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SUMMARY

Cosmetology and Barber licensing laws

School licenses

- Eliminates the barber school license and school of cosmetology license, and instead creates a single school license.
- Establishes the requirements for a school license that are similar to the former requirements for a barber school or school of cosmetology license.
- Allows a school to employ individuals who are not licensed barber instructors to teach subjects related to business and management at the school.
- Allows an applicant meeting the act's requirements to renew an expired barber school or school of cosmetology license as a school license, and extends the licensing term for a barber school license set to expire on August 31, 2026, until January 31, 2027.

Disciplinary actions

- Modifies the list of reasons for which the State Cosmetology and Barber Board may take disciplinary action against a person for a violation of the Barber Law.
- Changes the amount of a fine the Board may impose for a violation of the Barber Law, and requires the Board to certify a fine that remains unpaid for 91 days to the Attorney General for collection.
- Allows the Board to enter into a consent agreement with a license holder in lieu of an adjudication under the Barber Law.
- Makes it permissive, rather than mandatory, for the Board to report to the proper prosecuting officer violations of the Cosmetology Law governing unauthorized practice,

and adds that the Board may report violations of the Barber Law to the proper prosecuting officer.

Barber Law changes

- Modifies the requirements for a barber license by changing the minimum age and adding that an applicant must submit certain documentation with the license application.
- Modifies the minimum passing score for barber examinations, and eliminates waiting periods to reapply to retake parts of an examination and required additional study in certain circumstances.
- Establishes a fee of not more than \$100 for each time an applicant applies to take an examination for which the applicant previously applied to take but failed to appear.
- Requires the Board to issue a temporary pre-examination work permit to practice barbering to an individual who applies for and is eligible to take the examination required for a barber license if the individual meets certain conditions.
- Changes the “barber teacher” and “assistant barber teacher” licenses to “barber instructor” and “assistant barber instructor” licenses, and modifies the requirements for the licenses.
- Establishes a fee of not more than \$150 for issuing or renewing an assistant barber instructor license.
- Modifies the requirements for a barber shop license and specifies that a barber shop license is not transferrable from one owner to another or from one location to another.
- Prohibits an individual from providing massage therapy, cosmetic therapy, or any other professional service in a barber shop without a current, valid license or Board authorization.
- Expands the list of individuals engaged in certain professions who are exempt from regulation under the Barber Law.

Cosmetology Law changes

- Modifies the requirements for a cosmetology practicing license, advanced license, or instructor license.
- Eliminates the temporary work permit allowing an individual holding an inactive practicing, advanced, or cosmetology instructor license to practice or teach a branch of cosmetology.
- Removes requirements relating to education level and disclosing where an applicant is practicing for a boutique services registration.
- Establishes civil penalties for violations of the Cosmetology Law relating to unlicensed practice and fraud and eliminates the criminal penalties for those violations.

Changes to Barber and Cosmetology Laws

- Permits any individual to file a confidential complaint with the Board alleging that an individual, salon, barber shop, school, or tanning facility has violated the Barber Law or Cosmetology Law or rules adopted under either law.
- Eliminates the requirement that an applicant for an independent contractor license hold either a barber shop or salon license and specifies the requirements the applicant must meet to be issued the license.
- Permits, rather than requires, the Board to adopt rules to establish a continuing education requirement for the holder of a barber, barber instructor, or assistant barber instructor license to renew the license.
- Removes, for purposes of renewing a cosmetology license or boutique services registration, the Board's authority to extend the period for a licensee or registrant to complete continuing education requirements and charge a fine for that extension.
- Allows an individual licensed in another country to teach the theory and practice of barbering to apply for a barber instructor or assistant barber instructor license.
- Removes the requirement that, to be issued a license by the Board, an applicant hold a license from a country that extends similar reciprocity to individuals holding a license the Board issues.
- Expands the Board's authority to develop procedures to classify as inactive a barber license, barber instructor license, or assistant barber instructor license.
- Establishes the fees to restore an expired assistant barber instructor license and increases the cap on the restoration fee for an expired barber license.
- Adds that the holder of an expired barber instructor or assistant barber instructor license must pay a restoration fee to have the license restored.
- Requires the holder of an expired barber, barber instructor, assistant barber instructor, or a practicing or advanced cosmetology license to complete continuing education requirements for ordinary license renewal to restore the license.
- Makes the fees charged by the Board under continuing law nonrefundable.
- Establishes that the statutory amount is the ceiling for a fee and makes other changes to the amount of fees charged under the Barber Law.
- Allows a license or registration holder to practice barbering or a branch of cosmetology on a dead human body at a funeral home or embalming facility.

Cosmetology Licensure Compact

- Enters Ohio as a party to the Cosmetology Licensure Compact, the purpose of which is to facilitate the interstate practice and regulation of cosmetology and improve public access to and safety of cosmetology services.

- As a member of the Compact, requires Ohio to allow a cosmetologist licensed in another member state to practice in Ohio, subject to Ohio’s laws and rules governing the practice of cosmetology.
- Requires the Board to appoint a member to the Cosmetology Licensure Compact Commission, a joint public agency created by the Compact to enforce the provisions and rules of the Compact.
- Requires Ohio to submit data regarding cosmetology licensees to the Commission’s data system, including information related to licensure, adverse action, and the presence of investigative information.

For-profit hospitals – police officers

- Extends the Secretary of State’s authority to appoint and commission police officers for specified entities to for-profit hospitals meeting certain conditions.

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DETAILED ANALYSIS

Cosmetology and Barber licensing laws

The act amends a number of provisions in the Barber Law¹ to resemble similar provisions in the Cosmetology Law.² It also eliminates the barber school and school of cosmetology licenses and creates a single school license, and modifies the reasons for which the State Cosmetology and Barber Board may take disciplinary action for a violation of the Barber Law. The act makes numerous other changes to both laws.

School licenses

The act eliminates the barber school license and school of cosmetology license, and instead creates a single school license.³ To be issued a school license, an applicant must meet the general requirements established by the act, as well as more specific requirements based on whether the applicant will be offering instruction in cosmetology or barbering. An applicant must meet the following general requirements to be issued a school license, which were the requirements for a school of cosmetology license under prior law:

- Maintain a course of training for the branch or branches of cosmetology or barbering to be taught at the school that is equal to the requirements under the law for an individual to be granted a license (similar to prior law for barber school licenses);
- Have sufficient equipment to teach all subjects in the curriculum (similar to prior law for barber school licenses);
- Notify the Board of each new student and keep records related to the student’s progress (similar to prior law for barber school licenses);
- Keep a record of attendance if the school offers clock hours (added by the act for schools that teach barbering);
- File a surety bond with the Board in the amount of \$10,000 (similar to prior law for barber school licenses);
- Establish an internal procedure for processing complaints (added by the act for schools that teach barbering).⁴

If an applicant for a school license will offer instruction in one or more branches of cosmetology, the applicant must also meet certain requirements that are similar to the former

¹ R.C. Chapter 4709.

² R.C. Chapter 4713.

³ R.C. 4713.44 and 4713.45, repealed and reenacted, and R.C. 4709.10, repealed and reenacted, with conforming changes throughout the act.

⁴ R.C. 4713.44(A) and R.C. 4709.10(B), repealed.

law requirements for an applicant to be issued a school of cosmetology license. These requirements include that the applicant maintain licensed instructors for the branch or branches of cosmetology offered at the school, instruct a maximum of six apprentice instructors at one time, and certify each apprentice instructor to the Board when the apprentice instructor begins training.⁵

For an applicant for a school that offers instruction in barbering, the act expressly requires that the school pass an initial inspection. It also requires the applicant to meet requirements that are similar to the former law requirements for barber schools regarding amounts and ratios of licensed teaching personnel and minimum standards for student acceptance to the school. The act lowers the age for a barber student applicant from 17 to 16 years old, and as under former law, allows a school to adopt more stringent standards than those prescribed by the Board for barber student applicants.⁶

The act specifies that a school license is not transferable from one owner to another or from one location to another.⁷

Unlicensed instructors

Under continuing law, a school offering cosmetology instruction may employ an individual not licensed under the Cosmetology Law to teach at the school. A licensed instructor must be present when an unlicensed individual is teaching unless an exception applies. The act extends this authority to a school offering instruction in the practice of barbering. However, an individual employed by a school who does not hold a barber instructor license may only teach subjects related to business and management at the school, including laws and rules concerning the practice of barbering, advertising and salesmanship, public relations, and barber shop duties and management.⁸

School license fee

The act establishes that the fee for a school license, or to change the name or ownership of a licensed school, as added by the act, is not more than \$250 (the prior law fee for a school of cosmetology license). Because the Board no longer issues a separate barber school license, the fees for inspecting a new or relocated barber school and the issuance, renewal, or restoration of a barber school license are eliminated. The act also eliminates the fee for a barber student registration.⁹

Conversion of barber school or school of cosmetology license

The act specifies that a valid school of cosmetology license held by a person on or after October 24, 2024 (the act's effective date), is valid for the duration of the license term (the

⁵ R.C. 4713.44(B).

⁶ R.C. 4709.10, reenacted, 4713.08(A)(20) and (21), and 4713.45(A)(4).

⁷ R.C. 4713.44(E).

⁸ R.C. 4713.45(A)(2) and (B).

⁹ R.C. 4713.10(A)(8) and R.C. 4709.12(A)(10) to (13), repealed.

current license term expires on January 31, 2025), and a valid barber school license set to expire on August 31, 2026, is valid until January 31, 2027 (the current license term expires on August 31, 2024). A person who holds a school of cosmetology or barber school license may, on the license's expiration, renew the license as a school license if the person meets the requirements to be issued the school license under the act.¹⁰

Disciplinary actions

The act makes changes to the reasons the Board may take disciplinary action against a person who violates the Barber Law, as well as the types of disciplinary actions the Board may take. The act also makes changes to adjudication procedures, processes for assessing and collecting fines, and reporting violations and injunctions.

Reasons for taking disciplinary action

Under the act, the Board may take disciplinary action against a person for a violation of the Barber Law for any of the following reasons (continuing law allows the Board to take disciplinary action under the Cosmetology Law for these reasons):

- Willful, false, and fraudulent or deceptive advertising (similar to prior law);
- Habitual drunkenness or addiction to any habit-forming drug (similar to prior law);
- Failure to comply with the safety, infection control, and licensing requirements of the law or rules adopted under it (former law allowed the Board to discipline a person who violated a sanitary rule or remained employed in a barber shop where rules were violated);
- Continued practice by an individual knowingly having an infectious or contagious disease (similar to prior law);
- Falsification of any record or application required to be filed with the Board (added by the act);
- Failure to pay a fine or abide by a suspension order issued by the Board, cooperate with an investigation or inspection, or respond to a subpoena (added by the act);
- Conviction of or plea of guilty to a human trafficking violation, or, in the case of a barber shop, any individual's conviction of or plea of guilty to a human trafficking violation for an activity that took place on the barber shop premises (former law allowed the Board to take action against an individual who had been convicted of or pled guilty to a felony).¹¹

The act eliminates the Board's authority to take disciplinary action for employing any person who does not have a current Ohio license to perform the practice of barbering or personally performing the practice of barbering without a current barber license. It instead

¹⁰ R.C. 4713.01(D) and Sections 5 and 6.

¹¹ R.C. 4709.13(A) and 4713.64(A) and R.C. 4709.02(H) and 4709.13(B), repealed, by reference to R.C. 2905.32, not in the act.

subjects a violator to a civil penalty of not less than \$100 and not more than \$500 for a first violation. For each subsequent violation, the penalty is not less than \$500 and not more than \$1,000. The act limits the civil penalties to violations related to unlicensed practice, practice at an unauthorized location, aiding and abetting an individual or entity in violating the Barber Law, and fraud. Formerly, the civil penalties applied to any violation of the Barber Law.¹²

The act eliminates the Board's authority to take disciplinary action for unprofessional conduct, gross incompetence, not indicating that the practice of barbering is exclusively performed by students at a barber school, and operating a barber shop without a sign or barber pole to indicate that it is a barber shop. It also eliminates the Board's authority to adopt rules specifying additional grounds for which the Board may take disciplinary action.¹³

The act prohibits the Board from taking disciplinary action against a barber shop owner for a violation committed by a licensed barber in the barber shop, if the barber's action were beyond the owner's control (similar to continuing law regarding not taking action against a salon or school owner).¹⁴

Types of disciplinary actions

Under the act, similar to its continuing law authority under the Cosmetology Law, the Board may require a license or permit holder who violates the Barber Law to take corrective action courses, in an amount and the content of which is determined by Board rule. Under continuing law, the Board may impose a fine or deny, revoke, suspend, or impose conditions on a license, permit, or registration issued under either law. The Board may also suspend a license, permit, or registration after a hearing or pursuant to a consent agreement (see "**Hearings and consent agreements**," below) if the license or permit holder or registrant fails to correct an unsafe condition in violation of the rules or cooperate in an inspection (added by the act for violations of the Barber Law).¹⁵

Fines

The act allows the Board to impose the following fines for a violation of the Barber Law (these are the fines the Board may impose for a violation of the Cosmetology Law):

- If the violator had not previously been fined for an offense resulting from an inspection, not more than \$250 and not more than \$100 for each additional violation during the inspection;
- If the violator had been fined for the same offense once before, not more than \$500 and not more than \$200 for each additional violation during a second inspection;
- If the violator had been fined for the same offense two or more times, not more than \$1,000 and not more than \$300 for each additional violation during a third inspection.

¹² R.C. 4709.02, 4709.13, repealed and reenacted, and 4709.99.

¹³ R.C. 4709.13(A) and (D), repealed.

¹⁴ R.C. 4709.13(H) and 4713.64(I).

¹⁵ R.C. 4709.13 and 4713.64 and R.C. 4709.14(B), repealed, by reference to R.C. Chapter 119.

Formerly, the Board was allowed to impose a maximum fine of \$500 for a first offense or a maximum fine of \$1,000 for each subsequent offense against a violator under the Barber Law.

If the Board imposes a fine, it must issue an order notifying the violator and specifying the date by which the fine must be paid. Generally, the date is to be less than 45 days after the Board issues the order. However, the Board may extend the time period to pay to 90 days after issuing the order. The amount of a fine that is unpaid 91 days after the Board issued the order must be certified to the Attorney General for collection.¹⁶ The act removes the Board's authority under the Cosmetology Law to charge an additional 10% penalty or interest at a rate specified by the Board in rule on a fine not paid on time.¹⁷

Hearings and consent agreements

Continuing law requires the Board to conduct a hearing in accordance with the Administrative Procedures Act before taking a disciplinary action against a person for a violation of the Barber Law. Former law allowed the person to appeal the Board's decision or waive the hearing by paying the proposed fine. However, under the act, the Board may take action against an individual or barber shop for a human trafficking violation without conducting an adjudication if the Board gives the individual or barber shop notice of the right to a hearing afterwards. The act also gives the Board the authority to enter into a consent agreement with a license holder in lieu of an adjudication under the Barber Law. If the individual or owner of the barber shop fails to request a hearing or enter into a consent agreement 30 days after the Board notifies the individual or owner it intends to take disciplinary action, the Board may proceed without a hearing by a majority vote of a quorum of Board members. The Board also has this authority under the Cosmetology Law.

If an inspector reasonably believes that a violation of the Barber Law, as added by the act, or the Cosmetology Law creates an immediate danger to the health and safety of any individual using a facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a hearing. The Board may uphold the suspension or reinstate the license or permit either (1) when the violation is corrected, (2) after a hearing, or (3) when a consent agreement is entered into.¹⁸

Reporting violations

The act allows, rather than requires, the Board to report violations of the Cosmetology Law governing unauthorized practice to the proper prosecuting officer, and adds that the Board may report violations of the Barber Law to the proper prosecuting officer.¹⁹

¹⁶ R.C. 4709.13(E) and 4713.64(E) and R.C. 4709.14(B), repealed.

¹⁷ R.C. 4713.64(E)(4) and (5), repealed.

¹⁸ R.C. 4709.13 and 4713.64 and R.C. 4709.13(C) and 4709.14(C), repealed, by reference to R.C. Chapter 119.

¹⁹ R.C. 4713.07, with conforming changes in R.C. 4713.06.

Injunctions

The act removes the requirement that the Board apply for an injunction against an individual violating or about to violate the Barber Law in a court of competent jurisdiction in the county where the violation occurred or will occur, meaning the Board may apply for the injunction in any court. It also removes the requirement that the violation or potential violation threaten health and safety to apply for the injunction.²⁰

Barber Law changes

Barber licenses

The act modifies the requirements an applicant must meet to be issued a barber license. It lowers the age that an applicant must be from 18 years old to 16 years old. It also requires an applicant to submit to having a photograph and biometric fingerprint scan taken by the Board. The applicant also must submit a photocopy of the applicant's driver's license or other proof of residence and an oath verifying the information in the application is true. The act maintains the requirement that an applicant have an 8th grade or equivalent education.²¹

Barber examinations

The act eliminates the requirement that an individual must attain at least a 75% score on each part of the barber examination to be eligible for a barber license. Instead, the Board must adopt rules specifying a passing score for the examination, where the minimum passing score cannot exceed 75%. An individual is ineligible for a barber license if the individual fails any part of the examination. Under continuing law, an applicant who does not pass a part of the barber examination may reapply for examination. The act eliminates the requirement that the applicant wait 90 days after the date the scores are released before reapplying to retake that part of the examination. It also eliminates the requirement for an individual who does not pass a part of the barber examination and fails to reapply within 90 days or fails the part a second time to complete an additional 200 hours of Board-approved study to reapply for the examination.²²

Additionally, the act establishes a fee of not more than \$100 for each time an applicant applies to take a portion of the examination for which the applicant previously applied to take but failed to appear. This is different from the fee to retake an examination portion that the applicant failed, which is not more than \$40 (see "**Fees**," below).²³

Barber instructors and assistant barber instructors

The act changes the "barber teacher" and "assistant barber teacher" licenses to "barber instructor" and "assistant barber instructor" licenses.²⁴ It makes barber instructors and assistant

²⁰ R.C. 4709.14(A).

²¹ R.C. 4709.07(A) and (B).

²² R.C. 4709.05(A)(8)(b) and (C) and 4709.07(C).

²³ R.C. 4709.12(A)(2) and (3).

²⁴ R.C. 4709.01(C) and (D), with conforming changes throughout the act.

barber instructors subject to Ohio law regarding revocation or suspension of a license due to a drug offense.²⁵

Continuing law requires an applicant for either license to hold a current barber license. Under the act, an applicant for a barber instructor or assistant barber instructor license must be at least 18 years old. The act also changes the requirement that an applicant for a barber instructor license who has been employed as an assistant barber instructor be under the supervision of a licensed barber, rather than a licensed barber teacher. Alternatively, continuing law allows the applicant to satisfy this requirement by having at least 18 months of work experience in a licensed barber shop. Continuing law also requires an applicant for a barber instructor license to pass an examination and pay a license fee. The act adds a fee of not more than \$150 for the issuance or renewal of an assistant barber instructor license.²⁶

Barber shops

The act modifies the requirements for a barber shop license. An applicant must ensure that the barber shop is in compliance with the Board's infection control standards (see "**Infection control**," below), instead of meeting specific requirements that all instruments and supplies in the barber shop be sanitized and maintained in a sanitary condition and that towels and linens be kept clean and sanitary. The act also expressly requires the applicant to pass an inspection and eliminates references to an inspection fee (a license fee is still charged). Under continuing law, to be issued a barber shop license, an applicant also must ensure that the barber shop is in the charge and under the immediate supervision of a licensed barber and is equipped to provide running hot and cold water and proper drainage.

The act requires the Board to supply a copy of the poster created by the Division of Criminal Justice Services that provides information on the National Human Trafficking Resource Center Hotline to every person authorized to operate a barber shop.

The act removes the requirement for an owner or operator of a barber shop to return the license to the Board if the owner or operator permanently ceases offering barber services at the shop. A license is not transferrable from one owner to another under continuing law or from one location to another, as added by the act.²⁷ Additionally, the act eliminates a prohibition against using any room or place for barbering that is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition.²⁸

Similar provisions to the Cosmetology Law

The act amends the following provisions in the Barber Law to resemble similar provisions in the Cosmetology Law:

²⁵ R.C. 2925.01.

²⁶ R.C. 4709.072 and 4709.12(A)(12) and (13) and R.C. 4709.10, repealed.

²⁷ R.C. 4709.05(A)(6), 4709.09(A) and (D), and 4709.12(A)(8).

²⁸ R.C. 4709.02(L), repealed.

- Requires the Board to issue a temporary pre-examination work permit to an individual who applies for and is eligible to take the examination required for a barber license if the individual satisfies the conditions in the act;²⁹
- Specifies that the Board may count ten hours of instruction per day in determining an applicant's total hours of instruction for a barber, barber instructor, or assistant barber instructor license, and allows the Board to consider certain instruction an applicant received more than five years before the application date (former law prohibited the latter);³⁰
- Prohibits an individual from providing massage therapy or any other professional service at a barber shop without a current, valid license or certificate issued by the State Medical Board or appropriate Ohio regulatory board, or providing cosmetic therapy in a barber shop unless authorized by the Board;³¹
- Expands the list of individuals exempt from regulation under the Barber Law to include dentists, hospital and nursing home volunteers, nurse aides and other hospital or nursing home employees, massage therapists, and inmates who provide barbering services to other inmates, except when those services are provided in a licensed barber shop or school within a state correctional institution;³²
- Requires the holder of a barber, barber instructor, or assistant barber instructor license, or independent contractor license to practice barbering, to maintain the Board-issued license or an electronically generated license certification, as well as state-issued photo identification, that can be produced on inspection or request;³³
- Requires an individual providing massage therapy or another professional service in a barber shop to maintain the individual's professional license or certification or an electronically generated copy of the license or certification and a state-issued photo identification that can be produced on inspection or request.³⁴

Cosmetology Law changes

Cosmetology license applications

The act makes changes to several of the requirements for a cosmetology practicing, advanced, or instructor license. The act allows an applicant for a practicing license to complete

²⁹ R.C. 4709.05(A)(8) and (D), 4709.071, and 4709.12(A)(17), with conforming changes throughout the act, and R.C. 4713.22, not in the act.

³⁰ R.C. 4709.05(A)(8), 4709.07(A)(5), 4709.073, and 4713.08(A)(4), and R.C. 4713.32, not in the act.

³¹ R.C. 4709.02(H), 4709.05(A)(8) and (F), 4709.091, 4713.08(A)(11) and (D), and 4713.14(J).

³² R.C. 4709.03 and 4713.17.

³³ R.C. 4709.07(D), 4709.072(C), 4709.09(C)(2), and 4713.56.

³⁴ R.C. 4709.091(C) and 4713.56.

the Board-approved training required under continuing law in Ohio or another state (formerly, only training in Ohio was allowed).

Continuing law requires an applicant for an advanced or instructor license to complete a specific number of hours of practice in a salon or Board-approved training at a school. For an applicant who completes the hours in a salon, the act eliminates the requirement that a licensed professional or owner of the salon certify to the Board that the applicant has completed the hours. Instead, the act requires the applicant to submit proof, as determined by the Board, that the applicant has completed the required hours of practice (or, as under continuing law, have a school certify the applicant completed the Board-approved training).

Similar to continuing law requirements for applicants for practicing licenses, the act requires an applicant for an advanced or instructor license to pay a license fee of \$75, in addition to the application fee. Lastly, the act requires an applicant for any of the licenses to submit to a photograph taken by the Board.³⁵

The act also removes the requirement that an advanced license issued by the Board specify the type of salon where the license holder is permitted to work and instead requires the Board to specify on the advanced license the branch of cosmetology the license entitles the holder to practice, similar to a practicing license. An advanced license holder must maintain the Board-issued license or an electronically generated license certification, as well as state-issued photo identification, that can be produced on inspection or request.³⁶

Temporary work permits

The act eliminates the temporary work permit that allowed an individual holding an inactive practicing or advanced license to practice a branch of cosmetology or an instructor license to practice or teach that branch of cosmetology (see “**Inactive license restoration,**” below).³⁷

Boutique services registration

The act removes the requirement that an applicant for a boutique services registration have a tenth grade education. It also removes the requirement that an applicant include in the application the address and telephone number where the applicant will perform boutique services.³⁸

³⁵ R.C. 4713.10, 4713.28, 4713.30, and 4713.31.

³⁶ R.C. 4713.55 and 4713.56.

³⁷ R.C. 4713.08(A)(18) and (B)(2), 4713.14, and 4713.61.

³⁸ R.C. 4713.69.

Braiding and the practice of braiding

The act consolidates the definitions of “braiding” and the “practice of braiding,” and adds further detail to the definition. Under prior law, the term “practice of braiding,” although defined, was not used, and the act eliminates the definition.³⁹

Practice of natural hair styling

The act expands the definition of the “practice of natural hair styling” to include cleansing the hair in preparation for other services.⁴⁰

Advanced cosmetology licenses

The act removes the terms “advanced cosmetologist,” “advanced esthetician,” “advanced hair designer,” “advanced manicurist,” and “advanced natural hair stylist,” and instead refers to an “advanced license” to practice cosmetology, esthetics, hair design, manicuring, or natural hair styling.⁴¹

Penalties for violations of the Cosmetology Law

The act eliminates the criminal penalties, and establishes civil fines, for violations of the Cosmetology Law relating to unlicensed practice and fraud. Under the act, whoever violates the prohibitions is subject to a fine of at least \$100 but not more than \$500 for a first offense. For any subsequent violation, the fine is increased to at least \$500 but not more than \$1,000. The amounts are the same as the penalties for violating similar prohibitions in the Barber Law. Formerly, an individual who violated any of the prohibitions was guilty of a fourth degree misdemeanor for a first offense. For each subsequent offense, a violator was guilty of a third degree misdemeanor.⁴²

Inmates providing cosmetology services

Continuing law exempts inmates who provide services related to the practice of a branch of cosmetology to other inmates from regulation under the Cosmetology Law, except when those services are provided in a licensed school within a state correctional institution. The act expands this exception to include all state correctional institutions and not just those for females.⁴³

Changes to Barber and Cosmetology Laws

Complaints

The act modifies the complaint process by expanding who may file a complaint with the Board, against whom the complaint may be filed, and the purposes for which the complaint may be filed. Under the act, any individual may file a complaint alleging that an individual, salon,

³⁹ R.C. 4713.01(F), with conforming changes in R.C. 4709.01.

⁴⁰ R.C. 4713.01(JJ).

⁴¹ R.C. 4713.01, with conforming changes throughout the act.

⁴² R.C. 4709.99 and 4713.99, by reference to R.C. 4713.14.

⁴³ R.C. 4713.17.

barber shop, school, or tanning facility has violated the Barber Law or Cosmetology Law or rules adopted under either law (only a student was allowed to file a complaint against a school of cosmetology under former law). The act eliminates the requirement that the complaint be signed and in writing. If the Board determines it is probable that a violation was committed, the act allows, rather than requires, the Board to proceed against the violator.⁴⁴ If the Board proceeds, continuing law requires the Board to comply with notice and hearing requirements under the Administrative Procedure Act.⁴⁵ The act eliminates certain other notice, hearing, and transcription requirements if the Board determines there is reasonable cause to believe a violation occurred, although the Board may continue to be required to comply with those requirements under the Administrative Procedure Act.⁴⁶

Independent contractor licenses

Under continuing law, an individual must obtain a separate license to practice barbering or a branch of cosmetology as an independent contractor (an individual who is not a barber shop or salon employee but practices barbering or a branch of cosmetology within the barber shop or salon).⁴⁷ The act removes the requirement that a licensed barber who leases space in a barber shop and practices independently obtain a barber shop license, and instead requires a barber to obtain an independent contractor license. The barber must pay the license fee and satisfy conditions established by the Board in rule to be issued the license.⁴⁸ Instead of requiring an applicant for a cosmetology independent contractor license to hold a salon license, the act requires the applicant to hold a license for the branch of cosmetology the applicant practices.⁴⁹

Under the act, an individual cannot practice barbering in a barber shop as an independent contractor without a current, valid license (similar to the prohibition in the Cosmetology Law).⁵⁰ The act adds that a licensed barber independent contractor is subject to Ohio law regarding revocation or suspension of a license due to a drug offense (licensed cosmetology independent contractors are subject under continuing law).⁵¹ Additionally, the act specifies that an independent contractor barber is considered an individual barber shop by the Board for purposes of conducting inspections. Under continuing law, an individual licensed as an independent contractor to practice a branch of cosmetology is considered an individual salon for the Board's records.⁵²

⁴⁴ R.C. 4713.641 and 4713.66(A).

⁴⁵ R.C. 4713.641, by reference to R.C. Chapter 119.

⁴⁶ R.C. 4713.66(B) and (C), repealed.

⁴⁷ R.C. 4709.01(I) and 4713.01(S).

⁴⁸ R.C. 4709.05(A)(8) and 4709.09(C)(1).

⁴⁹ R.C. 4713.39, with conforming changes in R.C. 4713.55.

⁵⁰ R.C. 4709.02(G) and 4713.14(H).

⁵¹ R.C. 2925.01.

⁵² R.C. 4713.07(A)(10).

License renewal and continuing education

The act permits, rather than requires, the Board to adopt rules to establish a continuing education requirement for a holder of a barber, barber instructor, or assistant barber instructor license to renew the license. A continuing education requirement cannot be more than eight hours in a biennial licensing period (the two-year period beginning September 1 of an even-numbered year and ending August 31 of the next even-numbered year), and must include courses in safety and infection control and law and rule changes. The Board may include as a requirement training in identifying and addressing human trafficking. Any continuing education program must be approved by the Board, and excess hours cannot be applied to the following biennial licensing period. If the Board adopts rules establishing a continuing education requirement as a condition of renewal, the act requires the Board to notify holders of barber licenses, barber instructor licenses, and assistant barber instructor licenses of that requirement. The act allows the Board to waive or extend the period to complete a continuing education requirement for a license holder because of an emergency, illness, or active duty in the armed forces, similar to continuing law for license holders under the Cosmetology Law.⁵³

The act requires that an individual seeking to renew a cosmetology practicing, advanced, or instructor license or a boutique services registration to attest to completing continuing education requirements in the renewal application, rather than include proof of completion in the application. The act eliminates requirements that, if the individual fails to provide satisfactory proof, the Board must notify the individual that the application is incomplete and refuse to renew the license or registration. It also eliminates the Board's authority to extend the time for the individual to complete those requirements and charge a fine of up to \$100 for that extension.⁵⁴

License endorsement

Under the act, an individual who holds a license to teach the theory and practice of barbering in another country whose licensure requirements are substantially similar to Ohio may apply to the Board for a barber instructor or assistant barber instructor license. Under continuing law, the individual must be at least 18 years old and pay the required fees to be issued the license.

The act requires an applicant seeking a license to practice barbering to pass an examination unless the applicant satisfies the conditions specified in rules to be issued the license without taking the examination, including that the Board has determined that an examination is unnecessary. It removes the Board's authority to require the applicant to pass an examination or waive any of the license requirements.⁵⁵

⁵³ R.C. 4709.01(G), 4709.05(E), repealed, 4709.051, and 4709.11, with conforming changes in R.C. 4713.62.

⁵⁴ R.C. 4713.60, with conforming changes in R.C. 4713.58 and 4713.59.

⁵⁵ R.C. 4709.05(A)(8) and (E) and 4709.08.

The act also removes the requirement under the Barber Law and Cosmetology Law that the jurisdiction that issued the applicant's license extend similar reciprocity to individuals holding a license the Board issues.⁵⁶

Inactive license restoration

Under continuing law, an individual holding a practicing, advanced, or cosmetology instructor license who is not currently practicing or teaching a branch of cosmetology but wishes to do so in the future may apply to the Board to have the individual's license classified inactive. The act also allows a barber, barber instructor, or assistant barber instructor to classify a license as inactive. Under continuing law and the act, the Board can establish the procedures to classify a license as inactive only if the Board requires a licensee to complete continuing education requirements. The Board must adopt rules to establish the fee to classify a barber, barber instructor, or assistant barber instructor license as inactive and specify the continuing education an individual must complete to restore the license. The individual must submit satisfactory proof to the Board of having completed the continuing education requirement to have the license restored. Similar to continuing law regarding restoring inactive cosmetology licenses, the continuing education requirement to restore an inactive license must be sufficient to ensure minimum competency in the use or administration of a new procedure or product as necessary to ensure public health and safety, and the required number of hours cannot exceed the amount otherwise required to retain an active license.⁵⁷

The act adds a fee of not more than \$225 to restore an expired assistant barber instructor license, and not more than \$60 for each lapsed year, up to a total fee of \$450. It also increases the restoration fee for an expired barber license from \$100 to not more than \$150, but maintains the penalty of not more than \$75 for each lapsed year, up to a total fee of \$690.⁵⁸

Additionally, the act eliminates the Board's ability to restore an inactive practicing, advanced, or cosmetology instructor license until January 31 of the next odd-numbered year after the license was classified inactive, thus allowing the Board to restore it when the Board receives satisfactory proof regarding completion of continuing education requirements set by the Board in rule as under continuing law. Former law allowed restoration only on the later of those two events.⁵⁹

Expired license restoration

The act adds that a holder of an expired barber instructor or assistant barber instructor license may have the license restored. It maintains the ability of a holder of an expired barber license to restore the license, but modifies the requirements for restoration. Under the act, the holder of an expired barber, barber instructor, or assistant barber instructor license must complete any continuing education requirement for license renewal established by the Board in

⁵⁶ R.C. 4709.08 and 4713.34.

⁵⁷ R.C. 4709.05(A)(8) and (G), 4709.111, and 4713.61.

⁵⁸ R.C. 4709.12(A)(6) and (14).

⁵⁹ R.C. 4713.61.

rules. This is in addition to paying the restoration fee described above in **“Inactive license restoration.”** The act removes the requirement that the holder must take the barber examination if the license is not restored within six years.⁶⁰

The act makes similar changes to expired practicing and advanced cosmetology licenses and cosmetology instructor licenses. Under the act, the holder of an expired practicing license, advanced license, or instructor license must complete the continuing education requirements in place for that renewal period and pay a restoration fee established by the Board. Formerly, the holder of an expired practicing or advanced license was only required to complete continuing education if the license had been expired for three or more renewal periods (eight hours for each period that had elapsed since the last issuance or renewal up to a maximum of 24 hours). The act also eliminates the requirement that all fees collected by the Board relating to the restoration of a cosmetology practicing, advanced, or instructor license be deposited into the GRF, which means they are deposited into the Occupational Licensing and Regulatory Fund.⁶¹

Fees

Continuing law requires the Board to charge fees for the issuance, renewal, and restoration of licenses, application to take examinations, and other fees. The act makes these fees nonrefundable. It also removes the Board’s ability to establish an installment plan for paying fines and fees for a license under the Cosmetology Law.

For licenses and permits issued under the Barber Law, the act establishes that the statutory amount is the ceiling for that fee and requires the Board to adjust the fees every two years within the limits in the law to provide sufficient revenue to meet its expenses, similar to the Cosmetology Law. It also permits the Board to extend by up to 90 days the date a barber fee payment is due and certify the fee amount to the Attorney General for collection if the fee is unpaid after that date (the Board has this authority regarding cosmetology fees under continuing law). The act removes the Board’s authority under the Barber Law to ask for a \$2 donation to the Ed Jeffers Barber Museum as part of a renewal application.⁶²

Infection control

The act replaces the terms “sanitary,” “sanitation,” and “sanitize” with “disinfect” and “infection control.” It defines “infection control” as the practice of preventing the spread of infections and disease by ensuring that a barber shop, salon, school, or tanning facility, including all equipment and implements in those places, are maintained by doing all of the following, as applicable:

- Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water;
- Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses;

⁶⁰ R.C. 4709.11 and 4709.112.

⁶¹ R.C. 4713.63 and R.C. 4743.05, not in the act.

⁶² R.C. 4709.12 and 4713.10.

- Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid.⁶³

Former law defined “sanitary” for purposes of the Barber Law as free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.⁶⁴

Similar to prior law regarding sanitary standards, the act requires the Board to adopt rules to establish infection control standards and furnish a copy of the standards to license and registration holders and cosmetic and massage therapists.⁶⁵ The act adds that the infection control standards the Board establishes under the Barber Law must focus on precautions to prevent infectious or contagious diseases being created or spread, which the Board is also required to do under the Cosmetology Law. The act eliminates the requirement that the Board consult with the Department of Health when adopting the standards.⁶⁶

Practice in a funeral home

The act specifies that nothing in the Barber Law or Cosmetology Law prohibits an individual who holds a license or registration issued by the Board under either law from practicing barbering or a branch of cosmetology on a dead human body at a licensed funeral home or embalming facility.⁶⁷

Administration

Board membership

Under the act, the licensed independent contractor member of the Board is no longer required to practice a branch of cosmetology and may be an independent contractor barber. The act also requires that not more than one member have a common financial connection with any tanning facility (as added by the act), school, salon, or barber shop. These changes do not affect the terms of members serving on the Board on October 24, 2024.⁶⁸

Annual report

The act requires the written report the Board must prepare under continuing law to be submitted by November 15 of each year and address the previous fiscal year, rather than the previous 12-month period.⁶⁹

⁶³ R.C. 4709.01(J) and 4713.01(T), with conforming changes throughout the act.

⁶⁴ R.C. 4709.01(B), repealed.

⁶⁵ R.C. 4709.05(A)(5) and (8), 4713.08(A)(15), and 4713.081.

⁶⁶ R.C. 4709.05(B) and 4713.08(E).

⁶⁷ R.C. 4709.031 and 4713.16, by reference to R.C. 4717.06, not in the act.

⁶⁸ R.C. 4713.02 and Section 4.

⁶⁹ R.C. 4713.071.

Cosmetology Licensure Compact

The act enters Ohio into the Cosmetology Licensure Compact. The Compact is an agreement between member states to improve public access to and safety of cosmetology services, and reduce unnecessary burdens related to cosmetology licensure, by permitting eligible cosmetologists to work in multiple states.⁷⁰ It applies to a licensed cosmetologist in Ohio authorized to engage in all branches of cosmetology (which includes the practice of esthetics, hair design, manicuring, natural hair styling, and boutique services), but not an individual licensed to practice only a branch of cosmetology.⁷¹ Nothing in the Compact affects Ohio's requirements for a license to practice as a cosmetologist.⁷²

The Compact goes into effect when it is enacted by the seventh member state; seven other states have enacted legislation entering into the Compact. Each state's enacting statute cannot be materially different from the model Compact.⁷³

State participation in the Compact

To participate in the Cosmetology Licensure Compact, a state must:

1. License and regulate cosmetology;
2. Have a mechanism for receiving and investigating complaints;
3. Require that licensees pass a cosmetology competency examination and satisfy educational or training requirements in cosmetology before being licensed to provide cosmetology services;
4. Implement procedures for considering an applicant's criminal or disciplinary history or background check when making a licensing decision in accordance with the Compact;
5. Participate in the Cosmetology Licensure Compact Commission's data system (see "**Compact Commission**" and "**Data system**" below);
6. Share information regarding adverse actions with the Commission and other member states (see "**Adverse actions**" below);
7. Notify the Commission and other member states of the availability of investigative information about a licensee;
8. Comply with the Commission's rules;
9. Accept licensees from other member states.⁷⁴

⁷⁰ R.C. 4713.33; Article 1 ("Article" references in this analysis are to the Compact enacted in R.C. 4713.33).

⁷¹ Article 2.H and 2.I and R.C. 4713.01.

⁷² Article 3.D.

⁷³ Article 13.A and [Cosmetology Licensure Compact Map](#), which may be accessed by clicking on the "Compact Map" tab on the Cosmetology Licensure Compact website: cosmetologycompact.org.

⁷⁴ Article 3.A.

Home state licensure

Under the Compact, a “home state” is the member state that is a licensee’s primary state of residence where the licensee holds an active and unencumbered license to practice cosmetology. Active military members, or their spouses, must designate a home state where they have a current license in good standing. That home state designation can remain for as long as the member or spouse is on active duty assignment, regardless of the location of that assignment.⁷⁵

Nothing in the Compact is to be construed to limit, restrict, or in any way reduce a member state’s ability to enact and enforce laws and rules relating to the practice of cosmetology that are not inconsistent with the Compact.⁷⁶

Multistate license to practice cosmetology

A multistate license is a license issued by a home state authorizing the practice of cosmetology in member states and that includes authorizations to practice cosmetology in all member states that are not a licensee’s home state (referred to as remote states), subject to the enforcement jurisdiction of the licensing authority in the home state.⁷⁷

To be eligible for a multistate license under the Compact, an applicant must hold an active and unencumbered license in the applicant’s home state. The home state may charge a fee for the license. A cosmetologist practicing in a remote state is subject to the scope of practice laws and jurisdiction of that state. A multistate license may be valid for the same licensing term as the home state’s single-state license. A licensee must pay any applicable renewal fees and comply with the Commission’s rules and the rules and scope of practice laws in any member state where the licensee practices cosmetology to maintain the multistate license.⁷⁸

A licensee can hold a multistate license, issued by their home state, in only one member state at a time. If the licensee changes their home state by moving between two member states, the Compact provides a process for a multistate license to be reissued to that cosmetologist. If a licensee moves to a nonmember state, the licensee must get a regular state license from that state to practice.⁷⁹

If a home state takes adverse action against a licensee’s multistate license, the licensee’s authorization to practice is deactivated in all member states until all encumbrances have been removed.⁸⁰

⁷⁵ Article 2.P and 8.

⁷⁶ Article 6.A.

⁷⁷ Article 2.U and 2.V.

⁷⁸ Article 4.

⁷⁹ Article 5.

⁸⁰ Article 7.E.

If an individual who does not reside in a member state applies for a license in a member state, that individual is to receive a nonmultistate license and cannot use that license to practice in other member states.⁸¹

Temporary special occasion work permits

Continuing law allows an individual licensed to practice cosmetology in another state or country to apply to the State Cosmetology and Barber Board for a temporary special occasion work permit to practice cosmetology in Ohio as part of a promotional or instructional program for a specified period of time. Under the act, an individual practicing in Ohio in accordance with the compact privilege under the Compact does not need to obtain a temporary special occasion work permit.⁸²

Adverse actions

The Compact provides that a home state has the exclusive power to impose adverse action against a licensee's multistate license it issues. "Adverse action" is defined as any administrative, civil, equitable, or criminal action permitted by a member state's laws which is imposed by a licensing authority or other regulatory body against a licensee.⁸³

A home state may take adverse action on a multistate license based on investigative information or adverse action from a remote state. Joint investigations between member states also are permissible. While states that are not the home state that issued the multistate license cannot impose adverse action against the license, a remote state may take adverse action against a licensee's authorization to practice in that specific state. Additionally, a remote state may issue cease and desist orders or limit a licensee's authorization to practice, issue subpoenas for hearings and investigations, and recover from the licensee the costs related to the adverse action against the licensee (if authorized by state law).⁸⁴

The Compact preserves a state's ability to permit participation in an alternative program in lieu of adverse action, but a licensee's multistate license is suspended for the duration of the licensee's participation in the alternative program. "Alternative program" is defined as a nondisciplinary monitoring or prosecutorial diversion program approved by a state licensing authority.⁸⁵

A licensee may be subject to discipline by the state licensing authority of the state where the licensee is providing cosmetology services. If a member state receives and investigates a complaint or imposes adverse action against a licensee, it must submit information regarding

⁸¹ Article 3.C.

⁸² R.C. 4713.37.

⁸³ Article 7.A and 2.B.

⁸⁴ Article 7.

⁸⁵ Article 7.F and 2.D.

that investigation or adverse action to the Commission's data system (see "**Data system**" below).⁸⁶

Compact Commission

States participating in the Cosmetology Licensure Compact must establish a joint government agency known as the Cosmetology Licensure Compact Commission. Each member state must appoint one delegate, who must be an administrator of the state licensing authority or the administrator's designee. The delegate is entitled to one vote regarding all matters that are voted on by the Commission.

As a party to the Compact, the State Cosmetology and Barber Board must select one delegate to the Commission within 60 days of Ohio entering the Compact and fill any subsequent vacancy within 60 days.⁸⁷

Powers and duties

The Commission must enforce the provisions and rules of the Compact.⁸⁸ The Commission has numerous powers and duties, some of which include:

1. Establishing bylaws and a code of conduct for the Commission;
2. Electing a chair, vice chair, secretary, and treasurer, and any other officer provided by the Commission's bylaws;
3. Maintaining financial records, establishing a budget, making expenditures, and borrowing money;
4. Adopting rules to effectively and efficiently implement and administer the Compact, including emergency rules;
5. Hiring employees and performing matters related to personnel;
6. Assessing and collecting fees and purchasing and maintaining insurance and bonds;
7. Accepting donations and gifts and taking actions regarding real and personal property;
8. Prosecuting legal proceedings;
9. Electing an Executive Committee (see "**Executive Committee**" below) and appointing other committees;
10. Determining whether a state's adopted language is materially different from the model Compact language to an extent that it disqualifies that state from participation;

⁸⁶ Article 6.C and 10.C.

⁸⁷ Article 9 and R.C. 4713.331.

⁸⁸ Article 12.D.

11. Performing other functions as necessary and appropriate to achieve the purposes of the Compact.⁸⁹

Data system

The Commission must provide for the development and operation of a coordinated database and reporting system containing licensure, adverse action, and significant investigative information regarding licensed individuals in member states. All member states must submit a uniform data set to the data system regarding licensees that are subject to the Compact. The data set includes: (1) identifying information, (2) licensure data, (3) adverse actions against a licensee, (4) nonconfidential information related to alternative program participation, (5) any denial of an application for licensure and reasons for the denial, (6) the presence of significant investigative information, and (7) other information specified by Commission rules.

Member states may designate information that may not be shared with the public without express permission from that state. Investigative information received by a cosmetology licensing board pertaining to the investigation of a licensee in a member state will be available only to other member states. Member states are required to monitor the database to determine if adverse action has been taken against a licensee. If information submitted to the data system is later expunged under federal or member state law, the information is to be removed from the data system.⁹⁰

Commission finances

The Commission must pay the reasonable expenses of its establishment, organization, and ongoing activities. The Commission may accept monetary and nonmonetary donations and grants. It may impose annual assessments on member states and fees on the multistate license holders of member states to cover the costs of the Commission's operations and activities. The Commission must keep accurate records of receipts and disbursements, which must be reviewed annually.

The Commission is not permitted to incur obligations before securing funds to meet those obligations and it may not pledge the credit of member states without authority.⁹¹

Executive Committee

The Compact creates a Cosmetology Licensure Compact Commission Executive Committee, and provides that the Executive Committee has the power to act on the Commission's behalf. The Executive Committee consists of the following seven members:

- The chair, vice chair, secretary, and treasurer of the Commission;
- Three other voting members from the Commission, elected by the Commission.

⁸⁹ Article 9.C.

⁹⁰ Article 10.

⁹¹ Article 9.G.

The Commission also may elect ex-officio, nonvoting members from recognized national cosmetology professional associations identified in the Commission's bylaws.

Duties and responsibilities of the Executive Committee include:

1. Overseeing the day-to-day activities of the administering the Compact;
2. Recommending changes to rules, bylaws, Compact legislation, and fees charged to member states and licensees;
3. Ensuring Compact administration services are appropriately provided;
4. Preparing and recommending the budget;
5. Maintaining financial records;
6. Monitoring Compact compliance of member states and providing compliance reports;
7. Establishing additional committees as necessary;
8. Exercising the powers and duties of the Commission during the interim period between Commission meetings;
9. Any other duties provided in the bylaws.⁹²

Meetings

The Commission and the Executive Committee must meet at least annually. Meetings may take place by telecommunication, video conference, or other similar electronic means. Generally, meetings must be open to the public. The Compact permits closed, nonpublic meetings of the Commission, the Executive Committee, or other committees in limited circumstances, such as to discuss noncompliance of member states, employment matters, licensee discipline, litigation, contract negotiation, criminal accusations, trade secrets, investigative records, and legal advice.⁹³

Rulemaking

The Commission has the power to adopt rules by majority vote pursuant to the criteria and processes set forth in the Compact. It must hold a public hearing before adopting a rule and allow for public comments, with advanced notice of the proposed rulemaking and other specified information. Commission rules have the force of law in each member state; however, if a rule conflicts with member state scope of practice laws, as held by a court of competent jurisdiction, the Commission rule is ineffective in that state to the extent of the conflict.

The Commission may adopt emergency rules in limited circumstances, such as in the case of an imminent threat to public health or safety or to prevent a loss of funds. If a majority of the state legislatures of member states reject a rule by enacting a statute or resolution within four years of the date the rule was adopted, the rule has no further force or effect.⁹⁴

⁹² Article 9.D.

⁹³ Article 9.

⁹⁴ Article 11.

Qualified immunity, defense, and indemnification

The Compact provides that the members, officers, executive director, employees, and representatives of the Commission are immune from suit and liability for damages caused by or arising out of acts, errors, or omissions occurring within the scope of Commission employment, duties, or responsibilities, so long as the loss is not caused by intentional or willful or wanton misconduct. The Commission must defend individuals entitled to immunity, but individuals also may retain their own counsel.

The Commission must indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of a settlement or judgment obtained against the individual arising out of acts, errors, or omissions occurring within the scope of Commission employment, duties, or responsibilities, except in the case of intentional or willful or wanton misconduct.

The Compact is not to be construed to be a waiver of sovereign immunity by a member state.⁹⁵

Enforcement and dispute resolution

The Compact requires each member state's executive and judicial branches of government to enforce it.

The Commission must attempt to resolve Compact disputes that arise among member states and between member states and nonmember states. The Commission is required to adopt a rule providing for both mediation and binding dispute resolution.

The Commission may sue a member state in the U.S. District Court for the District of Columbia to enforce a member state's compliance, and a member state may sue the Commission in that court to enforce Commission compliance.⁹⁶

Conflict with state law

The Cosmetology Licensure Compact does not prevent or inhibit the enforcement of laws in a member state that do not conflict with it. Any laws, statutes, regulations, or other legal requirements in a member state that are in conflict with the Compact are superseded.⁹⁷

Compact amendment

Member states may amend the Compact by enacting legislation. An amendment is not effective until it has been enacted by all member states.⁹⁸

⁹⁵ Article 9.H.

⁹⁶ Article 12.

⁹⁷ Article 15.

⁹⁸ Article 13.D.

Withdrawal and termination

The Compact permits member states to withdraw by enacting a statute repealing it. A withdrawal is effective 180 days after the repeal.⁹⁹

The Compact provides a process for notifying a member state if the state has defaulted in performing its obligations or responsibilities under the Compact. If the defaulting state fails to cure the default, it may be terminated from the Compact on an affirmative vote of a majority of all member states. Once a state is terminated, that state must recognize the multistate licenses issued under the Compact for at least 180 days after the date of termination. The defaulting state may appeal the action of the Commission to the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal office. The prevailing party is to be awarded costs of litigation, including attorney's fees.¹⁰⁰

Construction and severability

The Cosmetology Licensure Compact provides that it is to be liberally construed, and its provisions are severable.¹⁰¹

For-profit hospitals – police officers

Continuing law authorizes the Secretary of State to appoint and commission police officers for specified entities, including banks, savings and loan associations, credit unions, railroad companies, energy plant operators, and public or nonprofit hospital agencies.¹⁰² The act extends the Secretary's authority to appoint and commission police officers to for-profit hospitals. To be eligible for police officer commissions, a for-profit hospital, before converting to for-profit status, must have been operated by a nonprofit hospital agency that employed police officers appointed by the Secretary of State.¹⁰³ The act also makes conforming changes in the law governing motor vehicle insurance for police officers.¹⁰⁴

⁹⁹ Article 13.B.

¹⁰⁰ Article 12.B.

¹⁰¹ Article 14.

¹⁰² R.C. 4973.17.

¹⁰³ R.C. 4973.17(D).

¹⁰⁴ R.C. 3937.41.

HISTORY

Action	Date
Introduced	04-25-23
Reported, H. Commerce and Labor	06-20-23
Passed House (92-3)	06-27-23
Reported, S. Gov't Oversight	05-08-24
Passed Senate (31-0)	05-22-24
House concurred in Senate amendments (91-0)	06-12-24
