

As Introduced

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

S. B. No. 347

Senator Lehner

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A BILL

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 to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

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

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

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

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

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

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

"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.	51
"Independent contractor license" means a license to practice a branch of cosmetology at a salon in which the license holder rents booth space.	52 53 54
"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.	55 56
"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology.	57 58
"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.	59 60 61
"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.	62 63 64
"Managing license" means a license to manage a salon and practice the branch of cosmetology practiced at the salon.	65 66
"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.	67 68 69
"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.	70 71 72 73
"Manicurist" means a person who engages in the practice of manicuring but no other branch of cosmetology.	74 75
"Manicurist instructor" means a person who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.	76 77 78
"Nail salon" means any premises, building, or part of a building in which a person engages in the practice of manicuring	79 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 107
person, applying artificial or sculptured nails to any person, 108
massaging the hands and lower arms up to the elbow of any person, 109
massaging the feet and lower legs up to the knee of any person, or 110
any combination of these four types of services. 111

"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.

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

following:	142
(1) Govern the practice of the branches of cosmetology and management of salons;	143 144
(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	145 146 147 148
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	149 150
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	151 152 153 154 155
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	156 157
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	158 159 160 161
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	162 163
(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;	164 165 166
(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	171

salon;	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 medications and of the possible relationship of the radiation to skin cancer;	194 195 196 197 198
(d) Require the installation of protective shielding for sun lamps and handrails for consumers;	199 200
(e) Require floors to be dry during operation of lamps;	201

~~(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.~~

(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:

(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;

(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.

(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.

(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;

(19) Anything else necessary to implement this chapter.

(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.

(2) The rules adopted under division (A)(17)(b) of this 233
section may establish additional conditions for a temporary work 234
permit that are applicable to persons who practice a branch of 235
cosmetology in another state. 236

(C) The conditions specified in rules adopted under division 237
(A)(6) of this section may include that an applicant is applying 238
for a license to practice a branch of cosmetology for which the 239
board determines an examination is unnecessary. 240

(D) The rules adopted under division (A)(11) of this section 241
shall not include a profession if practice of the profession in a 242
salon is a violation of a statute or rule governing the 243
profession. 244

(E) The sanitary standards established under division (A)(14) 245
of this section shall focus in particular on precautions to be 246
employed to prevent infectious or contagious diseases being 247
created or spread. The board shall consult with the Ohio 248
department of health when establishing the sanitary standards. 249

(F) The fee established by rules adopted under division 250
(A)(15) of this section shall cover the cost the board incurs in 251
inspecting tanning facilities and enforcing the board's rules but 252
may not exceed one hundred dollars per location of such 253
facilities. 254

Sec. 4713.50. An operator or employee of a tanning facility 255
shall not allow an individual who is under eighteen years of age 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.

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