



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **S.B. 129**

132nd General Assembly  
(As Introduced)

**Sens.** Jordan and Tavares, Sykes, Thomas, Yuko

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## **BILL SUMMARY**

### **Expanded cosmetology definition**

- Expands the definition of "cosmetology" to include cleansing, stimulating, or massaging a person's scalp, face, neck, or arms, and treating or arranging a person's beard or mustache, including dyeing, coloring, processing, or trimming the beard or mustache with a disposable safety razor.
- Exempts cosmetologists and estheticians 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.

### **Boutique services**

- Expands the definition of "boutique services" to include eye lash extension services and wig application, which were previously considered part of the practice of esthetics and cosmetology and the practice of hair design, respectively.
- Removes a requirement in current law that a boutique services provider must possess the equivalent of an Ohio public school tenth grade education.

### **Braiding and the practice of braiding**

- Consolidates the definitions for "braiding" and "practice of braiding."

## **License elimination**

### **Advanced licenses eliminated**

- Eliminates advanced level licenses for cosmetologists, estheticians, hair designers, manicurists, and natural hair stylists.
- Requires the State Board of Cosmetology 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 converted to natural hair stylist registry**

- Eliminates the natural hair stylist license and instead requires natural hair stylists to register with the Board, and comply with rules adopted by the Board establishing registration standards.
- Allows registered natural hair stylists to be employed in or manage a licensed salon.
- Requires registered natural hair stylists to carry proof of registration and satisfy continuing education and sanitation requirements.
- Provides that natural hair stylists 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.

### **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.
- 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.

## **State Board of Cosmetology**

### **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 (see **COMMENT**).
- 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.
- Removes the Board member required to be a doctor or nurse, and replaces that Board member with a second member of the public.
- Allows current Board members whose seats are affected by these changes to serve the remainder of their terms 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.
- Allows the Board to reduce fines and fees as it considers appropriate.

### **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 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 or a branch of cosmetology under a person holding a practice or instructor's license.
- Requires a person applying to be a cosmetology apprentice to be at least 16 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 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 industry experience.
- 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 practices of the Milady and Pivot Point curricula.
- Requires cosmetology apprentices to be paid at least minimum wage.
- Limits a sponsor of the cosmetology apprentice program from charging participants a fee of more than \$2,500.
- Requires cosmetology apprentices to take the cosmetology practicing license exam, and requires 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 200; for an esthetician license, from 600 to 300; for a hair designer license, from 1,200 to 600; for a hair designer license where the applicant is a licensed barber, from 1,000 to 400; and for a manicurist license from 200 to 100.
- Allows a student to complete the required hours at a school in Ohio or another state.

### **Curricula at career-technical schools and schools of cosmetology**

- Requires licensed career-technical schools offering cosmetology to include the minimum hours of required training for the applicable branch of cosmetology in their curricula.
- Provides a model curriculum of instruction that a school of cosmetology may provide to meet the requirements for a cosmetology license.

### **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 with similar licensing standards to Ohio.
- Removes a requirement that the state or country that issued the person's license extend similar reciprocity to Ohio licenses.

### **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 have at least five years of experience in the industry.

### **Restoring inactive licenses**

- 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.



## **Increased bond requirement for a school of cosmetology**

- Increases the surety bond required from a school of cosmetology from \$10,000 to \$100,000.

## **Cosmetology licensure examination changes**

### **Exam may be taken before completing training**

- Creates a process under which a cosmetology student may take the written or oral 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 the cosmetology license sought that a person must complete before the person may take the written or oral portion of the exam without having completed the required training hours.
- Provides that a cosmetology student who passes the written or oral 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 must be developed by national testing service**

- Requires the Board to contract with a national testing service to develop and administer the licensing exam.
- Requires the licensing exam to be a national, standardized exam.
- Requires the written or oral portion of the exam to include both theoretical and procedural skill questions as determined by the Board in rule.

## **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 to be discarded after initial use.
- Requires salons to be equipped to clean and disinfect nonporous items before they may be used on a client.
- Requires salons to be clean and disinfected at all times except when a cosmetology service is taking place and while the service area is being prepared.

**Infection control**

- Requires specific continuing education training in infection control in order to renew a license.
- Makes conforming changes related to specific infection control training.

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## CONTENT AND OPERATION

### Expanded cosmetology definition

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.<sup>1</sup> The bill expands the definition of cosmetology to include cleansing, stimulating, or massaging a person's scalp, face, neck, or arms, as well as treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming or shaving with a disposable safety razor.

#### Disposable safety razor use by cosmetologists

Additionally, the bill expands the definition of "cosmetology" to include dyeing or arranging a person's mustache or beard, or shaving the person with a disposable safety razor. A disposable safety razor is defined in the bill as a razor fitted with a guard to prevent the razor from cutting too deeply and to reduce accidental cuts, which is to be used on an individual once and then thrown away.<sup>2</sup> The bill exempts cosmetologists and estheticians using disposable safety razors on their clients from the Barber Law.<sup>3</sup> The bill also clarifies that barbers, who are generally exempt from the Cosmetology Law, remain exempt even if they also use disposable safety razors to shave clients.<sup>4</sup> Current law does not address disposable safety razor use by cosmetologists, estheticians, or barbers.

### 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."<sup>5</sup> The bill expands the list of "boutique

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<sup>1</sup> R.C. 4713.01.

<sup>2</sup> R.C. 4713.01.

<sup>3</sup> R.C. 4709.03.

<sup>4</sup> R.C. 4713.17(A)(3).

<sup>5</sup> R.C. 4713.01.





services" to include both eye lash extension services and wig application. Subsequently, the bill removes "eye lash extension services" from the "practice of esthetics," and removes references to wigs from "cosmetology" and "practice of hair design." An individual who offers boutique services, which under the bill now include eye lash extension services and wig application, must obtain a boutique services registration from the State Board of Cosmetology, but is not required to obtain a cosmetology or branch of cosmetology license.<sup>6</sup> The bill also removes the current law requirement for a boutique services provider to have the equivalent of an Ohio public school tenth grade education.<sup>7</sup>

## **Braiding and the practice of braiding**

The bill consolidates the definitions of "braiding" and the "practice of braiding." 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 or locking the hair while adding bulk or length with human hair, synthetic neckhair, or both, and using simple devices such as clips, combs, and hair pins. "Braiding" does not include the application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive 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."<sup>8</sup>

## **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.<sup>9</sup> The Board must issue a new cosmetology license or branch of cosmetology license

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<sup>6</sup> R.C. 4713.69.

<sup>7</sup> R.C. 4713.69(A)(3).

<sup>8</sup> R.C. 4713.01.

<sup>9</sup> R.C. 4713.30 (repealed).

within two years to anyone holding a valid advanced (or managing) license on the bill's effective date.<sup>10</sup> The bill also makes conforming changes throughout the Cosmetology Law to remove references to the advanced licenses.<sup>11</sup>

### **Natural hair stylist license converted to natural hair stylist registry**

The bill eliminates the natural hair stylist license found in current law and instead requires that a natural hair stylist register with the Board.<sup>12</sup> A natural hair stylist must be registered in Ohio in order to offer natural hair services.<sup>13</sup> The Board is required to adopt rules to establish the standards a person must meet in order to register as a natural hair stylist with the Board.<sup>14</sup> Registered natural hair stylists may be employed in or operate a salon.<sup>15</sup> Registered natural hair stylists must carry proof of registration that can be produced upon request, and also must satisfy continuing education and sanitation requirements established by the Board.<sup>16</sup> Any natural hair stylist with a valid natural hair stylist license on the bill's effective date is considered to be registered as a natural hair stylist until the license expires, at which point the person must register with the Board.<sup>17</sup>

### **Independent contractor license converted to independent contractor registry**

Similarly, the bill eliminates the independent contractor license found in current law and instead requires that an independent contractor register with the Board.<sup>18</sup> Under continuing law, an "independent contractor" is "an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility."<sup>19</sup> An independent contractor must be registered in Ohio in order to work in a

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<sup>10</sup> Section 3 of the bill.

<sup>11</sup> 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.

<sup>12</sup> R.C. 4713.01 and 4713.28(A)(11).

<sup>13</sup> R.C. 4713.14(C)(5) and 4713.35.

<sup>14</sup> R.C. 4713.08(A)(24), 4713.14, and 4713.72.

<sup>15</sup> R.C. 4713.14(D)(5) and 4713.41(A)(1).

<sup>16</sup> R.C. 4713.081, 4713.09, 4713.56, 4713.60, and 4713.62.

<sup>17</sup> Section 6 of the bill.

<sup>18</sup> R.C. 4713.08(A)(9), 4713.14, 4713.39 (repealed and reenacted), and 4713.55.

<sup>19</sup> R.C. 4713.01.



salon.<sup>20</sup> The Board is required to adopt rules to establish the registration standards for an independent contractor.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup>

## **State Board of Cosmetology**

### **Revised Board membership**

The bill alters the membership of the Board in several respects (see **COMMENT**). 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 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.<sup>24</sup> 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. Additionally, the Board member currently required to be a nurse or doctor is replaced in the bill with a second member of the public. The bill also allows the licensed independent contractor and nurse or doctor who are current members of the Board and who would no longer be eligible to serve on the Board to retain their seats until their current terms expire.<sup>25</sup>

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<sup>20</sup> R.C. 4713.14(C)(5).

<sup>21</sup> R.C. 4713.39 (repealed and reenacted).

<sup>22</sup> R.C. 4713.081, 4713.09, 4713.56, 4713.60, and 4713.62.

<sup>23</sup> Section 6 of the bill.

<sup>24</sup> R.C. 4713.02.

<sup>25</sup> Section 5 of the bill.



## **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.<sup>26</sup> The bill also requires the Board to process applications to open a new salon within five days from receipt of the application.<sup>27</sup> Next, the bill clarifies that the Board may reduce *finer* and fees as it considers appropriate, while under current law the Board is empowered only to reduce fees.<sup>28</sup>

## **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.<sup>29</sup> Under current law, a temporary location cannot be licensed in rules as a permitted cosmetology practice location.<sup>30</sup>

## **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 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.<sup>31</sup> A licensee 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. Under the bill, the Board can inspect special event locations without notice.<sup>32</sup> Special event permits are not discussed in current law.

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<sup>26</sup> R.C. 4713.07(A)(7).

<sup>27</sup> R.C. 4713.07(A)(13).

<sup>28</sup> R.C. 4713.10(B).

<sup>29</sup> R.C. 4713.01.

<sup>30</sup> See R.C. 4713.15(Q) and 4713.35.

<sup>31</sup> R.C. 4713.08(A)(21).

<sup>32</sup> R.C. 4713.70.



## 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 obtain a license.<sup>33</sup> "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 as those terms are defined in section 5701.13 of the Revised Code."<sup>34</sup> Current law does not address mobile salons.

## Cosmetology apprenticeship program

The bill requires the State Board of Cosmetology to adopt rules to establish an apprenticeship program for apprentice cosmetologists.<sup>35</sup> Apprentice cosmetologists as defined in the bill are cosmetologists who are not licensed by the Board but are training in cosmetology.<sup>36</sup> Apprentices may train in esthetics, hair design, manicuring, or hair styling 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 16 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, pass an apprentice exam established by the Board in rules, complete an application, and pay a \$25 application fee.<sup>37</sup>

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 industry experience, 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 practices of the "Milady" and "Pivot Point" curricula. Apprentices must be paid at least minimum wage for participating in the program and related instruction. Sponsors of the apprentice program may charge participants a fee of no more than \$2,500. Apprentices must take the exam required to obtain a practicing license under the

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<sup>33</sup> R.C. 4713.08(A)(22).

<sup>34</sup> R.C. 4713.01.

<sup>35</sup> R.C. 4713.08(A)(23) and 4713.71.

<sup>36</sup> R.C. 4713.01.

<sup>37</sup> R.C. 4713.71 (A) and (B).



Cosmetology Law, and if the apprentice passes the exam the Board will grant the apprentice the appropriate participating license.<sup>38</sup>

## 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 interactive, electronic media and where the teacher and student are separated by distance, time, or both."<sup>39</sup> 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.<sup>40</sup> Schools of cosmetology can offer distance education classes to fulfill the minimum education and training requirements for the school's students.<sup>41</sup> 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.<sup>42</sup> 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, esthetician, hair designer, or manicurist license. The hours are reduced as follows:<sup>43</sup>

Required hours of training		
License type	Current law	H.B. 189
Cosmetology	1,500	1,000

<sup>38</sup> R.C. 4713.71(C) through (F).

<sup>39</sup> R.C. 4713.01.

<sup>40</sup> R.C. 4713.08(A)(13) and (14).

<sup>41</sup> R.C. 4713.45(A)(1).

<sup>42</sup> R.C. 4713.09(B) and 4713.59.

<sup>43</sup> R.C. 4713.28(A).

Required hours of training		
License type	Current law	H.B. 189
<b>Cosmetology (if the applicant is also a licensed barber in Ohio)</b>	1,000	200
<b>Esthetician</b>	600	300
<b>Hair Designer</b>	1,200	600
<b>Hair Designer (if the applicant is also a licensed barber in Ohio)</b>	1,000	400
<b>Manicurist</b>	200	100

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.

### **Curricula at career-technical schools and schools of cosmetology**

Licensed career-technical schools offering cosmetology must include the minimum hours of required training for the applicable branch of cosmetology in their curricula.<sup>44</sup> Additionally, the bill provides a model curriculum that a school of cosmetology may use to meet the required hours for a cosmetology license. The curriculum suggests 50 hours of business and development instruction; 70 hours of general sciences instruction; 75 hours of shampoo, rinse, and scalp treatment training; 150 hours of texture services training; 175 hours of hair coloring training; 175 hours of hairstyling and design training; 175 hours of hair cutting instruction; 65 hours of nail care instruction; and 65 hours of skin care instruction.<sup>45</sup>

### **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.<sup>46</sup> The bill eliminates this rule-making requirement, and instead requires the person to submit satisfactory evidence to the Board that the person is

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<sup>44</sup> R.C. 4713.28(B).

<sup>45</sup> R.C. 4713.28(A)(7)(b).

<sup>46</sup> R.C. 4713.08(A)(6) and (C).

licensed in another state or country with licensing standards that were substantially equal to Ohio's standards at the time the license was issued.<sup>47</sup> 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, but the bill removes this requirement.<sup>48</sup>

### **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.<sup>49</sup> 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.<sup>50</sup> The bill removes these requirements and instead requires an applicant for an instructor's license to have at least five years of experience in the beauty industry and meet the standards set by the Board in the new rules.<sup>51</sup> 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.<sup>52</sup> The bill also makes related conforming changes to the Cosmetology Law.<sup>53</sup>

### **Restoring inactive licenses**

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 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.<sup>54</sup> The bill simplifies this provision to instead require that the Board restore a person's license on

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<sup>47</sup> R.C. 4713.34(A)(3).

<sup>48</sup> R.C. 4713.34(C).

<sup>49</sup> R.C. 4713.08(A)(8) and 4713.31.

<sup>50</sup> R.C. 4713.31(F).

<sup>51</sup> R.C. 4713.24(B).

<sup>52</sup> R.C. 4713.31(A) through (E).

<sup>53</sup> R.C. 4713.35 and 4713.58.

<sup>54</sup> R.C. 4713.61(B).



the date that the person submits sufficient proof that the person has met the continuing education requirements set by the Board in rule.

### **Increased bond requirement for a school of cosmetology**

The bill increases the surety bond requirement to obtain a license to operate a school of cosmetology from \$10,000 in current law to \$100,000.<sup>55</sup>

### **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 or oral 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 or oral portion of the exam before completing the hours of training required for a license from the Board.<sup>56</sup> Students may take the written or oral portion of the exam after completing, at an institution in Ohio or another state, the following hours of instruction:

- For a cosmetology student, 800 hours;
- For an esthetics student, 150 hours;
- For a hair design student, 400 hours;
- For a manicurist student, 50 hours.<sup>57</sup>

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.<sup>58</sup> 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.<sup>59</sup>

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<sup>55</sup> R.C. 4713.44.

<sup>56</sup> R.C. 4713.08(A)(20).

<sup>57</sup> R.C. 4713.24(G).

<sup>58</sup> R.C. 4713.08(A)(20).

<sup>59</sup> Section 4 of the bill.



## **Exam must be developed by national testing service**

The bill requires the Board to contract with a national testing service to develop and administer the exam, which must be a national, standardized exam specific to the type of license sought. The bill also specifies that the exam's written or oral portion must include both theoretical and procedural skill questions as the Board determines in rule. Under current law, the Board may contract with a national testing service but is not required to do so, and the exam is not required to be a national, standardized exam.<sup>60</sup>

## **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.<sup>61</sup> 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.<sup>62</sup>

## **Treatment of porous and nonporous items**

The bill establishes new definitions for cleaning, disinfecting, porous items, and nonporous items.<sup>63</sup> 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 before they may be used on a patron.<sup>64</sup> Porous items must be discarded after use and cannot be reused. Current law requires only 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.<sup>65</sup>

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<sup>60</sup> R.C. 4713.24(A).

<sup>61</sup> R.C. 4713.08(A)(15).

<sup>62</sup> R.C. 4713.08(D).

<sup>63</sup> R.C. 4713.01.

<sup>64</sup> R.C. 4713.41(B).

<sup>65</sup> R.C. 4713.41(E).



## Infection control

The bill makes changes throughout the Cosmetology Law to require specific training in infection control rather than general sanitation. 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.<sup>66</sup> 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.<sup>67</sup>

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## COMMENT

After S.B. 129 was introduced, the General Assembly enacted several changes to the Cosmetology Law and the Barber Law as part of Am. Sub. H.B. 49 of the 132nd General Assembly (the main operating budget bill). Those changes are not reflected in S.B. 129, As Introduced, and a substitute version of the bill would need to be drafted in order to show how S.B. 129 would change the law as it will exist on and after January 21, 2018.

Briefly, Am. Sub. H.B. 49 combines the Barber Board and the State Board of Cosmetology to create the State Cosmetology and Barber Board, effective January 21, 2018. The act adds two barbers – an employer barber and an employee barber – to the new Board, abolishes the Barber Board, and transfers the Barber Board's powers, duties, assets, and employees to the new Board. The act also increases several Cosmetology Law fees that the new Board may charge, subject to a limit, and changes other Cosmetology Law fees from a set fee to a fee that may not exceed the current fee. The act requires the new Board to adjust the fees charged every two years, subject to those limits, in order to provide sufficient revenues to meet the Board's expenses.<sup>68</sup>

It appears that the changes S.B. 129 proposes to the Cosmetology Law and the Barber Law would not conflict with the changes in Am. Sub. H.B. 49, but S.B. 129 would need several language and cross-reference changes to become consistent with the new law.

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<sup>66</sup> R.C. 4713.09.

<sup>67</sup> R.C. 4713.09, 4713.17(B), 4713.63, 4713.64(A)(1), and 4713.69(B).

<sup>68</sup> R.C, Chapters 4709. and 4713. and repeal of R.C. 4709.04, 4709.06, 4709.26, and 4709.27.



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## HISTORY

ACTION

DATE

Introduced

04-10-17

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