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S.B. 235
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Williams

Kelly Bomba, Attorney

SUMMARY

- Eliminates the natural hair stylist license, advanced natural hair stylist license, and natural hair style instructor license.
- Specifies that a natural hair stylist license held by an individual on or after the bill's effective date is valid for the duration of that license term, at which point the individual must register in accordance with the bill.
- Removes the requirements that an applicant for a boutique services registration must possess the equivalent of an Ohio public school tenth grade education, be of good moral character, and submit proof of formal training or an apprenticeship to be able to register.
- Limits the time period for which an applicant for a boutique services registration must disclose whether the applicant has had an occupational license, certification, or registration suspended, revoked, or denied in any state to two years before the application date.
- Removes continuing education requirements for boutique services registrants.
- Prohibits an individual from using the title "registered" if the individual does not have a boutique services registration and assesses a criminal penalty for violations.
- Requires an individual who performs boutique services as part of glamour photography services at a licensed salon to hold a boutique services registration.
- Consolidates the definitions for "braiding" and "practice of braiding" and adds detail on braiding processes to the new definition.

DETAILED ANALYSIS

Natural hair stylist licenses eliminated

The bill eliminates the natural hair stylist license, advanced natural hair stylist license, and natural hair style instructor license found in current law and makes conforming changes related to the elimination.¹ Under current law, an individual must hold a natural hair stylist license, advanced natural hair stylist license, or instructor license to engage in or teach the practice of natural hair styling.² “Practice of natural hair styling” means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.³

A natural hair stylist license held by an individual on or after the bill’s effective date is valid for the duration of that license term. After the license expires, the individual must register with the State Cosmetology and Barber Board in accordance with the bill.⁴

Boutique services registration

Under continuing law, an individual must obtain a boutique services registration from the Board to engage in the practice of boutique services.⁵ The practice of boutique services means braiding, threading, shampooing, and makeup artistry.⁶

Requirements

The bill eliminates the following current law requirements required to receive a boutique services registration:

1. An applicant must have the equivalent of an Ohio public school tenth grade education;
2. An applicant must be of good moral character;
3. An applicant must submit an affidavit or certificate providing proof of formal training or apprenticeship under an individual providing boutique services.

Additionally, the bill limits the time period for which an applicant for a boutique services registration must disclose whether the applicant has had an occupational license, certification, or registration suspended, revoked, or denied in any state to two years before the application date. Current law requires an applicant to disclose whether any of those actions occurred at any time. Additionally, under continuing law, an applicant must be at least 16 years old and submit a written application that contains the applicant’s name and home address, telephone number, cellular telephone number, email address, and birthdate; the location and telephone

¹ R.C. 2925.01(W), 4709.01, 4713.01, 4713.25, 4713.28, 4713.30, 4713.31, 4713.35, and 4713.58.

² R.C. 4713.14.

³ R.C. 4713.01.

⁴ Section 4.

⁵ R.C. 4713.14.

⁶ R.C. 4713.01.

number of where boutique services will be performed; and whether the applicant has an occupational license to provide beauty services in another state, and if so, what type and which state.

Under the bill, a boutique services registration is not transferable.⁷

Continuing education elimination

The bill eliminates the ability of the Board to adopt rules to establish a continuing education requirement as a condition of renewal for a boutique services registration. Current law allows the Board to adopt rules to require up to eight hours of continuing education for renewal of a boutique services registration.⁸

Title protection and criminal penalty

The bill allows an individual to use “registered” as a designated title after receiving a boutique services registration. The bill prohibits an individual from using the title “registered” if the individual does not have a boutique services registration. Whoever violates this prohibition is guilty of a fourth degree misdemeanor on the first offense and a third degree misdemeanor for each subsequent offense.⁹ See **COMMENT** below.

Glamour photography services

Under continuing law, if a branch of cosmetology is practiced as part of glamour photography services at a licensed salon, the part of the services that is a branch of cosmetology must be performed by an individual who holds a license or temporary special occasion work permit authorizing the individual to practice that branch of cosmetology. The bill requires an individual who performs boutique services as part of glamour photography to hold a boutique services registration.¹⁰

Definition of braiding

The bill consolidates the current law 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 bill’s 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, beading, coiling, crocheting, extending, locking, raking, scrunching, shingling, 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, hair pins, rollers, thread, and hair binders. “Braiding” also may include the concurrent use of topical agents such as conditioners, gels, moisturizers, mousse, oils, pomades, shampoos, and water-based sprays. “Braiding” does

⁷ R.C. 4713.69.

⁸ R.C. 4713.09, 4713.62, and 4713.69.

⁹ R.C. 4713.14 and R.C. 4713.99, not in the bill.

¹⁰ R.C. 4713.16.

not include the use of dyes, reactive chemicals, or chemical hair-joining agents to bond, curl, fuse, relax, straighten, weave, or alter the structure or color of hair; or cutting or singeing hair, except to finish the ends of synthetic fibers used to add bulk to or lengthen hair.¹¹

As discussed above, current law includes braiding in the definition of boutique services and the practice of natural hair styling.¹² Accordingly, current law requires an individual to hold either a license to engage in the practice of natural hair styling or a boutique services registration to engage in braiding. Under the bill, an individual must hold a boutique services registration to engage in braiding.

Other definitions

The bill eliminates the definition of the term “cosmetology” for purposes of the Cosmetology Law. 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. The term “cosmetology” is not used in this manner in the statute.

Additionally, the bill appears to correct a circular definition. The bill removes the practice of cosmetology from the definition of “branch of cosmetology.” Under continuing law, “practice of cosmetology” means the practice of all branches of cosmetology.¹³

COMMENT

The bill creates a new criminal offense for an individual who uses the title “registered” without a boutique services registration. S.B. 361 of the 130th General Assembly requires any new criminal offense to specify a culpable mental state, meaning the state of mind with which a person must act in order to be legally responsible for the offense.¹⁴ Under S.B. 361, if a new offense does not specify a culpable mental state, the offense is void and therefore the penalty for the offense cannot be imposed. The bill does not specify a culpable mental state for an individual who uses the title “registered” without a boutique services registration, nor does it indicate an intention to impose strict liability for that offense. Under S.B. 361, a court could determine that the new criminal offense is void.

HISTORY

Action	Date
Introduced	11-06-19

S0235-I-133/ks

¹¹ R.C. 4709.01 and 4713.01.

¹² R.C. 4713.01.

¹³ R.C. 4713.01.

¹⁴ R.C. 2901.20, not in the bill.