successfully completed at least six hundred hours of instruction in esthetics in a licensed school of cosmetology in this state. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination to qualify for an esthetician's license. The board shall design the examination so as to demonstrate an applicant's minimum competency in all fields of esthetics.

(D) Applicants this state;

(J) In the case of an applicant for a an initial natural hair stylist license

~~shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received, 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. ~~Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination to qualify for a natural hair stylist's license.~~

~~(E) Applicants for a managing cosmetologist's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced as a cosmetologist in a licensed beauty salon in this or another state of the United States or the District of Columbia for at least one year, or have completed three hundred hours of board approved curriculum additional in a licensed school of cosmetology in this state in subjects relative to advanced cosmetology, business management, and supervision. Certification of an applicant's completion of one year's experience shall be made to the board by the licensed managing cosmetologist or the owner of the licensed beauty salon in which the applicant has been employed, or certification of completion of the prescribed course of three hundred additional hours shall be made to the board by the school of cosmetology in this state. Upon either of the foregoing certifications and, except as provided in section 4713.09 of the Revised Code, upon passage of an examination, the board shall issue a managing cosmetologist's license to the applicant.~~

~~(F) Applicants for an initial cosmetology instructor's license shall be of good moral character, have the equivalent of an Ohio public school twelfth grade education, hold a current managing cosmetologist license issued pursuant to this chapter, and have practiced as a licensed cosmetologist in a beauty salon for at least twelve months, or have completed one thousand hours of cosmetology instructor training in a licensed school of cosmetology in this state as an apprentice instructor. On the date that an apprentice cosmetology instructor begins cosmetology instructor training in a licensed school of cosmetology, the school shall certify the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began. No school shall have more than six apprentice cosmetology instructors at any one time. The apprentice cosmetology instructor shall be allowed the regular quota of students as prescribed by the board, with the provision that a cosmetology instructor is present. An apprentice cosmetology instructor may be compensated by the school. Certification that the applicant has completed one year or more of~~

~~experience in a licensed beauty salon shall be made to the board by the licensed managing cosmetologist or the owner of the licensed beauty salon in which the applicant has been employed; or, certification shall be made to the board by the school of cosmetology, that the apprentice cosmetology instructor has completed one thousand hours of teacher training in a licensed school of cosmetology in this state. Upon any of the foregoing certifications and provided that the applicant holds a current managing cosmetologist's license issued pursuant to this chapter, the board shall issue a cosmetology instructor's license to the applicant.~~

~~(G) Every person who completes a course in cosmetology given in a vocational program conducted by a city, exempted village, local, or joint vocational school district, is eligible to apply for a cosmetologist's or manicurist's license, provided the person has completed the educational requirements of division (A) or (B) of this section. The board may adopt rules for the recognition of any credit to be given to the study of cosmetology in such vocational schools of this state.~~

~~(H) The board shall issue to an applicant who has completed the requirements of this section and has not previously failed to pass an examination conducted by the board to determine the applicant's fitness in the practice of cosmetology a temporary work permit upon the receipt of the application for examination as provided in section 4713.05 of the Revised Code. The temporary work permit authorizes the holder to engage in the practice of cosmetology under the supervision of a licensed managing cosmetologist up to the date of the holding of the next meeting of the board for the examination of applicants for license. A temporary work permit is not renewable and no person is entitled to more than one such permit. The fee for the temporary work permit is five dollars.~~

~~(I) Applicants for a managing manicurist's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced as a manicurist in a licensed nail salon, beauty salon, or barber shop in this or another state of the United States or the District of Columbia for at least one year, or have completed an additional one hundred hours of board approved curriculum in a licensed school of cosmetology in this state in advanced subjects relative to manicuring the nails, application of artificial nails, business management, and supervision.~~

~~Certification of an applicant's completion of one year's experience shall be made to the state board of cosmetology by the licensed managing manicurist or the licensed managing cosmetologist, or the owner of the licensed nail salon, beauty salon, or barber shop in which the applicant has been employed, or certification of completion of the prescribed course of~~

~~one hundred additional hours shall be made to the board by the school of cosmetology in this state. Upon either of the foregoing certifications, and except as provided in section 4713.09 of the Revised Code, upon passage of an examination, the board shall issue a managing manicurist's license to the applicant.~~

~~(J) When determining the total hours of instruction received by any applicant for licensure under this section, the board shall not take into account more than eight hours of instruction per day nor instruction received more than five years prior to issuance of the initial license.~~

~~(K) Applicants for a managing esthetician's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced esthetics as a cosmetologist or as an esthetician in this or another state of the United States or the District of Columbia for at least one year or have completed, in addition to the hours required for licensure as a cosmetologist or esthetician, at least one hundred fifty hours of management training in a licensed school of cosmetology in this state.~~

~~Certification to the board of either the completion of the one year of experience or the additional one hundred fifty hours of management training qualifies the applicant to take the examination for licensure as a managing esthetician. Upon satisfactory passage of the board's examination and payment of all applicable fees, the board shall issue the applicant a managing esthetician's license.~~

~~(L) Applicants for an initial license as an esthetics instructor shall be at least eighteen years of age, have the equivalent of an Ohio public school twelfth grade education, hold a current managing cosmetologist's or managing esthetician's license, and have at least one year of experience in the practice of cosmetology or esthetics as a managing cosmetologist or managing esthetician in a licensed salon or have five hundred hours of training as an assistant esthetics instructor.~~

~~(M) Applicants for an initial license as a manicurist instructor shall be at least eighteen years of age, have the equivalent of an Ohio public school twelfth grade education, hold a current managing manicurist or managing cosmetologist license issued in this state, and have practiced as a licensed managing manicurist or managing cosmetologist in a salon for at least twelve months. In place of the salon experience, an applicant may substitute the completion, in addition to the hours required for licensure as a cosmetologist or manicurist, of three hundred hours of training in the practice of manicuring instruction in a licensed school of cosmetology in this state.~~

Sec. 4713.29. In accordance with rules adopted under section 4713.08 of the Revised Code, the state board of cosmetology may waive a condition established by section 4713.28 of the Revised Code for a license to practice a branch of cosmetology for an applicant who practices that branch of cosmetology in a state or country that does not license or register branches of cosmetology.

Sec. 4713.30. The state board of cosmetology shall issue a managing 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 license examination;

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

(1) Has a licensed managing 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 thousand 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 cosmetologist training.

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

(1) Has the licensed managing esthetician, licensed managing 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 thousand 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 esthetician training.

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

(1) Has the licensed managing hair designer, licensed managing 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 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 hair designer training.

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

(1) Has the licensed managing manicurist, licensed managing 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 thousand 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 manicurist training.

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

(1) Has the licensed managing natural hair stylist, licensed managing 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 thousand 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 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 cosmetologist license issued in this



state and does either of the following:

(1) Has the licensed managing 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 thousand 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 esthetician or managing cosmetologist license issued in this state and does either of the following:

(1) Has the licensed managing esthetician, licensed managing 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 thousand 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 hair designer or managing cosmetologist license and does either of the following:

(1) Has the licensed managing hair designer, licensed managing 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 thousand 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 manicurist or managing cosmetologist license and does either of the following:

(1) Has the licensed managing manicurist, licensed managing 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 thousand 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 natural hair stylist or managing cosmetologist license and does either of the following:

(1) Has the licensed managing natural hair stylist, licensed managing 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 thousand 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.

Sec. 4713.32. When determining the total hours of instruction received by an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, the state board of cosmetology shall not take into account more than eight hours of instruction per day. The board shall take into account instruction received more than five years prior to the date of application for the license in accordance with rules adopted under section 4713.08 of the Revised Code.

Sec. ~~4713.09~~ 4713.34. ~~Upon application to the~~ The state board of cosmetology, as provided in section 4713.05 of the Revised Code, accompanied by the required license fee, a person shall issue a license to practice a branch of cosmetology, managing license, or instructor license to an applicant who is licensed or registered as a cosmetologist or in any in another state or country to practice that branch of cosmetology under the laws of any other state or country, or territory of the United States, or the District of Columbia, where similar reciprocity is extended to the state of Ohio, shall without examination, unless the board, in its discretion, sees fit to require examination, be granted a license to practice the occupation in which the person is licensed or registered upon, 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: that the applicant is

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

(2) Is of good moral character, and excepting the states which do not license the practice of cosmetology, esthetics, or manicuring, in which case the board shall exercise its discretion in the granting of reciprocity, and that the requirements for registration or license of a cosmetologist and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or District of Columbia, or any other state or country, were at the date of the previous registration or licensing;

(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 then enforced in this state.

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

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

A person who holds a current, valid esthetician license issued by the board may engage in the practice of esthetics but no other branch of cosmetology.

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

A person who holds a current, valid manicurist license issued by the board may engage in the practice of manicuring but no other branch of cosmetology.

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

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 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 chooses.

A person 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 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 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 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.

Sec. 4713.36. A licensed manicurist or licensed managing 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 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 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 issued a temporary special occasion work permit may practice the branch of cosmetology the person practices in another state or country, or teach the theory and practice of the branch of cosmetology the person 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 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. 4713.14 4713.41. (A) Beauty salons shall be in The state board of cosmetology shall issue a license to operate a salon to an applicant who pays the applicable fee and affirms that all of the following conditions will be met:

(A)(1) A person holding a current, valid managing cosmetologist license or license to manage that type of salon has charge of and under the immediate supervision of a licensed managing cosmetologist and esthetics salons shall be in charge of and under the immediate supervision of a licensed managing cosmetologist or a licensed managing esthetician. Beauty salons and esthetics salons shall be 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 holding a current, valid managing license for 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 provide do all of the following:

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

(2) Sanitize all instruments and supplies used therein in the practice branch of cosmetology and any of its branches, and to sterilize 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 therein by in the cosmetic therapists authorized to practice under section 4731.15 of the Revised Code therapy, massage therapy, or other professional service.

(C) Except as provided in division (C) of this section, rooms licensed as beauty salons or esthetics salons shall be used only for the practice of services regulated and licensed under this chapter and section 4731.15 sections 4713.42 and 4713.49 of the Revised Code, be 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 be properly ventilated. Nothing in this section shall be construed to forbid the retailing of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, postiches, and other items related to the practice of cosmetology, including clothing, or forbid the provision of glamour photography, in a beauty salon or esthetics salon.

(E) No food shall be is sold in rooms used as beauty salons or esthetics salons at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code.

(B) Nail salons shall be in charge of and under the immediate supervision of a licensed managing manicurist or a licensed managing cosmetologist. Nail salons shall be equipped to provide potable running hot and cold water and proper drainage, and to sanitize all instruments and supplies used therein in the manicuring of nails or in the practice of massage. Rooms licensed as nail salons shall be used only for the practice of services regulated and licensed under this chapter, and must be kept in a clean and sanitary condition and be properly ventilated. Nothing in this section shall be construed to forbid the retailing of cosmetics, creams, lotions, and other items related to the manicuring of nails, including clothing, in a nail salon. No food shall be sold in rooms used as nail salons.

(C) Where the owner or operator of a beauty salon, nail salon, or a school of cosmetology has a permit issued under section 4713.25 of the Revised Code, tanning facilities may be operated in beauty salons, nail

~~salons, and schools of cosmetology in accordance with rules that the state board of cosmetology may adopt pertaining to the operation of tanning facilities in beauty salons, nail salons, and schools.~~

~~(D) The owner or operator of a beauty salon or nail salon may provide massage services at the salon if the services are provided in accordance with any rules adopted under section 4713.02 of the Revised Code and the person giving the service holds a current, valid certificate issued under section 4731.15 of the Revised Code. Any room used to provide massage services in a salon shall be used for only that purpose and is subject to the requirements relating to cleanliness and ventilation established in division (A) of this section.~~

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

A person 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. 4713.15 4713.44. Schools The state board of cosmetology shall issue a license to operate a school of cosmetology shall meet to an applicant who pays the applicable fee and satisfies all of the following requirements:

(A) ~~Maintain~~ a school term of not less than fifteen hundred hours for the majority of the practices of cosmetology and not less than six hundred hours' instruction and practical training in the field of esthetics, and maintain 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 for license as a cosmetologist and an esthetician set forth in under section 4713.06 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology;

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

(C) ~~Maintain~~ Maintains persons licensed as cosmetology, manicurist, and esthetics instructors, under section 4713.04 4713.31 or 4713.34 of the

~~Revised Code, as instructors of to teach the theory and practices practice of the branches of cosmetology. They may employ persons not licensed as instructors as teachers of subjects related to cosmetology, provided a licensed cosmetology instructor is present.;~~

(D) ~~Notify~~ Notifies the state board of cosmetology of the enrollment of each new student, ~~keep a daily record of the attendance of each student and keeps~~ a record devoted to the different practices, ~~establish~~ establishes grades, and ~~hold~~ holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion.;

(E) ~~File~~ 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;

(F) 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;

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

(H) Files with the board a good and sufficient surety bond executed by the person, 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 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.

~~Any student who is injured or damaged by reason of a school's failure to continue instruction in the theory and practice of cosmetology may maintain an action on the bond against the school, or surety named therein, or both of them, for the recovery of any money or tuition paid in advance, for instruction in the theory and practice of cosmetology which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.~~

~~No branch of cosmetology shall be taught in a beauty salon to persons not licensed as cosmetologists.~~

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 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 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 employed pursuant to division (A)(4) of this section teaches at the school, unless the person is one of the following:

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

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

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

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

Sec. 4713.25 4713.48. (A) As used in this section, "tanning facility" means a room or booth which houses equipment or beds used for tanning the human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation.

(B) The state board of cosmetology, pursuant to Chapter 119. of the Revised Code, shall adopt rules:

(1) Requiring that tanning facilities be installed and operated in a manner that ensures the health and safety of consumers using them;

(2) Establishing the procedures governing applications for permits required by this section;

~~board, but which in any case shall not exceed one hundred dollars for a permit or renewal for each location of such facilities.~~

~~(C) The rules adopted under division (B)(1) of this section shall include but not be limited to the following:~~

~~(1) A rule establishing a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;~~

~~(2) A rule requiring that the consumer wear protective eyeglasses and that the consumer be supervised as to the length of time he uses a tanning facility;~~

~~(3) A rule requiring 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 taking certain medications and of the possible relationship of the radiation to skin cancer;~~

~~(4) A rule requiring the installation of protective shielding for sun lamps and handrails for consumers;~~

~~(5) A rule requiring that floors be dry during operation of lamps.~~

~~(D) No person shall own or operate any tanning facilities that are offered to the public for a fee or other compensation unless the person holds a valid permit issued by the board. The permit holder shall post the permit in a conspicuous place on any premises where the tanning facilities are located. A person shall obtain a separate permit for each of the premises owned or operated by that person.~~

~~(E) The state board of cosmetology shall issue a permit to any person who files operate a tanning facility to an applicant if all of the following conditions are satisfied:~~

~~(1) The applicant applies in accordance with the application on a form prescribed process adopted by the board and rules adopted under section 4713.08 of the Revised Code.~~

~~(2) The applicant pays to the treasurer of state the fee established by the board, if an those rules.~~

~~(3) An initial inspection of the premises indicates that the premises and the tanning facilities are facility has been installed and will be operated in accordance with any those rules established under division (B)(1) of this section.~~

~~(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 shall obtain a separate permit for each of the premises owned or operated by that person at which the person seeks to operate a tanning facility.~~

~~(C) A permit holder may biennially renew a permit by the thirtieth last day of January of each odd-numbered year upon payment to the treasurer of~~

state of the biennial renewal fee, ~~except that the board may, after a hearing in accordance with Chapter 119. of the Revised Code, refuse to renew the permit of any owner or operator who has violated the rules of the board for the safe operation of tanning facilities.~~

(F) ~~The board may appoint inspectors as needed who shall make periodic inspections of tanning facilities as specified by the board. The board, after a hearing in accordance with Chapter 119. of the Revised Code, may suspend any permit where the owner or operator fails to correct any unsafe conditions that exist in violation of the rules of the board or fails to cooperate in any inspection of tanning facilities by the inspector.~~

~~If any violation has resulted in a condition deemed by an inspector to create an immediate danger to the health and safety of any person using the tanning facilities, the inspector may suspend the permit without a prior hearing until the unsafe condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held and the board either upholds the suspension by the inspector or reinstates the permit.~~

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

~~Sec. 4713.08 4713.55. Every license issued by the state board of cosmetology shall be signed by the chairman chairperson and attested by the executive director thereof, with the seal of the board attached; and every such license shall be.~~

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 license that the board issues the type of salon that the license entitles the holder to manage 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. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology, or the branch thereof which manage the type of salon, that the license designates specifies.

~~Sec. 4713.16 4713.56. Every holder of a practicing license, managing license, instructor license, or independent contractor license issued by the state board of cosmetology to operate a school of cosmetology, nail salon, beauty salon, or esthetics salon, or to practice cosmetology or any branch of cosmetology, shall display the license in a public and conspicuous place in the principal office, place of business, or place of employment of the holder.~~

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 holder of a current, valid certificate of registration issued under section 4731.15 of the Revised Code to practice massage, person who practices provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.14 4713.42 of the Revised Code, shall display the person's professional license or certificate in a public and conspicuous place in the room used for massage services the therapy or other service.

Sec. 4713.57. A license 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 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 currently licensed as:

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

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

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

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

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

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

Code.

~~Sec. 4713.111~~ 4713.59. (A) ~~As used in this section, "biennial licensing period" means the two year period beginning on the thirty first day of January of an odd numbered year and ending on the thirtieth day of January of the next odd numbered year.~~

~~(B) The~~ If the state board of cosmetology ~~may adopt~~ adopts rules in accordance with ~~Chapter 119.~~ under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for ~~any a practicing license issued under this chapter. The board may implement a continuing education requirement for all persons licensed under this chapter or for any class or combination of classes of such persons.~~

~~The,~~ managing 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 a 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 ~~thirtieth~~ last day of January of the next odd-numbered year.

~~(C) A continuing education requirement established under this section shall not exceed eight hours in any biennial licensing period. Hours completed in excess of the continuing education requirement may not be applied to the next biennial licensing period.~~

~~(D) If a continuing education requirement is established, the board's rules shall establish a schedule of reasonable prices that may be charged for attending continuing education programs approved under this section. The board shall ensure that a sufficient number of programs are available at such reasonable prices so that a licensee who so desires may meet the continuing education requirement at a cost of not more than fifty dollars. The board's rules may establish a maximum cost for meeting the continuing education requirement in excess of fifty dollars, provided that the cost does not exceed seventy five dollars.~~

~~(E) Any person desiring to offer a program for continuing education credit shall, before offering the program, apply to the board for approval of the program and the price that will be charged for attending the program. The board shall encourage applicants for approval to charge the applicable reasonable price established in rules adopted under this section. The board may approve a program even if the price for attending the program exceeds the applicable reasonable price.~~

~~If the board approves a program, the applicant may offer the program for continuing education credit. The board shall charge the applicant an approval fee adequate to cover any expense incurred by the board through~~

~~the approval process.~~

~~The board may approve a program for continuing education credit only if the applicant is an employee, officer, or director of a nonprofit professional association, college or university, vocational school, postsecondary proprietary school of cosmetology licensed by the board, or manufacturer of supplies or equipment used in the practice of cosmetology. The board shall not approve a program unless the program will do at least one of the following:~~

- ~~(1) Enhance the professional competency of the affected licensees;~~
- ~~(2) Protect the public;~~

~~(3) Educate the affected licensees in the application of the laws and rules regulating the practice of cosmetology.~~

~~(F) A person offering programs approved for continuing education credit shall provide the board with a tentative schedule of programs. The board shall ensure that a sufficient number of programs are scheduled at times frequent enough to make the programs readily available to all licensees throughout the state.~~

~~(G) If the board adopts a continuing education requirement under this section, upon a review of reported violations of this chapter and the board's rules, the board may determine that a continuing education program focusing on certain sections of this chapter and the board's rules would be beneficial to the profession of cosmetology and the public. Once this determination has been made, the board may develop a continuing education program that is designed to correct the violations, and may make necessary arrangements to conduct the continuing education program. The program shall be available to all licensees. The board shall charge a fee for attending the program sufficient to cover any costs incurred by the board. Satisfactory completion of the program may be applied toward completion of the continuing education requirement.~~

~~Sec. 4713.14 4713.60. (A) Every licensee, as provided in sections 4713.01 to 4713.25 of the Revised Code, shall renew his license by the thirtieth day of January of each odd-numbered year by applying to the state board of cosmetology pursuant to the standard renewal procedure of Chapter 4745. of the Revised Code. Application shall be made on forms provided by the board and shall include the renewal fee established under section 4713.10 of the Revised Code. Except as provided in division (C) of this section, the applicant a person seeking a renewal of a license to practice a branch of cosmetology, managing license, or instructor license shall include in the renewal application proof satisfactory to the board of completion of any applicable continuing education requirements established by rules~~

adopted ~~by the board~~ under section ~~4713.111~~ 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 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 a fine of up to one hundred dollars.

(C) The board may waive, or extend the period for completing, any continuing education requirement ~~adopted under section 4713.111 of the Revised Code~~ if a licensee 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.

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 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 has not been renewed in any odd-numbered year by the ~~thirtieth~~ last day of January and for which the continuing education requirement has not been waived or extended shall be considered expired.

~~(D) If the board adopts a continuing education requirement under section 4713.111 of the Revised Code, it may develop a procedure by which a licensee who is not currently engaged in the practice of cosmetology, but desires to be so engaged in the future, may apply to the board to have his license classified as inactive.~~

~~odd-numbered year.~~

~~If the board develops a procedure for classifying licenses as inactive, the board shall adopt a rule establishing a fee for having licenses classified as inactive. The fee shall reflect the costs to the board of providing the inactive license service. The board shall also adopt rules establishing a continuing education requirement to be completed to have an inactive license restored. The continuing education requirement shall be sufficient to ensure the minimum competency required by a licensee necessary to protect the public. The board shall not restore an inactive license until the licensee submits proof satisfactory to the board that the continuing education requirement has been completed.~~

~~(E) Any licensed cosmetologist, managing cosmetologist, esthetician, managing esthetician, cosmetology instructor, manicurist instructor, esthetics instructor, manicurist, or managing manicurist who is not currently engaged in the practice of cosmetology and who does not hold an inactive license may have his license restored only upon payment of all lapsed renewal fees and submitting proof satisfactory to the board that any applicable continuing education requirements have been completed; provided that no cosmetologist, managing cosmetologist, esthetician, managing esthetician, cosmetology instructor, manicurist instructor, esthetics instructor, manicurist, or managing manicurist who has not been engaged in the practice of cosmetology for more than two years and who does not hold an inactive license may have his license restored without passing an examination as provided in section 4713.06 of the Revised Code.~~

~~(F) Upon payment of the renewal fee provided in division (D) of section 4713.10 of the Revised Code and submitting proof satisfactory to the board that any applicable continuing education requirements have been completed, a person currently licensed as:~~

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

~~(2) A manicurist instructor who has previously been licensed as a manicurist or a managing manicurist, is entitled to the reissuance of a manicurist or managing manicurist license;~~

~~(3) An esthetics instructor who has previously been licensed as an esthetician or a managing esthetician, is entitled to the reissuance of an esthetician or managing esthetician license.~~

~~(G) The board may refuse to renew the license of any salon, school, or other license holder that has outstanding an unpaid fine that was levied under section 4713.17 of the Revised Code.~~



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 who holds a license to practice a branch of cosmetology, managing 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 license classified inactive. If the board develops such a procedure, a person seeking to have the person'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 holding the license submits proof satisfactory to the board that the person 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 who holds an inactive license may engage in the practice of a branch of cosmetology if the person 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 holding a practicing license, managing license, or instructor license 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, 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;

(b) Protect the public;

(c) Educate the affected licensees 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 throughout the state.

Sec. 4713.63. A practicing license, managing 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 who held the license meets all of the following applicable conditions:

(A) Pays the restoration fee;

(B) Pays all lapsed renewal fees;

(C) Submits proof satisfactory to the state board of cosmetology that the person has completed all applicable continuing education requirements;

(D) In the case of a practicing license or managing license that has been expired for more than two years, retakes and passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology that the person seeks to practice or type of salon the person seeks to manage.

Sec. 4713.17 4713.64. (A) In accordance with Chapter 119. of the Revised Code, the state board of cosmetology may deny, revoke, or suspend a license or permit issued by the board or impose a fine of not more than one hundred dollars per violation for any of the following:

(1) Failure of a person operating a nail salon, beauty salon, esthetics salon, tanning facility, or school of cosmetology to comply with the requirements of sections 4713.01 to 4713.25 of the Revised Code this chapter or rules adopted under it;

(2) Failure to comply with the sanitary rules adopted by the board or by the department of health for the regulation of nail salons, beauty salons, esthetics salons, schools of cosmetology, or the practice of cosmetology;

(3) Failure of a person operating a beauty salon or nail salon where massage services are provided under section 4713.14 of the Revised Code to ensure that the person providing the massage services complies with the sanitary rules adopted by the board or by the department of health for the regulation of salons;

(4) Continued practice by a person knowingly having an infectious or

contagious disease;

~~(5)~~(3) Habitual drunkenness or addiction to any habit-forming drug;

~~(6)~~(4) Willful false and fraudulent or deceptive advertising;

~~(7)~~(5) Falsification of any record or application required to be filed with the board;

~~(8)~~(6) Failure to pay a fine or abide by a suspension order issued by the board.

(B) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of a fine shall be not more than one hundred dollars if the violator has not previously been fined for that offense. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before.

(C) If a person fails to request a hearing within thirty days of the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person 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 without holding an adjudication hearing.

(D) The board, after a hearing in accordance with Chapter 119. of the Revised Code, may suspend a tanning facility permit if the owner or operator 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 has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any person using the tanning facility, the inspector may suspend the permit without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held and the board either upholds the suspension or reinstates the permit.

Sec. ~~4713.27~~ 4713.65. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of cosmetology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4713.99. Whoever violates section ~~4713.20, 4713.21, or division (D) of section 4713.25~~ 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 is guilty of a misdemeanor of the third degree.

Sec. 4717.14. (A) The board of embalmers and funeral directors may

refuse to grant or renew, or may suspend or revoke, any license issued under this chapter for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.

(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

(4) The applicant or licensee has committed immoral or unprofessional conduct.

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.

(6) The applicant or licensee has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs.

(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body.

(8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper license.

(9) The applicant or licensee transferred a license to operate a funeral home, embalming facility, or crematory from one owner or operator to another, or from one location to another, without notifying the board.

(10) The applicant or licensee mislead the public by using false or deceptive advertising.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke, an embalmer's, funeral director's, funeral home, or embalming facility license only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or

revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (E) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (10) of this section apply to the person named in its proposed action, the board may issue a final order under division (E) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (10) of this section apply to the holder of a license issued under this chapter and that the licensee's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license without a prior hearing.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. Such an order is not subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the holder of an embalmer's, funeral director's, funeral home, or embalming facility license requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the licensee has requested a hearing, unless the board and the licensee agree to a different time for holding the hearing.

Upon issuing a written order of suspension to the holder of a license to operate a crematory facility, the board of embalmers and funeral directors shall send written notice of the issuance of the order to the crematory review board. The crematory review board shall hold an adjudicatory hearing on the order under division (E) of section ~~4713.03~~ 4717.03 of the Revised Code within fifteen days, but not earlier than seven days, after the issuance of the order, unless the crematory review board and the licensee agree to a different time for holding the adjudicatory hearing.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicatory order issued by the board of embalmers and funeral directors pursuant to this division and Chapter 119. of the Revised Code, or division (E) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers

and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order.

(D) Any holder of a license issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in another jurisdiction for any substantially equivalent criminal offense, is hereby suspended from practice under this chapter by operation of law, and any license issued to the individual under this chapter is hereby suspended by operation of law as of the date of the guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction, regardless of whether the proceedings are brought in this state or another jurisdiction. The board shall notify the suspended individual of the suspension of the individual's license by the operation of this division by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the license.

(E) No person whose license has been suspended or revoked under or by the operation of this section shall practice embalming or funeral directing or operate a funeral home, embalming facility, or crematory facility until the board has reinstated the person's license.

SECTION 2. That existing sections 2925.01, 4709.03, 4709.07, 4709.09, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.08, 4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 4713.15, 4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.22, 4713.25, 4713.26, 4713.27, 4713.99, and 4717.14 and sections 4713.07, 4713.13, 4713.131, 4713.132, and 4713.21 of the Revised Code are hereby repealed.

SECTION 3. The Governor shall determine, within thirty days after the effective date of this act, which of the three members of the State Board of Cosmetology who are licensed cosmetologists actively engaged in managing beauty salons shall be removed from office due to the expiration of the member's office pursuant to the operation of division (A)(2) of section 4713.02 of the Revised Code as enacted by this act.

SECTION 4. The Governor shall appoint members of the State Board of Cosmetology to fill the positions on the Board created by this act within sixty days after the effective date of this act.

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

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

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

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

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*Governor.*



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

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*Director, Legislative Service Commission.*

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

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*Secretary of State.*

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