

**MEMORANDUM**

TO: Christopher Logsdon, Ohio State Cosmetology and Barber Board

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: November 30, 2018

RE: **CSI Review – Chapter 11 Five-Year Review (OAC 4713-11-01, 4713-11-06, 4713-11-07, 4713-11-09, and 4713-11-11)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of four amended¹ rules and one rescinded rule submitted by the Ohio State Cosmetology and Barber Board (Board) for review. The rule package was submitted to the CSI Office on October 18, 2018 and the public comment period was held open through November 6, 2018. No comments were received during that time.

This rule package contains select rules from Ohio Administrative Code (OAC) Chapter 4713-11 covering the operation of salons, including the application for salon licensure, chemical storage, sign display, exhaust fumes, and glamour photography services. Amendments to the rules add barbering services to several rules, clarify and simplify language, and allow salons to begin operating upon approval of a license rather than waiting to receive the hard copy of the license. OAC 4713-11-07 is being rescinded, as it simply references another rule, making it redundant and unnecessary.

¹ OAC 4713-11-06 is being amended to the extent that the Legislative Service Commission requires the Board to rescind the rule and replace it with a new rule of the same rule number.

The Board reached out via email to all subscribers to its interested parties list, which includes licensees, schools, salons, and professional organizations and posted the rules on its website. The Board received one comment that was not specific to the proposed rulemaking, suggesting that cosmetology and barbering should have separate sections of the Administrative Code. No comments were received during the CSI public comment period.

The proposed rules impact all professionals licensed by the Board. The BIA notes that while the substantive requirements of the rules have not changed and do not impose requirements that go beyond normal costs of doing business, non-compliance with the rules can result in disciplinary action, including fines established in ORC 4713.64 and 4709.14. The BIA justifies the rules as necessary to allow businesses to operate effectively, while protecting the public with minimum safety and sanitary standards. The BIA also defends the changes to OAC Chapter 4713-11 as providing greater clarity to regulated professionals.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio State Cosmetology and Barber Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Emily Kaylor, Lt. Governor's Office