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Am. Sub. H. B. No. 415

REPRESENTATIVES Hollister, Schmidt, Fedor, White, Schuring, Carmichael,

Flowers, Setzer, D. Miller, Carano, Coates, Sferra, Beatty

SENATORS Blessing, Fingerhut, Mallory, Prentiss, Harris, Mead

A B I L L

To amend sections 2925.01, 4709.03, 4709.07, 4709.09, 1
4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 2
4713.06, 4713.08, 4713.09, 4713.10, 4713.11, 3
4713.111, 4713.12, 4713.14, 4713.15, 4713.16, 4
4713.17, 4713.18, 4713.19, 4713.20, 4713.25, 5
4713.26, 4713.27, 4713.99, and 4717.14; to amend, 6
for the purpose of adopting new section numbers as 7
indicated in parentheses, sections 4713.04 8
(4713.28), 4713.05 (4713.20), 4713.06 (4713.24), 9
4713.08 (4713.55), 4713.09 (4713.34), 4713.11 10
(4713.60), 4713.111 (4713.59), 4713.12 (4713.17), 11
4713.14 (4713.41), 4713.15 (4713.44), 4713.16 12
(4713.56), 4713.17 (4713.64), 4713.18 (4713.04), 13
4713.19 (4713.05), 4713.20 (4713.14), 4713.22 14
(4713.11), 4713.25 (4713.48), 4713.26 (4713.13), 15
and 4713.27 (4713.65); to enact new sections 16
4713.06, 4713.07, 4713.08, 4713.09, 4713.15, 17
4713.16, 4713.21, 4713.22, 4713.25, and 4713.26 and 18
sections 4713.081, 4713.082, 4713.141, 4713.29, 19
4713.30, 4713.31, 4713.32, 4713.35, 4713.36, 20
4713.37, 4713.39, 4713.42, 4713.45, 4713.46, 21
4713.49, 4713.57, 4713.58, 4713.61, 4713.62, and 22
4713.63; and to repeal sections 4713.07, 4713.13, 23

4713.131, 4713.132, and 4713.21 of the Revised Code 24
to revise the law governing the State Board of 25
Cosmetology and the professions and facilities that 26
the Board regulates. 27

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

Section 1. That sections 2925.01, 4709.03, 4709.07, 4709.09, 28
4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.08, 29
4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 4713.15, 30
4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.25, 4713.26, 31
4713.27, 4713.99, and 4717.14 be amended; sections 4713.04 32
(4713.28), 4713.05 (4713.20), 4713.06 (4713.24), 4713.08 33
(4713.55), 4713.09 (4713.34), 4713.11 (4713.60), 4713.111 34
(4713.59), 4713.12 (4713.17), 4713.14 (4713.41), 4713.15 35
(4713.44), 4713.16 (4713.56), 4713.17 (4713.64), 4713.18 36
(4713.04), 4713.19 (4713.05), 4713.20 (4713.14), 4713.22 37
(4713.11), 4713.25 (4713.48), 4713.26 (4713.13), and 4713.27 38
(4713.65) be amended for the purpose of adopting new section 39
numbers as indicated in parentheses; and new sections 4713.06, 40
4713.07, 4713.08, 4713.09, 4713.15, 4713.16, 4713.21, 4713.22, 41
4713.25, and 4713.26 and sections 4713.081, 4713.082, 4713.141, 42
4713.29, 4713.30, 4713.31, 4713.32, 4713.35, 4713.36, 4713.37, 43
4713.39, 4713.42, 4713.45, 4713.46, 4713.49, 4713.57, 4713.58, 44
4713.61, 4713.62, and 4713.63 of the Revised Code be enacted to 45
read as follows: 46

Sec. 2925.01. As used in this chapter: 47

(A) "Administer," "controlled substance," "dispense," 48
"distribute," "hypodermic," "manufacturer," "official written 49
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 50
"schedule II," "schedule III," "schedule IV," "schedule V," and 51

"wholesaler" have the same meanings as in section 3719.01 of the Revised Code. 52
53

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code. 54
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(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. 56
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(D) "Bulk amount" of a controlled substance means any of the following: 59
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(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: 61
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63
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(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; 66
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(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; 70
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(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; 73
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(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 78
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81

schedule II opiate or opium derivative; 82

(e) An amount equal to or exceeding five grams or ten unit 83
doses of a compound, mixture, preparation, or substance that is or 84
contains any amount of phencyclidine; 85

(f) An amount equal to or exceeding one hundred twenty grams 86
or thirty times the maximum daily dose in the usual dose range 87
specified in a standard pharmaceutical reference manual of a 88
compound, mixture, preparation, or substance that is or contains 89
any amount of a schedule II stimulant that is in a final dosage 90
form manufactured by a person authorized by the "Federal Food, 91
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 92
amended, and the federal drug abuse control laws, as defined in 93
section 3719.01 of the Revised Code, that is or contains any 94
amount of a schedule II depressant substance or a schedule II 95
hallucinogenic substance; 96

(g) An amount equal to or exceeding three grams of a 97
compound, mixture, preparation, or substance that is or contains 98
any amount of a schedule II stimulant, or any of its salts or 99
isomers, that is not in a final dosage form manufactured by a 100
person authorized by the Federal Food, Drug, and Cosmetic Act and 101
the federal drug abuse control laws. 102

(2) An amount equal to or exceeding one hundred twenty grams 103
or thirty times the maximum daily dose in the usual dose range 104
specified in a standard pharmaceutical reference manual of a 105
compound, mixture, preparation, or substance that is or contains 106
any amount of a schedule III or IV substance other than an 107
anabolic steroid or a schedule III opiate or opium derivative; 108

(3) An amount equal to or exceeding twenty grams or five 109
times the maximum daily dose in the usual dose range specified in 110
a standard pharmaceutical reference manual of a compound, mixture, 111
preparation, or substance that is or contains any amount of a 112

schedule III opiate or opium derivative; 113

(4) An amount equal to or exceeding two hundred fifty 114
milliliters or two hundred fifty grams of a compound, mixture, 115
preparation, or substance that is or contains any amount of a 116
schedule V substance; 117

(5) An amount equal to or exceeding two hundred solid dosage 118
units, sixteen grams, or sixteen milliliters of a compound, 119
mixture, preparation, or substance that is or contains any amount 120
of a schedule III anabolic steroid. 121

(E) "Unit dose" means an amount or unit of a compound, 122
mixture, or preparation containing a controlled substance that is 123
separately identifiable and in a form that indicates that it is 124
the amount or unit by which the controlled substance is separately 125
administered to or taken by an individual. 126

(F) "Cultivate" includes planting, watering, fertilizing, or 127
tilling. 128

(G) "Drug abuse offense" means any of the following: 129

(1) A violation of division (A) of section 2913.02 that 130
constitutes theft of drugs, or a violation of section 2925.02, 131
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 132
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 133
2925.37 of the Revised Code; 134

(2) A violation of an existing or former law of this or any 135
other state or of the United States that is substantially 136
equivalent to any section listed in division (G)(1) of this 137
section; 138

(3) An offense under an existing or former law of this or any 139
other state, or of the United States, of which planting, 140
cultivating, harvesting, processing, making, manufacturing, 141
producing, shipping, transporting, delivering, acquiring, 142

possessing, storing, distributing, dispensing, selling, inducing 143
another to use, administering to another, using, or otherwise 144
dealing with a controlled substance is an element; 145

(4) A conspiracy to commit, attempt to commit, or complicity 146
in committing or attempting to commit any offense under division 147
(G)(1), (2), or (3) of this section. 148

(H) "Felony drug abuse offense" means any drug abuse offense 149
that would constitute a felony under the laws of this state, any 150
other state, or the United States. 151

(I) "Harmful intoxicant" does not include beer or 152
intoxicating liquor but means any of the following: 153

(1) Any compound, mixture, preparation, or substance the gas, 154
fumes, or vapor of which when inhaled can induce intoxication, 155
excitement, giddiness, irrational behavior, depression, 156
stupefaction, paralysis, unconsciousness, asphyxiation, or other 157
harmful physiological effects, and includes, but is not limited 158
to, any of the following: 159

(a) Any volatile organic solvent, plastic cement, model 160
cement, fingernail polish remover, lacquer thinner, cleaning 161
fluid, gasoline, or other preparation containing a volatile 162
organic solvent; 163

(b) Any aerosol propellant; 164

(c) Any fluorocarbon refrigerant; 165

(d) Any anesthetic gas. 166

(2) Gamma Butyrolactone; 167

(3) 1,4 Butanediol. 168

(J) "Manufacture" means to plant, cultivate, harvest, 169
process, make, prepare, or otherwise engage in any part of the 170
production of a drug, by propagation, extraction, chemical 171

synthesis, or compounding, or any combination of the same, and 172
includes packaging, repackaging, labeling, and other activities 173
incident to production. 174

(K) "Possess" or "possession" means having control over a 175
thing or substance, but may not be inferred solely from mere 176
access to the thing or substance through ownership or occupation 177
of the premises upon which the thing or substance is found. 178

(L) "Sample drug" means a drug or pharmaceutical preparation 179
that would be hazardous to health or safety if used without the 180
supervision of a licensed health professional authorized to 181
prescribe drugs, or a drug of abuse, and that, at one time, had 182
been placed in a container plainly marked as a sample by a 183
manufacturer. 184

(M) "Standard pharmaceutical reference manual" means the 185
current edition, with cumulative changes if any, of any of the 186
following reference works: 187

(1) "The National Formulary"; 188

(2) "The United States Pharmacopeia," prepared by authority 189
of the United States Pharmacopeial Convention, Inc.; 190

(3) Other standard references that are approved by the state 191
board of pharmacy. 192

(N) "Juvenile" means a person under eighteen years of age. 193

(O) "Counterfeit controlled substance" means any of the 194
following: 195

(1) Any drug that bears, or whose container or label bears, a 196
trademark, trade name, or other identifying mark used without 197
authorization of the owner of rights to that trademark, trade 198
name, or identifying mark; 199

(2) Any unmarked or unlabeled substance that is represented 200
to be a controlled substance manufactured, processed, packed, or 201

distributed by a person other than the person that manufactured, 202
processed, packed, or distributed it; 203

(3) Any substance that is represented to be a controlled 204
substance but is not a controlled substance or is a different 205
controlled substance; 206

(4) Any substance other than a controlled substance that a 207
reasonable person would believe to be a controlled substance 208
because of its similarity in shape, size, and color, or its 209
markings, labeling, packaging, distribution, or the price for 210
which it is sold or offered for sale. 211

(P) An offense is "committed in the vicinity of a school" if 212
the offender commits the offense on school premises, in a school 213
building, or within one thousand feet of the boundaries of any 214
school premises. 215

(Q) "School" means any school operated by a board of 216
education or any school for which the state board of education 217
prescribes minimum standards under section 3301.07 of the Revised 218
Code, whether or not any instruction, extracurricular activities, 219
or training provided by the school is being conducted at the time 220
a criminal offense is committed. 221

(R) "School premises" means either of the following: 222

(1) The parcel of real property on which any school is 223
situated, whether or not any instruction, extracurricular 224
activities, or training provided by the school is being conducted 225
on the premises at the time a criminal offense is committed; 226

(2) Any other parcel of real property that is owned or leased 227
by a board of education of a school or the governing body of a 228
school for which the state board of education prescribes minimum 229
standards under section 3301.07 of the Revised Code and on which 230
some of the instruction, extracurricular activities, or training 231
of the school is conducted, whether or not any instruction, 232

extracurricular activities, or training provided by the school is 233
being conducted on the parcel of real property at the time a 234
criminal offense is committed. 235

(S) "School building" means any building in which any of the 236
instruction, extracurricular activities, or training provided by a 237
school is conducted, whether or not any instruction, 238
extracurricular activities, or training provided by the school is 239
being conducted in the school building at the time a criminal 240
offense is committed. 241

(T) "Disciplinary counsel" means the disciplinary counsel 242
appointed by the board of commissioners on grievances and 243
discipline of the supreme court under the Rules for the Government 244
of the Bar of Ohio. 245

(U) "Certified grievance committee" means a duly constituted 246
and organized committee of the Ohio state bar association or of 247
one or more local bar associations of the state of Ohio that 248
complies with the criteria set forth in Rule V, section 6 of the 249
Rules for the Government of the Bar of Ohio. 250

(V) "Professional license" means any license, permit, 251
certificate, registration, qualification, admission, temporary 252
license, temporary permit, temporary certificate, or temporary 253
registration that is described in divisions (W)(1) to (35) of this 254
section and that qualifies a person as a professionally licensed 255
person. 256

(W) "Professionally licensed person" means any of the 257
following: 258

(1) A person who has obtained a license as a manufacturer of 259
controlled substances or a wholesaler of controlled substances 260
under Chapter 3719. of the Revised Code; 261

(2) A person who has received a certificate or temporary 262
certificate as a certified public accountant or who has registered 263

as a public accountant under Chapter 4701. of the Revised Code and	264
who holds an Ohio permit issued under that chapter;	265
(3) A person who holds a certificate of qualification to	266
practice architecture issued or renewed and registered under	267
Chapter 4703. of the Revised Code;	268
(4) A person who is registered as a landscape architect under	269
Chapter 4703. of the Revised Code or who holds a permit as a	270
landscape architect issued under that chapter;	271
(5) A person licensed as an auctioneer or apprentice	272
auctioneer or licensed to operate an auction company under Chapter	273
4707. of the Revised Code;	274
(6) A person who has been issued a certificate of	275
registration as a registered barber under Chapter 4709. of the	276
Revised Code;	277
(7) A person licensed and regulated to engage in the business	278
of a debt pooling company by a legislative authority, under	279
authority of Chapter 4710. of the Revised Code;	280
(8) A person who has been issued a cosmetologist's license,	281
<u>hair designer's license</u> , manicurist's license, esthetician's	282
license, <u>natural hair stylist's license</u> , managing cosmetologist's	283
license, <u>managing hair designer's license</u> , managing manicurist's	284
license, managing esthetician's license, <u>managing natural hair</u>	285
<u>stylist's license</u> , cosmetology instructor's license, <u>hair design</u>	286
<u>instructor's license</u> , manicurist instructor's license, esthetician	287
<u>esthetics</u> instructor's license, <u>natural hair style instructor's</u>	288
<u>license</u> , <u>independent contractor's license</u> , or tanning facility	289
permit under Chapter 4713. of the Revised Code;	290
(9) A person who has been issued a license to practice	291
dentistry, a general anesthesia permit, a conscious intravenous	292
sedation permit, a limited resident's license, a limited teaching	293
license, a dental hygienist's license, or a dental hygienist's	294

teacher's certificate under Chapter 4715. of the Revised Code;	295
(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;	296 297 298 299
(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;	300 301 302 303
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	304 305 306
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	307 308
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	309 310
(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;	311 312 313 314
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	315 316
(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;	317 318 319 320
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	321 322
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	323 324

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	325 326
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	327 328
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	329 330
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	331 332
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	333 334
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	335 336
(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;	337 338 339 340
(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;	341 342 343
(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;	344 345 346
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	347 348 349
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	350 351 352
(31) A person issued a license as an occupational therapist	353

or physical therapist under Chapter 4755. of the Revised Code; 354

(32) A person who is licensed as a professional clinical 355
counselor or professional counselor, licensed as a social worker 356
or independent social worker, or registered as a social work 357
assistant under Chapter 4757. of the Revised Code; 358

(33) A person issued a license to practice dietetics under 359
Chapter 4759. of the Revised Code; 360

(34) A person who has been issued a license or limited permit 361
to practice respiratory therapy under Chapter 4761. of the Revised 362
Code; 363

(35) A person who has been issued a real estate appraiser 364
certificate under Chapter 4763. of the Revised Code. 365

(X) "Cocaine" means any of the following: 366

(1) A cocaine salt, isomer, or derivative, a salt of a 367
cocaine isomer or derivative, or the base form of cocaine; 368

(2) Coca leaves or a salt, compound, derivative, or 369
preparation of coca leaves, including ecgonine, a salt, isomer, or 370
derivative of ecgonine, or a salt of an isomer or derivative of 371
ecgonine; 372

(3) A salt, compound, derivative, or preparation of a 373
substance identified in division (X)(1) or (2) of this section 374
that is chemically equivalent to or identical with any of those 375
substances, except that the substances shall not include 376
decocainized coca leaves or extraction of coca leaves if the 377
extractions do not contain cocaine or ecgonine. 378

(Y) "L.S.D." means lysergic acid diethylamide. 379

(Z) "Hashish" means the resin or a preparation of the resin 380
contained in marihuana, whether in solid form or in a liquid 381
concentrate, liquid extract, or liquid distillate form. 382

(AA) "Marihuana" has the same meaning as in section 3719.01 383
of the Revised Code, except that it does not include hashish. 384

(BB) An offense is "committed in the vicinity of a juvenile" 385
if the offender commits the offense within one hundred feet of a 386
juvenile or within the view of a juvenile, regardless of whether 387
the offender knows the age of the juvenile, whether the offender 388
knows the offense is being committed within one hundred feet of or 389
within view of the juvenile, or whether the juvenile actually 390
views the commission of the offense. 391

(CC) "Presumption for a prison term" or "presumption that a 392
prison term shall be imposed" means a presumption, as described in 393
division (D) of section 2929.13 of the Revised Code, that a prison 394
term is a necessary sanction for a felony in order to comply with 395
the purposes and principles of sentencing under section 2929.11 of 396
the Revised Code. 397

(DD) "Major drug offender" has the same meaning as in section 398
2929.01 of the Revised Code. 399

(EE) "Minor drug possession offense" means either of the 400
following: 401

(1) A violation of section 2925.11 of the Revised Code as it 402
existed prior to July 1, 1996; 403

(2) A violation of section 2925.11 of the Revised Code as it 404
exists on and after July 1, 1996, that is a misdemeanor or a 405
felony of the fifth degree. 406

(FF) "Mandatory prison term" has the same meaning as in 407
section 2929.01 of the Revised Code. 408

(GG) "Crack cocaine" means a compound, mixture, preparation, 409
or substance that is or contains any amount of cocaine that is 410
analytically identified as the base form of cocaine or that is in 411
a form that resembles rocks or pebbles generally intended for 412

individual use. 413

(HH) "Adulterate" means to cause a drug to be adulterated as 414
described in section 3715.63 of the Revised Code. 415

(II) "Public premises" means any hotel, restaurant, tavern, 416
store, arena, hall, or other place of public accommodation, 417
business, amusement, or resort. 418

Sec. 4709.03. The following persons are exempt from this 419
chapter while in the proper discharge of their professional 420
duties: 421

(A) Persons licensed by this state to practice medicine and 422
surgery; 423

(B) Commissioned medical or surgical officers of the United 424
States army, navy, or marine hospital service; 425

(C) Nurses registered under Chapter 4723. of the Revised 426
Code; 427

(D) Cosmetologists and hair designers licensed under Chapter 428
4713. of the Revised Code, insofar as their usual and ordinary 429
vocation and profession is concerned as described in section 430
4713.01 of the Revised Code; 431

(E) Funeral directors, embalmers, and apprentices licensed or 432
registered under Chapter 4717. of the Revised Code. 433

Sec. 4709.07. (A) Each person who desires to obtain an 434
initial license to practice barbering shall apply to the barber 435
board, on forms provided by the board. The application form shall 436
include the name of the person applying for the license and 437
evidence that the applicant meets all of the requirements of 438
division (B) of this section. The application shall be accompanied 439
by two signed current photographs of the applicant, in the size 440
determined by the board, that show only the head and shoulders of 441

the applicant, and the examination application fee. 442

(B) In order to take the required barber examination and to 443
qualify for licensure as a barber, an applicant must demonstrate 444
that ~~he~~ the applicant meets all of the following: 445

(1) Is of good moral character; 446

(2) Is at least eighteen years of age; 447

(3) Has an eighth grade education or an equivalent education 448
as determined by the state board of education in the state where 449
the applicant resides; 450

(4) Has graduated with at least eighteen hundred hours of 451
training from a board-approved barber school or has graduated with 452
at least one thousand hours of training from a board-approved 453
barber school in this state and has a current cosmetology or hair 454
designer license issued pursuant to Chapter 4713. of the Revised 455
Code. No hours of instruction earned by an applicant five or more 456
years prior to the examination apply to the hours of study 457
required by this division. 458

(C) Any applicant who meets all of the requirements of 459
divisions (A) and (B) of this section may take the barber 460
examination at the time and place specified by the board. If the 461
applicant fails to attain at least a seventy-five per cent pass 462
rate on each part of the examination, the applicant is ineligible 463
for licensure; however, the applicant may reapply for examination 464
within ninety days after the date of the release of the 465
examination scores by paying the required reexamination fee. An 466
applicant is only required to take that part or parts of the 467
examination on which ~~he~~ the applicant did not receive a score of 468
seventy-five per cent or higher. If the applicant fails to reapply 469
for examination within ninety days or fails the second 470
examination, in order to reapply for examination for licensure ~~he~~ 471
the applicant shall complete an additional course of study of not 472

less than two hundred hours, in a board-approved barber school. 473
The board shall provide to an applicant, upon request, a report 474
which explains the reasons for the applicant's failure to pass the 475
examination. 476

(D) The board shall issue a license to practice barbering to 477
any applicant who, to the satisfaction of the board, meets the 478
requirements of divisions (A) and (B) of this section, who passes 479
the required examination, and pays the initial licensure fee. 480
Every licensed barber shall display ~~his~~ the certificate of 481
licensure in a conspicuous place adjacent to or near ~~his~~ the 482
licensed barber's work chair, along with a signed current 483
photograph, in the size determined by the board, showing head and 484
shoulders only. 485

Sec. 4709.09. (A) Each person who desires to obtain a barber 486
shop license shall apply to the barber board, on forms provided by 487
the board. The board shall issue a barber shop license to a person 488
if the board determines that the person meets all of the 489
requirements of division (B) of this section and pays the required 490
license and inspection fees. 491

(B) In order for a person to qualify for a license to operate 492
a barber shop, the barber shop shall meet all of the following 493
requirements: 494

(1) Be in the charge and under the immediate supervision of a 495
licensed barber; 496

(2) Be equipped to provide running hot and cold water and 497
proper drainage; 498

(3) Sanitize and maintain in a sanitary condition, all 499
instruments and supplies; 500

(4) Keep towels and linens clean and sanitary and in a dry, 501
dust-proof container; 502

(5) Display the shop license and a copy of the board's 503
sanitary rules in a conspicuous place in the working area. 504

(C) Any licensed barber who leases space in a licensed barber 505
shop and engages in the practice of barbering independent and free 506
from supervision of the owner or manager of the barber shop is 507
considered to be engaged in the operation of a separate and 508
distinct barber shop and shall obtain a license to operate a 509
barber shop pursuant to this section. 510

(D) A shop license is not transferable from one owner to 511
another and if an owner or operator of a barber shop permanently 512
ceases offering barber services at the shop, the owner or operator 513
shall return the barber shop license to the board within ten days 514
of the cessation of services. 515

(E)(1) Manicurists licensed under Chapter 4713. of the 516
Revised Code may practice manicuring in a barber shop. 517

(2) Tanning facilities ~~licensed pursuant to~~ issued a permit 518
under section ~~4713.25~~ 4713.48 of the Revised Code may be operated 519
in a barber shop. 520

(F) Clothing and related accessories may be sold at retail in 521
a barber shop so long as these sales maintain the integrity of the 522
facility as a barber shop. 523

Sec. 4713.01. As used in ~~sections 4713.01 to 4713.21 of the~~ 524
~~Revised Code~~ this chapter: 525

~~(A) The practice of cosmetology includes work done for pay,~~ 526
~~free, or otherwise, by any person, which work is usually performed~~ 527
~~by hairdressers, cosmetologists, cosmeticians, natural hair~~ 528
~~stylists, or beauty culturists, however denominated, in beauty~~ 529
~~salons; which work is for the embellishment, cleanliness, and~~ 530
~~beautification of~~ "Apprentice instructor" means a person holding a 531
practicing license issued by the state board of cosmetology who is 532

engaged in learning or acquiring knowledge of the occupation of an 533
instructor of a branch of cosmetology at a school of cosmetology. 534

"Beauty salon" means any premises, building, or part of a 535
building in which a person is authorized to engage in all branches 536
of cosmetology. "Beauty salon" does not include a barber shop 537
licensed under Chapter 4709. of the Revised Code in which a person 538
engages in the practice of manicuring. 539

"Biennial licensing period" means the two-year period 540
beginning on the first day of February of an odd-numbered year and 541
ending on the last day of January of the next odd-numbered year. 542

"Braiding" means intertwining the hair in a systematic motion 543
to create patterns in a three-dimensional form, inverting the hair 544
against the scalp along part of a straight or curved row of 545
intertwined hair, or twisting the hair in a systematic motion, and 546
includes extending the hair with natural or synthetic hair fibers. 547

"Branch of cosmetology" means the practice of cosmetology, 548
practice of esthetics, practice of hair design, practice of 549
manicuring, or practice of natural hair styling. 550

"Cosmetic therapy" has the same meaning as in section 4731.15 551
of the Revised Code. 552

"Cosmetologist" means a person authorized to engage in all 553
branches of cosmetology. 554

"Cosmetology instructor" means a person authorized to teach 555
the theory and practice of all branches of cosmetology at a school 556
of cosmetology. 557

"Esthetician" means a person who engages in the practice of 558
esthetics but no other branch of cosmetology. 559

"Esthetics instructor" means a person who teaches the theory 560
and practice of esthetics, but no other branch of cosmetology, at 561
a school of cosmetology. 562

"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. 563
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"Hair designer" means a person who engages in the practice of hair design but no other branch of cosmetology. 566
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"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. 568
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"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. 571
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"Independent contractor license" means a license to practice a branch of cosmetology at a salon in which the license holder rents booth space. 574
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"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 577
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"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology. 579
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"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. 581
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"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. 584
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"Managing license" means a license to manage a salon and practice the branch of cosmetology practiced at the salon. 587
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"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. 589
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"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. 592
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"Manicurist" means a person who engages in the practice of manicuring but no other branch of cosmetology. 596
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"Manicurist instructor" means a person who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology. 598
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"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. 601
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"Natural hair stylist" means a person who engages in the practice of natural hair styling but no other branch of cosmetology. 606
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"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. 609
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"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. 612
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"Practice of cosmetology" means the practice of all branches of cosmetology. 615
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"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. 617
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~~"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.~~ 654
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~~(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.~~ 656
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~~(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.~~ 661
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~~(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.~~ 664
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~~(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.~~ 667
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~~(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.~~ 671
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~~(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.~~ 674
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~~(L) Cosmetic therapy and cosmetic therapist have the same meanings as in section 4731.15 of the Revised Code.~~ 678
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~~(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~~ 680
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~~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.~~

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~~(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.~~

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~~(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.~~

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~~(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.~~

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~~(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.~~

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~~(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.~~

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~~(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.~~

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~~(T) The practice. "Practice of hair design" includes~~

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utilizing techniques performed by hand that result in tension on 715
hair roots such as twisting, wrapping, weaving, extending, 716
locking, or braiding of the hair. 717

"Practice of manicuring" means manicuring the nails of any 718
person, applying artificial or sculptured nails to any person, 719
massaging the hands and lower arms up to the elbow of any person, 720
massaging the feet and lower legs up to the knee of any person, or 721
any combination of these four types of services. 722

"Practice of natural hair styling" means ~~work done for a fee~~ 723
~~or other form of compensation, by any person,~~ utilizing techniques 724
performed by hand that result in tension on hair roots such as 725
twisting, wrapping, weaving, extending, locking, or braiding of 726
the hair, ~~and which work.~~ "Practice of natural hair styling" does 727
not include the application of dyes, reactive chemicals, or other 728
preparations to alter the color or to straighten, curl, or alter 729
the structure of the hair. "Practice of natural hair styling" also 730
does not include embellishing or beautifying hair by cutting or 731
singeing, except as needed to finish off the end of a braid, or by 732
dressing, pressing, curling, waving, permanent waving, or similar 733
work. 734

~~(U) Braiding means intertwining the hair in a systematic~~ 735
~~motion to create patterns in a three-dimensional form, inverting~~ 736
~~the hair against the scalp along part of a straight or curved row~~ 737
~~of intertwined hair, or twisting the hair in a systematic motion,~~ 738
~~and includes extending the hair with natural or synthetic hair~~ 739
~~fibers "Practicing license" means a license to practice a branch~~ 740
~~of cosmetology.~~ 741

"Salon" means a beauty salon, esthetics salon, hair design 742
salon, nail salon, or natural hair style salon. 743

"School of cosmetology" means any premises, building, or part 744
of a building in which students are instructed in the theories and 745
practices of one or more branches of cosmetology. 746

"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. 747
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"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. 751
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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~~ 755
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(1) One person holding a current, valid cosmetologist, managing cosmetologist, or cosmetology instructor license at the time of appointment; 760
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(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~~ 763
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(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; 767
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(4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school; 772
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(5) One owner of a licensed school of cosmetology; ~~and one~~ 775

(6) One owner of at least five licensed beauty salons; 776

(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; 777
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(8) One person representing the general public. 784

(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. 785
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(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. 788
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~~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 792
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has elapsed, whichever occurs first. Before entering upon the 809
discharge of the duties of the office of member, each member shall 810
take, and file with the secretary of state, the oath of office 811
required by Section 7 of Article XV, Ohio Constitution. 812

The members of the board shall receive an amount fixed 813
pursuant to Chapter 124. of the Revised Code per diem for every 814
meeting of the board which they attend, together with their 815
necessary expenses, and mileage for each mile necessarily 816
traveled. 817

The members of the board shall annually elect, from among 818
their number, a chairperson, ~~and annually appoint an executive~~ 819
~~director who is not a member of the board. The executive director,~~ 820
~~before entering upon the discharge of the executive director's~~ 821
~~duties, shall file with the secretary of state a good and~~ 822
~~sufficient bond payable to the state, to ensure the faithful~~ 823
~~performance of duties of the office of executive director, in such~~ 824
~~sum as the board requires. The premium of the bond shall be paid~~ 825
~~from appropriations made to the board for operating purposes.~~ 826

The board shall prescribe the duties of its officers and 827
establish an office at Columbus, Ohio. The board shall keep all 828
records and files at the office and have the records and files at 829
all reasonable hours open to public inspection. The board also 830
shall adopt a seal. 831

~~(B) The board may employ necessary inspectors, examiners,~~ 832
~~consultants on contents of examinations, and clerks. All~~ 833
~~inspectors, and examiners of cosmetologists, shall be licensed~~ 834
~~cosmetologists.~~ 835

~~(C) The board shall adopt rules for carrying out sections~~ 836
~~4713.01 to 4713.25 of the Revised Code. The rules shall cover at~~ 837
~~least all of the following:~~ 838

~~(1) Conducting examinations of applicants for a license;~~ 839

~~(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;~~ 840
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~~(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;~~ 843
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~~(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.~~ 846
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~~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.~~ 852
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~~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.~~ 859
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~~(D) The board shall do all of the following:~~ 862

~~(1) Hold examinations of all applicants for license whose applications have been submitted in proper form;~~ 863
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~~(2) Issue licenses to applicants who meet the requirements of sections 4713.01 to 4713.25 of the Revised Code;~~ 865
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~~(3) Register beauty salons, nail salons, esthetics salons, and schools of cosmetology;~~ 867
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~~(4) Report to the proper prosecuting officer all violations~~ 869

coming within its knowledge; 870

~~(5) Make a written report annually to the governor concerning 871
the conditions in this state of cosmetology and the branches 872
thereof, which report shall also contain a brief reference to the 873
proceedings had by or before the board for the year last past and 874
a statement of all money received and expended by the board during 875
such year; 876~~

~~(6) Keep a record containing the name and known place of 877
business, and the date and number of license, of every licensed 878
cosmetologist, esthetician, and every person engaged in the 879
practice of any branch of cosmetology, together with the name and 880
address of all tanning facilities, licensed beauty salons, 881
licensed nail salons, licensed esthetics salons, and schools of 882
cosmetology; 883~~

~~(7) Keep a record of its proceedings; 884~~

~~(8) All things necessary to carry out sections 4713.01 to 885
4713.25 of the Revised Code. 886~~

Sec. 4713.03. The state board of cosmetology shall hold a 887
meeting for the examination of applicants for license and the 888
transaction of such other to transact its business as shall 889
pertain to its duties at least four times a year and the. The 890
board may hold other additional meetings for the examination of 891
applicants or for the transaction of necessary business as, in its 892
judgment, may be required, are necessary. The board shall meet at 893
such the times and places as it may determine selects. 894

Sec. 4713.18 4713.04. The state board of cosmetology may 895
authorize any of its members, in writing, to undertake any 896
proceedings authorized by sections 4713.01 to 4713.21, inclusive, 897
of the Revised Code this chapter, and the finding or order of such 898
members is the finding of the board when confirmed by it. 899

~~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;

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<u>(C) Report to the proper prosecuting officer all violations</u>	931
<u>of section 4713.14 of the Revised Code of which the board is</u>	932
<u>aware;</u>	933
<u>(D) Submit a written report annually to the governor that</u>	934
<u>provides all of the following:</u>	935
<u>(1) A discussion of the conditions in this state of the</u>	936
<u>branches of cosmetology;</u>	937
<u>(2) A brief summary of the board's proceedings during the</u>	938
<u>year the report covers;</u>	939
<u>(3) A statement of all money that the board received and</u>	940
<u>expended during the year the report covers.</u>	941
<u>(E) Keep a record of all of the following:</u>	942
<u>(1) The board's proceedings;</u>	943
<u>(2) The name and last known address of each person issued a</u>	944
<u>license under section 4713.28, 4713.30, 4713.31, 4713.34, or</u>	945
<u>4713.39 of the Revised Code;</u>	946
<u>(3) The name and address of each salon issued a license under</u>	947
<u>section 4713.41 of the Revised Code and each school of cosmetology</u>	948
<u>issued a license under section 4713.44 of the Revised Code;</u>	949
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<u>(4) The name and address of each tanning facility issued a</u>	951
<u>permit under section 4713.48 of the Revised Code;</u>	952
<u>(5) The date and number of each license and permit that the</u>	953
<u>board issues;</u>	954
<u>(F) All other duties that this chapter imposes on the board.</u>	955
Sec. 4713.08. <u>(A) The state board of cosmetology shall adopt</u>	957
<u>rules in accordance with Chapter 119. of the Revised Code as</u>	958

necessary to implement this chapter. The rules shall do all of the 959
following: 960

(1) Govern the practice of the branches of cosmetology and 961
management of salons; 962

(2) Specify conditions a person must satisfy to qualify for a 963
temporary pre-examination work permit under section 4713.22 of the 964
Revised Code and the conditions and method of renewing a temporary 965
pre-examination work permit under that section; 966

(3) Provide for the conduct of examinations under section 967
4713.24 of the Revised Code; 968

(4) Specify conditions under which the board will take into 969
account, under section 4713.32 of the Revised Code, instruction an 970
applicant for a license under section 4713.28, 4713.30, or 4713.31 971
of the Revised Code received more than five years before the date 972
of application for the license; 973

(5) Provide for the granting of waivers under section 4713.29 974
of the Revised Code; 975

(6) Specify conditions an applicant must satisfy for the 976
board to issue the applicant a license under section 4713.34 of 977
the Revised Code without the applicant taking an examination 978
conducted under section 4713.24 of the Revised Code; 979

(7) Specify locations in which glamour photography services 980
in which a branch of cosmetology is practiced may be provided; 981

(8) Establish conditions and the fee for a temporary special 982
occasion work permit under section 4713.37 of the Revised Code and 983
specify the amount of time such a permit is valid; 984

(9) Specify conditions an applicant must satisfy for the 985
board to issue the applicant an independent contractor license 986
under section 4713.39 of the Revised Code and the fee for issuance 987
and renewal of the license; 988

<u>(10) Establish conditions under which food may be sold at a salon;</u>	989
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<u>(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;</u>	991
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<u>(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;</u>	994
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<u>(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;</u>	997
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<u>(14) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;</u>	1000
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<u>(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;</u>	1002
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<u>(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:</u>	1005
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<u>(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;</u>	1008
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<u>(b) Require consumers to wear protective eyeglasses and be supervised as to the length of time consumers use the facility;</u>	1010
	1011
<u>(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;</u>	1012
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<u>(d) Require the installation of protective shielding for sun lamps and handrails for consumers;</u>	1017
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- (e) Require floors to be dry during operation of lamps; 1019
- (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. 1020
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- (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: 1023
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- (i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service; 1026
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- (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. 1029
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- (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. 1038
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- (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; 1042
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- (19) Anything else necessary to implement this chapter. 1045
- (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 1046
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Code that are applicable to persons who practice a branch of 1049
cosmetology in another state or country. 1050

(2) The rules adopted under division (A)(17)(b) of this 1051
section may establish additional conditions for a temporary work 1052
permit that are applicable to persons who practice a branch of 1053
cosmetology in another state. 1054

(C) The conditions specified in rules adopted under division 1055
(A)(6) of this section may include that an applicant is applying 1056
for a license to practice a branch of cosmetology for which the 1057
board determines an examination is unnecessary. 1058

(D) The rules adopted under division (A)(11) of this section 1059
shall not include a profession if practice of the profession in a 1060
salon is a violation of a statute or rule governing the 1061
profession. 1062

(E) The sanitary standards established under division (A)(14) 1063
of this section shall focus in particular on precautions to be 1064
employed to prevent infectious or contagious diseases being 1065
created or spread. The board shall consult with the Ohio 1066
department of health when establishing the sanitary standards. 1067

(F) The fee established by rules adopted under division 1068
(A)(15) of this section shall cover the cost the board incurs in 1069
inspecting tanning facilities and enforcing the board's rules but 1070
may not exceed one hundred dollars per location of such 1071
facilities. 1072

Sec. 4713.081. The state board of cosmetology shall furnish a 1073
copy of the sanitary standards established by rules adopted under 1074
section 4713.08 of the Revised Code to each person to whom the 1075
board issues a practicing license, managing license, or license to 1076
operate a salon or school of cosmetology. The board also shall 1077
furnish a copy of the sanitary standards to each person providing 1078

cosmetic therapy, massage therapy, or other professional service 1079
in a salon under section 4713.42 of the Revised Code. A salon or 1080
school of cosmetology provided a copy of the sanitary standards 1081
shall post the standards in a public and conspicuous place in the 1082
salon or school. 1083

Sec. 4713.082. The state board of cosmetology shall furnish a 1085
copy of the standards established by rules adopted under section 1086
4713.08 of the Revised Code for installing and operating a tanning 1087
facility to each person to whom the board issues a permit to 1088
operate a tanning facility. A person provided a copy of the 1089
standards shall post the standards in a public and conspicuous 1090
place in the tanning facility. 1091

Sec. 4713.09. The state board of cosmetology may adopt rules 1092
in accordance with Chapter 119. of the Revised Code to establish a 1093
continuing education requirement, not to exceed eight hours in a 1094
biennial licensing period, as a condition of renewal for a 1095
practicing license, managing license, or instructor license. 1096

Sec. 4713.10. The state board of cosmetology shall charge and 1098
collect the following fees: 1099

(A) For a temporary pre-examination work permit under section 1100
4713.22 of the Revised Code, five dollars; 1101

(B) For ~~initial~~ application to take ~~the~~ an examination ~~for a~~ 1102
license to practice cosmetology, or any branch thereof ~~under~~ 1103
section 4713.24 of the Revised Code, twenty-one dollars; 1104

~~(B)~~(C) For application to take an examination under section 1105
4713.24 of the Revised Code by an applicant who has previously 1106
applied to take, but failed to appear for, the examination, forty 1107
dollars; 1108

(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;	1109 1110 1111 1112
(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;	1113 1114 1115
(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;	1116 1117 1118 1119
(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;	1120 1121
(H) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	1122 1123
(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;	1124 1125 1126 1127
(G) (J) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	1128 1129
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	1130 1131
(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;	1132 1133 1134 1135
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	1136 1137
(K) (L) For the issuance of a duplicate of any license,	1138

fifteen dollars; 1139

~~(L)~~(M) For the preparation and mailing of a licensee's 1140
records to another state for a reciprocity license, fifty dollars; 1141

~~(M)~~(N) For the processing of any fees related to a check from 1142
a licensee returned to the board for insufficient funds, an 1143
additional twenty dollars. 1144

~~Each applicant shall, in addition to the fees specified,~~ 1145
~~furnish the applicant's own models.~~ 1146

Sec. ~~4713.22~~ 4713.11. The state board of cosmetology, subject 1147
to the approval of the controlling board, may establish fees in 1148
excess of the amounts provided by section 4713.10 of the Revised 1149
Code, provided that any fee increase does not exceed the amount 1150
permitted by more than fifty per cent. 1151

Sec. ~~4713.26~~ 4713.13. Whenever in the judgment of the state 1152
board of cosmetology any person has engaged in or is about to 1153
engage in any acts or practices that constitute a violation of 1154
this chapter, or any rule adopted under this chapter, the board 1155
may apply to the appropriate court for an order enjoining the acts 1156
or practices, and upon a showing by the board that the person has 1157
engaged in the acts or practices, the court shall grant an 1158
injunction, restraining order, or other order as may be 1159
appropriate. 1160

Sec. ~~4713.20~~ 4713.14. (A) No person shall do any of the 1161
following: 1162

~~(1) Conduct or operate a nail salon, beauty salon, esthetics~~ 1163
~~salon, or school of cosmetology without a license;~~ 1164

~~(2) Practice cosmetology for pay, free, or otherwise, either~~ 1165
~~as a cosmetologist, managing cosmetologist, cosmetology~~ 1166
~~instructor, manicurist, managing manicurist, manicurist~~ 1167

instructor, esthetician, managing esthetician, or esthetics	1168
instructor, without a license;	1169
(3) Practice natural hair styling for pay, free, or	1170
otherwise, without a license;	1171
(4) Employ as a cosmetologist, managing cosmetologist,	1172
cosmetologist instructor, except as provided in division (C) of	1173
section 4713.15 of the Revised Code, manicurist, managing	1174
manicurist, manicurist instructor, esthetician, managing	1175
esthetician, or esthetics instructor, any person without a	1176
license;	1177
(5)(A) Use fraud or deceit in making application for a	1178
license or permit;	1179
(B) Aid or abet any person:	1180
(a)(1) Violating sections 4713.01 to 4713.21 of the Revised	1181
Code this chapter or a rule adopted under it;	1182
(b)(2) Obtaining a license or permit fraudulently;	1183
(c)(3) Falsely pretending to be licensed;	1184
(d) Violating any of the sanitary rules for the regulation of	1185
the practice of cosmetology hold a current, valid license or	1186
permit.	1187
(6) Engage in the practice of (C) Practice a branch of	1188
cosmetology, for pay, free, or otherwise, without one of the	1189
following authorizing the practice of that branch of cosmetology:	1190
(1) A current, valid license under section 4713.28, 4713.30,	1191
or 4713.34 of the Revised Code;	1192
(2) A current, valid temporary pre-examination work permit	1193
issued under section 4713.22 of the Revised Code;	1194
(3) A current, valid temporary special occasion work permit	1195
issued under section 4713.37 of the Revised Code;	1196

<u>(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.</u>	1197 1198 1199
<u>(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:</u>	1200 1201 1202
<u>(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;</u>	1203 1204
<u>(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;</u>	1205 1206
<u>(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;</u>	1207 1208
<u>(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.</u>	1209 1210 1211
<u>(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;</u>	1212 1213 1214
<u>(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:</u>	1215 1216 1217 1218 1219
<u>(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;</u>	1220 1221
<u>(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.</u>	1222 1223
<u>(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</u>	1224 1225 1226

<u>authorizing the practice of that branch of cosmetology:</u>	1227
<u>(1) A current, valid license under section 4713.28, 4713.30,</u>	1228
<u>or 4713.34 of the Revised Code;</u>	1229
<u>(2) A current, valid temporary special occasion work permit</u>	1230
<u>issued under section 4713.37 of the Revised Code.</u>	1231
<u>(H) Advertise or operate a glamour photography service in</u>	1232
<u>which a branch of cosmetology is practiced at a location not</u>	1233
<u>specified by rules adopted under section 4713.08 of the Revised</u>	1234
<u>Code;</u>	1235
<u>(I) Practice a branch of cosmetology at a salon in which the</u>	1236
<u>person rents booth space without a current, valid independent</u>	1237
<u>contractor license under section 4713.39 of the Revised Code;</u>	1238
<u>(J) Operate a salon without a current, valid license under</u>	1239
<u>section 4713.41 of the Revised Code;</u>	1240
<u>(K) Provide cosmetic therapy or massage in therapy at a</u>	1241
<u>beauty salon or nail salon for pay, free, or otherwise unless the</u>	1242
<u>person holds without a current, valid certificate issued by the</u>	1243
<u>state medical board pursuant to under section 4731.15 of the</u>	1244
<u>Revised Code or provide any other professional service at a salon</u>	1245
<u>for pay, free, or otherwise without a current, valid license or</u>	1246
<u>certificate issued by the professional regulatory board of this</u>	1247
<u>state that regulates the profession;</u>	1248
(7) Engage in the advertisement or operation of a glamour	1249
photography service unless properly licensed under this chapter by	1250
the state board of cosmetology.	1251
(B) Sections 4713.01 to 4713.21 of the Revised Code do not	1252
prohibit any student in a licensed school of cosmetology in this	1253
state from engaging in that school, as a student, in work	1254
connected with any branch of cosmetology taught in the school	1255
<u>(L) Teach a branch of cosmetology at a salon, unless the</u>	1256

<u>person receiving the instruction holds either of the following</u>	1257
<u>authorizing the practice of that branch of cosmetology:</u>	1258
<u>(1) A current, valid license under section 4713.28, 4713.30,</u>	1259
<u>or 4713.34 of the Revised Code;</u>	1260
<u>(2) A current, valid temporary pre-examination work permit</u>	1261
<u>issued under section 4713.22 of the Revised Code.</u>	1262
<u>(M) Operate a school of cosmetology without a current, valid</u>	1263
<u>license under section 4713.44 of the Revised Code;</u>	1264
<u>(N) At a salon or school of cosmetology, do either of the</u>	1265
<u>following:</u>	1266
<u>(1) Use or possess a cosmetic product containing an</u>	1267
<u>ingredient that the United States food and drug administration has</u>	1268
<u>prohibited by regulation;</u>	1269
<u>(2) Use a cosmetic product in a manner inconsistent with a</u>	1270
<u>restriction established by the United States food and drug</u>	1271
<u>administration by regulation;</u>	1272
<u>(3) Use or possess a liquid nail monomer containing any trace</u>	1273
<u>of methyl methacrylate (MMA).</u>	1274
<u>(O) While in charge of a salon or school of cosmetology,</u>	1275
<u>permit any person to sleep in, or use for residential purposes,</u>	1276
<u>any room used wholly or in part as the salon or school of</u>	1277
<u>cosmetology;</u>	1278
<u>(P) Maintain, as an established place of business for the</u>	1279
<u>practice of one or more of the branches of cosmetology, a room</u>	1280
<u>used wholly or in part for sleeping or residential purposes;</u>	1281
<u>(Q) Operate a tanning facility that is offered to the public</u>	1282
<u>for a fee or other compensation without a current, valid permit</u>	1283
<u>under section 4713.48 of the Revised Code.</u>	1284
<u>Sec. 4713.141. An inspector employed by the state board of</u>	1285

cosmetology may take a sample of a product used or sold in a salon 1286
or school of cosmetology for the purpose of examining the sample, 1287
or causing an examination of the sample to be made, to determine 1288
whether division (N) of section 4713.14 of the Revised Code has 1289
been violated. 1290

Sec. 4713.15. This chapter does not permit any of the 1292
services or arts that are part of the practice of a branch of 1293
cosmetology to be used for the treatment or cure of a physical or 1294
mental disease or ailment. 1295

Sec. 4713.16. This chapter does not prohibit any of the 1297
following: 1298

(A) Practicing a branch of cosmetology without a license if 1299
the person does so for free at the person's home for a family 1300
member who resides in the same household as the person; 1301

(B) The retail sale, or trial demonstration by application to 1302
the skin for purposes of retail sale, of cosmetics, preparations, 1303
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 1304
a practicing license; 1305

(C) The retailing, at a salon, of cosmetics, preparations, 1306
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 1307
or any other items that pose no risk of creating unsanitary 1308
conditions at the salon; 1309

(D) The provision of glamour photography services at a 1310
licensed salon if either of the following is the case: 1311

(1) A branch of cosmetology is not practiced as part of the 1312
services. 1313

(2) If a branch of cosmetology is practiced as part of the 1314
services, the part of the services that is a branch of cosmetology 1315
is performed by a person who holds either of the following 1316

authorizing the person to practice that branch of cosmetology: 1317

(a) A current, valid license under section 4713.28, 4713.30, 1318
or 4713.34 of the Revised Code; 1319

(b) A current, valid temporary special occasion work permit 1320
issued under section 4713.37 of the Revised Code. 1321

(E) A student engaging, as a student, in work connected with 1322
a branch of cosmetology taught at the school of cosmetology at 1323
which the student is enrolled. 1324

Sec. ~~4713.12~~ 4713.17. Sections ~~4713.01 to 4713.21~~ of the 1326
Revised Code do not prohibit service in cases of emergency or 1327
domestic administration, without compensation. (A) The following 1328
persons shall be are exempt from the provisions of ~~such sections~~ 1329
this chapter, except, as applicable, section 4713.42 of the 1330
Revised Code: 1331

~~(A)~~(1) All persons authorized to practice medicine, surgery, 1332
dentistry, and nursing or any of its branches in this state; 1333

~~(B)~~(2) Commissioned surgical and medical officers of the 1334
United States army, navy, air force, or marine hospital service 1335
when engaged in the actual performance of their official duties, 1336
and attendants attached to same; 1337

~~(C)~~(3) Barbers, insofar as their usual and ordinary vocation 1338
and profession is concerned; 1339

~~(D)~~(4) Funeral directors, embalmers, and apprentices licensed 1340
or registered under Chapter 4717. of the Revised Code; 1341

~~(E)~~(5) Persons who are engaged in the retail sale, cleaning, 1342
or beautification of wigs and ~~postiches~~ hairpieces but who do not 1343
engage in any other act constituting the practice of a branch of 1344
cosmetology; 1345

~~(F)~~(6) Volunteers of hospitals, and homes as defined in 1346
section 3721.01 of the Revised Code, who render service to 1347
registered patients and inpatients who reside in such hospitals or 1348
homes. Such volunteers shall not use or work with any chemical 1349
products such as permanent wave, hair dye, or chemical hair 1350
relaxer, which without proper training would pose a health or 1351
safety problem to the patient. 1352

~~(G) Nurses~~ (7) Nurse aides and other employees of hospitals 1353
and homes as defined in section 3721.01 of the Revised Code, who 1354
~~render practice a branch of~~ cosmetology ~~services to~~ on registered 1355
patients only as part of general patient care services and who do 1356
not charge patients directly on a fee for service basis; 1357

~~(H)~~(8) Cosmetic therapists ~~and massage therapists~~ who hold 1358
current, valid certificates to practice cosmetic or massage 1359
therapy issued by the state medical board under section 4731.15 of 1360
the Revised Code, to the extent their actions are authorized by 1361
their certificates to practice; 1362

~~(I) Photographers engaged in delivering a glamour photography~~ 1363
~~service in a licensed salon, so long as the person advertising and~~ 1364
~~operating the glamour photography service is properly licensed~~ 1365
~~under this chapter by the state board of cosmetology~~ (9) Inmates 1366
who provide services related to a branch of cosmetology to other 1367
inmates, except when those services are provided in a licensed 1368
school of cosmetology within a state correctional institution for 1369
females. 1370

(B) The director of rehabilitation and correction shall 1371
oversee the services described in division (A)(9) of this section 1372
with respect to sanitation and adopt rules governing those types 1373
of services provided by inmates. 1374

Sec. 4713.05 4713.20. ~~Every application for~~ (A) Each person 1375
who seeks admission to an examination, conducted under section 1376

~~4713.24 of the Revised Code and every application for each person~~ 1377
~~who seeks a license as a cosmetologist, a natural hair stylist, or~~ 1378
~~in any branch of cosmetology, under this chapter shall be in~~ 1379
~~writing, on forms prepared and furnished by the state board of~~ 1380
~~cosmetology. Such application shall be accompanied by the fee~~ 1381
~~specified, and shall contain do all of the following:~~ 1382

~~(1) Submit to the state board of cosmetology a written~~ 1383
~~application containing proof of the qualifications of the~~ 1384
~~applicant for following:~~ 1385

~~(a) If the person seeks admission to an examination, that the~~ 1386
~~person satisfies all conditions to obtain the license for which~~ 1387
~~the examination is conducted, other than the requirement to have~~ 1388
~~passed the examination, or for;~~ 1389

~~(b) If the person seeks a license, that the person satisfies~~ 1390
~~all conditions for obtaining the license, and shall be verified.~~ 1391
1392

~~(2) Pay to the board the applicable fee;~~ 1393

~~(3) Verify by the oath that of the applicant application is~~ 1394
~~true.~~ 1395

~~If, after application, the applicant fails to appear for the~~ 1396
~~applicant's examination, in order to be examined at a later date,~~ 1397
~~the applicant may apply again as specified above and shall pay the~~ 1398
~~re-examination fee.~~ 1399

~~Applicants failing to pass the examination may apply again as~~ 1400
~~specified above and shall pay the re-examination fee (B) An~~ 1401
~~application to operate a salon or school of cosmetology may be~~ 1402
~~submitted by the owner, manager, or person in charge of the salon~~ 1403
~~or school.~~ 1404

Sec. 4713.21. ~~Both of the following may apply again under~~ 1405
~~section 4713.20 of the Revised Code for admission to an~~ 1406

<u>examination conducted under section 4713.24 of the Revised Code:</u>	1407
<u>(A) A person who failed to appear for an examination that the person was previously scheduled to take;</u>	1408
<u>(B) A person who appeared for a previously scheduled examination but failed to pass it.</u>	1409
<u>(B) A person who appeared for a previously scheduled examination but failed to pass it.</u>	1410
<u>(B) A person who appeared for a previously scheduled examination but failed to pass it.</u>	1411
<u>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:</u>	1412
<u>(1) Is seeking a practicing license;</u>	1413
<u>(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;</u>	1414
<u>(3) Pays to the board the applicable fee;</u>	1415
<u>(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.</u>	1416
<u>(1) Is seeking a practicing license;</u>	1417
<u>(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;</u>	1418
<u>(3) Pays to the board the applicable fee;</u>	1419
<u>(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.</u>	1420
<u>(3) Pays to the board the applicable fee;</u>	1421
<u>(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.</u>	1422
<u>(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.</u>	1423
<u>(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.</u>	1424
<u>(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.</u>	1425
<u>(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.</u>	1426
<u>(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.</u>	1427
<u>(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.</u>	1428
<u>(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.</u>	1429
<u>(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.</u>	1430
<u>(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.</u>	1431
<u>(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.</u>	1432
<u>(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.</u>	1433
<u>Sec. 4713.06 4713.24. (A) All examinations of applicants</u>	1434

~~under sections 4713.01 to 4713.21 of the Revised Code shall meet~~ 1435
The state board of cosmetology shall conduct an examination for 1436
each person who satisfies the requirements established by section 1437
4713.20 of the Revised Code for admission to the examination. The 1438
examination shall be specific to the type of license the person 1439
seeks and satisfy all of the following conditions: 1440

~~(1)(A)~~ Include both practical demonstrations and written or 1441
oral tests related to the type of license the person seeks; 1442

~~(2)(B)~~ Relate only to a branch of cosmetology, managing 1443
license, or both, but not be confined to any special system or 1444
method; 1445

~~(3)(C)~~ Be consistent in both practical and technical 1446
requirements, and for the type of license the person seeks; 1447

(D) Be of sufficient thoroughness to satisfy the state board 1448
of cosmetology as to the applicant's person's skill in and 1449
knowledge if of the practice of the occupation for which a license 1450
is sought. 1451

~~(B)(1) Examinations for licenses as cosmetologists shall, in~~ 1452
~~addition to the requirements of division (A) of this section,~~ 1453
~~include practical demonstrations and written or oral tests in~~ 1454
~~sanitation and the use of mechanically and electrically operated~~ 1455
~~apparatus as applicable to the practice branch of cosmetology,~~ 1456
~~managing license, or both, for which the examination is conducted.~~ 1457

~~(2) Examinations for a managing cosmetologist's license may~~ 1458
~~be administered separately at the completion of the managing~~ 1459
~~cosmetologist's training course, or may be combined with the~~ 1460
~~examination for a cosmetologist's license where the applicant has~~ 1461
~~completed a single eighteen hundred-hour combined cosmetologist~~ 1462
~~and managing cosmetologist course. Applicants may apply for an~~ 1463
~~examination for a managing cosmetologist's license following~~ 1464
~~completion of one year of certified employment experience in a~~ 1465

~~licensed beauty salon.~~

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~~(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.~~

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~~(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.~~

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~~(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.~~

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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.

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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

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hundred fifty-hour esthetician and managing esthetician training course. 1497
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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. 1499
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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. 1506
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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. 1512
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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. 1519
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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: 1522
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<u>(A) Is at least sixteen years of age;</u>	1527
<u>(B) Is of good moral character;</u>	1528
<u>(C) Has the equivalent of an Ohio public school eight <u>tenth</u> grade education;</u>	1529
<u>and have received a total of not less than;</u>	1530
<u>(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;</u>	1531
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<u>(E) Pays to the board the applicable fee;</u>	1534
<u>(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 <u>board-approved</u> cosmetology, including subjects relating to sanitation, <u>training</u> in a licensed school of cosmetology <u>licensed</u> in Ohio or otherwise pursuant to credits given by the state board of cosmetology as provided in section 4713.02 of the Revised Code <u>this state</u>, provided <u>except</u> that only one thousand hours of instruction in the several branches of <u>board-approved</u> cosmetology <u>training</u> in a licensed school of cosmetology <u>licensed</u> 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.</u>	1535
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<u>(B) Applicants;</u>	1549
<u>(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;</u>	1550
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<u>(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</u>	1554
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of cosmetology licensed in this state, except that only one 1557
thousand hours of board-approved hair designer training in a 1558
school of cosmetology licensed in this state is required of a 1559
person licensed as a barber under Chapter 4709. of the Revised 1560
Code; 1561

(I) In the case of an applicant for a manicurist's an initial 1562
manicurist license shall be at least sixteen years of age, of good 1563
moral character, have the equivalent of an Ohio public school 1564
eighth grade education, and have received, has successfully 1565
completed at least two hundred hours of instruction in subjects 1566
relating to sanitation, manicuring, and application of artificial 1567
or sculptured nails board-approved manicurist training in a 1568
licensed school of cosmetology licensed in Ohio. Except as 1569
provided in section 4713.09 of the Revised Code, an applicant 1570
shall pass an examination in order to qualify for a manicurist's 1571
license. 1572

(C) Applicants for an esthetician's license shall be at least 1573
sixteen years of age, of good moral character, have the equivalent 1574
of an Ohio public school eighth grade education, and have 1575
successfully completed at least six hundred hours of instruction 1576
in esthetics in a licensed school of cosmetology in this state. 1577
Except as provided in section 4713.09 of the Revised Code, an 1578
applicant shall pass an examination to qualify for an 1579
esthetician's license. The board shall design the examination so 1580
as to demonstrate an applicant's minimum competency in all fields 1581
of esthetics. 1582

(D) Applicants this state; 1583

(J) In the case of an applicant for a an initial natural hair 1584
stylist license shall be at least sixteen years of age, of good 1585
moral character, have the equivalent of an Ohio public school 1586
eighth grade education, and have received, has successfully 1587
completed at least four hundred fifty hours of instruction in 1588

subjects relating to sanitation, scalp care, anatomy, hair 1589
styling, communication skills, and laws and rules governing the 1590
practice of cosmetology. ~~Except as provided in section 4713.09 of~~ 1591
~~the Revised Code, an applicant shall pass an examination to~~ 1592
~~qualify for a natural hair stylist's license.~~ 1593

~~(E) Applicants for a managing cosmetologist's license shall~~ 1594
~~be of good moral character, have the equivalent of an Ohio public~~ 1595
~~school eighth grade education, and have practiced as a~~ 1596
~~cosmetologist in a licensed beauty salon in this or another state~~ 1597
~~of the United States or the District of Columbia for at least one~~ 1598
~~year, or have completed three hundred hours of board-approved~~ 1599
~~curriculum additional in a licensed school of cosmetology in this~~ 1600
~~state in subjects relative to advanced cosmetology, business~~ 1601
~~management, and supervision. Certification of an applicant's~~ 1602
~~completion of one year's experience shall be made to the board by~~ 1603
~~the licensed managing cosmetologist or the owner of the licensed~~ 1604
~~beauty salon in which the applicant has been employed, or~~ 1605
~~certification of completion of the prescribed course of three~~ 1606
~~hundred additional hours shall be made to the board by the school~~ 1607
~~of cosmetology in this state. Upon either of the foregoing~~ 1608
~~certifications and, except as provided in section 4713.09 of the~~ 1609
~~Revised Code, upon passage of an examination, the board shall~~ 1610
~~issue a managing cosmetologist's license to the applicant.~~ 1611

~~(F) Applicants for an initial cosmetology instructor's~~ 1612
~~license shall be of good moral character, have the equivalent of~~ 1613
~~an Ohio public school twelfth grade education, hold a current~~ 1614
~~managing cosmetologist license issued pursuant to this chapter,~~ 1615
~~and have practiced as a licensed cosmetologist in a beauty salon~~ 1616
~~for at least twelve months, or have completed one thousand hours~~ 1617
~~of cosmetology instructor training in a licensed school of~~ 1618
~~cosmetology in this state as an apprentice instructor. On the date~~ 1619
~~that an apprentice cosmetology instructor begins cosmetology~~ 1620

~~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.~~

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~~(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.~~

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~~(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~~

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~~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.~~

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~~(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.~~

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~~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.~~

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~~(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.~~

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~~(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~~

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~~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 1745
certify to the board that the applicant has successfully 1746
completed, in addition to the hours required for licensure as a 1747
cosmetologist, at least three hundred hours of board-approved 1748
managing cosmetologist training. 1749

(G) In the case of an applicant for an initial managing 1750
esthetician license, does either of the following: 1751

(1) Has the licensed managing esthetician, licensed managing 1752
cosmetologist, or owner of a licensed esthetics salon or licensed 1753
beauty salon located in this or another state certify to the board 1754
that the applicant has practiced esthetics for at least two 1755
thousand hours as an esthetician in a licensed esthetics salon or 1756
as a cosmetologist in a licensed beauty salon; 1757

(2) Has a school of cosmetology licensed in this state 1758
certify to the board that the applicant has successfully 1759
completed, in addition to the hours required for licensure as an 1760
esthetician or cosmetologist, at least one hundred fifty hours of 1761
board-approved managing esthetician training. 1762

(H) In the case of an applicant for an initial managing hair 1763
designer license, does either of the following: 1764

(1) Has the licensed managing hair designer, licensed 1765
managing cosmetologist, or owner of a licensed hair design salon 1766
or licensed beauty salon located in this or another state certify 1767
to the board that the applicant has practiced hair design for at 1768
least two thousand hours as a hair designer in a licensed hair 1769
design salon or as a cosmetologist in a licensed beauty salon; 1770

(2) Has a school of cosmetology licensed in this state 1771
certify to the board that the applicant has successfully 1772
completed, in addition to the hours required for licensure as a 1773
hair designer or cosmetologist, at least two hundred forty hours 1774
of board-approved managing hair designer training. 1775

(I) In the case of an applicant for an initial managing manicurist license, does either of the following: 1776
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(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; 1778
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(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. 1785
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(J) In the case of an applicant for an initial managing natural hair stylist license, does either of the following: 1790
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(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; 1792
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(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. 1799
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Sec. 4713.31. The state board of cosmetology shall issue an instructor license to an applicant who satisfies all of the 1804
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<u>following applicable conditions:</u>	1806
<u>(A) Is at least eighteen years of age;</u>	1807
<u>(B) Is of good moral character;</u>	1808
<u>(C) Has the equivalent of an Ohio public school twelfth grade</u> <u>education;</u>	1809 1810
<u>(D) Pays to the board the applicable fee;</u>	1811
<u>(E) In the case of an applicant for an initial cosmetology</u> <u>instructor license, holds a current, valid managing cosmetologist</u> <u>license issued in this state and does either of the following:</u>	1812 1813 1814
<u>(1) Has the licensed managing cosmetologist or owner of the</u> <u>licensed beauty salon in which the applicant has been employed</u> <u>certify to the board that the applicant has engaged in the</u> <u>practice of cosmetology in a licensed beauty salon for at least</u> <u>two thousand hours;</u>	1815 1816 1817 1818 1819
<u>(2) Has a school of cosmetology licensed in this state</u> <u>certify to the board that the applicant has successfully completed</u> <u>one thousand hours of board-approved cosmetology instructor</u> <u>training as an apprentice instructor.</u>	1820 1821 1822 1823
<u>(F) In the case of an applicant for an initial esthetics</u> <u>instructor license, holds a current, valid managing esthetician or</u> <u>managing cosmetologist license issued in this state and does</u> <u>either of the following:</u>	1824 1825 1826 1827
<u>(1) Has the licensed managing esthetician, licensed managing</u> <u>cosmetologist, or owner of the licensed esthetics salon or</u> <u>licensed beauty salon in which the applicant has been employed</u> <u>certify to the board that the applicant has engaged in the</u> <u>practice of esthetics in a licensed esthetics salon or practice of</u> <u>cosmetology in a licensed beauty salon for at least two thousand</u> <u>hours;</u>	1828 1829 1830 1831 1832 1833 1834
<u>(2) Has a school of cosmetology licensed in this state</u>	1835

certify to the board that the applicant has successfully completed 1836
at least five hundred hours of board-approved esthetics instructor 1837
training as an apprentice instructor. 1838

(G) In the case of an applicant for an initial hair design 1839
instructor license, holds a current, valid managing hair designer 1840
or managing cosmetologist license and does either of the 1841
following: 1842

(1) Has the licensed managing hair designer, licensed 1843
managing cosmetologist, or owner of the licensed hair design salon 1844
or licensed beauty salon in which the applicant has been employed 1845
certify to the board that the applicant has engaged in the 1846
practice of hair design in a licensed hair design salon or 1847
practice of cosmetology in a licensed beauty salon for at least 1848
two thousand hours; 1849

(2) Has a school of cosmetology licensed in this state 1850
certify to the board that the applicant has successfully completed 1851
at least eight hundred hours of board-approved hair design 1852
instructor's training as an apprentice instructor. 1853

(H) In the case of an applicant for an initial manicurist 1854
instructor license, holds a current, valid managing manicurist or 1855
managing cosmetologist license and does either of the following: 1856

(1) Has the licensed managing manicurist, licensed managing 1857
cosmetologist, or owner of the licensed nail salon or licensed 1858
beauty salon in which the applicant has been employed certify to 1859
the board that the applicant has engaged in the practice of 1860
manicuring in a licensed nail salon or practice of cosmetology in 1861
a licensed beauty salon for at least two thousand hours; 1862

(2) Has a school of cosmetology licensed in this state 1863
certify to the board that the applicant has successfully completed 1864
at least three hundred hours of board-approved manicurist 1865
instructor training as an apprentice instructor. 1866

(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: 1867
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(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; 1871
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(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. 1878
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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. 1882
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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 1890
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~~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~~

<u>then enforced in this state.</u>	1928
<u>(C) The jurisdiction that issued the applicant's license or registration extends similar reciprocity to persons holding a license issued by the board.</u>	1929
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<u>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.</u>	1932
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<u>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.</u>	1936
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<u>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.</u>	1939
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<u>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.</u>	1942
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<u>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.</u>	1945
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<u>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.</u>	1948
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<u>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.</u>	1952
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<u>A person who holds a current, valid managing hair designer license issued by the board may manage a hair design salon, but no</u>	1956
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other type of salon, and engage in the practice of hair design, 1958
but no other branch of cosmetology. 1959

A person who holds a current, valid managing manicurist 1960
license issued by the board may manage a nail salon, but no other 1961
type of salon, and engage in the practice of manicuring, but no 1962
other branch of cosmetology. 1963

A person who holds a current, valid managing natural hair 1964
stylist license issued by the board may manage a natural hair 1965
style salon, but no other type of salon, and engage in the 1966
practice of natural hair styling, but no other branch of 1967
cosmetology. 1968

A person who holds a current, valid cosmetology instructor 1969
license issued by the board may teach the theory and practice of 1970
one or more branches of cosmetology at a school of cosmetology as 1971
the person chooses. 1972

A person who holds a current, valid esthetics instructor 1973
license issued by the board may teach the theory and practice of 1974
esthetics, but no other branch of cosmetology, at a school of 1975
cosmetology. 1976

A person who holds a current, valid hair design instructor 1977
license issued by the board may teach the theory and practice of 1978
hair design, but no other branch of cosmetology, at a school of 1979
cosmetology. 1980

A person who holds a current, valid manicurist instructor 1981
license issued by the board may teach the theory and practice of 1982
manicuring, but no other branch of cosmetology, at a school of 1983
cosmetology. 1984

A person who holds a current, valid natural hair style 1985
instructor license issued by the board may teach the theory and 1986
practice of natural hair styling, but no other branch of 1987
cosmetology, at a school of cosmetology. 1988

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. 1989
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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: 1994
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(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; 1997
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(2) Is a recognized expert in the practice or teaching of the branch of cosmetology the person practices or teaches; 2000
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(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; 2002
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(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code; 2007
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(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code. 2010
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(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 2012
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specified in rules adopted under section 4713.08 of the Revised Code.

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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.

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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:

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(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.

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(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.

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

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(1) Provide potable running hot and cold water and proper drainage, to sanitize; 2048
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(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; 2050
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(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. 2053
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(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. 2059
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(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. 2065
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(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. 2072
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(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 2075
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~~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 2110
rules adopted under section 4713.08 of the Revised Code to 2111
practice in a salon. 2112

A person providing cosmetic therapy, massage therapy, or 2113
other professional service in a salon pursuant to this section 2114
shall satisfy the standards established by rules adopted under 2115
section 4713.08 of the Revised Code. 2116

Sec. ~~4713.15~~ 4713.44. Schools The state board of cosmetology 2117
shall issue a license to operate a school of cosmetology shall 2118
meet to an applicant who pays the applicable fee and satisfies all 2119
of the following requirements: 2120

(A) ~~Maintain a school term of not less than fifteen hundred~~ 2121
~~hours for the majority of the practices of cosmetology and not~~ 2122
~~less than six hundred hours' instruction and practical training in~~ 2123
~~the field of esthetics, and maintain~~ Maintains a course of 2124
practical training and technical instruction for the branch or 2125
branches of cosmetology to be taught at the school equal to the 2126
requirements for admission to an examination for license as a 2127
cosmetologist and an esthetician set forth in under section 2128
4713.06 4713.24 of the Revised Code that a person must pass to 2129
obtain a license to practice that branch or those branches of 2130
cosmetology; 2131

(B) ~~Possess~~ Possesses or ~~make~~ makes available apparatus and 2132
equipment sufficient for the ready and full teaching of all 2133
subjects of the curriculum; 2134

(C) ~~Maintain~~ Maintains persons licensed ~~as cosmetology,~~ 2135
~~manicurist, and esthetics instructors,~~ under section 4713.04 2136
4713.31 or 4713.34 of the Revised Code, as instructors of to teach 2137
the theory and practices practice of the branches of cosmetology- 2138
~~They may employ persons not licensed as instructors as teachers of~~ 2139
~~subjects related to cosmetology, provided a licensed cosmetology~~ 2140

~~instructor is present.;~~ 2141

(D) ~~Notify~~ Notifies the ~~state~~ board of ~~cosmetology~~ of the 2142
enrollment of each new student, ~~keep a daily record of the~~ 2143
~~attendance of each student and~~ keeps a record devoted to the 2144
different practices, ~~establish~~ establishes grades, and ~~hold~~ holds 2145
examinations in order to certify the students' completion of the 2146
prescribed course of study before the issuance of certificates of 2147
completion.; 2148

(E) ~~File~~ In the case of a school of cosmetology that offers 2149
clock hours for the purpose of satisfying minimum hours of 2150
training and instruction, keeps a daily record of the attendance 2151
of each student; 2152

(F) On the date that an apprentice cosmetology instructor 2153
begins cosmetology instructor training at the school, certifies 2154
the name of the apprentice cosmetology instructor to the board 2155
along with the date on which the apprentice's instructor training 2156
began; 2157

(G) Instructs not more than six apprentice cosmetology 2158
instructors at any one time; 2159

(H) Files with the board a good and sufficient surety bond 2160
executed by the person, firm, or corporation operating the school 2161
of cosmetology as principal and by a surety company as surety in 2162
the amount of ten thousand dollars; provided, that this 2163
requirement does not apply to a vocational program conducted by a 2164
city, exempted village, local, or joint vocational school 2165
district. The bond shall be in the form prescribed by the board 2166
and be conditioned upon the school's continued instruction in the 2167
theory and practice of the branches of cosmetology. Every bond 2168
shall continue in effect until notice of its termination is given 2169
to the board by registered mail and every bond shall so provide. 2170

~~Any student who is injured or damaged by reason of a school's~~ 2171

~~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; 2202
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(3) A person also employed by a university or college to teach the subject the person teaches at the school. 2204
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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. 2206
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~~**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.~~ 2214
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~~(B) The state board of cosmetology, pursuant to Chapter 119 of the Revised Code, shall adopt rules:~~ 2218
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~~(1) Requiring that tanning facilities be installed and operated in a manner that ensures the health and safety of consumers using them;~~ 2220
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~~(2) Establishing the procedures governing applications for permits required by this section;~~ 2223
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~~(3) Setting fees for permits and renewal which cover the costs incurred by the board in inspecting tanning facilities and enforcing the rules of the board, but which in any case shall not exceed one hundred dollars for a permit or renewal for each location of such facilities.~~ 2225
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~~(C) The rules adopted under division (B)(1) of this section~~ 2230

shall include but not be limited to the following: 2231

(1) A rule establishing a maximum safe time of exposure to 2232
radiation and a maximum safe temperature at which sun lamps may be 2233
operated; 2234

(2) A rule requiring that the consumer wear protective 2235
eyeglasses and that the consumer be supervised as to the length of 2236
time he uses a tanning facility; 2237

(3) A rule requiring the operator to prohibit consumers from 2238
standing too close to sun lamps and to post signs warning 2239
consumers of the potential effects of radiation on persons taking 2240
certain medications and of the possible relationship of the 2241
radiation to skin cancer; 2242

(4) A rule requiring the installation of protective shielding 2243
for sun lamps and handrails for consumers; 2244

(5) A rule requiring that floors be dry during operation of 2245
lamps. 2246

(D) No person shall own or operate any tanning facilities 2247
that are offered to the public for a fee or other compensation 2248
unless the person holds a valid permit issued by the board. The 2249
permit holder shall post the permit in a conspicuous place on any 2250
premises where the tanning facilities are located. A person shall 2251
obtain a separate permit for each of the premises owned or 2252
operated by that person. 2253

(E) The state board of cosmetology shall issue a permit to 2254
any person who files operate a tanning facility to an applicant if 2255
all of the following conditions are satisfied: 2256

(1) The applicant applies in accordance with the application 2257
on a form prescribed process adopted by the board and rules 2258
adopted under section 4713.08 of the Revised Code. 2259

(2) The applicant pays to the treasurer of state the fee 2260

established by the board, if an those rules. 2261

(3) An initial inspection of the premises indicates that the 2262
premises and the tanning facilities are facility has been 2263
installed and will be operated in accordance with any those rules 2264
established under division (B)(1) of this section. 2265

(B) A permit holder shall post the permit in a public and 2266
conspicuous place on any premises where the tanning facility is 2267
located. A person shall obtain a separate permit for each of the 2268
premises owned or operated by that person at which the person 2269
seeks to operate a tanning facility. 2270

(C) A permit holder may biennially renew a permit by the 2271
thirtieth last day of January of each odd-numbered year upon 2272
payment to the treasurer of state of the biennial renewal fee, 2273
except that the board may, after a hearing in accordance with 2274
Chapter 119. of the Revised Code, refuse to renew the permit of 2275
any owner or operator who has violated the rules of the board for 2276
the safe operation of tanning facilities. 2277

(F) The board may appoint inspectors as needed who shall make 2278
periodic inspections of tanning facilities as specified by the 2279
board. The board, after a hearing in accordance with Chapter 119. 2280
of the Revised Code, may suspend any permit where the owner or 2281
operator fails to correct any unsafe conditions that exist in 2282
violation of the rules of the board or fails to cooperate in any 2283
inspection of tanning facilities by the inspector. 2284

If any violation has resulted in a condition deemed by an 2285
inspector to create an immediate danger to the health and safety 2286
of any person using the tanning facilities, the inspector may 2287
suspend the permit without a prior hearing until the unsafe 2288
condition is corrected or until a hearing in accordance with 2289
Chapter 119. of the Revised Code is held and the board either 2290
upholds the suspension by the inspector or reinstates the permit. 2291

Sec. 4713.49. The owner or manager of a salon that has a 2292
permit issued under section 4713.48 of the Revised Code may 2293
operate a tanning facility at the salon or school. 2294

~~Sec. 4713.08~~ 4713.55. Every license issued by the state board 2295
of cosmetology shall be signed by the ~~chairman~~ chairperson and 2296
attested by the executive director thereof, with the seal of the 2297
board attached; ~~and every such license shall be.~~ 2298

The board shall specify on each practicing license that the 2299
board issues the branch of cosmetology that the license entitles 2300
the holder to practice. The board shall specify on each managing 2301
license that the board issues the type of salon that the license 2302
entitles the holder to manage and the branch of cosmetology that 2303
the license entitles the holder to practice. The board shall 2304
specify on each instructor license that the board issues the 2305
branch of cosmetology that the license entitles the holder to 2306
teach. Such licenses are prima-facie evidence of the right of the 2307
holder to practice or teach the branch of cosmetology, or the 2308
branch thereof which manage the type of salon, that the license 2309
designates specifies. 2310

~~Sec. 4713.16~~ 4713.56. Every holder of a practicing license, 2311
managing license, instructor license, or independent contractor 2312
license issued by the state board of cosmetology ~~to operate a~~ 2313
~~school of cosmetology, nail salon, beauty salon, or esthetics~~ 2314
~~salon, or to practice cosmetology or any branch of cosmetology,~~ 2315
shall display the license in a public and conspicuous place in the 2316
~~principal office, place of business, or place of employment of the~~ 2317
holder. 2318

Every holder of a license to operate a salon issued by the 2319
board shall display the license in a public and conspicuous place 2320
in the salon. 2321

Every holder of a license to operate a school of cosmetology 2322
issued by the board shall display the license in a public and 2323
conspicuous place in the school. 2324

~~Every holder of a current, valid certificate of registration~~ 2325
~~issued under section 4731.15 of the Revised Code to practice~~ 2326
~~massage, person who practices provides cosmetic therapy, massage~~ 2327
~~therapy, or other professional service~~ in a salon under section 2328
~~4713.14 4713.42~~ of the Revised Code, shall display the person's 2329
professional license or certificate in a public and conspicuous 2330
place in the room used for ~~massage services~~ the therapy or other 2331
service. 2332

Sec. 4713.57. A license issued by the state board of 2333
cosmetology is valid until the last day of January of the 2334
odd-numbered year following its original issuance or renewal, 2335
unless the license is revoked or suspended prior to that date. 2336
Renewal shall be done in accordance with the standard renewal 2337
procedure of Chapter 4745. of the Revised Code. The board may 2338
refuse to renew a license if the person holding the license has an 2339
outstanding unpaid fine levied under section 4713.64 of the 2340
Revised Code. 2341

Sec. 4713.58. (A) Except as provided in division (B) of this 2342
section, on payment of the renewal fee and submission of proof 2343
satisfactory to the state board of cosmetology that any applicable 2344
continuing education requirements have been completed, a person 2345
currently licensed as: 2346

(1) A cosmetology instructor who has previously been licensed 2347
as a cosmetologist or a managing cosmetologist, is entitled to the 2348
reissuance of a cosmetologist or managing cosmetologist license; 2349

(2) An esthetics instructor who has previously been licensed 2351

<u>as an esthetician or a managing esthetician, is entitled to the</u>	2352
<u>reissuance of an esthetician or managing esthetician license;</u>	2353
	2354
<u>(3) A hair design instructor who has previously been licensed</u>	2355
<u>as a hair designer or a managing hair designer, is entitled to the</u>	2356
<u>reissuance of a hair designer or managing hair designer license;</u>	2357
	2358
<u>(4) A manicurist instructor who has previously been licensed</u>	2359
<u>as a manicurist or a managing manicurist, is entitled to the</u>	2360
<u>reissuance of a manicurist or managing manicurist license;</u>	2361
<u>(5) A natural hair style instructor who has previously been</u>	2362
<u>licensed as a natural hair stylist or a managing natural hair</u>	2363
<u>stylist, is entitled to the reissuance of a natural hair stylist</u>	2364
<u>or managing natural hair stylist license.</u>	2365
<u>(B) No person is entitled to the reissuance of a license</u>	2366
<u>under division (A) of this section if the license was revoked or</u>	2367
<u>suspended or the person has an outstanding unpaid fine levied</u>	2368
<u>under section 4713.64 of the Revised Code.</u>	2369
Sec. 4713.111 4713.59. (A) As used in this section, "biennial	2370
licensing period" means the two-year period beginning on the	2371
thirty-first day of January of an odd-numbered year and ending on	2372
the thirtieth day of January of the next odd-numbered year.	2373
(B) The If the state board of cosmetology may adopt adopts	2374
rules in accordance with Chapter 119. under section 4713.09 of the	2375
Revised Code to establish a continuing education requirement as a	2376
condition of renewal for any a practicing license issued under	2377
this chapter. The board may implement a continuing education	2378
requirement for all persons licensed under this chapter or for any	2379
class or combination of classes of such persons.	2380
<u>The, managing license, or instructor license, the board shall</u>	2381

inform each affected licensee of the continuing education 2382
requirement that applies to the next biennial licensing period by 2383
including a notification in the license renewal application form 2384
it sends the licensee. The notification shall state that the 2385
licensee must complete the continuing education requirement by the 2386
thirtieth last day of January of the next odd-numbered year. 2387

~~(C) A continuing education requirement established under this 2388
section shall not exceed eight hours in any biennial licensing 2389
period. Hours completed in excess of the continuing education 2390
requirement may not be applied to the next biennial licensing 2391
period. 2392~~

~~(D) If a continuing education requirement is established, the 2393
board's rules shall establish a schedule of reasonable prices that 2394
may be charged for attending continuing education programs 2395
approved under this section. The board shall ensure that a 2396
sufficient number of programs are available at such reasonable 2397
prices so that a licensee who so desires may meet the continuing 2398
education requirement at a cost of not more than fifty dollars. 2399
The board's rules may establish a maximum cost for meeting the 2400
continuing education requirement in excess of fifty dollars, 2401
provided that the cost does not exceed seventy-five dollars. 2402~~

~~(E) Any person desiring to offer a program for continuing 2403
education credit shall, before offering the program, apply to the 2404
board for approval of the program and the price that will be 2405
charged for attending the program. The board shall encourage 2406
applicants for approval to charge the applicable reasonable price 2407
established in rules adopted under this section. The board may 2408
approve a program even if the price for attending the program 2409
exceeds the applicable reasonable price. 2410~~

~~If the board approves a program, the applicant may offer the 2411
program for continuing education credit. The board shall charge 2412
the applicant an approval fee adequate to cover any expense 2413~~

~~incurred by the board through the approval process.~~ 2414

~~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:~~ 2415
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~~(1) Enhance the professional competency of the affected licensees;~~ 2423
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~~(2) Protect the public;~~ 2425

~~(3) Educate the affected licensees in the application of the laws and rules regulating the practice of cosmetology.~~ 2426
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~~(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.~~ 2428
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~~(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~~ 2433
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~~the program may be applied toward completion of the continuing
education requirement.~~

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Sec. ~~4713.11~~ 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.~~

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(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.

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(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

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the following:	2476
(1) An emergency;	2477
(2) An unusual or prolonged illness;	2478
(3) Active duty service in any branch of the armed forces of the United States.	2479 2480
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 <u>last</u> day of January and for which the continuing education requirement has not been waived or extended shall be considered expired.	2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495
(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.	2496 2497 2498 2499 2500 2501
Licensees desiring to have their licenses classified as inactive shall apply to the board on forms provided by the board and shall pay the fee established under this division. A license classified as inactive license shall remain inactive at least until the thirtieth day of January of the next odd-numbered year.	2502 2503 2504 2505 2506

~~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;~~ 2539
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~~(2) A manicurist instructor who has previously been licensed 2541
as a manicurist or a managing manicurist, is entitled to the 2542
reissuance of a manicurist or managing manicurist license;~~ 2543

~~(3) An esthetics instructor who has previously been licensed 2544
as an esthetician or a managing esthetician, is entitled to the 2545
reissuance of an esthetician or managing esthetician license.~~ 2546

~~(G) The board may refuse to renew the license of any salon, 2547
school, or other license holder that has outstanding an unpaid 2548
fine that was levied under section 4713.17 of the Revised Code.~~ 2549

Sec. 4713.61. (A) If the state board of cosmetology adopts a 2550
continuing education requirement under section 4713.09 of the 2551
Revised Code, it may develop a procedure by which a person who 2552
holds a license to practice a branch of cosmetology, managing 2553
license, or instructor license and who is not currently engaged in 2554
the practice of the branch of cosmetology, managing a salon, or 2555
teaching the theory and practice of the branch of cosmetology, but 2556
who desires to be so engaged in the future, may apply to the board 2557
to have the person's license classified inactive. If the board 2558
develops such a procedure, a person seeking to have the person's 2559
license classified inactive shall apply to the board on a form 2560
provided by the board and pay the fee established by rules adopted 2561
under section 4713.08 of the Revised Code. 2562

(B) The board shall not restore an inactive license until the 2563
later of the following: 2564

(1) The date that the person holding the license submits 2565
proof satisfactory to the board that the person has completed the 2566
continuing education that a rule adopted under section 4713.08 of 2567
the Revised Code requires; 2568

(2) The last day of January of the next odd-numbered year 2569
following the year the license is classified inactive. 2570

(C) A person who holds an inactive license may engage in the 2571
practice of a branch of cosmetology if the person holds a 2572
temporary work permit as specified in rules adopted by the board 2573
under section 4713.08 of the Revised Code. 2574

Sec. 4713.62. (A) A person holding a practicing license, 2575
managing license, or instructor license may satisfy a continuing 2576
education requirement established by rules adopted under section 2577
4713.09 of the Revised Code only by completing continuing 2578
education programs approved under division (B) of this section or 2579
developed under division (C) of this section. 2580

(B) The state board of cosmetology shall approve a continuing 2581
education program if all of the following conditions are 2582
satisfied: 2583

(1) The person operating the program submits to the board a 2584
written application for approval. 2585

(2) The person operating the program pays to the board a fee 2586
established by rules adopted under section 4713.08 of the Revised 2587
Code. 2588

(3) The program is operated by an employee, officer, or 2589
director of a nonprofit professional association, college or 2590
university, vocational school, postsecondary proprietary school of 2591
cosmetology licensed by the board, salon licensed by the board, or 2592
manufacturer of supplies or equipment used in the practice of a 2593
branch of cosmetology. 2594

(4) The program will do at least one of the following: 2595

(a) Enhance the professional competency of the affected ~~2596~~ 2596
licensees; ~~2597~~ 2597
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<u>(b) Protect the public;</u>	2599 2597 2600
<u>(c) Educate the affected licensees in the application of the laws and rules regulating the practice of a branch of cosmetology.</u>	2598 2599
<u>(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.</u>	2601 2602 2603 2604
<u>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:</u>	2605 2606 2607 2608 2609 2610 2611
<u>(A) Pays the restoration fee;</u>	2612
<u>(B) Pays all lapsed renewal fees;</u>	2613
<u>(C) Submits proof satisfactory to the state board of cosmetology that the person has completed all applicable continuing education requirements;</u>	2614 2615 2616
<u>(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.</u>	2617 2618 2619 2620 2621
<u>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:</u>	2622 2623 2624 2625 2626

~~(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;~~ 2627
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~~(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;~~ 2631
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~~(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;~~ 2635
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~~(4) Continued practice by a person knowingly having an infectious or contagious disease;~~ 2640
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~~(5)(3) Habitual drunkenness or addiction to any habit-forming drug;~~ 2642
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~~(6)(4) Willful false and fraudulent or deceptive advertising;~~ 2644
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~~(7)(5) Falsification of any record or application required to be filed with the board;~~ 2646
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~~(8)(6) Failure to pay a fine or abide by a suspension order issued by the board.~~ 2648
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(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 2650
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offense two or more times before. 2657

(C) If a person fails to request a hearing within thirty days 2658
of the date the board, in accordance with section 119.07 of the 2659
Revised Code, notifies the person of the board's intent to act 2660
against the person under division (A) of this section, the board 2661
by a majority vote of a quorum of the board members may take the 2662
action against the person without holding an adjudication hearing. 2663

(D) The board, after a hearing in accordance with Chapter 2664
119. of the Revised Code, may suspend a tanning facility permit if 2665
the owner or operator fails to correct an unsafe condition that 2666
exists in violation of the board's rules or fails to cooperate in 2667
an inspection of the tanning facility. If a violation has resulted 2668
in a condition reasonably believed by an inspector to create an 2669
immediate danger to the health and safety of any person using the 2670
tanning facility, the inspector may suspend the permit without a 2671
prior hearing until the condition is corrected or until a hearing 2672
in accordance with Chapter 119. of the Revised Code is held and 2673
the board either upholds the suspension or reinstates the permit. 2674
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Sec. ~~4713.27~~ 4713.65. On receipt of a notice pursuant to 2676
section 3123.43 of the Revised Code, the state board of 2677
cosmetology shall comply with sections 3123.41 to 3123.50 of the 2678
Revised Code and any applicable rules adopted under section 2679
3123.63 of the Revised Code with respect to a license issued 2680
pursuant to this chapter. 2681

Sec. 4713.99. Whoever violates section ~~4713.20, 4713.21, or~~ 2682
~~division (D) of section 4713.25~~ 4713.14 of the Revised Code is 2683
guilty of a misdemeanor of the fourth degree on a first offense; 2684
on each subsequent offense, such person is guilty of a misdemeanor 2685
of the third degree. 2686

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:	2687 2688 2689 2690
(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.	2691 2692
(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.	2693 2694 2695
(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.	2696 2697 2698 2699 2700 2701 2702 2703 2704 2705
(4) The applicant or licensee has committed immoral or unprofessional conduct.	2706 2707
(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.	2708 2709 2710 2711
(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.	2712 2713 2714
(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the	2715 2716

person legally entitled to the body. 2717

(8) The licensee loaned the licensee's own license, or the 2718
applicant or licensee borrowed or used the license of another 2719
person, or knowingly aided or abetted the granting of an improper 2720
license. 2721

(9) The applicant or licensee transferred a license to 2722
operate a funeral home, embalming facility, or crematory from one 2723
owner or operator to another, or from one location to another, 2724
without notifying the board. 2725

(10) The applicant or licensee mislead the public by using 2726
false or deceptive advertising. 2727

(B)(1) The board of embalmers and funeral directors shall 2728
refuse to grant or renew, or shall suspend or revoke, an 2729
embalmer's, funeral director's, funeral home, or embalming 2730
facility license only in accordance with Chapter 119. of the 2731
Revised Code. 2732

(2) The board shall send to the crematory review board 2733
written notice that it proposes to refuse to issue or renew, or 2734
proposes to suspend or revoke, a license to operate a crematory 2735
facility. If, after the conclusion of the adjudicatory hearing on 2736
the matter conducted under division (E) of section 4717.03 of the 2737
Revised Code, the board of embalmers and funeral directors finds 2738
that any of the circumstances described in divisions (A)(1) to 2739
(10) of this section apply to the person named in its proposed 2740
action, the board may issue a final order under division (E) of 2741
section 4717.03 of the Revised Code refusing to issue or renew, or 2742
suspending or revoking, the person's license to operate a 2743
crematory facility. 2744

(C) If the board of embalmers and funeral directors 2745
determines that there is clear and convincing evidence that any of 2746
the circumstances described in divisions (A)(1) to (10) of this 2747

section apply to the holder of a license issued under this chapter 2748
and that the licensee's continued practice presents a danger of 2749
immediate and serious harm to the public, the board may suspend 2750
the licensee's license without a prior adjudicatory hearing. The 2751
executive director of the board shall prepare written allegations 2752
for consideration by the board. 2753

The board, after reviewing the written allegations, may 2754
suspend a license without a prior hearing. 2755

The board shall issue a written order of suspension by 2756
certified mail or in person in accordance with section 119.07 of 2757
the Revised Code. Such an order is not subject to suspension by 2758
the court during the pendency of any appeal filed under section 2759
119.12 of the Revised Code. If the holder of an embalmer's, 2760
funeral director's, funeral home, or embalming facility license 2761
requests an adjudicatory hearing by the board, the date set for 2762
the hearing shall be within fifteen days, but not earlier than 2763
seven days, after the licensee has requested a hearing, unless the 2764
board and the licensee agree to a different time for holding the 2765
hearing. 2766

Upon issuing a written order of suspension to the holder of a 2767
license to operate a crematory facility, the board of embalmers 2768
and funeral directors shall send written notice of the issuance of 2769
the order to the crematory review board. The crematory review 2770
board shall hold an adjudicatory hearing on the order under 2771
division (E) of section ~~4713.03~~ 4717.03 of the Revised Code within 2772
fifteen days, but not earlier than seven days, after the issuance 2773
of the order, unless the crematory review board and the licensee 2774
agree to a different time for holding the adjudicatory hearing. 2775

Any summary suspension imposed under this division shall 2776
remain in effect, unless reversed on appeal, until a final 2777
adjudicatory order issued by the board of embalmers and funeral 2778
directors pursuant to this division and Chapter 119. of the 2779

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 2812
enter a final order revoking the license. 2813

(E) No person whose license has been suspended or revoked 2814
under or by the operation of this section shall practice embalming 2815
or funeral directing or operate a funeral home, embalming 2816
facility, or crematory facility until the board has reinstated the 2817
person's license. 2818

Section 2. That existing sections 2925.01, 4709.03, 4709.07, 2819
4709.09, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 2820
4713.08, 4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 2821
4713.15, 4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.22, 2822
4713.25, 4713.26, 4713.27, 4713.99, and 4717.14 and sections 2823
4713.07, 4713.13, 4713.131, 4713.132, and 4713.21 of the Revised 2824
Code are hereby repealed. 2825

Section 3. The Governor shall determine, within thirty days 2826
after the effective date of this act, which of the three members 2827
of the State Board of Cosmetology who are licensed cosmetologists 2828
actively engaged in managing beauty salons shall be removed from 2829
office due to the expiration of the member's office pursuant to 2830
the operation of division (A)(2) of section 4713.02 of the Revised 2831
Code as enacted by this act. 2832

Section 4. The Governor shall appoint members of the State 2833
Board of Cosmetology to fill the positions on the Board created by 2834
this act within sixty days after the effective date of this act. 2835