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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 449**

127th General Assembly  
(As Introduced)

**Reps. Goodwin, Yuko, J. McGregor, Fessler, Evans, Huffman, Brown, Stebelton**

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### **BILL SUMMARY**

- Specifically allows, under specified conditions, estheticians, hair designers, manicurists, natural hair stylists, and cosmetologists to operate out of a salon that is a mobile unit.
- Defines "mobile unit" as a movable unit that the State Board of Cosmetology determines is appropriate for use as a salon, including, but not limited to, motor homes and trailers.
- Specifies that mobile units are subject to the requirements specified in the Cosmetologists Law, including the requirements to obtain a license to operate as a salon.
- Prohibits any mobile unit from operating within 1,000 feet of the nearest existing salon that is housed in a permanent structure.
- Requires each mobile unit to have an adequate dispensary, as determined by the Board, to store chemicals and other cosmetology substances away from the purview of the general public.
- Requires each mobile unit to install and maintain a global positioning system as determined by the Board.

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### **CONTENT AND OPERATION**

#### **Overview of the Cosmetologists Law**

Continuing law prohibits any person from operating a salon without obtaining a license under the Cosmetologists Law (R.C. Chapter 4713.) (R.C. 4713.14(J)). The following types of salons are licensed under that law:

(1) A beauty salon, which is any premises, building, or part of a building in which a person is authorized to engage in all branches of cosmetology;

(2) An esthetics salon, which is any premises, building, or part of a building in which a person engages in the practice of esthetics but no other branch of cosmetology;

(3) A hair design salon, which is 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;

(4) A nail salon, which is any premises, building, or part of a building in which a person engages in the practice of manicuring but no other branch of cosmetology;

(5) A natural hair style salon, which is 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 (R.C. 4713.01).

Continuing law requires the State Board of Cosmetology to issue a license to operate a salon to any individual who satisfies the requirements specified in that law and pays the applicable fee. Those requirements include that (a) a person holding a current, valid managing cosmetologist license or license to manage that type of salon has charge of and immediate supervision over the salon at all times when the salon is open for business unless an exception applies, (b) the salon includes specified equipment and is kept in a clean and sanitary condition with proper ventilation, (c) unless an exception applies, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon, and (d) food is not sold at a salon in a manner that is inconsistent with rules adopted by the Board. (R.C. 4713.41, not in the bill.) Additionally, if a salon offers tanning services, the owner or manager of the salon must obtain a tanning facility permit from the Board. (R.C. 4713.48 and 4713.49, not in the bill.)

A license issued under the Cosmetologists Law is valid until the last day of January of the odd-numbered year following its original issuance or renewal (R.C. 4713.57, not in the bill). Continuing law requires every holder of a license to operate a salon to display that license in a public and conspicuous place in the salon (R.C. 4713.56, not in the bill). Continuing law permits the Board to deny, revoke, or suspend a license or permit issued by the Board or impose a fine for failing to comply with the requirements of the Cosmetologists Law or engaging in other specified activities. Under continuing law, whoever operates a salon without a license or operates a tanning facility without a permit is guilty of a fourth degree misdemeanor on a first offense and is guilty of a third degree misdemeanor for each subsequent offense. (R.C. 4713.64 and 4713.99, not in the bill.)

### **Current prohibition against mobile units as salons**

The Board has adopted rules specifying requirements for salons including the requirement to: provide water service and proper plumbing in accordance with specified requirements, obtain applicable building permits, and have a salon dispensary and a restroom that complies with specified requirements. (O.A.C. 4713-11-02 to 4713-11-06). The rules adopted by the Board state:

Mobile homes, motor homes, trailers or any type of recreational vehicle are not designed for commercial use under the Ohio Building Codes and therefore prohibited [sic] for licensure as any type of salon or tanning facility (O.A.C. 4713-11-08).

### **Mobile units as salons under the bill**

The bill defines "mobile unit" as a movable unit that the Board determines is appropriate for use as a salon, including, but not limited to, motor homes and trailers (R.C. 4713.01). The bill specifies that mobile units are subject to all the provisions of the Cosmetologists Law and adds "mobile unit" to the definitions of each type of salon as described in (1) to (5) under "**Overview of the Cosmetologists Law**" above (R.C. 4713.01 and 4713.18(A)). Thus, under the bill, a mobile unit used as a salon is subject to all of the requirements specified under "**Overview of the Cosmetologists Law**" above for salons.

The bill prohibits any mobile unit from operating within 1,000 feet of the nearest existing salon that is housed in a permanent structure. Each mobile unit must have an adequate dispensary, as determined by the Board, to store chemicals and other cosmetology substances away from the purview of the general public. Additionally, the bill requires each mobile unit to install and maintain a global positioning system as determined by the Board. (R.C. 4713.18(B) to (D).)

Under continuing law unchanged by the bill, the Board may deny, revoke, or suspend a license or permit issued by the Board or impose a fine for failing to comply with the requirements of the Cosmetologists Law or engaging in other specified activities. Also, if a person operating a mobile unit fails to obtain a license to operate a salon or if the person includes a tanning facility in the mobile unit and fails to obtain a permit for that facility, under continuing law, the person is guilty of a fourth degree misdemeanor on a first offense and is guilty of a third degree misdemeanor for each subsequent offense. (R.C. 4713.64 and 4713.99, not in the bill.)

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## **HISTORY**

ACTION

DATE

Introduced

01-24-08

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