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Representatives Johnson, Stinziano

**Cosponsors: Representatives Antonio, Beck, Boyd, Dovilla, Driehaus,
Duffey, Fedor, Grossman, Hagan, C., Hagan, R., Letson, Ramos, Ruhl, Slaby,
Stebelton, Wachtmann, Bishoff, Anielski, Baker, Butler, Carney, Kunze,
Mallory, Milkovich, O'Brien, Rogers, Sprague, Terhar
Senators Kearney, Hite, Lehner, Seitz, Turner**

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A B I L L

To amend sections 4713.01, 4713.08, and 4713.64 and 1
to enact sections 4713.50 and 4713.51 of the 2
Revised Code regarding the use and regulation of 3
tanning facilities. 4

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

Section 1. That sections 4713.01, 4713.08, and 4713.64 be 5
amended and sections 4713.50 and 4713.51 of the Revised Code be 6
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 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 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.	79 80 81 82 83
"Natural hair stylist" means a person who engages in the practice of natural hair styling but no other branch of cosmetology.	84 85 86
"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.	87 88 89
"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.	90 91 92
"Practice of cosmetology" means the practice of all branches of cosmetology.	93 94
"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.	95 96 97 98 99
"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	100 101 102 103 104

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 112
performed by hand that result in tension on hair roots such as 113
twisting, wrapping, weaving, extending, locking, or braiding of 114
the hair. "Practice of natural hair styling" does not include the 115
application of dyes, reactive chemicals, or other preparations to 116
alter the color or to straighten, curl, or alter the structure of 117
the hair. "Practice of natural hair styling" also does not include 118
embellishing or beautifying hair by cutting or singeing, except as 119
needed to finish off the end of a braid, or by dressing, pressing, 120
curling, waving, permanent waving, or similar work. 121

"Practicing license" means a license to practice a branch of 122
cosmetology. 123

"Salon" means a beauty salon, esthetics salon, hair design 124
salon, nail salon, or natural hair style salon. 125

"School of cosmetology" means any premises, building, or part 126
of a building in which students are instructed in the theories and 127
practices of one or more branches of cosmetology. 128

"Student" means a person, other than an apprentice 129
instructor, who is engaged in learning or acquiring knowledge of 130
the practice of a branch of cosmetology at a school of 131
cosmetology. 132

"Tanning facility" means ~~a room or booth that houses~~ 133
~~equipment~~ any premises, building, or part of a building that 134
contains one or more rooms or booths with any of the following: 135

(A) Equipment or beds used for tanning human skin by the use 136
of fluorescent sun lamps using ultraviolet or other artificial 137
radiation; 138

(B) Equipment that applies chemicals to human skin to create 139
the appearance of being suntanned, including chemical applications 140
commonly referred to as spray-on, mist-on, or sunless tans; 141

(C) Equipment or beds that use visible light for cosmetic 142
purposes. 143

Sec. 4713.08. (A) The state board of cosmetology shall adopt 144
rules in accordance with Chapter 119. of the Revised Code as 145
necessary to implement this chapter. The rules shall do all of the 146
following: 147

(1) Govern the practice of the branches of cosmetology and 148
management of salons; 149

(2) Specify conditions a person must satisfy to qualify for a 150
temporary pre-examination work permit under section 4713.22 of the 151
Revised Code and the conditions and method of renewing a temporary 152
pre-examination work permit under that section; 153

(3) Provide for the conduct of examinations under section 154
4713.24 of the Revised Code; 155

(4) Specify conditions under which the board will take into 156
account, under section 4713.32 of the Revised Code, instruction an 157
applicant for a license under section 4713.28, 4713.30, or 4713.31 158
of the Revised Code received more than five years before the date 159
of application for the license; 160

(5) Provide for the granting of waivers under section 4713.29 161
of the Revised Code; 162

(6) Specify conditions an applicant must satisfy for the 163
board to issue the applicant a license under section 4713.34 of 164
the Revised Code without the applicant taking an examination 165

conducted under section 4713.24 of the Revised Code;	166
(7) Specify locations in which glamour photography services	167
in which a branch of cosmetology is practiced may be provided;	168
(8) Establish conditions and the fee for a temporary special	169
occasion work permit under section 4713.37 of the Revised Code and	170
specify the amount of time such a permit is valid;	171
(9) Specify conditions an applicant must satisfy for the	172
board to issue the applicant an independent contractor license	173
under section 4713.39 of the Revised Code and the fee for issuance	174
and renewal of the license;	175
(10) Establish conditions under which food may be sold at a	176
salon;	177
(11) Specify which professions regulated by a professional	178
regulatory board of this state may be practiced in a salon under	179
section 4713.42 of the Revised Code;	180
(12) Establish standards for the provision of cosmetic	181
therapy, massage therapy, or other professional service in a salon	182
pursuant to section 4713.42 of the Revised Code;	183
(13) Establish standards for board approval of, and the	184
granting of credits for, training in branches of cosmetology at	185
schools of cosmetology licensed in this state;	186
(14) Establish the manner in which a school of cosmetology	187
licensed under section 4713.44 of the Revised Code may offer	188
post-secondary and advanced practice programs;	189
(15) Establish sanitary standards for the practice of the	190
branches of cosmetology, salons, and schools of cosmetology;	191
(16) Establish the application process for obtaining a	192
tanning facility permit under section 4713.48 of the Revised Code,	193
including the amount of the fee for an initial or renewed permit;	194
(17) Establish standards for installing and operating a	195

tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	196 197
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	198 199
(b) Require consumers to wear protective eyeglasses and ;	200
(c) <u>Require consumers to be supervised as to the length of time consumers use the facility facility's sun lamps;</u>	201 202
(e) (d) 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;	203 204 205 206 207
(d) (e) Require the installation of protective shielding for sun lamps and handrails for consumers;	208 209
(e) (f) Require floors to be dry during operation of lamps;	210
(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 (g) <u>Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.</u>	211 212 213 214 215 216
(18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	217 218 219
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;	220 221 222
(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	223 224 225

ensure the minimum competency in the use or administration of a 226
new procedure or product required by a licensee necessary to 227
protect public health and safety. The requirement shall not exceed 228
the cumulative number of hours of continuing education that the 229
person would have been required to complete had the person 230
retained an active license. 231

(b) In addition, the board may specify the conditions and 232
method for granting a temporary work permit to practice a branch 233
of cosmetology to a person whose license has been classified 234
inactive. 235

(19) Establish a fee for approval of a continuing education 236
program under section 4713.62 of the Revised Code that is adequate 237
to cover any expense the board incurs in the approval process; 238

(20) Anything else necessary to implement this chapter. 239

(B)(1) The rules adopted under division (A)(2) of this 240
section may establish additional conditions for a temporary 241
pre-examination work permit under section 4713.22 of the Revised 242
Code that are applicable to persons who practice a branch of 243
cosmetology in another state or country. 244

(2) The rules adopted under division (A)(18)(b) of this 245
section may establish additional conditions for a temporary work 246
permit that are applicable to persons who practice a branch of 247
cosmetology in another state. 248

(C) The conditions specified in rules adopted under division 249
(A)(6) of this section may include that an applicant is applying 250
for a license to practice a branch of cosmetology for which the 251
board determines an examination is unnecessary. 252

(D) The rules adopted under division (A)(11) of this section 253
shall not include a profession if practice of the profession in a 254
salon is a violation of a statute or rule governing the 255
profession. 256

(E) The sanitary standards established under division (A)(15) 257
of this section shall focus in particular on precautions to be 258
employed to prevent infectious or contagious diseases being 259
created or spread. The board shall consult with the Ohio 260
department of health when establishing the sanitary standards. 261

(F) The fee established by rules adopted under division 262
(A)(16) of this section shall cover the cost the board incurs in 263
inspecting tanning facilities and enforcing the board's rules but 264
may not exceed one hundred dollars per location of such 265
facilities. 266

Sec. 4713.50. (A) A tanning facility operator or employee 267
shall make reasonable efforts, in accordance with procedures 268
established under section 4713.08 of the Revised Code, to 269
determine whether an individual seeking to use the facility's sun 270
lamp tanning services is less than sixteen years of age, at least 271
sixteen but less than eighteen years of age, or eighteen years of 272
age or older. 273

(B)(1) A tanning facility operator or employee shall not 274
allow an individual who is eighteen years of age or older to use 275
the facility's sun lamp tanning services without first obtaining 276
the consent of the individual. The consent shall be evidenced by 277
the individual's signature on the form developed by the state 278
board of cosmetology under section 4713.51 of the Revised Code. 279
The consent is valid indefinitely. 280

(2) A tanning facility operator or employee shall not allow 281
an individual who is at least sixteen but less than eighteen years 282
of age to use the facility's sun lamp tanning services without 283
first obtaining the consent of a parent or legal guardian of the 284
individual. The consent shall be evidenced by the signature of the 285
parent or legal guardian on the form developed by the board under 286
section 4713.51 of the Revised Code. The form must be signed in 287

the presence of the operator or an employee of the tanning facility. The consent is valid for ninety days from the date the form is signed. A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services for more than forty-five sessions during the ninety-day period covered by the consent. No such session may be longer than the maximum safe time of exposure specified in rules adopted under division (A)(17) of section 4713.08 of the Revised Code. 288
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(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply: 297
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(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility. 301
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(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services. 309
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(C) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent. 312
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Sec. 4713.51. The state board of cosmetology shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential 315
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health effects of radiation from sun lamps, including a 319
description of the possible relationship of the radiation to skin 320
cancer. In developing the form, the board shall consult with the 321
department of health, dermatologists, and tanning facility 322
operators. The board shall make the form available on the internet 323
web site maintained by the board. 324

Sec. 4713.64. (A) The state board of cosmetology may take 325
disciplinary action for any of the following: 326

(1) Failure to comply with the requirements of this chapter 327
or rules adopted under it; 328

(2) Continued practice by a person knowingly having an 329
infectious or contagious disease; 330

(3) Habitual drunkenness or addiction to any habit-forming 331
drug; 332

(4) Willful false and fraudulent or deceptive advertising; 333

(5) Falsification of any record or application required to be 334
filed with the board; 335

(6) Failure to pay a fine or abide by a suspension order 336
issued by the board. 337

(B) On determining that there is cause for disciplinary 338
action, the board may do one or more of the following: 339

(1) Deny, revoke, or suspend a license or permit issued by 340
the board; 341

(2) Impose a fine; 342

(3) Require the holder of a license or permit to take 343
corrective action courses. 344

(C) The amount and content of corrective action courses and 345
other relevant criteria shall be established by the board in rules 346
adopted under section 4713.08 of the Revised Code. 347

(D) The board may impose a separate fine for each offense 348
listed in division (A) of this section. The amount of a fine shall 349
be not more than five hundred dollars if the violator has not 350
previously been fined for that offense. The fine shall be not more 351
than one thousand dollars if the violator has been fined for the 352
same offense once before. The fine shall be not more than one 353
thousand five hundred dollars if the violator has been fined for 354
the same offense two or more times before. 355

In the case of an offense of failure to comply with division 356
(A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the 357
board shall impose a fine of five hundred dollars if the violator 358
has not previously been fined for that offense. If the violator 359
has previously been fined for the offense, the board may impose a 360
fine in accordance with this division or take another action in 361
accordance with division (B) of this section. 362

(E) If a person fails to request a hearing within thirty days 363
of the date the board, in accordance with section 119.07 of the 364
Revised Code, notifies the person of the board's intent to act 365
against the person under division (A) of this section, the board 366
by a majority vote of a quorum of the board members may take the 367
action against the person without holding an adjudication hearing. 368

(F) The board, after a hearing in accordance with Chapter 369
119. of the Revised Code, may suspend a tanning facility permit if 370
the owner or operator fails to correct an unsafe condition that 371
exists in violation of the board's rules or fails to cooperate in 372
an inspection of the tanning facility. If a violation has resulted 373
in a condition reasonably believed by an inspector to create an 374
immediate danger to the health and safety of any person using the 375
tanning facility, the inspector may suspend the permit without a 376
prior hearing until the condition is corrected or until a hearing 377
in accordance with Chapter 119. of the Revised Code is held and 378
the board either upholds the suspension or reinstates the permit. 379

Section 2. That existing sections 4713.01, 4713.08, and 380
4713.64 of the Revised Code are hereby repealed. 381

Section 3. Sections 1 and 2 of this act take effect three 382
months after the effective date of this act. 383