

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 119**

**Representatives Combs, Fende**

**Cosponsors: Representatives Garland, Ruhl, Patmon, Stebelton, Letson,  
Ramos, Murray, Stinziano, Boyd, Uecker, Bubp, Driehaus, Dovilla, Gardner,  
Johnson**

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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

**Sec. 4713.01.** As used in this chapter: 8

"Apprentice instructor" means a person holding a practicing 9  
license issued by the state board of cosmetology who is engaged in 10  
learning or acquiring knowledge of the occupation of an instructor 11  
of a branch of cosmetology at a school of cosmetology. 12

"Beauty salon" means any premises, building, or part of a 13  
building in which a person is authorized to engage in all branches 14  
of cosmetology. "Beauty salon" does not include a barber shop 15  
licensed under Chapter 4709. of the Revised Code in which a person 16

engages in the practice of manicuring. 17

"Biennial licensing period" means the two-year period 18  
beginning on the first day of February of an odd-numbered year and 19  
ending on the last day of January of the next odd-numbered year. 20

"Braiding" means intertwining the hair in a systematic motion 21  
to create patterns in a three-dimensional form, inverting the hair 22  
against the scalp along part of a straight or curved row of 23  
intertwined hair, or twisting the hair in a systematic motion, and 24  
includes extending the hair with natural or synthetic hair fibers. 25

"Branch of cosmetology" means the practice of cosmetology, 26  
practice of esthetics, practice of hair design, practice of 27  
manicuring, or practice of natural hair styling. 28

"Cosmetic therapy" has the same meaning as in section 4731.15 29  
of the Revised Code. 30

"Cosmetologist" means a person authorized to engage in all 31  
branches of cosmetology. 32

"Cosmetology instructor" means a person authorized to teach 33  
the theory and practice of all branches of cosmetology at a school 34  
of cosmetology. 35

"Esthetician" means a person who engages in the practice of 36  
esthetics but no other branch of cosmetology. 37

"Esthetics instructor" means a person who teaches the theory 38  
and practice of esthetics, but no other branch of cosmetology, at 39  
a school of cosmetology. 40

"Esthetics salon" means any premises, building, or part of a 41  
building in which a person engages in the practice of esthetics 42  
but no other branch of cosmetology. 43

"Hair designer" means a person who engages in the practice of 44  
hair design but no other branch of cosmetology. 45

"Hair design instructor" means a person who teaches the 46

theory and practice of hair design, but no other branch of 47  
cosmetology, at a school of cosmetology. 48

"Hair design salon" means any premises, building, or part of 49  
a building in which a person engages in the practice of hair 50  
design but no other branch of cosmetology. 51

"Independent contractor license" means a license to practice 52  
a branch of cosmetology at a salon in which the license holder 53  
rents booth space. 54

"Instructor license" means a license to teach the theory and 55  
practice of a branch of cosmetology at a school of cosmetology. 56

"Managing cosmetologist" means a person authorized to manage 57  
a beauty salon and engage in all branches of cosmetology. 58

"Managing esthetician" means a person authorized to manage an 59  
esthetics salon, but no other type of salon, and engage in the 60  
practice of esthetics, but no other branch of cosmetology. 61

"Managing hair designer" means a person authorized to manage 62  
a hair design salon, but no other type of salon, and engage in the 63  
practice of hair design, but no other branch of cosmetology. 64

"Managing license" means a license to manage a salon and 65  
practice the branch of cosmetology practiced at the salon. 66

"Managing manicurist" means a person authorized to manage a 67  
nail salon, but no other type of salon, and engage in the practice 68  
of manicuring, but no other branch of cosmetology. 69

"Managing natural hair stylist" means a person authorized to 70  
manage a natural hair style salon, but no other type of salon, and 71  
engage in the practice of natural hair styling, but no other 72  
branch of cosmetology. 73

"Manicurist" means a person who engages in the practice of 74  
manicuring but no other branch of cosmetology. 75

"Manicurist instructor" means a person who teaches the theory 76

and practice of manicuring, but no other branch of cosmetology, at 77  
a school of cosmetology. 78

"Nail salon" means any premises, building, or part of a 79  
building in which a person engages in the practice of manicuring 80  
but no other branch of cosmetology. "Nail salon" does not include 81  
a barber shop licensed under Chapter 4709. of the Revised Code in 82  
which a person engages in the practice of manicuring. 83

"Natural hair stylist" means a person who engages in the 84  
practice of natural hair styling but no other branch of 85  
cosmetology. 86

"Natural hair style instructor" means a person who teaches 87  
the theory and practice of natural hair styling, but no other 88  
branch of cosmetology, at a school of cosmetology. 89

"Natural hair style salon" means any premises, building, or 90  
part of a building in which a person engages in the practice of 91  
natural hair styling but no other branch of cosmetology. 92

"Practice of cosmetology" means the practice of all branches 93  
of cosmetology. 94

"Practice of esthetics" means the application of cosmetics, 95  
tonics, antiseptics, creams, lotions, or other preparations for 96  
the purpose of skin beautification and includes preparation of the 97  
skin by manual massage techniques or by use of electrical, 98  
mechanical, or other apparatus. 99

"Practice of hair design" means embellishing or beautifying 100  
hair, wigs, or hairpieces by arranging, dressing, pressing, 101  
curling, waving, permanent waving, cleansing, cutting, singeing, 102  
bleaching, coloring, braiding, weaving, or similar work. "Practice 103  
of hair design" includes utilizing techniques performed by hand 104  
that result in tension on hair roots such as twisting, wrapping, 105  
weaving, extending, locking, or braiding of the hair. 106

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

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

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

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

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

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

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

mist-on, or sunless tans. 138

**Sec. 4713.08.** (A) The state board of cosmetology shall adopt 139  
rules in accordance with Chapter 119. of the Revised Code as 140  
necessary to implement this chapter. The rules shall do all of the 141  
following: 142

(1) Govern the practice of the branches of cosmetology and 143  
management of salons; 144

(2) Specify conditions a person must satisfy to qualify for a 145  
temporary pre-examination work permit under section 4713.22 of the 146  
Revised Code and the conditions and method of renewing a temporary 147  
pre-examination work permit under that section; 148

(3) Provide for the conduct of examinations under section 149  
4713.24 of the Revised Code; 150

(4) Specify conditions under which the board will take into 151  
account, under section 4713.32 of the Revised Code, instruction an 152  
applicant for a license under section 4713.28, 4713.30, or 4713.31 153  
of the Revised Code received more than five years before the date 154  
of application for the license; 155

(5) Provide for the granting of waivers under section 4713.29 156  
of the Revised Code; 157

(6) Specify conditions an applicant must satisfy for the 158  
board to issue the applicant a license under section 4713.34 of 159  
the Revised Code without the applicant taking an examination 160  
conducted under section 4713.24 of the Revised Code; 161

(7) Specify locations in which glamour photography services 162  
in which a branch of cosmetology is practiced may be provided; 163

(8) Establish conditions and the fee for a temporary special 164  
occasion work permit under section 4713.37 of the Revised Code and 165  
specify the amount of time such a permit is valid; 166

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;	167 168 169 170
(10) Establish conditions under which food may be sold at a salon;	171 172
(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code;	173 174 175
(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;	176 177 178
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;	179 180 181
(14) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	182 183
(15) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	184 185 186
(16) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	187 188 189
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	190 191
(b) Require consumers to wear protective eyeglasses and be supervised as to the length of time consumers use the facility;	192 193
(c) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on persons taking certain	194 195 196

medications and of the possible relationship of the radiation to	197
skin cancer;	198
(d) Require the installation of protective shielding for sun	199
lamps and handrails for consumers;	200
(e) Require floors to be dry during operation of lamps;	201
<del>    (f) Require a consumer who is under the age of eighteen to</del>	202
<del>obtain written consent from the consumer's parent or legal</del>	203
<del>guardian prior to receiving tanning services.</del>	204
(17)(a) If the board, under section 4713.61 of the Revised	205
Code, develops a procedure for classifying licenses inactive, do	206
both of the following:	207
(i) Establish a fee for having a license classified inactive	208
that reflects the cost to the board of providing the inactive	209
license service;	210
(ii) Specify the continuing education that a person whose	211
license has been classified inactive must complete to have the	212
license restored. The continuing education shall be sufficient to	213
ensure the minimum competency in the use or administration of a	214
new procedure or product required by a licensee necessary to	215
protect public health and safety. The requirement shall not exceed	216
the cumulative number of hours of continuing education that the	217
person would have been required to complete had the person	218
retained an active license.	219
(b) In addition, the board may specify the conditions and	220
method for granting a temporary work permit to practice a branch	221
of cosmetology to a person whose license has been classified	222
inactive.	223
(18) Establish a fee for approval of a continuing education	224
program under section 4713.62 of the Revised Code that is adequate	225
to cover any expense the board incurs in the approval process;	226



(19) Anything else necessary to implement this chapter.	227
(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to persons who practice a branch of cosmetology in another state or country.	228 229 230 231 232
(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.	233 234 235 236
(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.	237 238 239 240
(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.	241 242 243 244
(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.	245 246 247 248 249
(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.	250 251 252 253 254
<u>Sec. 4713.50. An operator or employee of a tanning facility shall not allow an individual who is under eighteen years of age</u>	255 256

to use the fluorescent sun lamp tanning services of the facility 257  
unless the individual presents a prescription for receiving 258  
ultraviolet radiation treatments written by a physician authorized 259  
under Chapter 4731. of the Revised Code to practice medicine and 260  
surgery or osteopathic medicine and surgery. 261

**Section 2.** That existing sections 4713.01 and 4713.08 of the 262  
Revised Code are hereby repealed. 263