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H.B. 433
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsor: Rep. Gross

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SUMMARY

- Requires a person who practices boutique services to obtain a boutique salon registration rather than a boutique services registration as under current law.
- Expands the services that a person who meets the requirements to practice boutique services can provide to include those currently performed by a licensed natural hair stylist and other services.
- Eliminates boutique services registrations, boutique salon licenses, natural hair stylist licenses, advanced natural hair stylist licenses, and natural hair style instructor's licenses.
- Permits existing natural hair styling licenses to be used until they expire and permits the State Cosmetology and Barber Board to renew the licenses until December 31, 2022.
- Eliminates training, education, and registration renewal requirements for a person who practices boutique services.
- Permits a boutique salon registrant to practice boutique services in a salon or boutique salon and permits unlicensed residences and facilities to serve as boutique salons.
- Authorizes the Board to inspect a boutique salon only on a complaint or violation of safety or sanitary standards at the boutique salon.

DETAILED ANALYSIS

Introduction

The bill enacts the Provider of Boutique Services Opportunity Act.¹ Under the bill, boutique salon registrations replace boutique services registrations. The bill eliminates all training and education requirements that a person must satisfy to register to perform boutique services. Additionally, the bill permits boutique salon registrants to perform several services that currently require a license to be performed. These services include natural hair styling services, and the bill eliminates all three types of natural hair styling licenses.

The bill also permits boutique salon registrants to practice in any salon regardless of what branch of cosmetology the salon is licensed to provide. Boutique salon registrants can also use unlicensed facilities, such as residences, as boutique salons, and the bill eliminates boutique salon licenses. The bill does, however, permit the State Cosmetology and Barber Board to inspect boutique salons on a complaint or violation of safety or sanitary standards.

Boutique salon registration

The bill eliminates the boutique services registration. Instead, the bill requires any boutique services provider who is not licensed to practice another applicable branch of cosmetology to obtain a boutique salon registration. To receive a boutique salon registration, an applicant must submit a written application to the Board containing the applicant's name, contact information, and the address where the applicant provides services (or the applicant's home address if the applicant provides services in multiple locations). The Board may charge a fee of up to \$25 for a boutique salon registration.²

Under current law, to receive a boutique services registration an applicant must submit a written application with the applicant's contact information, birthdate, out-of-state license information, and a record of the applicant's disciplinary history with occupational licenses. An applicant must also have the equivalent of a tenth grade education and an affidavit or certificate proving that the applicant underwent formal training or an apprenticeship in boutique services.³ Under current law there is no fee for a boutique services registration.

Services that boutique salon registrants can provide

The bill expands the definition of boutique services so that a boutique salon registrant can provide additional cosmetology services, including services that require a license under current law. First, the bill transfers all services that constitute the practice of natural hair styling under current law to the practice of braiding, which is a boutique service. Second, the bill expands activities included in "braiding" to include accessorizing, beading, crocheting, and using

¹ Section 5.

² R.C. 4713.10 and 4713.69.

³ R.C. 4713.69(A), repealed.

topical agents (shampoo, conditioner, gels, moisturizers, oils, mousses, or pomades), which are not specifically regulated currently. Third, the bill adds eye lash extension services, wig creation and styling, and blow-dry styling as boutique services. Each of these practices requires a license for a branch of cosmetology under current law. The bill exempts boutique salon registrants from those licensing requirements if they engage in the practice of boutique services and no other branch of cosmetology (conversely, the bill also exempts those licensees from obtaining a registration if the practice of boutique services falls within the licensee's scope of practice). The table below summarizes these changes.⁴

Changes in licensure requirements under the bill		
Service requiring boutique salon registration under the bill	Is a license required to provide the service under current law?	Training required for license
Eye lash extension services	Yes; esthetician license	600 hours
Wig creation* and styling	Yes; hair designer license or cosmetology license	For a hair designer license, 1,200 hours or 1,000 hours if hold a barber license; for a cosmetology license, 1,500 hours or 1,000 hours if hold a barber license
Weaving or wrapping hair*	Yes; natural hair stylist license or hair designer license	For a natural hair stylist license, 450 hours; for a hair designer license, 1,200 hours or 1,000 hours if hold a barber license
Blow-dry styling and arranging hair (with hair sprays and topical agents)	Yes; hair designer license or cosmetology license	For a hair designer license, 1,200 hours or 1,000 hours if hold a barber license; for a cosmetology license, 1,500 hours or 1,000 hours if hold a barber license
Accessorizing and beading*	No	N/A
Crocheting*	No	N/A
Using topical agents*	No	N/A

*The bill adds these services to the definition of braiding, which is a boutique service under continuing law.

⁴ R.C. 4713.01, 4713.28, and 4713.69(I) and (J). In what appears to be a drafting error, "enhancement" was stricken from the definition of "practice of esthetics."

Additionally, with respect to shampooing, the bill eliminates the requirements that a boutique salon registrant perform shampooing under the supervision of a licensed person and in preparation for a service from that person.⁵

Elimination of natural hair styling licenses

The bill eliminates three licenses: the natural hair stylist license, advanced natural hair stylist license, and natural hair style instructor's license.⁶ Any person who used one of those licenses must acquire a boutique salon registration to continue to practice. After the bill's effective date, existing natural hair styling licenses remain valid until they expire. The Board may renew natural hair styling licenses until December 31, 2022.⁷

Registration renewal and continuing education

Boutique salon registrations do not expire and are not subject to continuing education requirements. A boutique salon registrant must inform the Board if any information in the registrant's registration application changes. Under current law, the Board may condition renewal of a boutique services registration on the completion of up to eight hours of continuing education every two years.⁸

Authorization to practice in salons

Under continuing law, all employees and independent contractors who practice a branch of cosmetology must do so at a licensed salon and must provide only the branch of cosmetology that the salon is licensed to provide. The bill makes an exception for boutique salon registrants, allowing them to provide boutique services at any salon and at unlicensed boutique salons.⁹

Boutique salons

The bill eliminates the requirement that an operator obtain a license for the premises where boutique services are offered. Under current law, boutique salons are licensed facilities that must comply with safety and sanitation requirements established by the Board, including routine inspections. Under the bill, boutique salons are not subject to these requirements.¹⁰ Instead, a boutique salon may be any facility or residence where a person practices boutique services. Board-appointed inspectors may inspect boutique salons only on a complaint or within 90 days after a violation of safety and sanitation requirements listed in the bill was documented

⁵ R.C. 4713.01.

⁶ R.C. 4713.28, 4713.30, and 4713.31, with conforming changes in R.C. 47, 4709.01, 4713.01, 4713.25, 4713.35, and 4713.58.

⁷ Section 4.

⁸ R.C. 4713.60 and 4713.69, with conforming changes in R.C. 4713.07, 4713.09, 4713.57, and 4713.62.

⁹ R.C. 4713.14(Q), 4713.41(C), and 4713.69(E).

¹⁰ R.C. 4713.41, with conforming changes in R.C. 4713.01, 4713.07, and 4713.081.

at a boutique salon. The bill requires a boutique salon to be in clean and sanitary condition with proper ventilation, potable running hot and cold water, and proper drainage. Boutique service providers must also sanitize all instruments and supplies used to provide boutique services.¹¹

HISTORY

Action	Date
Introduced	09-27-21
Reported, H. State & Local Gov't	06-01-22
Passed House (73-19)	11-16-22

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¹¹ R.C. 4713.01, 4713.14, and 4713.69.