

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

**124th General Assembly
Regular Session
2001-2002**

Sub. H. B. No. 415

**REPRESENTATIVES Hollister, Schmidt, Fedor, White, Schuring, Carmichael,
Flowers, Setzer, D. Miller, Carano, Coates, Sferra, Beatty**

A B I L L

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

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

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

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

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

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

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

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

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

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

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schedule II opiate or opium derivative;

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

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

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

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

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

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schedule III opiate or opium derivative; 113

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

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

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

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

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

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

(1) "The National Formulary";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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as a public accountant under Chapter 4701. of the Revised Code and 264
who holds an Ohio permit issued under that chapter; 265

(3) A person who holds a certificate of qualification to 266
practice architecture issued or renewed and registered under 267
Chapter 4703. of the Revised Code; 268

(4) A person who is registered as a landscape architect under 269
Chapter 4703. of the Revised Code or who holds a permit as a 270
landscape architect issued under that chapter; 271

(5) A person licensed as an auctioneer or apprentice 272
auctioneer or licensed to operate an auction company under Chapter 273
4707. of the Revised Code; 274

(6) A person who has been issued a certificate of 275
registration as a registered barber under Chapter 4709. of the 276
Revised Code; 277

(7) A person licensed and regulated to engage in the business 278
of a debt pooling company by a legislative authority, under 279
authority of Chapter 4710. of the Revised Code; 280

(8) A person who has been issued a cosmetologist's license, 281
hair designer's license, manicurist's license, esthetician's 282
license, natural hair stylist's license, managing cosmetologist's 283
license, managing hair designer's license, managing manicurist's 284
license, managing esthetician's license, managing natural hair 285
stylist's license, cosmetology instructor's license, hair design 286
instructor's license, manicurist instructor's license, ~~esthetician~~ 287
esthetics instructor's license, natural hair style instructor's 288
license, independent contractor's license, or tanning facility 289
permit under Chapter 4713. of the Revised Code; 290

(9) A person who has been issued a license to practice 291
dentistry, a general anesthesia permit, a conscious intravenous 292
sedation permit, a limited resident's license, a limited teaching 293
license, a dental hygienist's license, or a dental hygienist's 294

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teacher's certificate under Chapter 4715. of the Revised Code;	295
(10) A person who has been issued an embalmer's license, a	296
funeral director's license, a funeral home license, or a crematory	297
license, or who has been registered for an embalmer's or funeral	298
director's apprenticeship under Chapter 4717. of the Revised Code;	299
(11) A person who has been licensed as a registered nurse or	300
practical nurse, or who has been issued a certificate for the	301
practice of nurse-midwifery under Chapter 4723. of the Revised	302
Code;	303
(12) A person who has been licensed to practice optometry or	304
to engage in optical dispensing under Chapter 4725. of the Revised	305
Code;	306
(13) A person licensed to act as a pawnbroker under Chapter	307
4727. of the Revised Code;	308
(14) A person licensed to act as a precious metals dealer	309
under Chapter 4728. of the Revised Code;	310
(15) A person licensed as a pharmacist, a pharmacy intern, a	311
wholesale distributor of dangerous drugs, or a terminal	312
distributor of dangerous drugs under Chapter 4729. of the Revised	313
Code;	314
(16) A person who is authorized to practice as a physician	315
assistant under Chapter 4730. of the Revised Code;	316
(17) A person who has been issued a certificate to practice	317
medicine and surgery, osteopathic medicine and surgery, a limited	318
branch of medicine, or podiatry under Chapter 4731. of the Revised	319
Code;	320
(18) A person licensed as a psychologist or school	321
psychologist under Chapter 4732. of the Revised Code;	322
(19) A person registered to practice the profession of	323
engineering or surveying under Chapter 4733. of the Revised Code;	324

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(20) A person who has been issued a license to practice	325
chiropractic under Chapter 4734. of the Revised Code;	326
(21) A person licensed to act as a real estate broker or real	327
estate salesperson under Chapter 4735. of the Revised Code;	328
(22) A person registered as a registered sanitarian under	329
Chapter 4736. of the Revised Code;	330
(23) A person licensed to operate or maintain a junkyard	331
under Chapter 4737. of the Revised Code;	332
(24) A person who has been issued a motor vehicle salvage	333
dealer's license under Chapter 4738. of the Revised Code;	334
(25) A person who has been licensed to act as a steam	335
engineer under Chapter 4739. of the Revised Code;	336
(26) A person who has been issued a license or temporary	337
permit to practice veterinary medicine or any of its branches, or	338
who is registered as a graduate animal technician under Chapter	339
4741. of the Revised Code;	340
(27) A person who has been issued a hearing aid dealer's or	341
fitter's license or trainee permit under Chapter 4747. of the	342
Revised Code;	343
(28) A person who has been issued a class A, class B, or	344
class C license or who has been registered as an investigator or	345
security guard employee under Chapter 4749. of the Revised Code;	346
(29) A person licensed and registered to practice as a	347
nursing home administrator under Chapter 4751. of the Revised	348
Code;	349
(30) A person licensed to practice as a speech-language	350
pathologist or audiologist under Chapter 4753. of the Revised	351
Code;	352
(31) A person issued a license as an occupational therapist	353

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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individual use.

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

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

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

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

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

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

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

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

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

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the applicant, and the examination application fee. 442

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

(1) Is of good moral character; 446

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus.

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"Practice of hair design" means embellishing or beautifying 622
hair, wigs, and postiches, such as or hairpieces by 623
arranging, dressing, pressing, curling, waving, permanent waving, cleansing, 624
cutting, singeing, bleaching, coloring, braiding, weaving, or 625
similar work, and the massaging, cleansing, stimulating, 626
manipulating, exercising, or similar work by the use of manual 627
massage techniques or mechanical or electrically operated 628
apparatus or appliances, or cosmetics, preparations, tonics, 629
antiseptics, creams, or lotions, and of manicuring the nails or 630
application of artificial nails, which enumerated practices shall 631
be inclusive of the practice of cosmetology, but not in limitation 632
thereof. Sections 4713.01 to 4713.21 of the Revised Code do not 633
permit any of the services or arts described in this division to 634
be used for the treatment or cure of any physical or mental 635
diseases or ailments. 636

The retail sale or the trial demonstration by application to 637
the skin for purposes of retail sale of cosmetics, preparations, 638
tonics, antiseptics, creams, lotions, wigs, and postiches shall 639
not be considered the practice of cosmetology. 640

(B) Cosmetologist, cosmetician, beauty culturist, or 641
hairstylist, means any person who, for pay, free, or otherwise, 642
engages in the practice of cosmetology. 643

(C) Manicurist means any person who, for pay, free, or 644
otherwise, engages only in the occupation of manicuring the nails 645
of any person or the application of artificial or sculptured 646
nails, or both. 647

(D) The practice of esthetics includes work done for pay, 648
free, or otherwise, by any person, which work is the application 649
of cosmetics, tonics, antiseptics, creams, lotions, or other 650
preparations for the purpose of skin beautification and includes 651
preparation of the skin by manual massage techniques or by use of 652
electrical, mechanical, or other apparatus. 653

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~~(E) Esthetician means any person who, for pay, free, or otherwise, engages only in the practice of esthetics.~~ 654 655

~~(F) Beauty salon means any premises, building, or part of a building, in which any branch of cosmetology, except the occupation of a manicurist when carried on in a barber shop licensed under Chapter 4709. of the Revised Code, or the occupation of a cosmetologist is practiced.~~ 656 657 658 659 660

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

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

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

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

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

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

~~(M) Nail salon means any premises, building, or part of a building in which manicurists engage only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both. For administrative~~ 680 681 682 683

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~~purposes, a nail salon is deemed the equivalent of a beauty salon
and is subject to appropriate rules with respect to sanitation and
sterilization. A licensed manicurist may practice the occupation
of manicuring nails in a nail salon, in a beauty salon, or in a
barber shop.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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"Student" means a person, other than an apprentice 747
instructor, who is engaged in learning or acquiring knowledge of 748
the practice of a branch of cosmetology at a school of 749
cosmetology. 750

"Tanning facility" means a room or booth that houses 751
equipment or beds used for tanning human skin by the use of 752
fluorescent sun lamps using ultraviolet or other artificial 753
radiation. 754

Sec. 4713.02. (A) There is hereby created the state board of 755
cosmetology, consisting of all of the following ~~seven~~ members 756
appointed by the governor, with the advice and consent of the 757
senate: ~~four graduate licensed cosmetologists, three of whom are~~ 758
~~actively engaged in the management of a beauty salon~~ 759

(1) One person holding a current, valid cosmetologist, 760
managing cosmetologist, or cosmetology instructor license at the 761
time of appointment; 762

(2) Two persons holding current, valid managing cosmetologist 763
licenses and actively engaged in managing beauty salons at the 764
time of appointment; ~~one regularly licensed physician; one~~ 765
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(3) One person who holds a current, valid independent 767
contractor license at the time of appointment or the owner or 768
manager of a licensed salon in which at least one person holding a 769
current, valid independent contractor license practices a branch 770
of cosmetology; 771

(4) One person who represents individuals who teach the 772
theory and practice of a branch of cosmetology at a vocational 773
school; 774

(5) One owner of a licensed school of cosmetology; and one 775

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

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(7) One person who is either an advanced practice nurse 777
approved under section 4723.55 of the Revised Code, a certified 778
nurse practitioner or clinical nurse specialist holding a 779
certificate of authority under section 4723.41 of the Revised 780
Code, or a physician authorized under Chapter 4731. of the Revised 781
Code to practice medicine and surgery or osteopathic medicine and 782
surgery; 783

(8) One person representing the general public. 784

(B) The superintendent of public instruction shall nominate 785
three persons for the governor to choose from when making an 786
appointment under division (A)(4) of this section. 787

(C) All members shall be at least twenty-five years of age, 788
 residents of the state, and citizens of the United States. No more 789
 than two members, at any time, shall be graduates of the same 790
 school of cosmetology. 791

~~Terms~~ Except for the initial members appointed under 792
divisions (A)(3) and (4) of this section, terms of office are for 793
five years, commencing. The term of the initial member appointed 794
under division (A)(3) of this section shall be three years. The 795
term of the initial member appointed under division (A)(4) of this 796
section shall be four years. Terms shall commence on the first day 797
of November and ending end on the thirty-first day of October. 798
 Each member shall hold office from the date of appointment until 799
 the end of the term for which appointed. In case of a vacancy 800
 occurring on the board, the governor shall, in the same manner 801
 prescribed for the regular appointment to the board, fill the 802
 vacancy by appointing a member. Any member appointed to fill a 803
 vacancy occurring prior to the expiration of the term for which 804
 the member's predecessor was appointed shall hold office for the 805
 remainder of such term. Any member shall continue in office 806
 subsequent to the expiration date of the member's term until the 807
 member's successor takes office, or until a period of sixty days 808

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4) Report to the proper prosecuting officer all violations~~

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~~coming within its knowledge;~~

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

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

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

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

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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.~~

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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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<u>(10) Establish conditions under which food may be sold at a</u>	989
<u>salon;</u>	990
<u>(11) Specify which professions regulated by a professional</u>	991
<u>regulatory board of this state may be practiced in a salon under</u>	992
<u>section 4713.42 of the Revised Code;</u>	993
<u>(12) Establish standards for the provision of cosmetic</u>	994
<u>therapy, massage therapy, or other professional service in a salon</u>	995
<u>pursuant to section 4713.42 of the Revised Code;</u>	996
<u>(13) Establish standards for board approval of, and the</u>	997
<u>granting of credits for, training in branches of cosmetology at</u>	998
<u>schools of cosmetology licensed in this state;</u>	999
<u>(14) Establish sanitary standards for the practice of the</u>	1000
<u>branches of cosmetology, salons, and schools of cosmetology;</u>	1001
<u>(15) Establish the application process for obtaining a</u>	1002
<u>tanning facility permit under section 4713.48 of the Revised Code,</u>	1003
<u>including the amount of the fee for an initial or renewed permit;</u>	1004
<u>(16) Establish standards for installing and operating a</u>	1005
<u>tanning facility in a manner that ensures the health and safety of</u>	1006
<u>consumers, including standards that do all of the following:</u>	1007
<u>(a) Establish a maximum safe time of exposure to radiation</u>	1008
<u>and a maximum safe temperature at which sun lamps may be operated;</u>	1009
<u>(b) Require consumers to wear protective eyeglasses and be</u>	1010
<u>supervised as to the length of time consumers use the facility;</u>	1011
<u>(c) Require the operator to prohibit consumers from standing</u>	1012
<u>too close to sun lamps and to post signs warning consumers of the</u>	1013
<u>potential effects of radiation on persons taking certain</u>	1014
<u>medications and of the possible relationship of the radiation to</u>	1015
<u>skin cancer;</u>	1016
<u>(d) Require the installation of protective shielding for sun</u>	1017
<u>lamps and handrails for consumers;</u>	1018

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<u>(e) Require floors to be dry during operation of lamps;</u>	1019
<u>(f) Require a consumer who is under the age of eighteen to</u>	1020
<u>obtain written consent from the consumer's parent or legal</u>	1021
<u>guardian prior to receiving tanning services.</u>	1022
<u>(17)(a) If the board, under section 4713.61 of the Revised</u>	1023
<u>Code, develops a procedure for classifying licenses inactive, do</u>	1024
<u>both of the following:</u>	1025
<u>(i) Establish a fee for having a license classified inactive</u>	1026
<u>that reflects the cost to the board of providing the inactive</u>	1027
<u>license service;</u>	1028
<u>(ii) Specify the continuing education that a person whose</u>	1029
<u>license has been classified inactive must complete to have the</u>	1030
<u>license restored. The continuing education shall be sufficient to</u>	1031
<u>ensure the minimum competency in the use or administration of a</u>	1032
<u>new procedure or product required by a licensee necessary to</u>	1033
<u>protect public health and safety. The requirement shall not exceed</u>	1034
<u>the cumulative number of hours of continuing education that the</u>	1035
<u>person would have been required to complete had the person</u>	1036
<u>retained an active license.</u>	1037
<u>(b) In addition, the board may specify the conditions and</u>	1038
<u>method for granting a temporary work permit to practice a branch</u>	1039
<u>of cosmetology to a person whose license has been classified</u>	1040
<u>inactive.</u>	1041
<u>(18) Establish a fee for approval of a continuing education</u>	1042
<u>program under section 4713.62 of the Revised Code that is adequate</u>	1043
<u>to cover any expense the board incurs in the approval process;</u>	1044
<u>(19) Anything else necessary to implement this chapter.</u>	1045
<u>(B)(1) The rules adopted under division (A)(2) of this</u>	1046
<u>section may establish additional conditions for a temporary</u>	1047
<u>pre-examination work permit under section 4713.22 of the Revised</u>	1048

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Code that are applicable to persons who practice a branch of
cosmetology in another state or country.

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

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

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

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

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

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

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

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

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

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

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

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

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

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(D) For the re-examination of any application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, twenty-one dollars;	1109
	1110
	1111
	1112
(C)(E) For the issuance or renewal of a cosmetology, manicurist, or esthetics instructor's of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, thirty dollars;	1113
	1114
	1115
(D)(F) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's of a license under section 4713.34 of the Revised Code, thirty sixty dollars;	1116
	1117
	1118
	1119
(E)(G) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, thirty dollars;	1120
	1121
(H) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	1122
	1123
(F)(I) For the inspection and issuance of a new beauty salon, nail salon, or esthetics salon license or the change of name or ownership of a beauty salon, nail salon, or esthetics salon license, sixty dollars;	1124
	1125
	1126
	1127
(G)(J) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	1128
	1129
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	1130
	1131
(I)(K) For the restoration of any lapsed an expired license which that may be restored pursuant to section 4713.11 4713.63 of the Revised Code, and in addition to the payments required by that section for all lapsed renewal fees, thirty dollars;	1132
	1133
	1134
	1135
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	1136
	1137
(K)(L) For the issuance of a duplicate of any license,	1138

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fifteen dollars; 1139

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

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

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

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

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

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

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

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

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

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<u>(4) A current, valid temporary work permit issued under rules</u>	1197
<u>adopted by the board pursuant to section 4713.08 of the Revised</u>	1198
<u>Code.</u>	1199
<u>(D) Employ a person to practice a branch of cosmetology if</u>	1200
<u>the person does not hold one of the following authorizing the</u>	1201
<u>practice of that branch of cosmetology:</u>	1202
<u>(1) A current, valid license under section 4713.28, 4713.30,</u>	1203
<u>or 4713.34 of the Revised Code;</u>	1204
<u>(2) A current, valid temporary pre-examination work permit</u>	1205
<u>issued under section 4713.22 of the Revised Code;</u>	1206
<u>(3) A current, valid temporary special occasion work permit</u>	1207
<u>issued under section 4713.37 of the Revised Code;</u>	1208
<u>(4) A current, valid temporary work permit issued under rules</u>	1209
<u>adopted by the board pursuant to section 4713.08 of the Revised</u>	1210
<u>Code.</u>	1211
<u>(E) Manage a salon without a current, valid license under</u>	1212
<u>section 4713.30 or 4713.34 of the Revised Code to manage that type</u>	1213
<u>of salon;</u>	1214
<u>(F) Except for apprentice instructors and as provided in</u>	1215
<u>section 4713.45 of the Revised Code, teach the theory or practice</u>	1216
<u>of a branch of cosmetology at a school of cosmetology without</u>	1217
<u>either of the following authorizing the teaching of that branch of</u>	1218
<u>cosmetology:</u>	1219
<u>(1) A current, valid license under section 4713.31 or 4713.34</u>	1220
<u>of the Revised Code;</u>	1221
<u>(2) A current, valid temporary special occasion work permit</u>	1222
<u>issued under section 4713.37 of the Revised Code.</u>	1223
<u>(G) Advertise or operate a glamour photography service in</u>	1224
<u>which a branch of cosmetology is practiced unless the person</u>	1225
<u>practicing the branch of cosmetology holds either of the following</u>	1226

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

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

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

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

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

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

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

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

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

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

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

authorizing the person to practice that branch of cosmetology: 1317

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

examination conducted under section 4713.24 of the Revised Code: 1407

(A) A person who failed to appear for an examination that the 1408
person was previously scheduled to take; 1409

(B) A person who appeared for a previously scheduled 1410
examination but failed to pass it. 1411

Sec. 4713.22. (A) The state board of cosmetology shall issue 1412
a temporary pre-examination work permit to a person who applies 1413
under section 4713.20 of the Revised Code for admission to an 1414
examination conducted under section 4713.24 of the Revised Code, 1415
if the person satisfies all of the following conditions: 1416

(1) Is seeking a practicing license; 1417

(2) Has not previously failed an examination conducted under 1418
section 4713.24 of the Revised Code to determine the applicant's 1419
fitness to practice the branch of cosmetology for which the person 1420
seeks a license; 1421

(3) Pays to the board the applicable fee; 1422

(4) Satisfies all other conditions established by rules 1423
adopted under section 4713.08 of the Revised Code. 1424

(B) A person issued a temporary pre-examination work permit 1425
may practice the branch of cosmetology for which the person seeks 1426
a license until the date the person is scheduled to take an 1427
examination under section 4713.24 of the Revised Code. The person 1428
shall practice under the supervision of a person holding a 1429
current, valid managing license appropriate for the type of salon 1430
in which the permit holder practices. A temporary pre-examination 1431
work permit is renewable in accordance with rules adopted under 1432
section 4713.08 of the Revised Code. 1433

Sec. 4713.06 4713.24. (A) All examinations of applicants 1434

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

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

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

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

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

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

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

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~~licensed beauty salon.~~

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

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

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

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

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

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hundred fifty-hour esthetician and managing esthetician training 1497
course. 1498

The board may administer a separate managing hair designer 1499
examination for persons who complete a managing hair designer 1500
training course separate from a hair designer training course. The 1501
board may combine the managing hair designer examination with the 1502
hair designer examination for persons who complete a combined one 1503
thousand four hundred forty-hour hair designer and managing hair 1504
designer training course. 1505

The board may administer a separate managing manicurist 1506
examination for persons who complete a managing manicurist 1507
training course separate from a manicurist training course. The 1508
board may combine the managing manicurist examination with the 1509
manicurist examination for persons who complete a combined three 1510
hundred-hour manicurist and managing manicurist training 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
~~following applicable conditions:~~ 1526

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<u>(A) Is at least sixteen years of age;</u>	1527
<u>(B) Is of good moral character;</u>	1528
<u>(C) Has the equivalent of an Ohio public school eight <u>tenth</u></u>	1529
<u>grade education, and have received a total of not less than;</u>	1530
<u>(D) Passes an examination conducted under section 4713.24 of</u>	1531
<u>the Revised Code for the branch of cosmetology the applicant seeks</u>	1532
<u>to practice;</u>	1533
<u>(E) Pays to the board the applicable fee;</u>	1534
<u>(F) In the case of an applicant for an initial cosmetologist</u>	1535
<u>license, has successfully completed at least fifteen hundred hours</u>	1536
<u>of instruction in the several branches of <u>board-approved</u></u>	1537
<u>cosmetology, including subjects relating to sanitation, <u>training</u></u>	1538
<u>in a licensed school of cosmetology <u>licensed</u> in Ohio or otherwise</u>	1539
<u>pursuant to credits given by the state board of cosmetology as</u>	1540
<u>provided in section 4713.02 of the Revised Code <u>this state,</u></u>	1541
<u>provided <u>except</u> that only one thousand hours of instruction in the</u>	1542
<u>several branches of <u>board-approved</u> cosmetology <u>training</u> in a</u>	1543
<u>licensed school of cosmetology <u>licensed</u> in this state is required</u>	1544
<u>of a person licensed as a barber under Chapter 4709. of the</u>	1545
<u>Revised Code. Except as provided in section 4713.09 of the Revised</u>	1546
<u>Code, an applicant shall pass an examination in order to qualify</u>	1547
<u>for a cosmetologist's license.</u>	1548
<u>(B) Applicants;</u>	1549
<u>(G) In the case of an applicant for an initial esthetician</u>	1550
<u>license, has successfully completed at least six <u>hundred</u> hours of</u>	1551
<u>board-approved esthetics training in a school of cosmetology</u>	1552
<u>licensed in this state;</u>	1553
<u>(H) In the case of an applicant for an initial hair designer</u>	1554
<u>license, has successfully completed at least one thousand <u>two</u></u>	1555
<u>hundred hours of board-approved hair designer training in a school</u>	1556

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of cosmetology licensed in this state, except that only one 1557
thousand hours of board-approved hair designer training in a 1558
school of cosmetology licensed in this state is required of a 1559
person licensed as a barber under Chapter 4709. of the Revised 1560
Code; 1561

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

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

(D) Applicants this state; 1583

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

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

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

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

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~~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~~ 1652

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

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

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

(J) When determining the total hours of instruction received

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

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

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

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

~~(M) Applicants for an initial license as a manicurist
instructor shall be at least eighteen years of age, have the
equivalent of an Ohio public school twelfth grade education, hold
a current managing manicurist or managing cosmetologist license~~

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issued in this state, and have practiced as a licensed managing
manicurist or managing cosmetologist in a salon for at least
twelve months. In place of the salon experience, an applicant may
substitute the completion, in addition to the hours required for
licensure as a cosmetologist or manicurist, of three hundred hours
of training in the practice of manicuring instruction in a
licensed school of cosmetology in this state 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

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<u>at least two thousand hours in a licensed beauty salon;</u>	1746
<u>(2) Has a school of cosmetology licensed in this state</u>	1747
<u>certify to the board that the applicant has successfully</u>	1748
<u>completed, in addition to the hours required for licensure as a</u>	1749
<u>cosmetologist, at least three hundred hours of board-approved</u>	1750
<u>managing cosmetologist training.</u>	1751
<u>(G) In the case of an applicant for an initial managing</u>	1752
<u>esthetician license, does either of the following:</u>	1753
<u>(1) Has the licensed managing esthetician, licensed managing</u>	1754
<u>cosmetologist, or owner of a licensed esthetics salon or licensed</u>	1755
<u>beauty salon located in this or another state certify to the board</u>	1756
<u>that the applicant has practiced esthetics for at least two</u>	1757
<u>thousand hours as an esthetician in a licensed esthetics salon or</u>	1758
<u>as a cosmetologist in a licensed beauty salon;</u>	1759
<u>(2) Has a school of cosmetology licensed in this state</u>	1760
<u>certify to the board that the applicant has successfully</u>	1761
<u>completed, in addition to the hours required for licensure as an</u>	1762
<u>esthetician or cosmetologist, at least one hundred fifty hours of</u>	1763
<u>board-approved managing esthetician training.</u>	1764
<u>(H) In the case of an applicant for an initial managing hair</u>	1765
<u>designer license, does either of the following:</u>	1766
<u>(1) Has the licensed managing hair designer, licensed</u>	1767
<u>managing cosmetologist, or owner of a licensed hair design salon</u>	1768
<u>or licensed beauty salon located in this or another state certify</u>	1769
<u>to the board that the applicant has practiced hair design for at</u>	1770
<u>least two thousand hours as a hair designer in a licensed hair</u>	1771
<u>design salon or as a cosmetologist in a licensed beauty salon;</u>	1772
<u>(2) Has a school of cosmetology licensed in this state</u>	1773
<u>certify to the board that the applicant has successfully</u>	1774
<u>completed, in addition to the hours required for licensure as a</u>	1775
<u>hair designer or cosmetologist, at least two hundred forty hours</u>	1776

<u>of board-approved managing hair designer training.</u>	1777
<u>(I) In the case of an applicant for an initial managing</u>	1778
<u>manicurist license, does either of the following:</u>	1779
<u>(1) Has the licensed managing manicurist, licensed managing</u>	1780
<u>cosmetologist, or owner of a licensed nail salon, licensed beauty</u>	1781
<u>salon, or licensed barber shop located in this or another state</u>	1782
<u>certify to the board that the applicant has practiced manicuring</u>	1783
<u>for at least two thousand hours as a manicurist in a licensed nail</u>	1784
<u>salon or licensed barber shop or as a cosmetologist in a licensed</u>	1785
<u>beauty salon or licensed barber shop;</u>	1786
<u>(2) Has a school of cosmetology licensed in this state</u>	1787
<u>certify to the board that the applicant has successfully</u>	1788
<u>completed, in addition to the hours required for licensure as a</u>	1789
<u>manicurist or cosmetologist, at least one hundred hours of</u>	1790
<u>board-approved managing manicurist training.</u>	1791
<u>(J) In the case of an applicant for an initial managing</u>	1792
<u>natural hair stylist license, does either of the following:</u>	1793
<u>(1) Has the licensed managing natural hair stylist, licensed</u>	1794
<u>managing cosmetologist, or owner of a licensed natural hair style</u>	1795
<u>salon or licensed beauty salon located in this or another state</u>	1796
<u>certify to the board that the applicant has practiced natural hair</u>	1797
<u>styling for at least two thousand hours as a natural hair stylist</u>	1798
<u>in a licensed natural hair style salon or as a cosmetologist in a</u>	1799
<u>licensed beauty salon;</u>	1800
<u>(2) Has a school of cosmetology licensed in this state</u>	1801
<u>certify to the board that the applicant has successfully</u>	1802
<u>completed, in addition to the hours required for licensure as</u>	1803
<u>natural hair stylist or cosmetologist, at least one hundred fifty</u>	1804
<u>hours of board-approved managing natural hair stylist training.</u>	1805
<u>Sec. 4713.31. The state board of cosmetology shall issue an</u>	1806

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instructor license to an applicant who satisfies all of the 1807
following applicable conditions: 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 1811
education; 1812

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

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

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

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

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

(1) Has the licensed managing esthetician, licensed managing 1830
cosmetologist, or owner of the licensed esthetics salon or 1831
licensed beauty salon in which the applicant has been employed 1832
certify to the board that the applicant has engaged in the 1833
practice of esthetics in a licensed esthetics salon or practice of 1834
cosmetology in a licensed beauty salon for at least two thousand 1835
hours; 1836

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(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.

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

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

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

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

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Sec. 4713.09 4713.34. ~~Upon application to the~~ The state board of cosmetology, ~~as provided in section 4713.05 of the Revised Code, accompanied by the required license fee, a person shall issue a license to practice a branch of cosmetology, managing license, or instructor license to an applicant who is licensed or registered as a cosmetologist or in any~~ in another state or

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~~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; 1910
~~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

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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
no other branch of cosmetology. 1957

A person who holds a current, valid managing hair designer 1958

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<u>license issued by the board may manage a hair design salon, but no</u>	1959
<u>other type of salon, and engage in the practice of hair design,</u>	1960
<u>but no other branch of cosmetology.</u>	1961
<u>A person who holds a current, valid managing manicurist</u>	1962
<u>license issued by the board may manage a nail salon, but no other</u>	1963
<u>type of salon, and engage in the practice of manicuring, but no</u>	1964
<u>other branch of cosmetology.</u>	1965
<u>A person who holds a current, valid managing natural hair</u>	1966
<u>stylist license issued by the board may manage a natural hair</u>	1967
<u>style salon, but no other type of salon, and engage in the</u>	1968
<u>practice of natural hair styling, but no other branch of</u>	1969
<u>cosmetology.</u>	1970
<u>A person who holds a current, valid cosmetology instructor</u>	1971
<u>license issued by the board may teach the theory and practice of</u>	1972
<u>one or more branches of cosmetology at a school of cosmetology as</u>	1973
<u>the person chooses.</u>	1974
<u>A person who holds a current, valid esthetics instructor</u>	1975
<u>license issued by the board may teach the theory and practice of</u>	1976
<u>esthetics, but no other branch of cosmetology, at a school of</u>	1977
<u>cosmetology.</u>	1978
<u>A person who holds a current, valid hair design instructor</u>	1979
<u>license issued by the board may teach the theory and practice of</u>	1980
<u>hair design, but no other branch of cosmetology, at a school of</u>	1981
<u>cosmetology.</u>	1982
<u>A person who holds a current, valid manicurist instructor</u>	1983
<u>license issued by the board may teach the theory and practice of</u>	1984
<u>manicuring, but no other branch of cosmetology, at a school of</u>	1985
<u>cosmetology.</u>	1986
<u>A person who holds a current, valid natural hair style</u>	1987
<u>instructor license issued by the board may teach the theory and</u>	1988
<u>practice of natural hair styling, but no other branch of</u>	1989

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<u>cosmetology, at a school of cosmetology.</u>	1990
<u>Sec. 4713.36. A licensed manicurist or licensed managing</u>	1991
<u>manicurist may engage in the practice of manicuring at a nail</u>	1992
<u>salon or beauty salon licensed under section 4713.41 of the</u>	1993
<u>Revised Code or a barber shop licensed under Chapter 4709. of the</u>	1994
<u>Revised Code.</u>	1995
<u>Sec. 4713.37. (A) The state board of cosmetology may issue a</u>	1996
<u>temporary special occasion work permit to a person who satisfies</u>	1997
<u>all of the following conditions:</u>	1998
<u>(1) Has been licensed or registered in another state or</u>	1999
<u>country to practice a branch of cosmetology or teach the theory</u>	2000
<u>and practice of a branch of cosmetology for at least five years;</u>	2001
<u>(2) Is a recognized expert in the practice or teaching of the</u>	2002
<u>branch of cosmetology the person practices or teaches;</u>	2003
<u>(3) Is to practice that branch of cosmetology or teach the</u>	2004
<u>theory and practice of that branch of cosmetology in this state as</u>	2005
<u>part of a promotional or instructional program for not more than</u>	2006
<u>the amount of time a temporary special occasion work permit is</u>	2007
<u>effective;</u>	2008
<u>(4) Satisfies all other conditions for a temporary special</u>	2009
<u>occasion work permit established by rules adopted under section</u>	2010
<u>4713.08 of the Revised Code;</u>	2011
<u>(5) Pays the fee established by rules adopted under section</u>	2012
<u>4713.08 of the Revised Code.</u>	2013
<u>(B) A person issued a temporary special occasion work permit</u>	2014
<u>may practice the branch of cosmetology the person practices in</u>	2015
<u>another state or country, or teach the theory and practice of the</u>	2016
<u>branch of cosmetology the person teaches in another state or</u>	2017
<u>country, until the expiration date of the permit. A temporary</u>	2018

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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

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2049

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

(2) Sanitize all instruments and supplies used ~~therein~~ in the
practice branch of cosmetology ~~and any of its branches, and to~~ 2052 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~~ 2077
~~supervision of a licensed managing manicurist or a licensed~~ 2078
~~managing cosmetologist. Nail salons shall be equipped to provide~~ 2079

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

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

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

Sec. 4713.42. A person holding a current, valid certificate
issued under section 4731.15 of the Revised Code to provide
cosmetic therapy or massage therapy may provide cosmetic therapy
or massage therapy, as appropriate, in a salon. A person holding a
current, valid license or certificate issued by a professional

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regulatory board of this state may practice the person's
profession in a salon if the person's profession is authorized by
rules adopted under section 4713.08 of the Revised Code to
practice in a salon.

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

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

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

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

(C) ~~Maintain~~ Maintains persons licensed ~~as cosmetology,~~
~~manicurist, and esthetics instructors,~~ under section ~~4713.04~~
4713.31 or 4713.34 of the Revised Code, ~~as instructors of to teach~~
the theory and ~~practices~~ practice of the branches of cosmetology.
~~They may employ persons not licensed as instructors as teachers of~~

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~~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.;

(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 not 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

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

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

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

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

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

(3) Compensate an apprentice cosmetology instructor;

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

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

(1) A person with a current, valid teacher's certificate or

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<u>educator license issued by the state board of education;</u>	2203
<u>(2) A person with a bachelor's degree in the subject the</u>	2204
<u>person teaches at the school;</u>	2205
<u>(3) A person also employed by a university or college to</u>	2206
<u>teach the subject the person teaches at the school.</u>	2207
<u>Sec. 4713.46. A student who is injured or damaged by reason</u>	2208
<u>of the failure of a school of cosmetology to continue instruction</u>	2209
<u>in the theory and practice of a branch of cosmetology may maintain</u>	2210
<u>an action on the bond against the school, or surety named therein,</u>	2211
<u>or both of them, for the recovery of any money or tuition paid in</u>	2212
<u>advance for instruction in the theory and practice of a branch of</u>	2213
<u>cosmetology that was not received. The aggregate liability of the</u>	2214
<u>surety to all students shall not exceed the sum of the bond.</u>	2215
Sec. 4713.25 4713.48. (A) As used in this section, "tanning	2216
facility" means a room or booth which houses equipment or beds	2217
used for tanning the human skin by the use of fluorescent sun	2218
lamps using ultraviolet or other artificial radiation.	2219
(B) The state board of cosmetology, pursuant to Chapter 119.	2220
of the Revised Code, shall adopt rules:	2221
(1) Requiring that tanning facilities be installed and	2222
operated in a manner that ensures the health and safety of	2223
consumers using them;	2224
(2) Establishing the procedures governing applications for	2225
permits required by this section;	2226
(3) Setting fees for permits and renewal which cover the	2227
costs incurred by the board in inspecting tanning facilities and	2228
enforcing the rules of the board, but which in any case shall not	2229
exceed one hundred dollars for a permit or renewal for each	2230
location of such facilities.	2231

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(C) The rules adopted under division (B)(1) of this section	2232
shall include but not be limited to the following:	2233
(1) A rule establishing a maximum safe time of exposure to	2234
radiation and a maximum safe temperature at which sun lamps may be	2235
operated;	2236
(2) A rule requiring that the consumer wear protective	2237
eyeglasses and that the consumer be supervised as to the length of	2238
time he uses a tanning facility;	2239
(3) A rule requiring the operator to prohibit consumers from	2240
standing too close to sun lamps and to post signs warning	2241
consumers of the potential effects of radiation on persons taking	2242
certain medications and of the possible relationship of the	2243
radiation to skin cancer;	2244
(4) A rule requiring the installation of protective shielding	2245
for sun lamps and handrails for consumers;	2246
(5) A rule requiring that floors be dry during operation of	2247
lamps.	2248
(D) No person shall own or operate any tanning facilities	2249
that are offered to the public for a fee or other compensation	2250
unless the person holds a valid permit issued by the board. The	2251
permit holder shall post the permit in a conspicuous place on any	2252
premises where the tanning facilities are located. A person shall	2253
obtain a separate permit for each of the premises owned or	2254
operated by that person.	2255
(E) The <u>state board of cosmetology</u> shall issue a permit to	2256
any person who files <u>operate a tanning facility to an applicant if</u>	2257
<u>all of the following conditions are satisfied:</u>	2258
(1) <u>The applicant applies in accordance with the application</u>	2259
<u>on a form prescribed process adopted by the board and rules</u>	2260
<u>adopted under section 4713.08 of the Revised Code.</u>	2261

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(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

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~~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 2321

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board shall display the license in a public and conspicuous place
in the salon.

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

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

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

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

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

	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
Sec. 4713.111 4713.59. (A) As used in this section, "biennial	2372
licensing period" means the two-year period beginning on the	2373
thirty-first day of January of an odd-numbered year and ending on	2374
the thirtieth day of January of the next odd-numbered year.	2375
(B) The <u>If the</u> state board of cosmetology may adopt <u>adopts</u>	2376
rules in accordance with Chapter 119. <u>under section 4713.09</u> of the	2377
Revised Code to establish a continuing education requirement as a	2378
condition of renewal for any a practicing <u>a practicing</u> license issued under	2379
this chapter. The board may implement a continuing education	2380
requirement for all persons licensed under this chapter or for any	2381

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~~class or combination of classes of such persons.~~ 2382

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

~~(C) A continuing education requirement established under this~~ 2390
~~section shall not exceed eight hours in any biennial licensing~~ 2391
~~period. Hours completed in excess of the continuing education~~ 2392
~~requirement may not be applied to the next biennial licensing~~ 2393
~~period.~~ 2394

~~(D) If a continuing education requirement is established, the~~ 2395
~~board's rules shall establish a schedule of reasonable prices that~~ 2396
~~may be charged for attending continuing education programs~~ 2397
~~approved under this section. The board shall ensure that a~~ 2398
~~sufficient number of programs are available at such reasonable~~ 2399
~~prices so that a licensee who so desires may meet the continuing~~ 2400
~~education requirement at a cost of not more than fifty dollars.~~ 2401
~~The board's rules may establish a maximum cost for meeting the~~ 2402
~~continuing education requirement in excess of fifty dollars,~~ 2403
~~provided that the cost does not exceed seventy-five dollars.~~ 2404

~~(E) Any person desiring to offer a program for continuing~~ 2405
~~education credit shall, before offering the program, apply to the~~ 2406
~~board for approval of the program and the price that will be~~ 2407
~~charged for attending the program. The board shall encourage~~ 2408
~~applicants for approval to charge the applicable reasonable price~~ 2409
~~established in rules adopted under this section. The board may~~ 2410
~~approve a program even if the price for attending the program~~ 2411
~~exceeds the applicable reasonable price.~~ 2412

~~If the board approves a program, the applicant may offer the~~ 2413

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~~program for continuing education credit. The board shall charge~~ 2414
~~the applicant an approval fee adequate to cover any expense~~ 2415
~~incurred by the board through the approval process.~~ 2416

~~The board may approve a program for continuing education~~ 2417
~~credit only if the applicant is an employee, officer, or director~~ 2418
~~of a nonprofit professional association, college or university,~~ 2419
~~vocational school, postsecondary proprietary school of cosmetology~~ 2420
~~licensed by the board, or manufacturer of supplies or equipment~~ 2421
~~used in the practice of cosmetology. The board shall not approve a~~ 2422
~~program unless the program will do at least one of the following:~~ 2423

~~(1) Enhance the professional competency of the affected~~ 2425
~~licensees;~~ 2426

~~(2) Protect the public;~~ 2427

~~(3) Educate the affected licensees in the application of the~~ 2428
~~laws and rules regulating the practice of cosmetology.~~ 2429

~~(F) A person offering programs approved for continuing~~ 2430
~~education credit shall provide the board with a tentative schedule~~ 2431
~~of programs. The board shall ensure that a sufficient number of~~ 2432
~~programs are scheduled at times frequent enough to make the~~ 2433
~~programs readily available to all licensees throughout the state.~~ 2434

~~(G) If the board adopts a continuing education requirement~~ 2435
~~under this section, upon a review of reported violations of this~~ 2436
~~chapter and the board's rules, the board may determine that a~~ 2437
~~continuing education program focusing on certain sections of this~~ 2438
~~chapter and the board's rules would be beneficial to the~~ 2439
~~profession of cosmetology and the public. Once this determination~~ 2440
~~has been made, the board may develop a continuing education~~ 2441
~~program that is designed to correct the violations, and may make~~ 2442
~~necessary arrangements to conduct the continuing education~~ 2443
~~program. The program shall be available to all licensees. The~~ 2444

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

Sec. ~~4713.11~~ 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 ~~4713.11~~ 4713.09 of the Revised Code.

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

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

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and provides proof satisfactory to the board of being unable to 2476
complete the requirement within the time allowed because of any of 2477
the following: 2478

(1) An emergency; 2479

(2) An unusual or prolonged illness; 2480

(3) Active duty service in any branch of the armed forces of 2481
the United States. 2482

The board shall determine the period of time during which 2483
each extension is effective and shall inform the applicant. The 2484
board shall also inform the applicant of the continuing education 2485
requirements that must be met to have the license renewed. If an 2486
extension is granted for less than one year, the continuing 2487
education requirement for that year, in addition to the required 2488
continuing education for the succeeding year, must be completed in 2489
the succeeding year. In all other cases the board may waive all or 2490
part of the continuing education requirement on a case-by-case 2491
basis. Any required continuing education shall be completed and 2492
satisfactory proof of its completion submitted to the board by a 2493
date specified by the board. Every license which has not been 2494
renewed in any odd-numbered year by the ~~thirtieth~~ last day of 2495
January and for which the continuing education requirement has not 2496
been waived or extended shall be considered expired. 2497

~~(D) If the board adopts a continuing education requirement 2498
under section 4713.111 of the Revised Code, it may develop a 2499
procedure by which a licensee who is not currently engaged in the 2500
practice of cosmetology, but desires to be so engaged in the 2501
future, may apply to the board to have his license classified as 2502
inactive. 2503~~

~~Licensees desiring to have their licenses classified as 2504
inactive shall apply to the board on forms provided by the board 2505
and shall pay the fee established under this division. A license 2506~~

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~~classified as inactive license shall remain inactive at least~~ 2507
~~until the thirtieth day of January of the next odd-numbered year.~~ 2508

~~If the board develops a procedure for classifying licenses as~~ 2509
~~inactive, the board shall adopt a rule establishing a fee for~~ 2510
~~having licenses classified as inactive. The fee shall reflect the~~ 2511
~~costs to the board of providing the inactive license service. The~~ 2512
~~board shall also adopt rules establishing a continuing education~~ 2513
~~requirement to be completed to have an inactive license restored.~~ 2514
~~The continuing education requirement shall be sufficient to ensure~~ 2515
~~the minimum competency required by a licensee necessary to protect~~ 2516
~~the public. The board shall not restore an inactive license until~~ 2517
~~the licensee submits proof satisfactory to the board that the~~ 2518
~~continuing education requirement has been completed.~~ 2519

~~(E) Any licensed cosmetologist, managing cosmetologist,~~ 2520
~~esthetician, managing esthetician, cosmetology instructor,~~ 2521
~~manicurist instructor, esthetics instructor, manicurist, or~~ 2522
~~managing manicurist who is not currently engaged in the practice~~ 2523
~~of cosmetology and who does not hold an inactive license may have~~ 2524
~~his license restored only upon payment of all lapsed renewal fees~~ 2525
~~and submitting proof satisfactory to the board that any applicable~~ 2526
~~continuing education requirements have been completed; provided~~ 2527
~~that no cosmetologist, managing cosmetologist, esthetician,~~ 2528
~~managing esthetician, cosmetology instructor, manicurist~~ 2529
~~instructor, esthetics instructor, manicurist, or managing~~ 2530
~~manicurist who has not been engaged in the practice of cosmetology~~ 2531
~~for more than two years and who does not hold an inactive license~~ 2532
~~may have his license restored without passing an examination as~~ 2533
~~provided in section 4713.06 of the Revised Code.~~ 2534

~~(F) Upon payment of the renewal fee provided in division (D)~~ 2535
~~of section 4713.10 of the Revised Code and submitting proof~~ 2536
~~satisfactory to the board that any applicable continuing education~~ 2537
~~requirements have been completed, a person currently licensed as:~~ 2538

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

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

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

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

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

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

(1) The date that the person holding the license submits proof satisfactory to the board that the person has completed the

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continuing education that a rule adopted under section 4713.08 of
the Revised Code requires;

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

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

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

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

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

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

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

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

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	2599
<u>(a) Enhance the professional competency of the affected</u>	2597
<u>licensees;</u>	2600
	2598
	2601
<u>(b) Protect the public;</u>	2599
<u>(c) Educate the affected licensees in the application of the</u>	2600
<u>laws and rules regulating the practice of a branch of cosmetology.</u>	2601
<u>(5) The person operating the program provides the board a</u>	2603
<u>tentative schedule of when the program will be available so that</u>	2604
<u>the board can make the schedule readily available to all licensees</u>	2605
<u>throughout the state.</u>	2606
<u>Sec. 4713.63. A practicing license, managing license, or</u>	2607
<u>instructor license that has not been renewed for any reason other</u>	2608
<u>than because it has been revoked, suspended, or classified</u>	2609
<u>inactive, or because the license holder has been given a waiver or</u>	2610
<u>extension under section 4713.60 of the Revised Code, is expired.</u>	2611
<u>An expired license may be restored if the person who held the</u>	2612
<u>license meets all of the following applicable conditions:</u>	2613
<u>(A) Pays the restoration fee;</u>	2614
<u>(B) Pays all lapsed renewal fees;</u>	2615
<u>(C) Submits proof satisfactory to the state board of</u>	2616
<u>cosmetology that the person has completed all applicable</u>	2617
<u>continuing education requirements;</u>	2618
<u>(D) In the case of a practicing license or managing license</u>	2619
<u>that has been expired for more than two years, retakes and passes</u>	2620
<u>an examination conducted under section 4713.24 of the Revised Code</u>	2621
<u>for the branch of cosmetology that the person seeks to practice or</u>	2622
<u>type of salon the person seeks to manage.</u>	2623
<u>Sec. 4713.17 4713.64. (A) In accordance with Chapter 119. of</u>	2624
<u>the Revised Code, the state board of cosmetology may deny, revoke,</u>	2625

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or suspend a license or permit issued by the board or impose a 2626
fine of not more than one hundred dollars per violation for any of 2627
the following: 2628

(1) ~~Failure of a person operating a nail salon, beauty salon,~~ 2629
~~esthetics salon, tanning facility, or school of cosmetology to~~ 2630
comply with the requirements of sections 4713.01 to 4713.25 of the 2631
~~Revised Code this chapter or rules adopted under it;~~ 2632

(2) ~~Failure to comply with the sanitary rules adopted by the~~ 2633
~~board or by the department of health for the regulation of nail~~ 2634
~~salons, beauty salons, esthetics salons, schools of cosmetology,~~ 2635
~~or the practice of cosmetology;~~ 2636

(3) ~~Failure of a person operating a beauty salon or nail~~ 2637
~~salon where massage services are provided under section 4713.14 of~~ 2638
~~the Revised Code to ensure that the person providing the massage~~ 2639
~~services complies with the sanitary rules adopted by the board or~~ 2640
~~by the department of health for the regulation of salons;~~ 2641

(4) Continued practice by a person knowingly having an 2642
infectious or contagious disease; 2643

(3) Habitual drunkenness or addiction to any habit-forming 2644
drug; 2645

(4) Willful false and fraudulent or deceptive advertising; 2646
2647

(5) Falsification of any record or application required to 2648
be filed with the board; 2649

(6) Failure to pay a fine or abide by a suspension order 2650
issued by the board. 2651

(B) The board may impose a separate fine for each offense 2652
listed in division (A) of this section. The amount of a fine shall 2653
be not more than one hundred dollars if the violator has not 2654
previously been fined for that offense. The fine shall be not more 2655

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than five hundred dollars if the violator has been fined for the 2656
same offense once before. The fine shall be not more than one 2657
thousand dollars if the violator has been fined for the same 2658
offense two or more times before. 2659

(C) If a person fails to request a hearing within thirty days 2660
of the date the board, in accordance with section 119.07 of the 2661
Revised Code, notifies the person of the board's intent to act 2662
against the person under division (A) of this section, the board 2663
by a majority vote of a quorum of the board members may take the 2664
action against the person without holding an adjudication hearing. 2665

(D) The board, after a hearing in accordance with Chapter 2666
119. of the Revised Code, may suspend a tanning facility permit if 2667
the owner or operator fails to correct an unsafe condition that 2668
exists in violation of the board's rules or fails to cooperate in 2669
an inspection of the tanning facility. If a violation has resulted 2670
in a condition reasonably believed by an inspector to create an 2671
immediate danger to the health and safety of any person using the 2672
tanning facility, the inspector may suspend the permit without a 2673
prior hearing until the condition is corrected or until a hearing 2674
in accordance with Chapter 119. of the Revised Code is held and 2675
the board either upholds the suspension or reinstates the permit. 2676
2677

Sec. ~~4713.27~~ 4713.65. On receipt of a notice pursuant to 2678
section 3123.43 of the Revised Code, the state board of 2679
cosmetology shall comply with sections 3123.41 to 3123.50 of the 2680
Revised Code and any applicable rules adopted under section 2681
3123.63 of the Revised Code with respect to a license issued 2682
pursuant to this chapter. 2683

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

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on each subsequent offense, such person is guilty of a misdemeanor 2687
of the third degree. 2688

Sec. 4717.14. (A) The board of embalmers and funeral 2689
directors may refuse to grant or renew, or may suspend or revoke, 2690
any license issued under this chapter for any of the following 2691
reasons: 2692

(1) The license was obtained by fraud or misrepresentation 2693
either in the application or in passing the examination. 2694

(2) The applicant or licensee has been convicted of or has 2695
pleaded guilty to a felony or of any crime involving moral 2696
turpitude. 2697

(3) The applicant or licensee has purposely violated any 2698
provision of sections 4717.01 to 4717.15 or a rule adopted under 2699
any of those sections; division (A) or (B) of section 4717.23; 2700
division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), 2701
or divisions (H) to (K) of section 4717.26; division (D)(1) of 2702
section 4717.27; or divisions (A) to (C) of section 4717.28 of the 2703
Revised Code; any rule or order of the department of health or a 2704
board of health of a health district governing the disposition of 2705
dead human bodies; or any other rule or order applicable to the 2706
applicant or licensee. 2707

(4) The applicant or licensee has committed immoral or 2708
unprofessional conduct. 2709

(5) The applicant or licensee knowingly permitted an 2710
unlicensed person, other than a person serving an apprenticeship, 2711
to engage in the profession or business of embalming or funeral 2712
directing under the applicant's or licensee's supervision. 2713

(6) The applicant or licensee has been habitually 2714
intoxicated, or is addicted to the use of morphine, cocaine, or 2715
other habit-forming or illegal drugs. 2716

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

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

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

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

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

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

(C) If the board of embalmers and funeral directors

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

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

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

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

Any summary suspension imposed under this division shall
remain in effect, unless reversed on appeal, until a final

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adjudicatory order issued by the board of embalmers and funeral
directors pursuant to this division and Chapter 119. of the
Revised Code, or division (E) of section 4717.03 of the Revised
Code, as applicable, becomes effective. The board of embalmers and
funeral directors shall issue its final adjudicatory order within
sixty days after the completion of its hearing or, in the case of
the summary suspension of a license to operate a crematory
facility, within sixty days after completion of the adjudicatory
hearing by the crematory review board. A failure to issue the
order within that time results in the dissolution of the summary
suspension order, but does not invalidate any subsequent final
adjudicatory order.

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

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in accordance with section 119.07 of the Revised Code. If an
individual whose license is suspended under this division fails to
make a timely request for an adjudicatory hearing, the board shall
enter a final order revoking the license.

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

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

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

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