



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Cody Weisbrodt

Sub. H.B. 189

132nd General Assembly

(As Reported by H. Government Accountability and Oversight)

Reps. Roegner and Reece, Antani, Becker, Brenner, Carfagna, Dean, Goodman, Green, Henne, Howse, K. Smith, Lepore-Hagan, Merrin, Miller, Riedel, Stein, Strahorn, Thompson, Vitale, West, Wiggam, Young

BILL SUMMARY

Consolidated cosmetology definition

- Consolidates the definition of "cosmetology" to mean the art or practice of providing services under the branches of cosmetology.
- Exempts cosmetologists and hair designers using a disposable safety razor to shave clients from the Barber Law.
- Clarifies that barbers remain exempt from the Cosmetology Law if they use disposable safety razors to shave their clients.

Practice of boutique services

- Changes the term "boutique services" to the "practice of boutique services" and includes eye lash extension services and wig application, which currently are considered part of the practice of esthetics and cosmetology and the practice of hair design, respectively.

Braiding and the practice of braiding

- Consolidates the definitions for "braiding" and "practice of braiding" and adds detail on braiding processes to the new definition.

Practice of hair design

- Adds the language removed from the definition of "cosmetology" to the definition for the "practice of hair design."

License elimination and conversion

Advanced licenses eliminated

- Eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists.
- Requires the State Cosmetology and Barber Board to issue practicing licenses within two years of the bill's effective date to any person holding a valid advanced license on that date.
- Makes conforming changes related to the elimination of advanced licenses.

Natural hair stylist license eliminated

- Eliminates the natural hair stylist license.
- Provides that natural hair stylists with a license valid on the bill's effective date are considered to be registered with the Board until their license expires, at which point they must register with the Board.

Independent contractor license converted to independent contractor registry

- Eliminates the independent contractor license and instead requires independent contractors to register with the Board, and comply with rules adopted by the Board establishing registration standards.
- Removes the ability for a person practicing boutique services to register as an independent contractor.
- Requires independent contractors to be registered in order to work in a salon.
- Requires registered independent contractors to carry proof of registration and satisfy continuing education and sanitation requirements.
- Provides that independent contractors with a license valid on the bill's effective date are considered to be licensed with the Board until their license expires, at which point they must register with the Board.

Boutique services registration

- Removes a requirement in current law that a boutique services provider must possess the equivalent of an Ohio public school tenth grade education.
- Removes continuing education requirements for boutique services registrants.



- States that a boutique-services registration is nontransferable.
- Allows a boutique services registrant to practice boutique services as a part of glamour photography in a licensed salon.

State Cosmetology and Barber Board

Revised Board membership

- Converts the Board member required to be licensed as an independent contractor to a member that must be registered as an independent contractor.
- Allows the Board member required to be a licensed esthetician to instead be licensed in either cosmetology or esthetics, so long as the Board member has been practicing esthetics for at least five years.
- Allows the current licensed independent contractor Board member whose seat is affected by these changes to serve the remainder of the term on the Board.

New duties of the Board

- Allows the Board to report violations of the Cosmetology Law to a prosecuting officer at the Board's discretion, rather than obligating the Board to report these violations.
- Requires the Board to process applications to open a new salon within five days of receiving the application.

Fines and fees

- Allows the Board to reduce fines and fees as it considers appropriate.

Annual report submitted by the Board

- Requires the written report the Board must prepare under current law to be submitted by September 1 of each year, to address the previous fiscal year, rather than the previous twelve-month period under current law, and to compile statistics separately for public and private schools of cosmetology.

Board may adopt rules to identify temporary locations as licensed

- Allows the Board to adopt rules to identify a temporary location as a licensed location in which cosmetology services may be performed.



Special event permit

- Requires the Board to adopt rules to create a new special event permit to allow a licensed or registered person to practice cosmetology or a branch of cosmetology in a location that is not a licensed salon or school of cosmetology on a temporary basis.
- Requires the Board to adopt rules establishing the criteria for a permit.
- Allows the Board to inspect permitted special event locations without notice.

Mobile salons

- Requires the Board to adopt rules regarding mobile salons, requiring that the salons be licensed and including criteria for a mobile salon to obtain a license.

Cosmetology apprenticeship program

- Requires the Board to adopt rules to establish a program for apprentice cosmetologists, who are not licensed but are training in cosmetology under a person holding a practice or instructor's license.
- Removes a prohibition in current law on teaching cosmetology at a salon to a person who is not licensed and does not have a special permit from the Board.
- Requires a person applying to be a cosmetology apprentice to be at least 18 years old, of good moral character, to possess the equivalent of an Ohio tenth grade public school education, have a valid Social Security number or taxpayer identification number, pass an apprentice exam established by the Board, complete an application and initial training course, and pay a \$25 application fee.
- Requires cosmetology apprentices to work at least 32 hours per week under a trainer with a valid license and at least five years of experience in cosmetology or a branch of cosmetology.
- Requires a cosmetology apprentice generally to be enrolled in a licensed post-secondary program that is responsible for overseeing the apprentice's education and reporting the apprentice's progress in the program.
- Allows a salon to develop its own apprenticeship program if no school is near the salon, or no school is willing to work with the salon.
- Requires cosmetology apprentices to complete a year-long training program with at least 1,800 hours of on-the-job instruction and 200 hours of related instruction

incorporating the best safety and infection control practices of curricula approved by the Board.

- Requires cosmetology apprentices to be paid at least minimum wage by the salon in which they are an apprentice.
- Limits a sponsor of the cosmetology apprentice program from charging schools a fee of more than \$2,500.
- Limits schools from charging a participant tuition of more than \$2,500, and allows a salon to charge up to \$2,500 as an instruction fee if no school is working with the salon.
- Limits the total out-of-pocket expenses that can be charged to an apprentice to a total of \$5,000.
- Allows cosmetology apprentices to take the cosmetology practicing license exam, and allows the Board to grant the apprentice a practicing license upon passage of the exam.

Revised education requirements

Distance education

- Allows distance education to be used to meet education and continuing education requirements under the Cosmetology Law.
- Requires the Board to adopt rules establishing standards for distance education offered by schools of cosmetology in Ohio or other states, and standards for distance education offered as part of a post-secondary education program by a school of cosmetology.

Reduction in required hours of initial instruction for license

- Reduces the required hours of initial instruction for a cosmetology license from 1,500 to 1,000; for a cosmetology license where the applicant is a licensed barber, from 1,000 to 400; for a hair designer license, from 1,200 to 800; and for a hair designer license where the applicant is a licensed barber, from 1,000 to 200.
- Allows a barber licensed in Ohio who has been actively practicing for at least five years to take and pass a written and practical examination to test out of the 200 hours of training required for an initial hair designer license.
- Allows a student to complete the required hours at a school in Ohio or another state.



Cosmetology curriculum requirements

- Establishes hours of minimum instruction in specific subjects for an individual training to obtain an initial cosmetology license.
- Requires licensed career-technical schools offering cosmetology to include the hours of minimum instruction in their curricula.

Reciprocity and licenses

- Eliminates previous reciprocity requirements and instead allows a person to obtain a reciprocal license from the Board after submitting satisfactory evidence to the Board that the person obtained a license from a state or country.
- Removes a requirement that the state or country that issued the person's license extend similar reciprocity to Ohio licenses.
- Removes a requirement that the state or country that issued the person's license have had similar licensing standards to those of Ohio when the license was issued.

Licensure by endorsement

- Creates a new process through which a person can obtain a cosmetology, branch of cosmetology, or instructor's license from the Board by endorsement.
- Requires a person seeking a license by endorsement to submit an application including a certificate of licensure from the original issuing jurisdiction along with information about the individual's performance and disciplinary records.
- Requires an applicant seeking licensure by endorsement to pay a \$45 fee.

Altered instructor license requirements

- Removes certain requirements for instructor's licenses and instead requires the Board to adopt standards in rules for issuing the licenses.
- Requires an instructor's license applicant to meet the criteria established by the Board for the license and to provide proof of experience determined sufficient by the Board.

Inactive license guidelines and restoration

- Requires the Board to restore a person's inactive license on the date the person submits sufficient proof that they have met the continuing education requirements set by the Board in rule.



- Eliminates the ability of an individual with an inactive license to practice the branch of cosmetology in which the individual is licensed if the person held a temporary work permit issued by the Board.

Cosmetology licensure examination changes

Exam may be taken before completing training

- Creates a process under which a cosmetology student may take the written portion of the licensing exam before the person has completed the training hours required for a license.
- Requires the Board to adopt rules establishing the conditions under which a cosmetology student may take the exam before completing the required training hours.
- Establishes a minimum number of hours for each specific license that a person must complete before the person may take the written portion of the exam without having completed the required training hours.
- Provides that a cosmetology student who passes the written portion of the licensing exam early will not be issued a license until the student has completed the remaining hours of required training.
- Requires the Board to adopt the rules regarding this program within two years of the bill's effective date.

Exam requirements

- Requires the licensing exam to be a national, standardized exam.
- Requires the written portion of the exam to include both theoretical and procedural skill questions as determined by the Board in rule.
- Requires the Board to adopt rules to allow a student to take the practical portion of the exam at the licensed school of cosmetology if the student has completed the required hours.

New sanitation standards

- Requires the Board to adopt safety standards in addition to sanitation standards, to review the standards annually, and to update the standards when necessary to ensure that they reflect industry best practices.



- Removes a requirement in current law that the Board consult with the Department of Health in adopting the standards.

Treatment of porous and nonporous items

- Creates new definitions for cleaning, disinfecting, porous, and nonporous items.
- Requires nonporous items to be cleaned before they may be disinfected, and porous items and instruments to be discarded after initial use.
- Requires salons to be equipped to clean and disinfect nonporous items.
- Requires salons to be cleaned and disinfected at all times except when a cosmetology service is taking place and while the service area is being prepared.

Infection control

- Defines infection control as ensuring that a salon and all its contents is properly cleaned and disinfected at all times, except when a service is being performed on a patron.
- Requires specific continuing education training in infection control in order to renew a license.
- Makes conforming changes related to specific infection control training.

TABLE OF CONTENTS

Definitions	9
Consolidated cosmetology definition	9
Branch of cosmetology	9
Disposable safety razor use by cosmetologists	10
Practice of boutique services.....	10
Braiding and the practice of braiding	10
Practice of hair design.....	11
Register	11
Salon.....	11
School of cosmetology	11
License elimination and conversion.....	12
Advanced licenses eliminated	12
Natural hair stylist license eliminated.....	12
Independent contractor license converted to independent contractor registry	12
Boutique services registration	13
State Cosmetology and Barber Board	13
Revised Board membership	13
New duties of the Board	14
Fines and fees	14



Annual report submitted by the Board	15
Board may adopt rules to identify temporary locations as licensed.....	15
Special event permit.....	15
Mobile salons	15
Cosmetology apprenticeship program.....	16
Revised education requirements.....	17
Distance education.....	17
Reduction in required hours of initial instruction for license	17
Cosmetology curriculum requirements	18
Reciprocity and licenses	19
Licensure by endorsement.....	20
Altered instructor license requirements	20
Inactive license guidelines and restoration	20
Recent photograph no longer required.....	21
Cosmetology licensure examination changes	21
Exam may be taken before completing training.....	21
Exam requirements.....	22
New sanitation standards.....	22
Treatment of porous and nonporous items	23
Infection control.....	23

CONTENT AND OPERATION

Definitions

Consolidated cosmetology definition

The bill refines the definition of cosmetology to mean "the art or practice of providing services under the branches of cosmetology." Under current law, "cosmetology" is defined as the art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails.¹ The language removed from the definition of "cosmetology" is added to the definition of "practice of hair design" (see "**Practice of hair design**," below).

Branch of cosmetology

Current law defines "branch of cosmetology" as "the practice of cosmetology, practice of esthetics, practice of hair design, practice of manicuring, practice of natural hair styling, or practice of boutique services." The bill removes the practice of cosmetology and the practice of natural hair styling from the definition.²

¹ R.C. 4713.01.

² R.C. 4713.01.



Disposable safety razor use by cosmetologists

Additionally, the bill expands the definition of "practice of hair design" to include treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming or shaving with a disposable safety razor. A disposable safety razor is defined in the bill as "a shaving implement that is designed with a protective device that is intended to prevent the razor from cutting too deeply and reduce the risk of accidental cuts. A 'disposable safety razor' can be a razor with the handle and blade joined together, or a razor with a blade attachment that can be detached from a handle. The cutting edge of the razor is to be used once and then thrown away and not used for any other purpose."³ The bill exempts cosmetologists and hair designers using disposable safety razors on their clients from the Barber Law.⁴ Current law does not address disposable safety razor use by cosmetologists or hair designers.

Practice of boutique services

The bill replaces the defined term "boutique services" with the "practice of boutique services." Under current law, "boutique services" means braiding, threading, and shampooing hair, "eye lash extension services" are considered esthetics and "wig styling" is considered part of "cosmetology." The bill changes the term to the "practice of boutique services" and expands the definition to include both eye lash extension services and wig application.⁵

Braiding and the practice of braiding

The bill consolidates the definitions of "braiding" and the "practice of braiding," and adds further detail to the definition. The term "practice of braiding," although defined in current law, is not otherwise used in statute. The consolidated definition of "braiding" means "intertwining the hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting, locking, beading, crocheting, wrapping, or similarly manipulating the hair while adding bulk or length with human hair, synthetic hair, or both, and using simple devices such as clips, combs, crochet hooks, blunt-tipped needles, and hair pins. "Braiding" does not include the use of chemical hair-joining agents such as synthetic tape, keratin bonds, or fusion bonds to weave or fuse individual strands or wefts; application of dyes, reactive

³ R.C. 4713.01.

⁴ R.C. 4709.03.

⁵ R.C. 4713.01.



chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; or embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair."⁶

Practice of hair design

The bill expands the definition for the practice of hair design by incorporating language removed from the definition of "cosmetology" and including new services.⁷ Under current law, the practice of hair design generally means embellishing or beautifying hair through various means such as braiding, curling, coloring, and weaving, and includes utilizing techniques that result in tension on the root of the hair. The bill adds bonding and fusion of individual wefts, cleansing, stimulating, or massaging a person's scalp, face, neck, and hair, embellishment and styling of hair, wigs, face, body, or nails, and treating a person's mustache by coloring, shaping, or shaving with a disposable safety razor to the practice of hair design.

Register

The bill defines "register" or "registration" to mean "a requirement that an individual provide notice to the state of the individual's intent to provide certain services in a branch of cosmetology."⁸ Only individuals registered with the Board as an independent contractor or boutique services provider may use "registered" as a designated title.⁹

Salon

The bill clarifies that a "salon" includes a licensed facility in which an individual engages in the practice, *instruction*, or *learning* of one or more branches of cosmetology.¹⁰ Current law only considers a salon a licensed facility in which an individual practices cosmetology or a branch of cosmetology.

School of cosmetology

The bill clarifies that a school of cosmetology means a building or part of a building, *licensed as a school by the Board*, in which students are instructed in cosmetology

⁶ R.C. 4713.01.

⁷ R.C. 4713.01

⁸ R.C. 4713.01.

⁹ R.C. 4713.14(R) and 4713.69.

¹⁰ R.C. 4713.01.

or a branch of cosmetology.¹¹ Current law does not include a reference to licensure in the definition.

License elimination and conversion

Advanced licenses eliminated

The bill eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists. Under current law, a person who qualifies for a basic cosmetology or branch of cosmetology license may apply for an advanced license in their respective branch of cosmetology if the person has at least 1,800 hours of experience practicing that branch of cosmetology in a licensed salon and has participated in training above and beyond the required training for a basic license.¹² The Board must issue a new instructor's license in cosmetology or a branch of cosmetology within two years to anyone holding a valid advanced (or managing) license on the bill's effective date.¹³ The bill also makes conforming changes throughout the Cosmetology Law to remove references to the advanced licenses.¹⁴

Natural hair stylist license eliminated

The bill eliminates the natural hair stylist license found in current law and makes conforming changes related to the elimination.¹⁵ Any natural hair stylist with a valid natural hair stylist license on the bill's effective date is considered to be registered until the license expires, at which point the person must register with the Board.¹⁶

Independent contractor license converted to independent contractor registry

The bill eliminates the independent contractor license found in current law and instead requires that an independent contractor register with the Board.¹⁷ Under the bill, an "independent contractor" is "an individual who is not an employee of a salon but practices a branch of cosmetology, other than the practice of boutique services, within a

¹¹ R.C. 4713.01.

¹² R.C. 4713.30 (repealed).

¹³ Section 3 of the bill.

¹⁴ R.C. 2925.01(W)(8), 4713.01, 4713.08(A)(4), 4713.081, 4713.09(A), 4713.10, 4713.14, 4713.16(A)(4)(b)(i), 4713.25 (repealed), 4713.31(F), 4713.32, 4713.35, 4713.36, 4713.44, 4713.45(C), 4713.55, 4713.58(A), 4713.59, 4713.60, 4713.61, 4713.62, and 4713.63.

¹⁵ R.C. 2925.01(W)(8), 4713.01, and 4713.35.

¹⁶ Section 6 of the bill.

¹⁷ R.C. 4713.01, 4713.08(A)(9), 4713.14, 4713.39 (repealed and reenacted), and 4713.55.



salon in a licensed facility."¹⁸ An independent contractor must be registered in Ohio in order to work in a salon.¹⁹ The Board is required to adopt rules to establish the registration standards for an independent contractor.²⁰ Registered independent contractors must carry proof of registration that can be produced upon request, and also must satisfy continuing education and sanitation requirements established by the Board.²¹ Any independent contractor with a valid independent contractor's license on the bill's effective date is considered to be registered as an independent contractor until the license expires, at which point the person must register with the Board.²²

Boutique services registration

An individual who engages in the practice of boutique services, which under the bill now includes eye lash extension services and wig styling and application, must obtain a boutique services registration from the State Cosmetology and Barber Board, but is not required to obtain a cosmetology or branch of cosmetology license.²³ Under the bill, a boutique services registration is nontransferable. The bill also removes the current law continuing education requirements for boutique service providers and the requirement for a boutique services provider to have the equivalent of an Ohio public school tenth grade education.²⁴ Additionally, the bill clarifies that a boutique services registrant may practice boutique services as a part of glamour photography services in a licensed salon.²⁵

State Cosmetology and Barber Board

Revised Board membership

The bill alters the membership of the Board. Under current law, the Board is composed of one licensed cosmetologist or cosmetology instructor, two licensed cosmetologists who have actively managed salons for at least five years, one licensed independent contractor practicing a branch of cosmetology, one individual representing

¹⁸ R.C. 4713.01.

¹⁹ R.C. 4713.14(C)(5) and (H).

²⁰ R.C. 4713.39 (repealed and reenacted).

²¹ R.C. 4713.081, 4713.09, 4713.56, 4713.60, and 4713.62.

²² Section 6 of the bill.

²³ R.C. 4713.69.

²⁴ R.C. 4713.09, 4713.62, and 4713.69(A)(3).

²⁵ R.C. 4713.16(A)(4).



cosmetology instructors at vocational and technical schools, one owner or executive actively engaged in daily operations of a licensed cosmetology school, one owner of at least five salons, one nurse or doctor, one member representing the general public, one individual holding a valid tanning permit who has owned or managed a tanning facility for at least the last five years, and one licensed esthetician who has been actively practicing esthetics for at least the past five years.²⁶ Under the bill, the independent contractor member is required to be registered, rather than licensed (conforming with the bill's removal of independent contractor licenses), and the licensed esthetician member may be licensed in cosmetology or esthetics, so long as the member has been practicing esthetics for at least the past five years. The bill allows the licensed independent contractor who is a current member of the Board and who would no longer be eligible to serve on the Board to retain the seat until the current term expires.²⁷

New duties of the Board

The bill changes the obligation of the Board to report violations of the Cosmetology Law. Under current law, the Board is obligated to report violations of which the Board is aware to the proper prosecuting officer; the bill instead allows the Board to report violations at the Board's discretion.²⁸ The bill also requires the Board to process applications to open a new salon within five days from receipt of the application.²⁹

Fines and fees

The bill clarifies that the Board may reduce fines and fees as it considers appropriate, while under current law the Board is empowered to reduce only fees.³⁰ The Board is also empowered to extend the time for fine repayment to up to 180 days, where current law allows for a 90-day fine repayment schedule.³¹ Under the bill, fees established for applications and permits are nonrefundable.³² The bill also clarifies that the \$250 fee in current law that must be paid for the issuance or renewal of a

²⁶ R.C. 4713.02.

²⁷ Section 5 of the bill.

²⁸ R.C. 4713.07(A)(7).

²⁹ R.C. 4713.07(A)(13).

³⁰ R.C. 4713.10(C).

³¹ R.C. 4713.64(E)(3).

³² R.C. 4713.10(A).



cosmetology school license must also be paid in order to process a change in name or ownership of the license.³³

Annual report submitted by the Board

The bill requires the written report the Board is required to prepare under current law to be submitted by September 1 of each year, and to address the previous fiscal year rather than the previous twelve-month period.³⁴ The bill also requires the Board to compile the statistics included in the report separately for public and private schools of cosmetology.

Board may adopt rules to identify temporary locations as licensed

The bill allows the Board to adopt rules identifying temporary locations as licensed facilities in which cosmetology services are authorized to be performed.³⁵ Under current law, a temporary location cannot be licensed in rules as a permitted cosmetology practice location.³⁶

Special event permit

The bill requires the Board to adopt rules to create a new special event permit. The permit can be issued to a person licensed by or registered with the Board to allow the person to practice cosmetology or a branch of cosmetology on a limited and temporary basis in a place that is not a licensed salon or school of cosmetology.³⁷ A licensee or registrant may obtain a special permit after meeting the criteria set in the rules adopted by the Board, and may practice only the branch of cosmetology for which they are licensed or registered. Under the bill, the Board can inspect special event locations without notice.³⁸ Special event permits are not discussed in current law.

Mobile salons

The bill requires the Board to adopt rules to require that a mobile salon obtain a license to operate, and to include in those rules criteria a mobile salon must meet to

³³ R.C. 4713.10(A)(8).

³⁴ R.C. 4713.071(A).

³⁵ R.C. 4713.01.

³⁶ See R.C. 4713.14(P) and 4713.35.

³⁷ R.C. 4713.08(A)(21).

³⁸ R.C. 4713.70.



obtain a license.³⁹ "Mobile salon" is defined in the bill as "either a self-contained facility that can be moved, towed, or transported from one location to another and in which a branch of cosmetology is practiced or a business that provides services in a branch of cosmetology at a special event venue, residential home, or nursing home or residential care facility" ⁴⁰ Current law does not address mobile salons.

Cosmetology apprenticeship program

The bill requires the State Cosmetology and Barber Board to adopt rules to establish an apprenticeship program for apprentice cosmetologists, and removes the prohibition in current law on teaching cosmetology at a salon to a person who is not licensed and does not have a special permit granted by the Board.⁴¹ Apprentice cosmetologists as defined in the bill are cosmetologists who are not licensed by the Board but are training in cosmetology.⁴² Apprentices may train in cosmetology in a licensed salon under a person holding a practicing or instructor's license from the Board. An applicant to the program must be at least 18 years old, of good moral character, have the equivalent of an Ohio tenth grade public school education, have a valid Social Security number or taxpayer identification number, complete an initial hour pre-apprentice training course as established by the Board in rules, complete an application, and pay a \$25 application fee.⁴³

Apprentices admitted to the program are required to work at least 32 hours per week, work under a trainer with a valid license and at least five years of experience in the practice of cosmetology or a branch of cosmetology, and complete a year-long training program with at least 1,800 hours of on-the-job instruction and 200 hours of related instruction that incorporates the best safety and infection control practices developed through curricula approved by the Board. Apprentices must generally be enrolled in a licensed post-secondary school of cosmetology, which is to oversee the apprentice's instruction, to assist in providing and coordinating the 200 hours of related instruction, and must also provide ongoing reporting of an apprentice's progress. If there is no school located near a salon or willing to work with a salon, the salon may develop an apprentice program without a school's assistance. Apprentices must be paid at least minimum wage by the licensed salon in which they are an apprentice for participating in the program and related instruction. Salon sponsors of the apprentice

³⁹ R.C. 4713.08(A)(22).

⁴⁰ R.C. 4713.01.

⁴¹ R.C. 4713.08(A)(23), 4713.14(K), and 4713.71.

⁴² R.C. 4713.01.

⁴³ R.C. 4713.71 (A) and (B).



program may charge schools a fee of no more than \$2,500 to cover the cost of training an apprentice in the salon. A school may charge tuition to an apprentice that is also not to exceed \$2,500. If the salon is providing instruction to the apprentice without the assistance of a school, the salon may charge an instruction fee to the apprentice instead. The total out-of-pocket expense for an apprentice applicant may not exceed \$5,000. Apprentices may take the exam required to obtain a practicing license under the Cosmetology Law after completing the program, and if the apprentice passes the exam the Board may grant the apprentice the cosmetology license.⁴⁴

Revised education requirements

Distance education

The bill allows a person to use distance education to meet certain educational requirements of the Board. "Distance education" is defined in the bill as "courses in which instruction is accomplished through use of correspondence, Internet, or other interactive, electronic media and where the teacher and student are separated by distance, time, or both."⁴⁵ The Board is directed to adopt rules establishing standards for distance education by a cosmetology school in Ohio or another state, and as part of post-secondary education offered by a school of cosmetology.⁴⁶ Schools of cosmetology can offer distance education classes to fulfill the minimum education and training requirements for the school's students.⁴⁷ The Board also must adopt rules to allow a person licensed under the Cosmetology Law to fulfill the continuing education requirements through distance learning. On notices sent to licensees about continuing education requirements, the Board must indicate that the requirements may be fulfilled through classroom instruction or distance education.⁴⁸ Current law does not provide for distance education.

Reduction in required hours of initial instruction for license

The bill reduces the hours of Board-approved training required to obtain an initial practicing cosmetology or hair designer license. The hours for an initial

⁴⁴ R.C. 4713.71(B) through (F).

⁴⁵ R.C. 4713.01.

⁴⁶ R.C. 4713.08(A)(13) and (14).

⁴⁷ R.C. 4713.45(A)(1).

⁴⁸ R.C. 4713.09(B) and 4713.59.



esthetician or manicurist license are not reduced. The hours required for an initial license under current law and the bill are as follows:⁴⁹

Required hours of training		
License type	Current law	H.B. 189
Cosmetology	1,500	1,000
Cosmetology (if the applicant is also a licensed barber in Ohio)	1,000	400
Esthetician	600	600
Hair Designer	1,200	800
Hair Designer (if the applicant is also a licensed barber in Ohio)	1,000	200
Hair Designer (if the applicant is also a licensed barber in Ohio who has been actively practicing for at least five years)	1,000	200, or the barber may take and pass a written and practical exam to obtain licensure instead of additional training
Manicurist	200	200

The bill allows students to complete these hours at a school of cosmetology licensed in Ohio or another state, while current law requires the hours of training to be completed at a school licensed in Ohio.

Cosmetology curriculum requirements

The bill establishes hours of required minimum instruction in specific subjects for an individual training to become a cosmetologist. The cosmetology curriculum must include, at a minimum:

- 24 hours of professional requirements instruction;
- 26 hours of safety, health, and infection control training;
- 15 hours of anatomy and physiology training;
- 10 hours of hair analysis training;

⁴⁹ R.C. 4713.28(A).



- 10 hours of hair and scalp disorders and diseases training;
- 5 hours of chemistry as applied to cosmetology training;
- 30 hours of shampoos, rinses, conditioners, and treatments training;
- 175 hours of hair cutting and shaping training;
- 245 hours of hair styling training;
- 180 hours of chemical restructuring training;
- 180 hours of hair coloring and lightening training;
- 40 hours of nail care and procedures training; and
- 60 hours of training in skin care and procedures.⁵⁰

Licensed career-technical schools offering cosmetology must include the minimum hours of required training for the applicable branch of cosmetology in their curricula.⁵¹ Current law does not include a minimum curriculum for cosmetology students.

Reciprocity and licenses

The bill eliminates several requirements for a person licensed in another state to have that license recognized in Ohio. Under current law, the Board is required to adopt rules to determine when a person could be issued a license without taking the required Ohio licensing exam.⁵² The bill eliminates this rule-making requirement, and instead requires the person to submit satisfactory evidence to the Board that the person is licensed in another state or country.⁵³ Under continuing law, a person seeking a reciprocal license also must be at least 18 years old, of good moral character, and pay an applicable fee. Current law also requires that the jurisdiction that issued the person's license extend similar reciprocity to Ohio licensees and have licensure requirements that are similar to the requirements in Ohio, but the bill removes these provisions.⁵⁴

⁵⁰ R.C. 4713.28(A)(7)(b).

⁵¹ R.C. 4713.28(B).

⁵² R.C. 4713.08(A)(6) and (C).

⁵³ R.C. 4713.34(C).

⁵⁴ R.C. 4713.34.



Licensure by endorsement

The bill creates a new process through which an individual can obtain a cosmetology, branch of cosmetology, or instructor's license from the Board by endorsement.⁵⁵ The individual must file an application that includes an official certificate of licensure from the relevant jurisdiction in which the individual is currently licensed and practicing, along with a license number, original issuance date, expiration date, description of the exam taken, grades, and notes about any disciplinary actions taken or pending against the individual. The applicant must also provide proof of name change if the name on the documents submitted is different from that of the individual submitting them. Additionally, the applicant must pay a \$45 fee.⁵⁶

Altered instructor license requirements

The bill removes certain certification requirements for instructor licenses and instead requires the Board to adopt standards in rule for issuing instructor licenses.⁵⁷ Under current law, an applicant for an instructor license is required to certify that the applicant either has completed a specific number of hours of practice in the applicant's branch of cosmetology with a licensed professional, or has completed a certain number of hours of training at a cosmetology school as an apprentice instructor.⁵⁸ The bill removes these requirements and instead requires an applicant for an instructor's license to provide proof of sufficient relevant experience as determined by the Board and to meet the standards set by the Board in the new rules.⁵⁹ Continuing law also requires an applicant for an instructor's license to be at least 18 years old, of good moral character, to possess the equivalent of a 12th grade education in an Ohio public school, and to pay an application fee.⁶⁰ The bill also makes related conforming changes to the Cosmetology Law.⁶¹

Inactive license guidelines and restoration

Under current law, the Board must restore an inactive license before the latter of either (a) the date the person submits sufficient proof that the person has met the

⁵⁵ R.C. 4713.341.

⁵⁶ R.C. 4713.10(A)(15).

⁵⁷ R.C. 4713.08(A)(8) and 4713.31.

⁵⁸ R.C. 4713.31(F).

⁵⁹ R.C. 4713.31(D).

⁶⁰ R.C. 4713.31(A) through (E).

⁶¹ R.C. 4713.35 and 4713.58.



continuing education requirements established by the Board in rule, or (b) January 31 of the next odd-numbered year after the license was classified as inactive.⁶² The bill simplifies this provision to instead require that the Board restore a person's license on the date that the person submits sufficient proof that the person has met the continuing education requirements set by the Board in rule. The bill also removes a provision in current law that allows an individual with an inactive license to practice the branch of cosmetology in which the individual is licensed if the person holds a temporary work permit issued by the Board.⁶³

Recent photograph no longer required

The bill removes a requirement in current law that an applicant for a practicing license must submit a recent photograph that meets the specifications of the Board along with the individual's application.⁶⁴

Cosmetology licensure examination changes

Exam may be taken before completing training

The bill creates a process through which a cosmetology student may take the written portion of the licensing exam before the person has completed the required hours of cosmetology school. The Board is required to adopt rules establishing the conditions in which a cosmetology student may take the written portion of the exam before completing the hours of training required for a license from the Board.⁶⁵ Students may take the written portion of the exam after completing, at a licensed institution in Ohio or another state, the following hours of instruction:

- For a cosmetology student, 800 hours;
- For an esthetics student, 300 hours;
- For a hair design student, 400 hours;
- For a manicurist student, 100 hours.⁶⁶

⁶² R.C. 4713.61(B).

⁶³ R.C. 4713.61(C).

⁶⁴ R.C. 4713.28(A)(4).

⁶⁵ R.C. 4713.08(A)(20).

⁶⁶ R.C. 4713.24(G).



Students that pass the exam before completing their training requirements will not receive a license from the Board until they have completed the remaining hours of training required for their particular license. The Board is required to issue a license to a student that has passed the exam and completes the required training, unless the student is subject to potential disciplinary action by the Board.⁶⁷ The bill requires the Board to adopt rules establishing the criteria under which a student may take the licensure examination early within two years after the bill's effective date.⁶⁸

Exam requirements

The bill requires the exam to be a national, standardized exam specific to the type of license sought. The bill also specifies that the exam's written portion must include both theoretical and procedural skill questions as the Board determines in rule. Under current law the exam is not required to be a national, standardized exam, and the contents of the written portion of the exam are not specified.⁶⁹ Additionally, the bill requires the Board to adopt rules to allow an individual to take the practical portion of the exam at the individual's school of cosmetology, if the individual has completed all the required hours of instruction at a licensed cosmetology school in Ohio or another state.⁷⁰

New sanitation standards

The bill requires the Board to adopt safety standards in addition to sanitation standards, to review these standards annually, and to update them when necessary to ensure that they meet best practices in the cosmetology industry.⁷¹ Current law does not specifically require safety standards or that sanitation rules be reviewed and updated. The bill also removes a requirement in current law that the Board consult with the Department of Health in adopting sanitary standards.⁷²

⁶⁷ R.C. 4713.08(A)(20).

⁶⁸ Section 4 of the bill.

⁶⁹ R.C. 4713.24(A).

⁷⁰ R.C. 4713.24(G).

⁷¹ R.C. 4713.08(A)(15).

⁷² R.C. 4713.08(D).



Treatment of porous and nonporous items

The bill establishes new definitions for cleaning, disinfecting, porous items, and nonporous items.⁷³ Porous items allow liquids to be absorbed, while nonporous items do not. The bill distinguishes between cleaning a nonporous item, which includes washing the item with soap and water to remove visible debris and preparing the item for disinfection, and disinfection itself, which takes place after cleaning and makes an item safe for use by treating the item with a chemical to kill bacteria, viruses, or fungi. To obtain a license, a salon must be equipped to clean and disinfect all nonporous items.⁷⁴ Porous instruments and supplies must be discarded after use and cannot be reused.⁷⁵ Current law requires that a salon be equipped to sanitize all instruments used at the salon. Under the bill, salons must be clean and disinfected at all times except while a cosmetology service is taking place and while the service area is being prepared.⁷⁶

Infection control

The bill makes changes throughout the Cosmetology Law to require specific training in infection control rather than general sanitation. Infection control is defined in the bill as ensuring that a salon, including all equipment, implements, and other personal property in the salon, is properly cleaned and disinfected at all times, except for the immediate period during which a person licensed under the Cosmetology Law is performing a service or preparing the service area for a patron.⁷⁷ The bill specifies that at least two of the eight hours of continuing education required to renew a practicing license must be in safety and infection control, rather than safety and sanitation as required in current law.⁷⁸ A person renewing a license that has been suspended, revoked, or classified inactive must complete four hours of infection control training instead of the four hours of sanitation training in current law. The bill also makes conforming changes relating to the updated infection control requirements.⁷⁹

⁷³ R.C. 4713.01.

⁷⁴ R.C. 4713.41(B).

⁷⁵ R.C. 4713.08(A)(15).

⁷⁶ R.C. 4713.41(E).

⁷⁷ R.C. 4713.01.

⁷⁸ R.C. 4713.09.

⁷⁹ R.C. 4713.09, 4713.17(B), 4713.63, 4713.64(A)(1), and 4713.69(B).



HISTORY

ACTION

DATE

Introduced

04-24-17

Reported, H. Gov't Accountability & Oversight

03-08-18

H0189-RH-132/ec

