



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Cosmetology and Barber Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

4713-11

Rule Number(s): 4713-11-01 (Rescind), 4713-11-09 (Amend), 4713-11-03, 4713-11-04, 4713-11-05, 4713-11-06, 4713-11-11 (NC)

Date of Submission for CSI Review: 10/3/2023

Public Comment Period End Date: 10/17/2023

Rule Type/Number of Rules:

New/ rules

No Change/ 5 rules (FYR? Y)

Amended/ 1 rules (FYR? Y)

Rescinded/ 1 rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

4713-11-01 (Rescind): This rule addresses the application submitted for a beauty salon license. It is being rescinded as the Board finds the rule necessary as it does not expand on anything not already found on the revised code. Therefore, the removal of this rule should have no impact on business.

4713-11-09 (Amend): This rule addresses exhaust fumes from service areas and is being amended to include all licensed facilities rather than just barber shops and salons. While there may be an initial cost associated with proper ventilation, the requirement is in accordance with local ordinances and code so it should have a minimal impact.

4713-11-03 (NC): This rule addresses water supply and waste disposal at licensed facilities and is not being amended. This is to ensure that safe and sanitary water is being used in all licensed facilities and should have a minimal impact on most businesses, but also ensures that those not offering such cannot provide services to the public.

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4713-11-04 (NC): This rule addresses permits and is not being amended. This should pose no impact as it only states that licensees must abide by any other permitting requirements issued by other agencies at any level of government.

4713-11-05 (NC): This rule addresses restroom requirements and is not being amended. This should not have any significant impact as all it requires that a restroom be available in the facility, or one must be publicly accessible.

4713-11-06 (NC): This rule addresses the storage of chemicals and is not being amended. This should have no significant impact as it only requires that chemicals be properly stored, and by doing so it creates a safe environment for both licensees and their patrons.

4713-11-11 (NC): This rule addresses glamour photography services and is not being amended. This rule should not have any significant impact, and simply states that those performing services for photographers need be properly licensed.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

R.C. §§ 4709.05, 4709.05, 4709.09, 4709.10, 4713.08, 4713.14, 4713.41, 4713.44, 4713.45

**4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
*If yes, please briefly explain the source and substance of the federal requirement.***

No.

5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not Applicable.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

These rules address the licensed facility requirements, and the Board is the sole entity tasked with regulating tanning, barbering, and the branches of cosmetology in Ohio.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be determined by compliance with the requirements established, and through staff and public feedback.

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8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The agency sent an email to all licensed entities and persons. Also, the rules were sent to schools, local associations, and societies representing barbers the branches of Cosmetology regulated by the Board.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No input was received from stakeholders regarding these rules.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

No scientific data was used when accessing these rules.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did not consider alternative regulations as this amendment is administrative in nature.

13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No.

14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Board is the sole entity tasked with the regulation of tanning, barbering, and the branches of cosmetology in Ohio.

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15. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

This rule will be posted on the Board’s website and notification will be sent to all regulated persons and businesses that may be impacted.

Adverse Impact to Business

16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community; and**
- b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**
- c. Quantify the expected adverse impact from the regulation.**
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

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17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board is the sole entity tasked with the regulation of tanning, barbering, and the branches of cosmetology in Ohio. These regulations are administrative and should have a minimal impact on the business community, and to the extent there may be a cost associated with compliance, such a cost is necessary for the reasons stated above.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

This rule is administrative and must apply evenly to all licensees and registration holders to remain effective. Therefore, no alternatives or exemptions exist.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

There is no waiver, however any violation will be subject to the adjudication process of R.C. 119.

20. What resources are available to assist small businesses with compliance of the regulation?

No additional resources are available to assist in compliance with this rule. However, the Board will publish all available information on its website.