

# As Reported by the House Commerce and Labor Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 415

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

---

## A BILL

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 52  
Revised Code. 53

(B) "Drug dependent person" and "drug of abuse" have the same 54  
meanings as in section 3719.011 of the Revised Code. 55

(C) "Drug," "dangerous drug," "licensed health professional 56  
authorized to prescribe drugs," and "prescription" have the same 57  
meanings as in section 4729.01 of the Revised Code. 58

(D) "Bulk amount" of a controlled substance means any of the 59  
following: 60

(1) For any compound, mixture, preparation, or substance 61  
included in schedule I, schedule II, or schedule III, with the 62  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 63  
except as provided in division (D)(2) or (5) of this section, 64  
whichever of the following is applicable: 65

(a) An amount equal to or exceeding ten grams or twenty-five 66  
unit doses of a compound, mixture, preparation, or substance that 67  
is or contains any amount of a schedule I opiate or opium 68  
derivative; 69

(b) An amount equal to or exceeding ten grams of a compound, 70  
mixture, preparation, or substance that is or contains any amount 71  
of raw or gum opium; 72

(c) An amount equal to or exceeding thirty grams or ten unit 73  
doses of a compound, mixture, preparation, or substance that is or 74  
contains any amount of a schedule I hallucinogen other than 75  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 76  
stimulant or depressant; 77

(d) An amount equal to or exceeding twenty grams or five 78  
times the maximum daily dose in the usual dose range specified in 79  
a standard pharmaceutical reference manual of a compound, mixture, 80  
preparation, or substance that is or contains any amount of a 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  
contains any amount of phencyclidine;

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

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

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

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

(4) An amount equal to or exceeding two hundred fifty

84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114

milliliters or two hundred fifty grams of a compound, mixture,  
preparation, or substance that is or contains any amount of a  
schedule V substance;

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

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

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

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

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

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

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

(4) A conspiracy to commit, attempt to commit, or complicity 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 compound, mixture, preparation, 153  
or substance the gas, fumes, or vapor of which when inhaled can 154  
induce intoxication, excitement, giddiness, irrational behavior, 155  
depression, stupefaction, paralysis, unconsciousness, 156  
asphyxiation, or other harmful physiological effects, and 157  
includes, but is not limited to, any of the following: 158

(1) Any volatile organic solvent, plastic cement, model 159  
cement, fingernail polish remover, lacquer thinner, cleaning 160  
fluid, gasoline, or other preparation containing a volatile 161  
organic solvent; 162

(2) Any aerosol propellant; 163

(3) Any fluorocarbon refrigerant; 164

(4) Any anesthetic gas. 165

(J) "Manufacture" means to plant, cultivate, harvest, 166  
process, make, prepare, or otherwise engage in any part of the 167  
production of a drug, by propagation, extraction, chemical 168  
synthesis, or compounding, or any combination of the same, and 169  
includes packaging, repackaging, labeling, and other activities 170  
incident to production. 171

(K) "Possess" or "possession" means having control over a 172  
thing or substance, but may not be inferred solely from mere 173  
access to the thing or substance through ownership or occupation 174  
of the premises upon which the thing or substance is found. 175

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

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

(1) "The National Formulary";

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

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

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

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

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

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

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

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance

because of its similarity in shape, size, and color, or its 206  
markings, labeling, packaging, distribution, or the price for 207  
which it is sold or offered for sale. 208

(P) An offense is "committed in the vicinity of a school" if 209  
the offender commits the offense on school premises, in a school 210  
building, or within one thousand feet of the boundaries of any 211  
school premises. 212

(Q) "School" means any school operated by a board of 213  
education or any school for which the state board of education 214  
prescribes minimum standards under section 3301.07 of the Revised 215  
Code, whether or not any instruction, extracurricular activities, 216  
or training provided by the school is being conducted at the time 217  
a criminal offense is committed. 218

(R) "School premises" means either of the following: 219

(1) The parcel of real property on which any school is 220  
situated, whether or not any instruction, extracurricular 221  
activities, or training provided by the school is being conducted 222  
on the premises at the time a criminal offense is committed; 223

(2) Any other parcel of real property that is owned or leased 224  
by a board of education of a school or the governing body of a 225  
school for which the state board of education prescribes minimum 226  
standards under section 3301.07 of the Revised Code and on which 227  
some of the instruction, extracurricular activities, or training 228  
of the school is conducted, whether or not any instruction, 229  
extracurricular activities, or training provided by the school is 230  
being conducted on the parcel of real property at the time a 231  
criminal offense is committed. 232

(S) "School building" means any building in which any of the 233  
instruction, extracurricular activities, or training provided by a 234  
school is conducted, whether or not any instruction, 235  
extracurricular activities, or training provided by the school is 236



being conducted in the school building at the time a criminal 237  
offense is committed. 238

(T) "Disciplinary counsel" means the disciplinary counsel 239  
appointed by the board of commissioners on grievances and 240  
discipline of the supreme court under the Rules for the Government 241  
of the Bar of Ohio. 242

(U) "Certified grievance committee" means a duly constituted 243  
and organized committee of the Ohio state bar association or of 244  
one or more local bar associations of the state of Ohio that 245  
complies with the criteria set forth in Rule V, section 6 of the 246  
Rules for the Government of the Bar of Ohio. 247

(V) "Professional license" means any license, permit, 248  
certificate, registration, qualification, admission, temporary 249  
license, temporary permit, temporary certificate, or temporary 250  
registration that is described in divisions (W)(1) to (35) of this 251  
section and that qualifies a person as a professionally licensed 252  
person. 253

(W) "Professionally licensed person" means any of the 254  
following: 255

(1) A person who has obtained a license as a manufacturer of 256  
controlled substances or a wholesaler of controlled substances 257  
under Chapter 3719. of the Revised Code; 258

(2) A person who has received a certificate or temporary 259  
certificate as a certified public accountant or who has registered 260  
as a public accountant under Chapter 4701. of the Revised Code and 261  
who holds an Ohio permit issued under that chapter; 262

(3) A person who holds a certificate of qualification to 263  
practice architecture issued or renewed and registered under 264  
Chapter 4703. of the Revised Code; 265

(4) A person who is registered as a landscape architect under 266

Chapter 4703. of the Revised Code or who holds a permit as a	267
landscape architect issued under that chapter;	268
(5) A person licensed as an auctioneer or apprentice	269
auctioneer or licensed to operate an auction company under Chapter	270
4707. of the Revised Code;	271
(6) A person who has been issued a certificate of	272
registration as a registered barber under Chapter 4709. of the	273
Revised Code;	274
(7) A person licensed and regulated to engage in the business	275
of a debt pooling company by a legislative authority, under	276
authority of Chapter 4710. of the Revised Code;	277
(8) A person who has been issued a cosmetologist's license,	278
<u>hair designer's license</u> , manicurist's license, esthetician's	279
license, <u>natural hair stylist's license</u> , managing cosmetologist's	280
license, <u>managing hair designer license</u> , managing manicurist's	281
license, managing esthetician's license, <u>managing natural hair</u>	282
<u>stylist's license</u> , cosmetology instructor's license, <u>hair design</u>	283
<u>instructor's license</u> , manicurist instructor's license, <u>esthetician</u>	284
<u>esthetics</u> instructor's license, <u>natural hair style instructor's</u>	285
<u>license</u> , <u>independent contractor's license</u> , or tanning facility	286
permit under Chapter 4713. of the Revised Code;	287
(9) A person who has been issued a license to practice	288
dentistry, a general anesthesia permit, a conscious intravenous	289
sedation permit, a limited resident's license, a limited teaching	290
license, a dental hygienist's license, or a dental hygienist's	291
teacher's certificate under Chapter 4715. of the Revised Code;	292
(10) A person who has been issued an embalmer's license, a	293
funeral director's license, a funeral home license, or a crematory	294
license, or who has been registered for an embalmer's or funeral	295
director's apprenticeship under Chapter 4717. of the Revised Code;	296
(11) A person who has been licensed as a registered nurse or	297

practical nurse, or who has been issued a certificate for the	298
practice of nurse-midwifery under Chapter 4723. of the Revised	299
Code;	300
(12) A person who has been licensed to practice optometry or	301
to engage in optical dispensing under Chapter 4725. of the Revised	302
Code;	303
(13) A person licensed to act as a pawnbroker under Chapter	304
4727. of the Revised Code;	305
(14) A person licensed to act as a precious metals dealer	306
under Chapter 4728. of the Revised Code;	307
(15) A person licensed as a pharmacist, a pharmacy intern, a	308
wholesale distributor of dangerous drugs, or a terminal	309
distributor of dangerous drugs under Chapter 4729. of the Revised	310
Code;	311
(16) A person who is authorized to practice as a physician	312
assistant under Chapter 4730. of the Revised Code;	313
(17) A person who has been issued a certificate to practice	314
medicine and surgery, osteopathic medicine and surgery, a limited	315
branch of medicine, or podiatry under Chapter 4731. of the Revised	316
Code;	317
(18) A person licensed as a psychologist or school	318
psychologist under Chapter 4732. of the Revised Code;	319
(19) A person registered to practice the profession of	320
engineering or surveying under Chapter 4733. of the Revised Code;	321
(20) A person who has been issued a license to practice	322
chiropractic under Chapter 4734. of the Revised Code;	323
(21) A person licensed to act as a real estate broker or real	324
estate salesperson under Chapter 4735. of the Revised Code;	325
(22) A person registered as a registered sanitarian under	326

Chapter 4736. of the Revised Code;	327
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	328
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	331
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	333
(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;	334
(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;	339
(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;	343
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	345
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	348
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	351
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	355

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	356 357
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	358 359 360
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code.	361 362
(X) "Cocaine" means any of the following:	363
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	364 365
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	366 367 368 369
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	370 371 372 373 374 375
(Y) "L.S.D." means lysergic acid diethylamide.	376
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	377 378 379
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	380 381
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender	382 383 384 385

knows the offense is being committed within one hundred feet of or  
within view of the juvenile, or whether the juvenile actually  
views the commission of the offense.

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

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

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

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

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

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

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

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

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

Sec. 4709.03. The following persons are exempt from this 416  
chapter while in the proper discharge of their professional 417  
duties: 418

(A) Persons licensed by this state to practice medicine and 419  
surgery; 420

(B) Commissioned medical or surgical officers of the United 421  
States army, navy, or marine hospital service; 422

(C) Nurses registered under Chapter 4723. of the Revised 423  
Code; 424

(D) Cosmetologists and hair designers licensed under Chapter 425  
4713. of the Revised Code, insofar as their usual and ordinary 426  
vocation and profession is concerned as described in section 427  
4713.01 of the Revised Code; 428

(E) Funeral directors, embalmers, and apprentices licensed or 429  
registered under Chapter 4717. of the Revised Code. 430

Sec. 4709.07. (A) Each person who desires to obtain an 431  
initial license to practice barbering shall apply to the barber 432  
board, on forms provided by the board. The application form shall 433  
include the name of the person applying for the license and 434  
evidence that the applicant meets all of the requirements of 435  
division (B) of this section. The application shall be accompanied 436  
by two signed current photographs of the applicant, in the size 437  
determined by the board, that show only the head and shoulders of 438  
the applicant, and the examination application fee. 439

(B) In order to take the required barber examination and to 440  
qualify for licensure as a barber, an applicant must demonstrate 441  
that ~~he~~ the applicant meets all of the following: 442

(1) Is of good moral character; 443

(2) Is at least eighteen years of age; 444

(3) Has an eighth grade education or an equivalent education 445  
as determined by the state board of education in the state where 446  
the applicant resides; 447

(4) Has graduated with at least eighteen hundred hours of 448  
training from a board-approved barber school or has graduated with 449  
at least one thousand hours of training from a board-approved 450  
barber school in this state and has a current cosmetology or hair 451  
designer license issued pursuant to Chapter 4713. of the Revised 452  
Code. No hours of instruction earned by an applicant five or more 453  
years prior to the examination apply to the hours of study 454  
required by this division. 455

(C) Any applicant who meets all of the requirements of 456  
divisions (A) and (B) of this section may take the barber 457  
examination at the time and place specified by the board. If the 458  
applicant fails to attain at least a seventy-five per cent pass 459  
rate on each part of the examination, the applicant is ineligible 460  
for licensure; however, the applicant may reapply for examination 461  
within ninety days after the date of the release of the 462  
examination scores by paying the required reexamination fee. An 463  
applicant is only required to take that part or parts of the 464  
examination on which ~~he~~ the applicant did not receive a score of 465  
seventy-five per cent or higher. If the applicant fails to reapply 466  
for examination within ninety days or fails the second 467  
examination, in order to reapply for examination for licensure ~~he~~ 468  
the applicant shall complete an additional course of study of not 469  
less than two hundred hours, in a board-approved barber school. 470  
The board shall provide to an applicant, upon request, a report 471  
which explains the reasons for the applicant's failure to pass the 472  
examination. 473

(D) The board shall issue a license to practice barbering to 474  
any applicant who, to the satisfaction of the board, meets the 475  
requirements of divisions (A) and (B) of this section, who passes 476



the required examination, and pays the initial licensure fee. 477  
Every licensed barber shall display ~~his~~ the certificate of 478  
licensure in a conspicuous place adjacent to or near ~~his~~ the 479  
licensed barber's work chair, along with a signed current 480  
photograph, in the size determined by the board, showing head and 481  
shoulders only. 482

**Sec. 4709.09.** (A) Each person who desires to obtain a barber 483  
shop license shall apply to the barber board, on forms provided by 484  
the board. The board shall issue a barber shop license to a person 485  
if the board determines that the person meets all of the 486  
requirements of division (B) of this section and pays the required 487  
license and inspection fees. 488

(B) In order for a person to qualify for a license to operate 489  
a barber shop, the barber shop shall meet all of the following 490  
requirements: 491

(1) Be in the charge and under the immediate supervision of a 492  
licensed barber; 493

(2) Be equipped to provide running hot and cold water and 494  
proper drainage; 495

(3) Sanitize and maintain in a sanitary condition, all 496  
instruments and supplies; 497

(4) Keep towels and linens clean and sanitary and in a dry, 498  
dust-proof container; 499

(5) Display the shop license and a copy of the board's 500  
sanitary rules in a conspicuous place in the working area. 501

(C) Any licensed barber who leases space in a licensed barber 502  
shop and engages in the practice of barbering independent and free 503  
from supervision of the owner or manager of the barber shop is 504  
considered to be engaged in the operation of a separate and 505  
distinct barber shop and shall obtain a license to operate a 506

barber shop pursuant to this section.

507

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

508

509

510

511

512

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

513

514

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

515

516

517

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

518

519

520

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

521

522

~~(A) The practice of cosmetology includes work done for pay, free, or otherwise, by any person, which work is usually performed by hairdressers, cosmetologists, cosmeticians, natural hair stylists, or beauty culturists, however denominated, in beauty salons; which work is for the embellishment, cleanliness, and beautification of~~ "Apprentice instructor" means a person holding a practicing license issued by the state board of cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

523

524

525

526

527

528

529

530

531

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

532

533

534

535

536

"Biennial licensing period" means the two-year period 537  
beginning on the first day of February of an odd-numbered year and 538  
ending on the last day of January of the next odd-numbered year. 539

"Braiding" means intertwining the hair in a systematic motion 540  
to create patterns in a three-dimensional form, inverting the hair 541  
against the scalp along part of a straight or curved row of 542  
intertwined hair, or twisting the hair in a systematic motion, and 543  
includes extending the hair with natural or synthetic hair fibers. 544

"Branch of cosmetology" means the practice of cosmetology, 545  
practice of esthetics, practice of hair design, practice of 546  
manicuring, or practice of natural hair styling. 547

"Cosmetic therapy" has the same meaning as in section 4731.15 548  
of the Revised Code. 549

"Cosmetologist" means a person authorized to engage in all 550  
branches of cosmetology. 551

"Cosmetology instructor" means a person authorized to teach 552  
the theory and practice of all branches of cosmetology at a school 553  
of cosmetology. 554

"Esthetician" means a person who engages in the practice of 555  
esthetics but no other branch of cosmetology. 556

"Esthetics instructor" means a person who teaches the theory 557  
and practice of esthetics, but no other branch of cosmetology, at 558  
a school of cosmetology. 559

"Esthetics salon" means any premises, building, or part of a 560  
building in which a person engages in the practice of esthetics 561  
but no other branch of cosmetology. 562

"Hair designer" means a person who engages in the practice of 563  
hair design but no other branch of cosmetology. 564

"Hair design instructor" means a person who teaches the 565  
theory and practice of hair design, but no other branch of 566

cosmetology, at a school of cosmetology. 567

"Hair design salon" means any premises, building, or part of 568  
a building in which a person engages in the practice of hair 569  
design but no other branch of cosmetology. 570

"Independent contractor license" means a license to practice 571  
a branch of cosmetology at a salon in which the license holder 572  
rents booth space. 573

"Instructor license" means a license to teach the theory and 574  
practice of a branch of cosmetology at a school of cosmetology. 575

"Managing cosmetologist" means a person authorized to manage 576  
a beauty salon and engage in all branches of cosmetology. 577

"Managing esthetician" means a person authorized to manage an 578  
esthetics salon, but no other type of salon, and engage in the 579  
practice of esthetics, but no other branch of cosmetology. 580

"Managing hair designer" means a person authorized to manage 581  
a hair design salon, but no other type of salon, and engage in the 582  
practice of hair design, but no other branch of cosmetology. 583

"Managing license" means a license to manage a salon and 584  
practice the branch of cosmetology practiced at the salon. 585

"Managing manicurist" means a person authorized to manage a 586  
nail salon, but no other type of salon, and engage in the practice 587  
of manicuring, but no other branch of cosmetology. 588

"Managing natural hair stylist" means a person authorized to 589  
manage a natural hair style salon, but no other type of salon, and 590  
engage in the practice of natural hair styling, but no other 591  
branch of cosmetology. 592

"Manicurist" means a person who engages in the practice of 593  
manicuring but no other branch of cosmetology. 594

"Manicurist instructor" means a person who teaches the theory 595

and practice of manicuring, but no other branch of cosmetology, at  
a school of cosmetology.

596  
597

"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.

598  
599  
600  
601  
602

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

603  
604  
605

"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.

606  
607  
608

"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.

609  
610  
611

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

612  
613

"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.

614  
615  
616  
617  
618

"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,~~

619  
620  
621  
622  
623  
624  
625  
626

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

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

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

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

~~(D) The practice of esthetics includes work done for pay,  
free, or otherwise, by any person, which work is the application  
of cosmetics, tonics, antiseptics, creams, lotions, or other  
preparations for the purpose of skin beautification and includes  
preparation of the skin by manual massage techniques or by use of  
electrical, mechanical, or other apparatus.~~

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

~~(F) Beauty salon means any premises, building, or part of a  
building, in which any branch of cosmetology, except the~~

~~occupation of a manicurist when carried on in a barber shop 658  
licensed under Chapter 4709. of the Revised Code, or the 659  
occupation of a cosmetologist is practiced. 660~~

~~(G) Student means any person who is engaged in learning or 661  
acquiring knowledge of the occupation of a cosmetologist, 662  
manicurist, or esthetician in a school of cosmetology. 663~~

~~(H) School of cosmetology means any premises, building, or 664  
part of a building in which students are instructed in the 665  
theories and practices of cosmetology, manicuring, and esthetics. 666~~

~~(I) Managing cosmetologist means any person who has met the 667  
requirements of division (E) of section 4713.04 of the Revised 668  
Code, and has applied for and received a managing cosmetologist 669  
license. 670~~

~~(J) Cosmetology instructor means any person who has met the 671  
requirements of division (F) of section 4713.04 of the Revised 672  
Code, and has applied for and received an instructor's license. 673~~

~~(K) Apprentice instructor means any licensee of the state 674  
board of cosmetology who is engaged in learning or acquiring 675  
knowledge of the occupation of an instructor, in any branch of 676  
cosmetology in a duly licensed school of cosmetology. 677~~

~~(L) Cosmetic therapy and cosmetic therapist have the same 678  
meanings as in section 4731.15 of the Revised Code. 679~~

~~(M) Nail salon means any premises, building, or part of a 680  
building in which manicurists engage only in the occupation of 681  
manicuring the nails of any person or the application of 682  
artificial or sculptured nails, or both. For administrative 683  
purposes, a nail salon is deemed the equivalent of a beauty salon 684  
and is subject to appropriate rules with respect to sanitation and 685  
sterilization. A licensed manicurist may practice the occupation 686  
of manicuring nails in a nail salon, in a beauty salon, or in a 687  
barber shop. 688~~

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

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

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

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

~~(R) Esthetics instructor means any person who meets the requirements of division (K) of section 4713.04 of the Revised Code and who has applied for and received an esthetics instructor license.~~

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

~~(T) The practice "Practice of manicuring" means manicuring the nails of any person, applying artificial or sculptured nails to any person, or both.~~

~~"Practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as~~



twisting, wrapping, weaving, extending, locking, or braiding of 720  
the hair, ~~and which work.~~ "Practice of natural hair styling" does 721  
not include the application of dyes, reactive chemicals, or other 722  
preparations to alter the color or to straighten, curl, or alter 723  
the structure of the hair. "Practice of natural hair styling" also 724  
does not include embellishing or beautifying hair by cutting or 725  
singeing, except as needed to finish off the end of a braid, or by 726  
dressing, pressing, curling, waving, permanent waving, or similar 727  
work. 728

~~(U) Braiding means intertwining the hair in a systematic 729  
motion to create patterns in a three-dimensional form, inverting 730  
the hair against the scalp along part of a straight or curved row 731  
of intertwined hair, or twisting the hair in a systematic motion, 732  
and includes extending the hair with natural or synthetic hair 733  
fibers~~ "Practicing license" means a license to practice a branch 734  
of cosmetology. 735

"Salon" means a beauty salon, esthetics salon, hair design 736  
salon, nail salon, or natural hair style salon. 737

"School of cosmetology" means any premises, building, or part 738  
of a building in which students are instructed in the theories and 739  
practices of one or more branches of cosmetology. 740

"Student" means a person, other than an apprentice 741  
instructor, who is engaged in learning or acquiring knowledge of 742  
the practice of a branch of cosmetology at a school of 743  
cosmetology. 744

"Tanning facility" means a room or booth that houses 745  
equipment or beds used for tanning human skin by the use of 746  
fluorescent sun lamps using ultraviolet or other artificial 747  
radiation. 748

**Sec. 4713.02.** (A) There is hereby created the state board of 749  
cosmetology, consisting of all of the following ~~seven~~ members 750

appointed by the governor, with the advice and consent of the 751  
senate: ~~four graduate licensed cosmetologists, three of whom are~~ 752  
~~actively engaged in the management of a beauty salon~~ 753

(1) One person holding a current, valid cosmetologist, 754  
managing cosmetologist, or cosmetology instructor license at the 755  
time of appointment; 756

(2) Two persons holding current, valid managing cosmetologist 757  
licenses and actively engaged in managing beauty salons at the 758  
time of appointment; ~~one regularly licensed physician; one~~ 759  
760

(3) One person who holds a current, valid independent 761  
contractor license at the time of appointment or the owner or 762  
manager of a licensed salon in which at least one person holding a 763  
current, valid independent contractor license practices a branch 764  
of cosmetology; 765

(4) One person who represents individuals who teach the 766  
theory and practice of a branch of cosmetology at a vocational 767  
school; 768

(5) One owner of a licensed school of cosmetology; ~~and one~~ 769

(6) One owner of at least five licensed beauty salons; 770

(7) One person who is either an advanced practice nurse 771  
approved under section 4723.55 of the Revised Code, a certified 772  
nurse practitioner or clinical nurse specialist holding a 773  
certificate of authority under section 4723.41 of the Revised 774  
Code, or a physician authorized under Chapter 4731. of the Revised 775  
Code to practice medicine and surgery or osteopathic medicine and 776  
surgery; 777

(8) One person representing the general public. 778

(B) The superintendent of public instruction shall nominate 779  
three persons for the governor to choose from when making an 780

appointment under division (A)(4) of this section.

781

(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.

782

783

784

785

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

786

787

788

789

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

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

807

808

809

810

811

The members of the board shall annually elect, from among

812

their number, a chairperson, and annually appoint an executive 813  
director who is not a member of the board. The executive director, 814  
before entering upon the discharge of the executive director's 815  
duties, shall file with the secretary of state a good and 816  
sufficient bond payable to the state, to ensure the faithful 817  
performance of duties of the office of executive director, in such 818  
sum as the board requires. The premium of the bond shall be paid 819  
from appropriations made to the board for operating purposes. 820

The board shall prescribe the duties of its officers and 821  
establish an office at Columbus, Ohio. The board shall keep all 822  
records and files at the office and have the records and files at 823  
all reasonable hours open to public inspection. The board also 824  
shall adopt a seal. 825

~~(B) The board may employ necessary inspectors, examiners, 826  
consultants on contents of examinations, and clerks. All 827  
inspectors, and examiners of cosmetologists, shall be licensed 828  
cosmetologists. 829~~

~~(C) The board shall adopt rules for carrying out sections 830  
4713.01 to 4713.25 of the Revised Code. The rules shall cover at 831  
least all of the following: 832~~

~~(1) Conducting examinations of applicants for a license; 833~~

~~(2) The recognition of, and the credits to be given to, the 834  
study of cosmetology, or any branch thereof, in a school of 835  
cosmetology licensed under the laws of this or another state; 836~~

~~(3) Establishing reasonable fees for application to take the 837  
examination for licensure as a natural hair stylist and for 838  
issuance of a license to practice natural hair styling; 839~~

~~(4) Sanitary standards, including those authorized by the 840  
department of health, with particular reference to the precautions 841  
to be employed to prevent the creating or spreading of infectious 842  
or contagious diseases in beauty salons, nail salons, esthetics 843~~

salons, or schools of cosmetology, or in the practice of 844  
cosmetology. 845

~~The board shall furnish a copy of all sanitary rules adopted 846  
to each person issued a license for the conduct of a beauty salon, 847  
nail salon, esthetics salon, or school of cosmetology and to each 848  
operator, manicurist, and person engaged in the practice of 849  
massage. A copy of all such sanitary rules shall be posted in a 850  
conspicuous place in all beauty salons, nail salons, esthetics 851  
salons, and schools of cosmetology. 852~~

~~The board may adopt rules authorizing beauty or nail salons 853  
to offer esthetic services in the salon and may adopt rules 854  
regulating the practice of the services. 855~~

~~(D) The board shall do all of the following: 856~~

~~(1) Hold examinations of all applicants for license whose 857  
applications have been submitted in proper form; 858~~

~~(2) Issue licenses to applicants who meet the requirements of 859  
sections 4713.01 to 4713.25 of the Revised Code; 860~~

~~(3) Register beauty salons, nail salons, esthetics salons, 861  
and schools of cosmetology; 862~~

~~(4) Report to the proper prosecuting officer all violations 863  
coming within its knowledge; 864~~

~~(5) Make a written report annually to the governor concerning 865  
the conditions in this state of cosmetology and the branches 866  
thereof, which report shall also contain a brief reference to the 867  
proceedings had by or before the board for the year last past and 868  
a statement of all money received and expended by the board during 869  
such year; 870~~

~~(6) Keep a record containing the name and known place of 871  
business, and the date and number of license, of every licensed 872  
cosmetologist, esthetician, and every person engaged in the 873~~

~~practice of any branch of cosmetology, together with the name and  
address of all tanning facilities, licensed beauty salons,  
licensed nail salons, licensed esthetics salons, and schools of  
cosmetology;~~

874  
875  
876  
877

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

878

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

879  
880

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

881  
882  
883  
884  
885  
886  
887  
888

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

889  
890  
891  
892  
893

**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.

894  
895  
896  
897  
898  
899

**Sec. 4713.06.** The state board of cosmetology shall annually  
appoint an executive director. The executive director may not be a

900  
901

member of the board. The executive director, before entering upon 902  
the discharge of the executive director's duties, shall file with 903  
the secretary of state a good and sufficient bond payable to the 904  
state, to ensure the faithful performance of duties of the office 905  
of executive director. The bond shall be in an amount the board 906  
requires. The premium of the bond shall be paid from 907  
appropriations made to the board for operating purposes. 908

The board may employ inspectors, examiners, consultants on 909  
contents of examinations, and clerks as necessary for the 910  
administration of this chapter. All inspectors and examiners shall 911  
be licensed cosmetologists. 912

The board may appoint inspectors of tanning facilities as 913  
needed to make periodic inspections as the board specifies. 914

Sec. 4713.07. The state board of cosmetology shall do all of 916  
the following: 917

(A) Prescribe and make available application forms to be used 918  
by persons seeking admission to an examination conducted under 919  
section 4713.24 of the Revised Code or a license issued under this 920  
chapter; 921

(B) Prescribe and make available application forms to be used 922  
by persons seeking renewal of a license issued under this chapter; 923  
924

(C) Report to the proper prosecuting officer all violations 925  
of section 4713.14 of the Revised Code of which the board is 926  
aware; 927

(D) Submit a written report annually to the governor that 928  
provides all of the following: 929

(1) A discussion of the conditions in this state of the 930  
branches of cosmetology; 931

<u>(2) A brief summary of the board's proceedings during the year the report covers;</u>	932
	933
<u>(3) A statement of all money that the board received and expended during the year the report covers.</u>	934
	935
<u>(E) Keep a record of all of the following:</u>	936
<u>(1) The board's proceedings;</u>	937
<u>(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code;</u>	938
	939
	940
<u>(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;</u>	941
	942
	943
	944
<u>(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;</u>	945
	946
<u>(5) The date and number of each license and permit that the board issues;</u>	947
	948
<u>(F) All other duties that this chapter imposes on the board.</u>	949
<b>Sec. 4713.08.</b> <u>(A) The state board of cosmetology shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:</u>	951
	952
	953
	954
<u>(1) Govern the practice of the branches of cosmetology and management of salons;</u>	955
	956
<u>(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;</u>	957
	958
	959
	960



- (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; 961  
962
- (4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license; 963  
964  
965  
966  
967
- (5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 968  
969
- (6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code; 970  
971  
972  
973
- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided; 974  
975
- (8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid; 976  
977  
978
- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; 979  
980  
981  
982
- (10) Establish conditions under which food may be sold at a salon; 983  
984
- (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; 985  
986  
987
- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon 988  
989

<u>pursuant to section 4713.42 of the Revised Code;</u>	990
<u>(13) Establish standards for board approval of, and the</u>	991
<u>granting of credits for, training in branches of cosmetology at</u>	992
<u>schools of cosmetology licensed in this state;</u>	993
<u>(14) Establish sanitary standards for the practice of the</u>	994
<u>branches of cosmetology, salons, and schools of cosmetology;</u>	995
<u>(15) Establish the application process for obtaining a</u>	996
<u>tanning facility permit under section 4713.48 of the Revised Code,</u>	997
<u>including the amount of the fee for an initial or renewed permit;</u>	998
<u>(16) Establish standards for installing and operating a</u>	999
<u>tanning facility in a manner that ensures the health and safety of</u>	1000
<u>consumers, including standards that do all of the following:</u>	1001
<u>(a) Establish a maximum safe time of exposure to radiation</u>	1002
<u>and a maximum safe temperature at which sun lamps may be operated;</u>	1003
<u>(b) Require consumers to wear protective eyeglasses and be</u>	1004
<u>supervised as to the length of time consumers use the facility;</u>	1005
<u>(c) Require the operator to prohibit consumers from standing</u>	1006
<u>too close to sun lamps and to post signs warning consumers of the</u>	1007
<u>potential effects of radiation on persons taking certain</u>	1008
<u>medications and of the possible relationship of the radiation to</u>	1009
<u>skin cancer;</u>	1010
<u>(d) Require the installation of protective shielding for sun</u>	1011
<u>lamps and handrails for consumers;</u>	1012
<u>(e) Require floors to be dry during operation of lamps;</u>	1013
<u>(f) Require a consumer who is under the age of eighteen to</u>	1014
<u>obtain written consent from the consumer's parent or legal</u>	1015
<u>guardian prior to receiving tanning services.</u>	1016
<u>(17)(a) If the board, under section 4713.61 of the Revised</u>	1017
<u>Code, develops a procedure for classifying licenses inactive, do</u>	1018

<u>both of the following:</u>	1019
<u>(i) Establish a fee for having a license classified inactive</u>	1020
<u>that reflects the cost to the board of providing the inactive</u>	1021
<u>license service;</u>	1022
<u>(ii) Specify the continuing education that a person whose</u>	1023
<u>license has been classified inactive must complete to have the</u>	1024
<u>license restored. The continuing education shall be sufficient to</u>	1025
<u>ensure the minimum competency in the use or administration of a</u>	1026
<u>new procedure or product required by a licensee necessary to</u>	1027
<u>protect public health and safety. The requirement shall not exceed</u>	1028
<u>the cumulative number of hours of continuing education that the</u>	1029
<u>person would have been required to complete had the person</u>	1030
<u>retained an active license.</u>	1031
<u>(b) In addition, the board may specify the conditions and</u>	1032
<u>method for granting a temporary work permit to practice a branch</u>	1033
<u>of cosmetology to a person whose license has been classified</u>	1034
<u>inactive.</u>	1035
<u>(18) Establish a fee for approval of a continuing education</u>	1036
<u>program under section 4713.62 of the Revised Code that is adequate</u>	1037
<u>to cover any expense the board incurs in the approval process;</u>	1038
<u>(19) Anything else necessary to implement this chapter.</u>	1039
<u>(B)(1) The rules adopted under division (A)(2) of this</u>	1040
<u>section may establish additional conditions for a temporary</u>	1041
<u>pre-examination work permit under section 4713.22 of the Revised</u>	1042
<u>Code that are applicable to persons who practice a branch of</u>	1043
<u>cosmetology in another state or country.</u>	1044
<u>(2) The rules adopted under division (A)(17)(b) of this</u>	1045
<u>section may establish additional conditions for a temporary work</u>	1046
<u>permit that are applicable to persons who practice a branch of</u>	1047
<u>cosmetology in another state.</u>	1048

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary. 1049  
1050  
1051  
1052

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession. 1053  
1054  
1055  
1056

(E) The sanitary standards established under division (A)(14) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards. 1057  
1058  
1059  
1060  
1061

(F) The fee established by rules adopted under division (A)(15) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities. 1063  
1064  
1065  
1066  
1067

**Sec. 4713.081.** The state board of cosmetology shall furnish a copy of the sanitary standards established by rules adopted under section 4713.08 of the Revised Code to each person to whom the board issues a practicing license, managing license, or license to operate a salon or school of cosmetology. The board also shall furnish a copy of the sanitary standards to each person providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code. A salon or school of cosmetology provided a copy of the sanitary standards shall post the standards in a public and conspicuous place in the salon or school. 1068  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078

Sec. 4713.082. The state board of cosmetology shall furnish a 1080  
copy of the standards established by rules adopted under section 1081  
4713.08 of the Revised Code for installing and operating a tanning 1082  
facility to each person to whom the board issues a permit to 1083  
operate a tanning facility. A person provided a copy of the 1084  
standards shall post the standards in a public and conspicuous 1085  
place in the tanning facility. 1086

Sec. 4713.09. If the state board of cosmetology determines 1087  
that a new procedure or product in any branch of cosmetology 1088  
adversely impacts public health and safety if improperly used or 1089  
applied, the board may adopt rules in accordance with Chapter 119. 1090  
of the Revised Code to establish a continuing education 1091  
requirement, not to exceed eight hours in a biennial licensing 1092  
period, as a condition of renewal for a practicing license, 1093  
managing license, or instructor license. The courses and training 1094  
offered as part of an approved continuing education program shall 1095  
address the proper use and administration of the new procedure or 1096  
product. 1097

If the board adopts rules under this section, the rules may 1098  
establish a continuing education requirement for all persons 1099  
holding a practicing license, managing license, or instructor 1100  
license or for any class or combination of classes of those 1101  
persons. 1102

Sec. 4713.10. The state board of cosmetology shall charge and 1104  
collect the following fees: 1105

(A) For a temporary pre-examination work permit under section 1106  
4713.22 of the Revised Code, five dollars; 1107

(B) For initial application to take the an examination for a 1108  
license to practice cosmetology, or any branch thereof under 1109  
section 4713.24 of the Revised Code, twenty-one dollars; 1110

~~(B)(C)~~ For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars; 1111  
1112  
1113  
1114

~~(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; 1115  
1116  
1117  
1118

~~(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; 1119  
1120  
1121

~~(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; 1122  
1123  
1124  
1125

~~(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; 1126  
1127

~~(H)~~ For the issuance or renewal of a cosmetology school license, two hundred fifty dollars; 1128  
1129

~~(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; 1130  
1131  
1132  
1133

~~(G)(J)~~ For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars; 1134  
1135

~~(H)~~ For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars; 1136  
1137

~~(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 1138  
1139  
1140

~~section for all lapsed renewal fees, thirty dollars;~~ 1141

~~(J) For the issuance of a license under section 4713.09 of  
the Revised Code, sixty dollars;~~ 1142  
1143

~~(K)(L)~~ For the issuance of a duplicate of any license,  
fifteen dollars; 1144  
1145

~~(I)(M)~~ For the preparation and mailing of a licensee's  
records to another state for a reciprocity license, fifty dollars; 1146  
1147

~~(M)(N)~~ For the processing of any fees related to a check from  
a licensee returned to the board for insufficient funds, an  
additional twenty dollars. 1148  
1149  
1150

~~Each applicant shall, in addition to the fees specified,  
furnish the applicant's own models.~~ 1151  
1152

**Sec. 4713.22 4713.11.** The state board of cosmetology, subject  
to the approval of the controlling board, may establish fees in  
excess of the amounts provided by section 4713.10 of the Revised  
Code, provided that any fee increase does not exceed the amount  
permitted by more than fifty per cent. 1153  
1154  
1155  
1156  
1157

**Sec. 4713.26 4713.13.** Whenever in the judgment of the state  
board of cosmetology any person has engaged in or is about to  
engage in any acts or practices that constitute a violation of  
this chapter, or any rule adopted under this chapter, the board  
may apply to the appropriate court for an order enjoining the acts  
or practices, and upon a showing by the board that the person has  
engaged in the acts or practices, the court shall grant an  
injunction, restraining order, or other order as may be  
appropriate. 1158  
1159  
1160  
1161  
1162  
1163  
1164  
1165  
1166

**Sec. 4713.20 4713.14.** (A) No person shall do any of the  
following: 1167  
1168

<del>(1) Conduct or operate a nail salon, beauty salon, esthetics salon, or school of cosmetology without a license;</del>	1169
<del>(1) Conduct or operate a nail salon, beauty salon, esthetics salon, or school of cosmetology without a license;</del>	1170
<del>(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;</del>	1171
<del>(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;</del>	1172
<del>(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;</del>	1173
<del>(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;</del>	1174
<del>(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;</del>	1175
<del>(3) Practice natural hair styling for pay, free, or otherwise, without a license;</del>	1176
<del>(3) Practice natural hair styling for pay, free, or otherwise, without a license;</del>	1177
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1178
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1179
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1180
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1181
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1182
<del>(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;</del>	1183
<del>(5)(A) Use fraud or deceit in making application for a license or permit;</del>	1184
<del>(5)(A) Use fraud or deceit in making application for a license or permit;</del>	1185
<del>(B) Aid or abet any person:</del>	1186
<del>(a)(1) Violating sections 4713.01 to 4713.21 of the Revised Code this chapter or a rule adopted under it;</del>	1187
<del>(a)(1) Violating sections 4713.01 to 4713.21 of the Revised Code this chapter or a rule adopted under it;</del>	1188
<del>(b)(2) Obtaining a license or permit fraudulently;</del>	1189
<del>(c)(3) Falsely pretending to be licensed;</del>	1190
<del>(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology hold a current, valid license or permit.</del>	1191
<del>(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology hold a current, valid license or permit.</del>	1192
<del>(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology hold a current, valid license or permit.</del>	1193
<del>(6) Engage in the practice of (C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:</del>	1194
<del>(6) Engage in the practice of (C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:</del>	1195
<del>(6) Engage in the practice of (C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:</del>	1196
<del>(1) A current, valid license under section 4713.28, 4713.30,</del>	1197



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

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

<del>the state board of cosmetology.</del>	1257
<del>(B) Sections 4713.01 to 4713.21 of the Revised Code do not</del>	1258
<del>prohibit any student in a licensed school of cosmetology in this</del>	1259
<del>state from engaging in that school, as a student, in work</del>	1260
<del>connected with any branch of cosmetology taught in the school</del>	1261
<u>(L) Teach a branch of cosmetology at a salon, unless the</u>	1262
<u>person receiving the instruction holds either of the following</u>	1263
<u>authorizing the practice of that branch of cosmetology:</u>	1264
<u>(1) A current, valid license under section 4713.28, 4713.30,</u>	1265
<u>or 4713.34 of the Revised Code;</u>	1266
<u>(2) A current, valid temporary pre-examination work permit</u>	1267
<u>issued under section 4713.22 of the Revised Code.</u>	1268
<u>(M) Operate a school of cosmetology without a current, valid</u>	1269
<u>license under section 4713.44 of the Revised Code;</u>	1270
<u>(N) At a salon or school of cosmetology, do either of the</u>	1271
<u>following:</u>	1272
<u>(1) Use or possess a cosmetic product containing an</u>	1273
<u>ingredient that the United States food and drug administration has</u>	1274
<u>prohibited by regulation;</u>	1275
<u>(2) Use a cosmetic product in a manner inconsistent with a</u>	1276
<u>restriction established by the United States food and drug</u>	1277
<u>administration by regulation;</u>	1278
<u>(3) Use or possess a liquid nail monomer containing any trace</u>	1279
<u>of methyl methacrylate (MMA).</u>	1280
<u>(O) While in charge of a salon or school of cosmetology,</u>	1281
<u>permit any person to sleep in, or use for residential purposes,</u>	1282
<u>any room used wholly or in part as the salon or school of</u>	1283
<u>cosmetology;</u>	1284
<u>(P) Maintain, as an established place of business for the</u>	1285

practice of one or more of the branches of cosmetology, a room 1286  
used wholly or in part for sleeping or residential purposes; 1287

(O) Operate a tanning facility that is offered to the public 1288  
for a fee or other compensation without a current, valid permit 1289  
under section 4713.48 of the Revised Code. 1290

Sec. 4713.141. An inspector employed by the state board of 1291  
cosmetology may take a sample of a product used or sold in a salon 1292  
or school of cosmetology for the purpose of examining the sample, 1293  
or causing an examination of the sample to be made, to determine 1294  
whether division (N) of section 4713.14 of the Revised Code has 1295  
been violated. 1296

Sec. 4713.15. This chapter does not permit any of the 1298  
services or arts that are part of the practice of a branch of 1299  
cosmetology to be used for the treatment or cure of a physical or 1300  
mental disease or ailment. 1301

Sec. 4713.16. This chapter does not prohibit any of the 1303  
following: 1304

(A) Practicing a branch of cosmetology without a license if 1305  
the person does so for free at the person's home for a family 1306  
member who resides in the same household as the person; 1307

(B) The retail sale, or trial demonstration by application to 1308  
the skin for purposes of retail sale, of cosmetics, preparations, 1309  
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 1310  
a practicing license; 1311

(C) The retailing, at a salon, of cosmetics, preparations, 1312  
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 1313  
or any other items that pose no risk of creating unsanitary 1314  
conditions at the salon; 1315

(D) The provision of glamour photography services at a licensed salon if either of the following is the case: 1316  
1317

(1) A branch of cosmetology is not practiced as part of the services. 1318  
1319

(2) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by a person who holds either of the following authorizing the person to practice that branch of cosmetology: 1320  
1321  
1322  
1323

(a) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; 1324  
1325

(b) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 1326  
1327

(E) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled. 1328  
1329  
1330

~~Sec. 4713.12 4713.17. Sections 4713.01 to 4713.21 of the Revised Code do not prohibit service in cases of emergency or domestic administration, without compensation. The following persons shall be~~ are ~~exempt from the provisions of such sections this chapter, except, as applicable, section 4713.42 of the Revised Code:~~ 1332  
1333  
1334  
1335  
1336  
1337

(A) All persons authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state; 1338  
1339

(B) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same; 1340  
1341  
1342  
1343

(C) Barbers, insofar as their usual and ordinary vocation and profession is concerned; 1344  
1345

(D) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code; 1346  
1347

(E) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and ~~postiches~~ hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology; 1348  
1349  
1350  
1351

(F) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient. 1352  
1353  
1354  
1355  
1356  
1357  
1358

(G) ~~Nurses~~ Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who ~~render~~ practice a branch of cosmetology ~~services to~~ on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis; 1359  
1360  
1361  
1362  
1363

(H) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code; 1364  
1365  
1366  
1367

~~(I) Photographers engaged in delivering a glamour photography service in a licensed salon, so long as the person advertising and operating the glamour photography service is properly licensed under this chapter by the state board of cosmetology, to the extent their actions are authorized by their certificates to practice.~~ 1368  
1369  
1370  
1371  
1372  
1373

**Sec. 4713.05 4713.20.** ~~Every application for~~ (A) Each person who seeks admission to an examination, conducted under section 1374  
1375

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

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

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

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

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

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

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

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

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

<u>examination conducted under section 4713.24 of the Revised Code:</u>	1406
<u>(A) A person who failed to appear for an examination that the person was previously scheduled to take;</u>	1407
	1408
<u>(B) A person who appeared for a previously scheduled examination but failed to pass it.</u>	1409
	1410
<b><u>Sec. 4713.22.</u></b> (A) <u>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>	1411
	1412
	1413
	1414
	1415
<u>(1) Is seeking a practicing license;</u>	1416
<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>	1417
	1418
	1419
	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
	1423
<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>	1424
	1425
	1426
	1427
	1428
	1429
	1430
	1431
	1432
<b><u>Sec. 4713.06 4713.24.</u></b> <del>(A) All examinations of applicants</del>	1433



~~under sections 4713.01 to 4713.21 of the Revised Code shall meet~~ 1434  
The state board of cosmetology shall conduct an examination for 1435  
each person who satisfies the requirements established by section 1436  
4713.20 of the Revised Code for admission to the examination. The 1437  
examination shall be specific to the type of license the person 1438  
seeks and satisfy all of the following conditions: 1439

~~(1)(A)~~ Include both practical demonstrations and written or 1440  
oral tests related to the type of license the person seeks; 1441

~~(2)(B)~~ Relate only to a branch of cosmetology, managing 1442  
license, or both, but not be confined to any special system or 1443  
method; 1444

~~(3)(C)~~ Be consistent in both practical and technical 1445  
requirements, and for the type of license the person seeks; 1446

(D) Be of sufficient thoroughness to satisfy the state board 1447  
of cosmetology as to the applicant's person's skill in and 1448  
knowledge if of the practice of the occupation for which a license 1449  
is sought. 1450

~~(B)(1) Examinations for licenses as cosmetologists shall, in~~ 1451  
~~addition to the requirements of division (A) of this section,~~ 1452  
~~include practical demonstrations and written or oral tests in~~ 1453  
~~sanitation and the use of mechanically and electrically operated~~ 1454  
~~apparatus as applicable to the practice branch of cosmetology,~~ 1455  
~~managing license, or both, for which the examination is conducted.~~ 1456

~~(2) Examinations for a managing cosmetologist's license may~~ 1457  
~~be administered separately at the completion of the managing~~ 1458  
~~cosmetologist's training course, or may be combined with the~~ 1459  
~~examination for a cosmetologist's license where the applicant has~~ 1460  
~~completed a single eighteen hundred-hour combined cosmetologist~~ 1461  
~~and managing cosmetologist course. Applicants may apply for an~~ 1462  
~~examination for a managing cosmetologist's license following~~ 1463  
~~completion of one year of certified employment experience in a~~ 1464

~~licensed beauty salon.~~

1465

~~(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.~~

1466

1467

1468

1469

1470

1471

1472

~~(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.~~

1473

1474

1475

1476

~~(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.~~

1477

1478

1479

1480

1481

1482

1483

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.

1484

1485

1486

1487

1488

1489

1490

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

1491

1492

1493

1494

1495

hundred fifty-hour esthetician and managing esthetician training 1496  
course. 1497

The board may administer a separate managing hair designer 1498  
examination for persons who complete a managing hair designer 1499  
training course separate from a hair designer training course. The 1500  
board may combine the managing hair designer examination with the 1501  
hair designer examination for persons who complete a combined one 1502  
thousand four hundred forty-hour hair designer and managing hair 1503  
designer training course. 1504

The board may administer a separate managing manicurist 1505  
examination for persons who complete a managing manicurist 1506  
training course separate from a manicurist training course. The 1507  
board may combine the managing manicurist examination with the 1508  
manicurist examination for persons who complete a combined four 1509  
hundred thirty-hour manicurist and managing manicurist training 1510  
course. 1511

The board may administer a separate managing natural hair 1512  
stylist examination for persons who complete a managing natural 1513  
hair stylist training course separate from a natural hair stylist 1514  
training course. The board may combine the managing natural hair 1515  
stylist examination with the natural hair stylist examination for 1516  
persons who complete a combined six hundred-hour natural hair 1517  
stylist and managing natural hair stylist training course. 1518

**Sec. 4713.26.** Each person admitted to an examination 1519  
conducted under section 4713.24 of the Revised Code shall furnish 1520  
the person's own model. 1521

**Sec. 4713.04 4713.28.** ~~(A) Applicants for a cosmetologist's~~ 1522  
license shall be The state board of cosmetology shall issue a 1523  
practicing license to an applicant who, except as provided in 1524  
section 4713.30 of the Revised Code, satisfies all of the 1525

<u>following applicable conditions:</u>	1526
(A) <u>Is at least sixteen years of age;</u>	1527
(B) <u>Is of good moral character,</u> <del> have;</del>	1528
(C) <u>Has the equivalent of an Ohio public school</u> <del>eight</del> <u>tenth</u> grade education, <del> and have received a total of not less than;</del>	1529 1530
(D) <u>Passes an examination conducted under section 4713.24 of</u> <u>the Revised Code for the branch of cosmetology the applicant seeks</u> <u>to practice;</u>	1531 1532 1533
(E) <u>Pays to the board the applicable fee;</u>	1534
(F) <u>In the case of an applicant for an initial cosmetologist</u> <u>license, has successfully completed at least fifteen hundred hours</u> of instruction in the <del>several branches of</del> <u>board-approved</u> cosmetology, <del>including subjects relating to sanitation,</del> <u>training</u> in a <del>licensed</del> school of cosmetology <u>licensed</u> in Ohio <del>or otherwise</del> pursuant to credits given by the state board of cosmetology as provided in section 4713.02 of the Revised Code <u>this state,</u> <u>provided except</u> that only one thousand hours of instruction in the <del>several branches of</del> <u>board-approved</u> cosmetology <u>training</u> in a <del>licensed</del> 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. <del>Except as provided in section 4713.09 of the Revised</del> <del>Code, an applicant shall pass an examination in order to qualify</del> <del>for a cosmetologist's license.</del>	1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548
<del>(B) Applicants;</del>	1549
(G) <u>In the case of an applicant for an initial esthetician</u> <u>license, has successfully completed at least six hundred hours of</u> <u>board-approved esthetics training in a school of cosmetology</u> <u>licensed in this state;</u>	1550 1551 1552 1553
(H) <u>In the case of an applicant for an initial hair designer</u> <u>license, has successfully completed at least one thousand two</u>	1554 1555

hundred hours of board-approved hair designer training in a school 1556  
of cosmetology licensed in this state, provided 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 three hundred hours of instruction in 1566  
subjects relating to sanitation, manicuring, and application of 1567  
artificial or sculptured nails board-approved manicurist training 1568  
in a 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 1621  
school shall certify the name of the apprentice cosmetology 1622  
instructor to the board along with the date on which the 1623  
apprentice's instructor training began. No school shall have more 1624  
than six apprentice cosmetology instructors at any one time. The 1625  
apprentice cosmetology instructor shall be allowed the regular 1626  
quota of students as prescribed by the board, with the provision 1627  
that a cosmetology instructor is present. An apprentice 1628  
cosmetology instructor may be compensated by the school. 1629  
Certification that the applicant has completed one year or more of 1630  
experience in a licensed beauty salon shall be made to the board 1631  
by the licensed managing cosmetologist or the owner of the 1632  
licensed beauty salon in which the applicant has been employed, 1633  
or, certification shall be made to the board by the school of 1634  
cosmetology, that the apprentice cosmetology instructor has 1635  
completed one thousand hours of teacher training in a licensed 1636  
school of cosmetology in this state. Upon any of the foregoing 1637  
certifications and provided that the applicant holds a current 1638  
managing cosmetologist's license issued pursuant to this chapter, 1639  
the board shall issue a cosmetology instructor's license to the 1640  
applicant. 1641

(G) Every person who completes a course in cosmetology given 1642  
in a vocational program conducted by a city, exempted village, 1643  
local, or joint vocational school district, is eligible to apply 1644  
for a cosmetologist's or manicurist's license, provided the person 1645  
has completed the educational requirements of division (A) or (B) 1646  
of this section. The board may adopt rules for the recognition of 1647  
any credit to be given to the study of cosmetology in such 1648  
vocational schools of this state. 1649

(H) The board shall issue to an applicant who has completed 1650  
the requirements of this section and has not previously failed to 1651

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

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

~~Certification of an applicant's completion of one year's  
experience shall be made to the state board of cosmetology by the  
licensed managing manicurist or the licensed managing  
cosmetologist, or the owner of the licensed nail salon, beauty  
salon, or barber shop in which the applicant has been employed, or  
certification of completion of the prescribed course of one  
hundred additional hours shall be made to the board by the school  
of cosmetology in this state. Upon either of the foregoing  
certifications, and except as provided in section 4713.09 of the  
Revised Code, upon passage of an examination, the board shall  
issue a managing manicurist's license to the applicant.~~



~~(J) When determining the total hours of instruction received by any applicant for licensure under this section, the board shall not take into account more than eight hours of instruction per day nor instruction received more than five years prior to issuance of the initial license.~~ 1684  
1685  
1686  
1687  
1688

~~(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.~~ 1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697

~~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.~~ 1698  
1699  
1700  
1701  
1702  
1703  
1704

~~(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.~~ 1705  
1706  
1707  
1708  
1709  
1710  
1711  
1712

~~(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~~ 1713  
1714  
1715

~~a current managing manicurist or managing cosmetologist license  
issued in this state, and have practiced as a licensed managing  
manicurist or managing cosmetologist in a salon for at least  
twelve months. In place of the salon experience, an applicant may  
substitute the completion, in addition to the hours required for  
licensure as a cosmetologist or manicurist, of three hundred hours  
of training in the practice of manicuring instruction in a  
licensed school of cosmetology in this state board-approved  
natural hair stylist training in a school of cosmetology licensed  
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 1745  
at least two thousand hours in a licensed beauty salon; 1746

(2) Has a school of cosmetology licensed in this state 1747  
certify to the board that the applicant has successfully 1748  
completed, in addition to the hours required for licensure as a 1749  
cosmetologist, at least three hundred hours of board-approved 1750  
managing cosmetologist training. 1751

(G) In the case of an applicant for an initial managing 1752  
esthetician license, does either of the following: 1753

(1) Has the licensed managing esthetician, licensed managing 1754  
cosmetologist, or owner of a licensed esthetics salon or licensed 1755  
beauty salon located in this or another state certify to the board 1756  
that the applicant has practiced esthetics for at least two 1757  
thousand hours as an esthetician in a licensed esthetics salon or 1758  
as a cosmetologist in a licensed beauty salon; 1759

(2) Has a school of cosmetology licensed in this state 1760  
certify to the board that the applicant has successfully 1761  
completed, in addition to the hours required for a licensure as an 1762  
esthetician or cosmetologist, at least one hundred fifty hours of 1763  
board-approved managing esthetician training. 1764

(H) In the case of an applicant for an initial managing hair 1765  
designer license, does either of the following: 1766

(1) Has the licensed managing hair designer, licensed 1767  
managing cosmetologist, or owner of a licensed hair design salon 1768  
or licensed beauty salon located in this or another state certify 1769  
to the board that the applicant has practiced hair design for at 1770  
least two thousand hours as a hair designer in a licensed hair 1771  
design salon or as a cosmetologist in a licensed beauty salon; 1772

(2) Has a school of cosmetology licensed in this state 1773  
certify to the board that the applicant has successfully 1774  
completed, in addition to the hours required for licensure as a 1775

hair designer or cosmetologist, at least two hundred forty hours 1776  
of board-approved managing hair designer training. 1777

(I) In the case of an applicant for an initial managing 1778  
manicurist license, does either of the following: 1779

(1) Has the licensed managing manicurist, licensed managing 1780  
cosmetologist, or owner of a licensed nail salon, licensed beauty 1781  
salon, or licensed barber shop located in this or another state 1782  
certify to the board that the applicant has practiced manicuring 1783  
for at least two thousand hours as a manicurist in a licensed nail 1784  
salon or licensed barber shop or as a cosmetologist in a licensed 1785  
beauty salon or licensed barber shop; 1786

(2) Has a school of cosmetology licensed in this state 1787  
certify to the board that the applicant has successfully 1788  
completed, in addition to the hours required for licensure as a 1789  
manicurist or cosmetologist, at least one hundred thirty hours of 1790  
board-approved managing manicurist training. 1791

(J) In the case of an applicant for an initial managing 1792  
natural hair stylist license, does either of the following: 1793

(1) Has the licensed managing natural hair stylist, licensed 1794  
managing cosmetologist, or owner of a licensed natural hair style 1795  
salon or licensed beauty salon located in this or another state 1796  
certify to the board that the applicant has practiced natural hair 1797  
styling for at least two thousand hours as a natural hair stylist 1798  
in a licensed natural hair style salon or as a cosmetologist in a 1799  
licensed beauty salon; 1800

(2) Has a school of cosmetology licensed in this state 1801  
certify to the board that the applicant has successfully 1802  
completed, in addition to the hours required for licensure as 1803  
natural hair stylist or cosmetologist, at least one hundred fifty 1804  
hours of board-approved managing natural hair stylist training. 1805

Sec. 4713.31. The state board of cosmetology shall issue an instructor license to an applicant who satisfies all of the following applicable conditions: 1806  
1807  
1808

(A) Is at least eighteen years of age; 1809

(B) Is of good moral character; 1810

(C) Has the equivalent of an Ohio public school twelfth grade education; 1811  
1812

(D) Pays to the board the applicable fee; 1813

(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid managing cosmetologist license issued in this state and does either of the following: 1814  
1815  
1816

(1) Has the licensed managing cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least two thousand hours; 1817  
1818  
1819  
1820  
1821

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor. 1822  
1823  
1824  
1825

(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid managing esthetician or managing cosmetologist license issued in this state and does either of the following: 1826  
1827  
1828  
1829

(1) Has the licensed managing esthetician, licensed managing cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of 1830  
1831  
1832  
1833  
1834

cosmetology in a licensed beauty salon for at least two thousand 1835  
hours; 1836

(2) Has a school of cosmetology licensed in this state 1837  
certify to the board that the applicant has successfully completed 1838  
at least five hundred hours of board-approved esthetics instructor 1839  
training as an apprentice instructor. 1840

(G) In the case of an applicant for an initial hair design 1841  
instructor license, holds a current, valid managing hair designer 1842  
or managing cosmetologist license and does either of the 1843  
following: 1844

(1) Has the licensed managing hair designer, licensed 1845  
managing cosmetologist, or owner of the licensed hair design salon 1846  
or licensed beauty salon in which the applicant has been employed 1847  
certify to the board that the applicant has engaged in the 1848  
practice of hair design in a licensed hair design salon or 1849  
practice of cosmetology in a licensed beauty salon for at least 1850  
two thousand hours; 1851

(2) Has a school of cosmetology licensed in this state 1852  
certify to the board that the applicant has successfully completed 1853  
at least eight hundred hours of board-approved hair design 1854  
instructor's training as an apprentice instructor. 1855

(H) In the case of an applicant for an initial manicurist 1856  
instructor license, holds a current, valid managing manicurist or 1857  
managing cosmetologist license and does either of the following: 1858

(1) Has the licensed managing manicurist, licensed managing 1859  
cosmetologist, or owner of the licensed nail salon or licensed 1860  
beauty salon in which the applicant has been employed certify to 1861  
the board that the applicant has engaged in the practice of 1862  
manicuring in a licensed nail salon or practice of cosmetology in 1863  
a licensed beauty salon for at least two thousand hours; 1864

(2) Has a school of cosmetology licensed in this state 1865

certify to the board that the applicant has successfully completed 1866  
at least three hundred hours of board-approved manicurist 1867  
instructor training as an apprentice instructor. 1868

(I) In the case of an applicant for an initial natural hair 1869  
style instructor license, holds a current, valid managing natural 1870  
hair stylist or managing cosmetologist license and does either of 1871  
the following: 1872

(1) Has the licensed managing natural hair stylist, licensed 1873  
managing cosmetologist, or owner of the licensed natural hair 1874  
style salon or licensed beauty salon in which the applicant has 1875  
been employed certify to the board that the applicant has engaged 1876  
in the practice of natural hair styling in a licensed natural hair 1877  
style salon or practice of cosmetology in a licensed beauty salon 1878  
for at least two thousand hours; 1879

(2) Has a school of cosmetology licensed in this state 1880  
certify to the board that the applicant has successfully completed 1881  
at least four hundred hours of board-approved natural hair style 1882  
instructor training as an apprentice instructor. 1883

**Sec. 4713.32.** When determining the total hours of instruction 1884  
received by an applicant for a license under section 4713.28, 1885  
4713.30, or 4713.31 of the Revised Code, the state board of 1886  
cosmetology shall not take into account more than eight hours of 1887  
instruction per day. The board shall take into account instruction 1888  
received more than five years prior to the date of application for 1889  
the license in accordance with rules adopted under section 4713.08 1890  
of the Revised Code. 1891

**Sec. 4713.09 4713.34.** Upon application to the The state board 1892  
of cosmetology, as provided in section 4713.05 of the Revised 1893  
Code, accompanied by the required license fee, a person shall 1894  
issue a license to practice a branch of cosmetology, managing 1895

license, or instructor license to an applicant who is licensed or 1896  
registered as a cosmetologist or in any in another state or 1897  
country to practice that branch of cosmetology under the laws of 1898  
any other state or country, or territory of the United States, or 1899  
the District of Columbia, where similar reciprocity is extended to 1900  
the state of Ohio, shall without examination, unless the board, in 1901  
its discretion, sees fit to require examination, be granted a 1902  
license to practice the occupation in which the person is licensed 1903  
or registered upon, manage that type of salon, or teach the theory 1904  
and practice of that branch of cosmetology, as appropriate, if all 1905  
of the following conditions are satisfied: 1906

(A) The applicant satisfies all of the following conditions: 1907  
that the applicant is 1908

(1) Is not less than eighteen years of age; 1909

(2) Is of good moral character, and excepting the states 1910  
which do not license the practice of cosmetology, esthetics, or 1911  
manicuring, in which case the board shall exercise its discretion 1912  
in the granting of reciprocity, and that the requirements for 1913  
registration or license of a cosmetologist and those engaged in 1914  
the practice of any branch of cosmetology, in the particular 1915  
state, territory, or District of Columbia, or any other state or 1916  
country, were at the date of the previous registration or 1917  
licensing; 1918

(3) In the case of an applicant for a practicing license or 1919  
managing license, passes an examination conducted under section 1920  
4713.24 of the Revised Code for the license the applicant seeks, 1921  
unless the applicant satisfies conditions specified in rules 1922  
adopted under section 4713.08 of the Revised Code for the board to 1923  
issue the applicant a license without taking the examination; 1924

(4) Pays the applicable fee. 1925

(B) At the time the applicant obtained the license or 1926



registration in the other state or country, the requirements in 1927  
this state for obtaining the license the applicant seeks were 1928  
substantially equal to the other state or country's requirements 1929  
then enforced in this state. 1930

(C) The jurisdiction that issued the applicant's license or 1931  
registration extends similar reciprocity to persons holding a 1932  
license issued by the board. 1933

Sec. 4713.35. A person who holds a current, valid 1934  
cosmetologist license issued by the state board of cosmetology may 1935  
engage in the practice of one or more branches of cosmetology as 1936  
the person chooses. 1937

A person who holds a current, valid esthetician license 1938  
issued by the board may engage in the practice of esthetics but no 1939  
other branch of cosmetology. 1940

A person who holds a current, valid hair designer license 1941  
issued by the board may engage in the practice of hair design but 1942  
no other branch of cosmetology. 1943

A person who holds a current, valid manicurist license issued 1944  
by the board may engage in the practice of manicuring but no other 1945  
branch of cosmetology. 1946

A person who holds a current, valid natural hair stylist 1947  
license issued by the board may engage in the practice of natural 1948  
hair styling but no other branch of cosmetology. 1949

A person who holds a current, valid managing cosmetologist 1950  
license issued by the board may manage all types of salons and 1951  
engage in the practice of one or more branches of cosmetology as 1952  
the person chooses. 1953

A person who holds a current, valid managing esthetician 1954  
license issued by the board may manage an esthetics salon, but no 1955  
other type of salon, and engage in the practice of esthetics, but 1956

<u>no other branch of cosmetology.</u>	1957
<u>A person who holds a current, valid managing hair designer license issued by the board may manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.</u>	1958 1959 1960 1961
<u>A person who holds a current, valid managing manicurist license issued by the board may manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.</u>	1962 1963 1964 1965
<u>A person who holds a current, valid managing natural hair stylist license issued by the board may manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.</u>	1966 1967 1968 1969 1970
<u>A person who holds a current, valid cosmetology instructor license issued by the board may teach the theory and practice of one or more branches of cosmetology at a school of cosmetology as the person chooses.</u>	1971 1972 1973 1974
<u>A person who holds a current, valid esthetics instructor license issued by the board may teach the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.</u>	1975 1976 1977 1978
<u>A person who holds a current, valid hair design instructor license issued by the board may teach the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.</u>	1979 1980 1981 1982
<u>A person who holds a current, valid manicurist instructor license issued by the board may teach the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.</u>	1983 1984 1985 1986

A person who holds a current, valid natural hair style instructor license issued by the board may teach the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology. 1987  
1988  
1989  
1990

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. 1991  
1992  
1993  
1994  
1995

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: 1996  
1997  
1998

(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; 1999  
2000  
2001

(2) Is a recognized expert in the practice or teaching of the branch of cosmetology the person practices or teaches; 2002  
2003

(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 no more than the amount of time a temporary special occasion work permit is effective; 2004  
2005  
2006  
2007  
2008

(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code; 2009  
2010  
2011

(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code. 2012  
2013

(B) A person issued a temporary special occasion work permit may practice the branch of cosmetology the person practices in 2014  
2015

another state or country, or teach the theory and practice of the 2016  
branch of cosmetology the person teaches in another state or 2017  
country, until the expiration date of the permit. A temporary 2018  
special occasion work permit is valid for the period of time 2019  
specified in rules adopted under section 4713.08 of the Revised 2020  
Code. 2021

Sec. 4713.39. The state board of cosmetology shall issue a 2022  
license to engage in the practice of a branch of cosmetology as an 2023  
independent contractor to an applicant who pays the applicable 2024  
fee; holds a current, valid license to manage the type of salon in 2025  
which the applicant will practice that branch of cosmetology; and 2026  
satisfies the conditions for the license established by rules 2027  
adopted under section 4713.08 of the Revised Code. 2028

Sec. 4713.14 4713.41. (A) ~~Beauty salons shall be in~~ The state 2029  
board of cosmetology shall issue a license to operate a salon to 2030  
an applicant who pays the applicable fee and affirms that all of 2031  
the following conditions will be met: 2032

(A)(1) A person holding a current, valid managing 2033  
cosmetologist license or license to manage that type of salon has 2034  
charge of and ~~under the~~ immediate supervision of a licensed 2035  
~~managing cosmetologist and esthetics salons shall be in charge of~~ 2036  
~~and under the~~ immediate supervision of a licensed managing 2037  
cosmetologist or a licensed managing esthetician. ~~Beauty salons~~ 2038  
~~and esthetics salons shall be~~ over the salon at all times when the 2039  
salon is open for business except as permitted under division 2040  
(A)(2) of this section. 2041

(2) A business establishment that is engaged primarily in 2042  
retail sales but is also licensed as a salon shall have a person 2043  
holding a current, valid managing license for that type of salon 2044  
in charge of and in immediate supervision of the salon during 2045

posted or advertised service hours, if the practice of cosmetology 2046  
is restricted to those posted or advertised service hours. 2047

(B) The salon is equipped to provide do all of the following: 2048  
2049

(1) Provide potable running hot and cold water and proper 2050  
drainage, to sanitize; 2051

(2) Sanitize all instruments and supplies used ~~therein~~ in the 2052  
practice branch of cosmetology and any of its branches, and to 2053  
sterilize provided at the salon; 2054

(3) If cosmetic therapy, massage therapy, or other 2055  
professional service is provided at the salon under section 2056  
4713.42 of the Revised Code, sanitize all instruments and supplies 2057  
used therein by in the cosmetic therapists ~~authorized to practice~~ 2058  
under section 4731.15 of the Revised Code therapy, massage 2059  
therapy, or other professional service. 2060

(C) Except as provided in division (C) of this section, rooms 2061  
licensed as beauty salons or esthetics salons shall be used only 2062  
for the practice of services regulated and licensed under this 2063  
chapter and section 4731.15 sections 4713.42 and 4713.49 of the 2064  
Revised Code, be only the branch of cosmetology that the salon is 2065  
licensed to provide is practiced at the salon. 2066

(D) The salon is kept in a clean and sanitary condition, and 2067  
be properly ventilated. Nothing in this section shall be construed 2068  
to forbid the retailing of cosmetics, preparations, tonics, 2069  
antiseptics, creams, lotions, wigs, postiches, and other items 2070  
related to the practice of cosmetology, including clothing, or 2071  
forbid the provision of glamour photography, in a beauty salon or 2072  
esthetics salon. 2073

(E) No food shall be is sold in rooms used as beauty salons 2074  
or esthetics salons at the salon in a manner inconsistent with 2075  
rules adopted under section 4713.08 of the Revised Code. 2076

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

~~(C) Where the owner or operator of a beauty salon, nail salon, or a school of cosmetology has a permit issued under section 4713.25 of the Revised Code, tanning facilities may be operated in beauty salons, nail salons, and schools of cosmetology in accordance with rules that the state board of cosmetology may adopt pertaining to the operation of tanning facilities in beauty salons, nail salons, and schools.~~

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

Sec. 4713.42. A person holding a current, valid certificate issued under section 4731.15 of the Revised Code to provide

cosmetic therapy or massage therapy may provide cosmetic therapy 2108  
or massage therapy, as appropriate, in a salon. A person holding a 2109  
current, valid license or certificate issued by a professional 2110  
regulatory board of this state may practice the person's 2111  
profession in a salon if the person's profession is authorized by 2112  
rules adopted under section 4713.08 of the Revised Code to 2113  
practice in a salon. 2114

A person providing cosmetic therapy, massage therapy, or 2115  
other professional service in a salon pursuant to this section 2116  
shall satisfy the standards established by rules adopted under 2117  
section 4713.08 of the Revised Code. 2118

**Sec. ~~4713.15~~ 4713.44.** ~~Schools~~ The state board of cosmetology 2119  
shall issue a license to operate a school of cosmetology shall 2120  
~~meet~~ to an applicant who pays the applicable fee and satisfies all 2121  
of the following requirements: 2122

(A) ~~Maintain a school term of not less than fifteen hundred~~ 2123  
~~hours for the majority of the practices of cosmetology and not~~ 2124  
~~less than six hundred hours' instruction and practical training in~~ 2125  
~~the field of esthetics, and maintain~~ Maintains a course of 2126  
practical training and technical instruction for the branch or 2127  
branches of cosmetology to be taught at the school equal to the 2128  
requirements for admission to an examination for license as a 2129  
~~cosmetologist and an esthetician set forth in~~ under section 2130  
~~4713.06~~ 4713.24 of the Revised Code that a person must pass to 2131  
obtain a license to practice that branch or those branches of 2132  
cosmetology; 2133

(B) ~~Possess~~ Possesses or ~~make~~ makes available apparatus and 2134  
equipment sufficient for the ready and full teaching of all 2135  
subjects of the curriculum; 2136

(C) ~~Maintain~~ Maintains persons licensed as ~~cosmetology,~~ 2137  
~~manicurist, and esthetics instructors,~~ under section ~~4713.04~~ 2138

~~4713.31 or 4713.34 of the Revised Code, as instructors of to teach~~ 2139  
the theory and ~~practices~~ practice of the branches of cosmetology- 2140  
They may employ persons not licensed as instructors as teachers of 2141  
subjects related to cosmetology, provided a licensed cosmetology 2142  
instructor is present.; 2143

(D) ~~Notify~~ Notifies the ~~state board of cosmetology~~ of the 2144  
enrollment of each new student, ~~keep a daily record of the~~ 2145  
~~attendance of each student and~~ keeps a record devoted to the 2146  
different practices, ~~establish~~ establishes grades, and ~~hold~~ holds 2147  
examinations in order to certify the students' completion of the 2148  
prescribed course of study before the issuance of certificates of 2149  
completion-; 2150

(E) ~~File~~ In the case of a school of cosmetology that offers 2151  
clock hours for the purpose of satisfying minimum hours of 2152  
training and instruction, keeps a daily record of the attendance 2153  
of each student; 2154

(F) On the date that an apprentice cosmetology instructor 2155  
begins cosmetology instructor training at the school, certifies 2156  
the name of the apprentice cosmetology instructor to the board 2157  
along with the date on which the apprentice's instructor training 2158  
began; 2159

(G) Instructs no more than six apprentice cosmetology 2160  
instructors at any one time; 2161

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



shall continue in effect until notice of its termination is given 2171  
to the board by registered mail and every bond shall so provide. 2172

~~Any student who is injured or damaged by reason of a school's 2173  
failure to continue instruction in the theory and practice of 2174  
cosmetology may maintain an action on the bond against the school, 2175  
or surety named therein, or both of them, for the recovery of any 2176  
money or tuition paid in advance, for instruction in the theory 2177  
and practice of cosmetology which was not received. The aggregate 2178  
liability of the surety to all students shall not exceed the sum 2179  
of the bond. 2180~~

~~No branch of cosmetology shall be taught in a beauty salon to 2181  
persons not licensed as cosmetologists. 2182~~

Sec. 4713.45. (A) A school of cosmetology may do the 2183  
following: 2184

(1) In accordance with rules adopted under section 4713.08 of 2185  
the Revised Code, a school of cosmetology operated by a public 2186  
entity may offer clock hours, credit hours, or competency-based 2187  
credits, and a school of cosmetology that is operated by a private 2188  
person may offer clock or credit hours, for the purpose of 2189  
satisfying minimum hours of training and instruction; 2190

(2) Allow an apprentice cosmetology instructor the regular 2191  
quota of students prescribed by the state board of cosmetology if 2192  
a cosmetology instructor is present; 2193

(3) Compensate an apprentice cosmetology instructor; 2194

(4) Subject to division (B) of this section, employ a person 2195  
who does not hold a current, valid instructor license to teach 2196  
subjects related to a branch of cosmetology. 2197

(B) A school of cosmetology shall have a licensed cosmetology 2198  
instructor present when a person employed pursuant to division 2199  
(A)(4) of this section teaches at the school, unless the person is 2200

one of the following: 2201

(1) A person with a current, valid teacher's certificate or educator license issued by the state board of education; 2202  
2203

(2) A person with a bachelor's degree in the subject the person teaches at the school; 2204  
2205

(3) A person also employed by a university or college to teach the subject the person teaches at the school. 2206  
2207

**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. 2208  
2209  
2210  
2211  
2212  
2213  
2214  
2215

~~**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.~~ 2216  
2217  
2218  
2219

~~(B) The state board of cosmetology, pursuant to Chapter 119 of the Revised Code, shall adopt rules:~~ 2220  
2221

~~(1) Requiring that tanning facilities be installed and operated in a manner that ensures the health and safety of consumers using them;~~ 2222  
2223  
2224

~~(2) Establishing the procedures governing applications for permits required by this section;~~ 2225  
2226

~~(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~~ 2227  
2228  
2229

<del>exceed one hundred dollars for a permit or renewal for each</del>	2230
<del>location of such facilities.</del>	2231
<del>(C) The rules adopted under division (B)(1) of this section</del>	2232
<del>shall include but not be limited to the following:</del>	2233
<del>(1) A rule establishing a maximum safe time of exposure to</del>	2234
<del>radiation and a maximum safe temperature at which sun lamps may be</del>	2235
<del>operated;</del>	2236
<del>(2) A rule requiring that the consumer wear protective</del>	2237
<del>eyeglasses and that the consumer be supervised as to the length of</del>	2238
<del>time he uses a tanning facility;</del>	2239
<del>(3) A rule requiring the operator to prohibit consumers from</del>	2240
<del>standing too close to sun lamps and to post signs warning</del>	2241
<del>consumers of the potential effects of radiation on persons taking</del>	2242
<del>certain medications and of the possible relationship of the</del>	2243
<del>radiation to skin cancer;</del>	2244
<del>(4) A rule requiring the installation of protective shielding</del>	2245
<del>for sun lamps and handrails for consumers;</del>	2246
<del>(5) A rule requiring that floors be dry during operation of</del>	2247
<del>lamps.</del>	2248
<del>(D) No person shall own or operate any tanning facilities</del>	2249
<del>that are offered to the public for a fee or other compensation</del>	2250
<del>unless the person holds a valid permit issued by the board. The</del>	2251
<del>permit holder shall post the permit in a conspicuous place on any</del>	2252
<del>premises where the tanning facilities are located. A person shall</del>	2253
<del>obtain a separate permit for each of the premises owned or</del>	2254
<del>operated by that person.</del>	2255
<del>(E) The <u>state board of cosmetology</u> shall issue a permit to</del>	2256
<del>any person who files <u>operate a tanning facility</u> to an <u>applicant if</u></del>	2257
<del><u>all of the following conditions are satisfied:</u></del>	2258
<del>(1) <u>The applicant applies in accordance with the application</u></del>	2259

~~on a form prescribed process adopted by the board and rules~~ 2260  
~~adopted under section 4713.08 of the Revised Code.~~ 2261

~~(2) The applicant pays to the treasurer of state the fee~~ 2262  
~~established by the board, if an those rules.~~ 2263

~~(3) An initial inspection of the premises indicates that the~~ 2264  
~~premises and the tanning facilities are facility has been~~ 2265  
installed and will be operated in accordance with ~~any those~~ rules 2266  
~~established under division (B)(1) of this section.~~ 2267

~~(B) A permit holder shall post the permit in a public and~~ 2268  
~~conspicuous place on any premises where the tanning facility is~~ 2269  
~~located. A person shall obtain a separate permit for each of the~~ 2270  
~~premises owned or operated by that person at which the person~~ 2271  
~~seeks to operate a tanning facility.~~ 2272

~~(C) A permit holder may biennially renew a permit by the~~ 2273  
~~thirtieth last day of January of each odd-numbered year upon~~ 2274  
~~payment to the treasurer of state of the biennial renewal fee,~~ 2275  
~~except that the board may, after a hearing in accordance with~~ 2276  
~~Chapter 119. of the Revised Code, refuse to renew the permit of~~ 2277  
~~any owner or operator who has violated the rules of the board for~~ 2278  
~~the safe operation of tanning facilities.~~ 2279

~~(F) The board may appoint inspectors as needed who shall make~~ 2280  
~~periodic inspections of tanning facilities as specified by the~~ 2281  
~~board. The board, after a hearing in accordance with Chapter 119.~~ 2282  
~~of the Revised Code, may suspend any permit where the owner or~~ 2283  
~~operator fails to correct any unsafe conditions that exist in~~ 2284  
~~violation of the rules of the board or fails to cooperate in any~~ 2285  
~~inspection of tanning facilities by the inspector.~~ 2286

~~If any violation has resulted in a condition deemed by an~~ 2287  
~~inspector to create an immediate danger to the health and safety~~ 2288  
~~of any person using the tanning facilities, the inspector may~~ 2289  
~~suspend the permit without a prior hearing until the unsafe~~ 2290

~~condition is corrected or until a hearing in accordance with~~ 2291  
~~Chapter 119. of the Revised Code is held and the board either~~ 2292  
~~upholds the suspension by the inspector or reinstates the permit.~~ 2293

Sec. 4713.49. The owner or manager of a salon that has a 2294  
permit issued under section 4713.48 of the Revised Code may 2295  
operate a tanning facility at the salon or school. 2296

~~Sec. 4713.08~~ 4713.55. Every license issued by the state board 2297  
of cosmetology shall be signed by the ~~chairman~~ chairperson and 2298  
attested by the executive director thereof, with the seal of the 2299  
board attached; ~~and every such license shall be.~~ 2300

The board shall specify on each practicing license that the 2301  
board issues the branch of cosmetology that the license entitles 2302  
the holder to practice. The board shall specify on each managing 2303  
license that the board issues the type of salon that the license 2304  
entitles the holder to manage and the branch of cosmetology that 2305  
the license entitles the holder to practice. The board shall 2306  
specify on each instructor license that the board issues the 2307  
branch of cosmetology that the license entitles the holder to 2308  
teach. Such licenses are prima-facie evidence of the right of the 2309  
holder to practice or teach the branch of cosmetology, or the 2310  
~~branch thereof which~~ manage the type of salon, that the license 2311  
~~designates~~ specifies. 2312

~~Sec. 4713.16~~ 4713.56. Every holder of a practicing license, 2313  
managing license, instructor license, or independent contractor 2314  
license issued by the state board of cosmetology ~~to operate a~~ 2315  
~~school of cosmetology, nail salon, beauty salon, or esthetics~~ 2316  
~~salon, or to practice cosmetology or any branch of cosmetology,~~ 2317  
shall display the license in a public and conspicuous place in the 2318  
~~principal office, place of business, or place of employment of the~~ 2319  
holder. 2320

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 2321  
2322  
2323

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school. 2324  
2325  
2326

~~Every holder of a current, valid certificate of registration issued under section 4731.15 of the Revised Code to practice massage, person who practices provides cosmetic therapy, massage therapy, or other professional service~~ in a salon under section 4713.14 4713.42 of the Revised Code, shall display the person's professional license or certificate in a public and conspicuous place in the room used for ~~massage services~~ the therapy or other service. 2327  
2328  
2329  
2330  
2331  
2332  
2333  
2334

Sec. 4713.57. A license issued by the state board of cosmetology is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. Renewal shall be done in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board may refuse to renew a license if the person holding the license has an outstanding unpaid fine levied under section 4713.64 of the Revised Code. 2335  
2336  
2337  
2338  
2339  
2340  
2341  
2342  
2343

Sec. 4713.58. (A) Except as provided in division (B) of this section, on payment of the renewal fee and submission of proof satisfactory to the state board of cosmetology that any applicable continuing education requirements have been completed, a person currently licensed as: 2344  
2345  
2346  
2347  
2348

(1) A cosmetology instructor who has previously been licensed as a cosmetologist or a managing cosmetologist, is entitled to the 2349  
2350

<u>reissuance of a cosmetologist or managing cosmetologist license;</u>	2351
	2352
<u>(2) An esthetics instructor who has previously been licensed</u>	2353
<u>as an esthetician or a managing esthetician, is entitled to the</u>	2354
<u>reissuance of an esthetician or managing esthetician license;</u>	2355
	2356
<u>(3) A hair design instructor who has previously been licensed</u>	2357
<u>as a hair designer or a managing hair designer, is entitled to the</u>	2358
<u>reissuance of a hair designer or managing hair designer license;</u>	2359
	2360
<u>(4) A manicurist instructor who has previously been licensed</u>	2361
<u>as a manicurist or a managing manicurist, is entitled to the</u>	2362
<u>reissuance of a manicurist or managing manicurist license;</u>	2363
<u>(5) A natural hair style instructor who has previously been</u>	2364
<u>licensed as a natural hair stylist or a managing natural hair</u>	2365
<u>stylist, is entitled to the reissuance of a natural hair stylist</u>	2366
<u>or managing natural hair stylist license.</u>	2367
<u>(B) No person is entitled to the reissuance of a license</u>	2368
<u>under division (A) of this section if the license was revoked or</u>	2369
<u>suspended or the person has an outstanding unpaid fine levied</u>	2370
<u>under section 4713.64 of the Revised Code.</u>	2371
<del>Sec. 4713.111 4713.59. (A) As used in this section, "biennial</del>	2372
<del>licensing period" means the two-year period beginning on the</del>	2373
<del>thirty-first day of January of an odd-numbered year and ending on</del>	2374
<del>the thirtieth day of January of the next odd-numbered year.</del>	2375
<del>(B) The If the state board of cosmetology may adopt adopts</del>	2376
<del>rules in accordance with Chapter 119. under section 4713.09 of the</del>	2377
<del>Revised Code to establish a continuing education requirement as a</del>	2378
<del>condition of renewal for any a practicing license issued under</del>	2379
<del>this chapter. The board may implement a continuing education</del>	2380

~~requirement for all persons licensed under this chapter or for any class or combination of classes of such persons.~~ 2381  
2382

~~The, managing license, or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including a notification in the license renewal application form it sends the licensee. The notification shall state that the licensee must complete the continuing education requirement by the thirtieth last day of January of the next odd-numbered year.~~ 2383  
2384  
2385  
2386  
2387  
2388  
2389

~~(C) A continuing education requirement established under this section shall not exceed eight hours in any biennial licensing period. Hours completed in excess of the requirement may not be applied to the next biennial licensing period.~~ 2390  
2391  
2392  
2393

~~(D) If a continuing education requirement is established, the board's rules shall establish a schedule of reasonable prices that may be charged for attending continuing education programs approved under this section. The board shall ensure that a sufficient number of programs are available at such reasonable prices so that a licensee who so desires may meet the continuing education requirement at a cost of not more than fifty dollars. The board's rules may establish a maximum cost for meeting the continuing education requirement in excess of fifty dollars, provided that the cost does not exceed seventy-five dollars.~~ 2394  
2395  
2396  
2397  
2398  
2399  
2400  
2401  
2402  
2403

~~(E) Any person desiring to offer a program for continuing education credit shall, before offering the program, apply to the board for approval of the program and the price that will be charged for attending the program. The board shall encourage applicants for approval to charge the applicable reasonable price established in rules adopted under this section. The board may approve a program even if the price for attending the program exceeds the applicable reasonable price.~~ 2404  
2405  
2406  
2407  
2408  
2409  
2410  
2411

~~If the board approves a program, the applicant may offer the~~ 2412



~~program for continuing education credit. The board shall charge  
the applicant an approval fee adequate to cover any expense  
incurred by the board through the approval process.~~

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

~~(1) Enhance the professional competency of the affected  
licensees;~~

~~(2) Protect the public;~~

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

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

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

~~board shall charge a fee for attending the program sufficient to  
cover any costs incurred by the board. Satisfactory completion of  
the program may be applied toward completion of the continuing  
education requirement.~~

2444  
2445  
2446  
2447

(B) If the board adopts a continuing education requirement  
that applies to the same biennial licensing period in which the  
requirement is adopted, the board shall send a notice to all  
affected licensees stating the types of courses and the number of  
hours that are required. Each affected licensee shall complete the  
requirement within one year from the date on which the notice is  
sent by the board. Upon completion of the requirement, the  
licensee shall provide proof of such completion to the board. If a  
licensee has not completed a continuing education requirement  
described in this division at the time of license renewal, the  
licensee shall provide, as part of the renewal application, proof  
of registration for courses that satisfy the requirement.

2448  
2449  
2450  
2451  
2452  
2453  
2454  
2455  
2456  
2457  
2458  
2459

**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.~~

2460  
2461  
2462  
2463  
2464  
2465  
2466  
2467  
2468  
2469  
2470  
2471  
2472  
2473

(B) If an applicant fails to provide satisfactory proof of

2474

completion of any applicable continuing education requirements, 2475  
the board shall notify the applicant that the application is 2476  
incomplete. The board shall not renew the license until the 2477  
applicant provides satisfactory proof of completion of any 2478  
applicable continuing education requirements. The board may 2479  
provide the applicant with an extension of up to ninety days in 2480  
which to complete the continuing education requirement. In 2481  
providing for the extension, the board may charge the licensee a 2482  
fine of up to one hundred dollars. 2483

(C) The board may waive, or extend the period for completing, 2484  
any continuing education requirement ~~adopted under section~~ 2485  
~~4713.111 of the Revised Code~~ if a licensee applies to the board 2486  
and provides proof satisfactory to the board of being unable to 2487  
complete the requirement within the time allowed because of any of 2488  
the following: 2489

(1) An emergency; 2490

(2) An unusual or prolonged illness; 2491

(3) Active duty service in any branch of the armed forces of 2492  
the United States. 2493

The board shall determine the period of time during which 2494  
each extension is effective and shall inform the applicant. The 2495  
board shall also inform the applicant of the continuing education 2496  
requirements that must be met to have the license renewed. If an 2497  
extension is granted for less than one year, the continuing 2498  
education requirement for that year, in addition to the required 2499  
continuing education for the succeeding year, must be completed in 2500  
the succeeding year. In all other cases the board may waive all or 2501  
part of the continuing education requirement on a case-by-case 2502  
basis. Any required continuing education shall be completed and 2503  
satisfactory proof of its completion submitted to the board by a 2504  
date specified by the board. Every license which has not been 2505

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

2506  
2507  
2508

~~(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.~~

2509  
2510  
2511  
2512  
2513  
2514

~~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.~~

2515  
2516  
2517  
2518  
2519

~~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.~~

2520  
2521  
2522  
2523  
2524  
2525  
2526  
2527  
2528  
2529  
2530

~~(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~~

2531  
2532  
2533  
2534  
2535  
2536  
2537

~~continuing education requirements have been completed; provided 2538  
that no cosmetologist, managing cosmetologist, esthetician, 2539  
managing esthetician, cosmetology instructor, manicurist 2540  
instructor, esthetics instructor, manicurist, or managing 2541  
manicurist who has not been engaged in the practice of cosmetology 2542  
for more than two years and who does not hold an inactive license 2543  
may have his license restored without passing an examination as 2544  
provided in section 4713.06 of the Revised Code. 2545~~

~~(F) Upon payment of the renewal fee provided in division (D) 2546  
of section 4713.10 of the Revised Code and submitting proof 2547  
satisfactory to the board that any applicable continuing education 2548  
requirements have been completed, a person currently licensed as: 2549~~

~~(1) A cosmetology instructor who has previously been licensed 2550  
as a cosmetologist or a managing cosmetologist, is entitled to the 2551  
reissuance of a cosmetologist or managing cosmetologist license; 2552~~

2553

~~(2) A manicurist instructor who has previously been licensed 2554  
as a manicurist or a managing manicurist, is entitled to the 2555  
reissuance of a manicurist or managing manicurist license; 2556~~

~~(3) An esthetics instructor who has previously been licensed 2557  
as an esthetician or a managing esthetician, is entitled to the 2558  
reissuance of an esthetician or managing esthetician license. 2559~~

~~(G) The board may refuse to renew the license of any salon, 2560  
school, or other license holder that has outstanding an unpaid 2561  
fine that was levied under section 4713.17 of the Revised Code. 2562~~

Sec. 4713.61. (A) If the state board of cosmetology adopts a 2563  
continuing education requirement under section 4713.09 of the 2564  
Revised Code, it may develop a procedure by which a person who 2565  
holds a license to practice a branch of cosmetology, managing 2566  
license, or instructor license and who is not currently engaged in 2567

the practice of the branch of cosmetology, managing a salon, or 2568  
teaching the theory and practice of the branch of cosmetology, but 2569  
who desires to be so engaged in the future, may apply to the board 2570  
to have the person's license classified inactive. If the board 2571  
develops such a procedure, a person seeking to have the person's 2572  
license classified inactive shall apply to the board on a form 2573  
provided by the board and pay the fee established by rule adopted 2574  
under section 4713.08 of the Revised Code. 2575

(B) The board shall not restore an inactive license until the 2576  
later of the following: 2577

(1) The date that the person holding the license submits 2578  
proof satisfactory to the board that the person has completed the 2579  
continuing education that a rule adopted under section 4713.08 of 2580  
the Revised Code requires; 2581

(2) The last day of January of the next odd-numbered year 2582  
following the year the license is classified inactive. 2583

(C) A person who holds an inactive license may engage in the 2584  
practice of a branch of cosmetology if the person holds a 2585  
temporary work permit as specified in rules adopted by the board 2586  
under section 4713.08 of the Revised Code. 2587

**Sec. 4713.62.** (A) A person holding a practicing license, 2588  
managing license, or instructor license may satisfy a continuing 2589  
education requirement established by rules adopted under section 2590  
4713.09 of the Revised Code only by completing continuing 2591  
education programs approved under division (B) of this section or 2592  
developed under division (C) of this section. 2593

(B) The state board of cosmetology shall approve a continuing 2594  
education program if all of the following conditions are 2595  
satisfied: 2596

(1) The person operating the program submits to the board a written application for approval. 2597  
2598

(2) The person operating the program pays to the board a fee established by rule adopted under section 4713.08 of the Revised Code. 2599  
2600  
2601

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology. 2602  
2603  
2604  
2605  
2606  
2607

(4) The program will protect public health and safety. 2608

(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. 2609  
2610  
2611  
2612

**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: 2613  
2614  
2615  
2616  
2617  
2618  
2619

(A) Pays the restoration fee; 2620

(B) Pays all lapsed renewal fees; 2621

(C) Submits proof satisfactory to the state board of cosmetology that the person has completed all applicable continuing education requirements; 2622  
2623  
2624

(D) In the case of a practicing license or managing license 2625

that has been expired for more than two years, retakes and passes 2626  
an examination conducted under section 4713.24 of the Revised Code 2627  
for the branch of cosmetology that the person seeks to practice or 2628  
type of salon the person seeks to manage. 2629

~~Sec. 4713.17~~ **4713.64.** (A) In accordance with Chapter 119. of 2630  
the Revised Code, the state board of cosmetology may deny, revoke, 2631  
or suspend a license or permit issued by the board or impose a 2632  
fine ~~of not more than one hundred dollars per violation~~ for any of 2633  
the following: 2634

~~(1) Failure of a person operating a nail salon, beauty salon,~~ 2635  
~~esthetics salon, tanning facility, or school of cosmetology to~~ 2636  
comply with the requirements of ~~sections 4713.01 to 4713.25 of the~~ 2637  
~~Revised Code~~ this chapter or rules adopted under it; 2638

~~(2) Failure to comply with the sanitary rules adopted by the~~ 2639  
~~board or by the department of health for the regulation of nail~~ 2640  
~~salons, beauty salons, esthetics salons, schools of cosmetology,~~ 2641  
~~or the practice of cosmetology;~~ 2642

~~(3) Failure of a person operating a beauty salon or nail~~ 2643  
~~salon where massage services are provided under section 4713.14 of~~ 2644  
~~the Revised Code to ensure that the person providing the massage~~ 2645  
~~services complies with the sanitary rules adopted by the board or~~ 2646  
~~by the department of health for the regulation of salons;~~ 2647

~~(4) Continued practice by a person knowingly having an~~ 2648  
~~infectious or contagious disease;~~ 2649

~~(5)~~(3) Habitual drunkenness or addiction to any habit-forming 2650  
drug; 2651

~~(6)~~(4) Willful false and fraudulent or deceptive advertising; 2652  
2653

~~(7)~~(5) Falsification of any record or application required to 2654  
be filed with the board; 2655



+8)(6) Failure to pay a fine or abide by a suspension order 2656  
issued by the board. 2657

(B) The board may impose a separate fine for each offense 2658  
listed in division (A) of this section. The amount of a fine shall 2659  
be no more than one hundred dollars if the violator has not 2660  
previously been fined for that offense. The fine shall be no more 2661  
than five hundred dollars if the violator has been fined for the 2662  
same offense once before. The fine shall be no more than one 2663  
thousand dollars if the violator has been fined for the same 2664  
offense two or more times before. 2665

(C) If a person fails to request a hearing within thirty days 2666  
of the date the board, in accordance with section 119.07 of the 2667  
Revised Code, notifies the person of the board's intent to act 2668  
against the person under division (A) of this section, the board 2669  
by a majority vote of a quorum of the board members may take the 2670  
action against the person without holding an adjudication hearing. 2671

(D) The board, after a hearing in accordance with Chapter 2672  
119. of the Revised Code, may suspend a tanning facility permit if 2673  
the owner or operator fails to correct an unsafe condition that 2674  
exists in violation of the board's rules or fails to cooperate in 2675  
an inspection of the tanning facility. If a violation has resulted 2676  
in a condition reasonably believed by an inspector to create an 2677  
immediate danger to the health and safety of any person using the 2678  
tanning facility, the inspector may suspend the permit without a 2679  
prior hearing until the condition is corrected or until a hearing 2680  
in accordance with Chapter 119. of the Revised Code is held and 2681  
the board either upholds the suspension or reinstates the permit. 2682

**Sec. ~~4713.27~~ 4713.65.** On receipt of a notice pursuant to 2684  
section 3123.43 of the Revised Code, the state board of 2685  
cosmetology shall comply with sections 3123.41 to 3123.50 of the 2686

Revised Code and any applicable rules adopted under section 2687  
3123.63 of the Revised Code with respect to a license issued 2688  
pursuant to this chapter. 2689

**Sec. 4713.99.** Whoever violates section ~~4713.20, 4713.21, or~~ 2690  
~~division (D) of section 4713.25~~ 4713.14 of the Revised Code is 2691  
guilty of a misdemeanor of the fourth degree on a first offense; 2692  
on each subsequent offense, such person is guilty of a misdemeanor 2693  
of the third degree. 2694

**Sec. 4717.14.** (A) The board of embalmers and funeral 2695  
directors may refuse to grant or renew, or may suspend or revoke, 2696  
any license issued under this chapter for any of the following 2697  
reasons: 2698

(1) The license was obtained by fraud or misrepresentation 2699  
either in the application or in passing the examination. 2700

(2) The applicant or licensee has been convicted of or has 2701  
pleaded guilty to a felony or of any crime involving moral 2702  
turpitude. 2703

(3) The applicant or licensee has purposely violated any 2704  
provision of sections 4717.01 to 4717.15 or a rule adopted under 2705  
any of those sections; division (A) or (B) of section 4717.23; 2706  
division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), 2707  
or divisions (H) to (K) of section 4717.26; division (D)(1) of 2708  
section 4717.27; or divisions (A) to (C) of section 4717.28 of the 2709  
Revised Code; any rule or order of the department of health or a 2710  
board of health of a health district governing the disposition of 2711  
dead human bodies; or any other rule or order applicable to the 2712  
applicant or licensee. 2713

(4) The applicant or licensee has committed immoral or 2714  
unprofessional conduct. 2715

(5) The applicant or licensee knowingly permitted an 2716

unlicensed person, other than a person serving an apprenticeship, 2717  
to engage in the profession or business of embalming or funeral 2718  
directing under the applicant's or licensee's supervision. 2719

(6) The applicant or licensee has been habitually 2720  
intoxicated, or is addicted to the use of morphine, cocaine, or 2721  
other habit-forming or illegal drugs. 2722

(7) The applicant or licensee has refused to promptly submit 2723  
the custody of a dead human body upon the express order of the 2724  
person legally entitled to the body. 2725

(8) The licensee loaned the licensee's own license, or the 2726  
applicant or licensee borrowed or used the license of another 2727  
person, or knowingly aided or abetted the granting of an improper 2728  
license. 2729

(9) The applicant or licensee transferred a license to 2730  
operate a funeral home, embalming facility, or crematory from one 2731  
owner or operator to another, or from one location to another, 2732  
without notifying the board. 2733

(10) The applicant or licensee mislead the public by using 2734  
false or deceptive advertising. 2735

(B)(1) The board of embalmers and funeral directors shall 2736  
refuse to grant or renew, or shall suspend or revoke, an 2737  
embalmer's, funeral director's, funeral home, or embalming 2738  
facility license only in accordance with Chapter 119. of the 2739  
Revised Code. 2740

(2) The board shall send to the crematory review board 2741  
written notice that it proposes to refuse to issue or renew, or 2742  
proposes to suspend or revoke, a license to operate a crematory 2743  
facility. If, after the conclusion of the adjudicatory hearing on 2744  
the matter conducted under division (E) of section 4717.03 of the 2745  
Revised Code, the board of embalmers and funeral directors finds 2746  
that any of the circumstances described in divisions (A)(1) to 2747

(10) of this section apply to the person named in its proposed  
action, the board may issue a final order under division (E) of  
section 4717.03 of the Revised Code refusing to issue or renew, or  
suspending or revoking, the person's license to operate a  
crematory facility.

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

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

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

Upon issuing a written order of suspension to the holder of a  
license to operate a crematory facility, the board of embalmers  
and funeral directors shall send written notice of the issuance of  
the order to the crematory review board. The crematory review  
board shall hold an adjudicatory hearing on the order under

division (E) of section ~~4713.03~~ 4717.03 of the Revised Code within 2780  
fifteen days, but not earlier than seven days, after the issuance 2781  
of the order, unless the crematory review board and the licensee 2782  
agree to a different time for holding the adjudicatory hearing. 2783

Any summary suspension imposed under this division shall 2784  
remain in effect, unless reversed on appeal, until a final 2785  
adjudicatory order issued by the board of embalmers and funeral 2786  
directors pursuant to this division and Chapter 119. of the 2787  
Revised Code, or division (E) of section 4717.03 of the Revised 2788  
Code, as applicable, becomes effective. The board of embalmers and 2789  
funeral directors shall issue its final adjudicatory order within 2790  
sixty days after the completion of its hearing or, in the case of 2791  
the summary suspension of a license to operate a crematory 2792  
facility, within sixty days after completion of the adjudicatory 2793  
hearing by the crematory review board. A failure to issue the 2794  
order within that time results in the dissolution of the summary 2795  
suspension order, but does not invalidate any subsequent final 2796  
adjudicatory order. 2797

(D) Any holder of a license issued under this chapter who has 2798  
pleaded guilty to, has been found by a judge or jury to be guilty 2799  
of, or has had a judicial finding of eligibility for treatment in 2800  
lieu of conviction entered against the individual in this state 2801  
for aggravated murder, murder, voluntary manslaughter, felonious 2802  
assault, kidnapping, rape, sexual battery, gross sexual 2803  
imposition, aggravated arson, aggravated robbery, or aggravated 2804  
burglary, or who has pleaded guilty to, has been found by a judge 2805  
or jury to be guilty of, or has had a judicial finding of 2806  
eligibility for treatment in lieu of conviction entered against 2807  
the individual in another jurisdiction for any substantially 2808  
equivalent criminal offense, is hereby suspended from practice 2809  
under this chapter by operation of law, and any license issued to 2810  
the individual under this chapter is hereby suspended by operation 2811

of law as of the date of the guilty plea, verdict or finding of 2812  
guilt, or judicial finding of eligibility for treatment in lieu of 2813  
conviction, regardless of whether the proceedings are brought in 2814  
this state or another jurisdiction. The board shall notify the 2815  
suspended individual of the suspension of the individual's license 2816  
by the operation of this division by certified mail or in person 2817  
in accordance with section 119.07 of the Revised Code. If an 2818  
individual whose license is suspended under this division fails to 2819  
make a timely request for an adjudicatory hearing, the board shall 2820  
enter a final order revoking the license. 2821

(E) No person whose license has been suspended or revoked 2822  
under or by the operation of this section shall practice embalming 2823  
or funeral directing or operate a funeral home, embalming 2824  
facility, or crematory facility until the board has reinstated the 2825  
person's license. 2826

**Section 2.** That existing sections 2925.01, 4709.03, 4709.07, 2827  
4709.09, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 2828  
4713.08, 4713.09, 4713.10, 4713.11, 4713.111, 4713.12, 4713.14, 2829  
4713.15, 4713.16, 4713.17, 4713.18, 4713.19, 4713.20, 4713.22, 2830  
4713.25, 4713.26, 4713.27, 4713.99, and 4717.14 and sections 2831  
4713.07, 4713.13, 4713.131, 4713.132, and 4713.21 of the Revised 2832  
Code are hereby repealed. 2833

**Section 3.** The Governor shall determine, within thirty days 2834  
after the effective date of this act, which of the three members 2835  
of the State Board of Cosmetology who are licensed cosmetologists 2836  
actively engaged in managing beauty salons shall be removed from 2837  
office due to the expiration of the member's office pursuant to 2838  
the operation of division (A)(2) of section 4713.02 of the Revised 2839  
Code as enacted by this act. 2840

**Section 4.** The Governor shall appoint members of the State 2841

**As Reported by the House Commerce and Labor Committee**

Board of Cosmetology to fill the positions on the Board created by	2842
this act within sixty days after the effective date of this act.	2843