

As Introduced

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H. B. No. 173

Representatives Fende, Combs

**Cosponsors: Representatives Evans, Murray, Letson, Chandler, Hagan,
Ujvagi, Domenick, Bubp, Garland, Harwood, Uecker, Brown, Lehner, DeBose**

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A B I L L

To amend sections 4713.01 and 4713.08 and to enact 1
section 4713.50 of the Revised Code regarding the 2
regulation of chemical tanning applications and 3
the use of tanning services by individuals under 4
18 years of age. 5

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

Section 1. That sections 4713.01 and 4713.08 be amended and 6
section 4713.50 of the Revised Code be enacted to read as follows: 7

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Sec. 4713.01. As used in this chapter: 9

"Apprentice instructor" means a person holding a practicing 10
license issued by the state board of cosmetology who is engaged in 11
learning or acquiring knowledge of the occupation of an instructor 12
of a branch of cosmetology at a school of cosmetology. 13

"Beauty salon" means any premises, building, or part of a 14
building in which a person is authorized to engage in all branches 15
of cosmetology. "Beauty salon" does not include a barber shop 16
licensed under Chapter 4709. of the Revised Code in which a person 17
engages in the practice of manicuring. 18

"Biennial licensing period" means the two-year period 19
beginning on the first day of February of an odd-numbered year and 20
ending on the last day of January of the next odd-numbered year. 21

"Braiding" means intertwining the hair in a systematic motion 22
to create patterns in a three-dimensional form, inverting the hair 23
against the scalp along part of a straight or curved row of 24
intertwined hair, or twisting the hair in a systematic motion, and 25
includes extending the hair with natural or synthetic hair fibers. 26

"Branch of cosmetology" means the practice of cosmetology, 27
practice of esthetics, practice of hair design, practice of 28
manicuring, or practice of natural hair styling. 29

"Cosmetic therapy" has the same meaning as in section 4731.15 30
of the Revised Code. 31

"Cosmetologist" means a person authorized to engage in all 32
branches of cosmetology. 33

"Cosmetology instructor" means a person authorized to teach 34
the theory and practice of all branches of cosmetology at a school 35
of cosmetology. 36

"Esthetician" means a person who engages in the practice of 37
esthetics but no other branch of cosmetology. 38

"Esthetics instructor" means a person who teaches the theory 39
and practice of esthetics, but no other branch of cosmetology, at 40
a school of cosmetology. 41

"Esthetics salon" means any premises, building, or part of a 42
building in which a person engages in the practice of esthetics 43
but no other branch of cosmetology. 44

"Hair designer" means a person who engages in the practice of 45
hair design but no other branch of cosmetology. 46

"Hair design instructor" means a person who teaches the 47
theory and practice of hair design, but no other branch of 48

cosmetology, at a school of cosmetology. 49

"Hair design salon" means any premises, building, or part of 50
a building in which a person engages in the practice of hair 51
design but no other branch of cosmetology. 52

"Independent contractor license" means a license to practice 53
a branch of cosmetology at a salon in which the license holder 54
rents booth space. 55

"Instructor license" means a license to teach the theory and 56
practice of a branch of cosmetology at a school of cosmetology. 57

"Managing cosmetologist" means a person authorized to manage 58
a beauty salon and engage in all branches of cosmetology. 59

"Managing esthetician" means a person authorized to manage an 60
esthetics salon, but no other type of salon, and engage in the 61
practice of esthetics, but no other branch of cosmetology. 62

"Managing hair designer" means a person authorized to manage 63
a hair design salon, but no other type of salon, and engage in the 64
practice of hair design, but no other branch of cosmetology. 65

"Managing license" means a license to manage a salon and 66
practice the branch of cosmetology practiced at the salon. 67

"Managing manicurist" means a person authorized to manage a 68
nail salon, but no other type of salon, and engage in the practice 69
of manicuring, but no other branch of cosmetology. 70

"Managing natural hair stylist" means a person authorized to 71
manage a natural hair style salon, but no other type of salon, and 72
engage in the practice of natural hair styling, but no other 73
branch of cosmetology. 74

"Manicurist" means a person who engages in the practice of 75
manicuring but no other branch of cosmetology. 76

"Manicurist instructor" means a person who teaches the theory 77
and practice of manicuring, but no other branch of cosmetology, at 78

a school of cosmetology.	79
"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.	80 81 82 83 84
"Natural hair stylist" means a person who engages in the practice of natural hair styling but no other branch of cosmetology.	85 86 87
"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.	88 89 90
"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.	91 92 93
"Practice of cosmetology" means the practice of all branches of cosmetology.	94 95
"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.	96 97 98 99 100
"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.	101 102 103 104 105 106 107
"Practice of manicuring" means manicuring the nails of any	108

person, applying artificial or sculptured nails to any person, 109
massaging the hands and lower arms up to the elbow of any person, 110
massaging the feet and lower legs up to the knee of any person, or 111
any combination of these four types of services. 112

"Practice of natural hair styling" means utilizing techniques 113
performed by hand that result in tension on hair roots such as 114
twisting, wrapping, weaving, extending, locking, or braiding of 115
the hair. "Practice of natural hair styling" does not include the 116
application of dyes, reactive chemicals, or other preparations to 117
alter the color or to straighten, curl, or alter the structure of 118
the hair. "Practice of natural hair styling" also does not include 119
embellishing or beautifying hair by cutting or singeing, except as 120
needed to finish off the end of a braid, or by dressing, pressing, 121
curling, waving, permanent waving, or similar work. 122

"Practicing license" means a license to practice a branch of 123
cosmetology. 124

"Salon" means a beauty salon, esthetics salon, hair design 125
salon, nail salon, or natural hair style salon. 126

"School of cosmetology" means any premises, building, or part 127
of a building in which students are instructed in the theories and 128
practices of one or more branches of cosmetology. 129

"Student" means a person, other than an apprentice 130
instructor, who is engaged in learning or acquiring knowledge of 131
the practice of a branch of cosmetology at a school of 132
cosmetology. 133

"Tanning facility" means a room or booth that houses 134
equipment or beds used for tanning human skin by the use of 135
fluorescent sun lamps using ultraviolet or other artificial 136
radiation or by the use of chemicals applied to the skin, 137
including chemical applications commonly referred to as spray-on, 138
mist-on or sunless tans. 139

Sec. 4713.08. (A) The state board of cosmetology shall adopt 140
rules in accordance with Chapter 119. of the Revised Code as 141
necessary to implement this chapter. The rules shall do all of the 142
following: 143

(1) Govern the practice of the branches of cosmetology and 144
management of salons; 145

(2) Specify conditions a person must satisfy to qualify for a 146
temporary pre-examination work permit under section 4713.22 of the 147
Revised Code and the conditions and method of renewing a temporary 148
pre-examination work permit under that section; 149

(3) Provide for the conduct of examinations under section 150
4713.24 of the Revised Code; 151

(4) Specify conditions under which the board will take into 152
account, under section 4713.32 of the Revised Code, instruction an 153
applicant for a license under section 4713.28, 4713.30, or 4713.31 154
of the Revised Code received more than five years before the date 155
of application for the license; 156

(5) Provide for the granting of waivers under section 4713.29 157
of the Revised Code; 158

(6) Specify conditions an applicant must satisfy for the 159
board to issue the applicant a license under section 4713.34 of 160
the Revised Code without the applicant taking an examination 161
conducted under section 4713.24 of the Revised Code; 162

(7) Specify locations in which glamour photography services 163
in which a branch of cosmetology is practiced may be provided; 164

(8) Establish conditions and the fee for a temporary special 165
occasion work permit under section 4713.37 of the Revised Code and 166
specify the amount of time such a permit is valid; 167

(9) Specify conditions an applicant must satisfy for the 168
board to issue the applicant an independent contractor license 169

under section 4713.39 of the Revised Code and the fee for issuance	170
and renewal of the license;	171
(10) Establish conditions under which food may be sold at a	172
salon;	173
(11) Specify which professions regulated by a professional	174
regulatory board of this state may be practiced in a salon under	175
section 4713.42 of the Revised Code;	176
(12) Establish standards for the provision of cosmetic	177
therapy, massage therapy, or other professional service in a salon	178
pursuant to section 4713.42 of the Revised Code;	179
(13) Establish standards for board approval of, and the	180
granting of credits for, training in branches of cosmetology at	181
schools of cosmetology licensed in this state;	182
(14) Establish sanitary standards for the practice of the	183
branches of cosmetology, salons, and schools of cosmetology;	184
(15) Establish the application process for obtaining a	185
tanning facility permit under section 4713.48 of the Revised Code,	186
including the amount of the fee for an initial or renewed permit;	187
(16) Establish standards for installing and operating a	188
tanning facility in a manner that ensures the health and safety of	189
consumers, including standards that do all of the following:	190
(a) Establish a maximum safe time of exposure to radiation	191
and a maximum safe temperature at which sun lamps may be operated;	192
(b) Require consumers to wear protective eyeglasses and be	193
supervised as to the length of time consumers use the facility;	194
(c) Require the operator to prohibit consumers from standing	195
too close to sun lamps and to post signs warning consumers of the	196
potential effects of radiation on persons taking certain	197
medications and of the possible relationship of the radiation to	198
skin cancer;	199

(d) Require the installation of protective shielding for sun lamps and handrails for consumers;	200 201
(e) Require floors to be dry during operation of lamps;	202
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	203 204 205
(17)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	206 207 208
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;	209 210 211
(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.	212 213 214 215 216 217 218 219 220
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive.	221 222 223 224
(18) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;	225 226 227
(19) Anything else necessary to implement this chapter.	228
(B)(1) The rules adopted under division (A)(2) of this	229

section may establish additional conditions for a temporary 230
pre-examination work permit under section 4713.22 of the Revised 231
Code that are applicable to persons who practice a branch of 232
cosmetology in another state or country. 233

(2) The rules adopted under division (A)(17)(b) of this 234
section may establish additional conditions for a temporary work 235
permit that are applicable to persons who practice a branch of 236
cosmetology in another state. 237

(C) The conditions specified in rules adopted under division 238
(A)(6) of this section may include that an applicant is applying 239
for a license to practice a branch of cosmetology for which the 240
board determines an examination is unnecessary. 241

(D) The rules adopted under division (A)(11) of this section 242
shall not include a profession if practice of the profession in a 243
salon is a violation of a statute or rule governing the 244
profession. 245

(E) The sanitary standards established under division (A)(14) 246
of this section shall focus in particular on precautions to be 247
employed to prevent infectious or contagious diseases being 248
created or spread. The board shall consult with the Ohio 249
department of health when establishing the sanitary standards. 250

(F) The fee established by rules adopted under division 251
(A)(15) of this section shall cover the cost the board incurs in 252
inspecting tanning facilities and enforcing the board's rules but 253
may not exceed one hundred dollars per location of such 254
facilities. 255

Sec. 4713.50. An operator or employee of a tanning facility 256
shall not allow an individual who is under eighteen years of age 257
to use the tanning services of the facility unless the individual 258
presents a prescription for receiving ultraviolet radiation 259

treatments written by a physician authorized under Chapter 4731. 260
of the Revised Code to practice medicine and surgery or 261
osteopathic medicine and surgery. 262

Section 2. That existing sections 4713.01 and 4713.08 of the 263
Revised Code are hereby repealed. 264