



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Jared Yee, Ohio State Cosmetology and Barber Board

FROM: Joseph Baker, Business Advocate

DATE: February 1, 2022

RE: **CSI Review – 4713-15 (OAC 4713-15-01, 4713-15-03, 4713-15-05, 4713-15-10, 4713-15-13, 4713-15-15, 4713-15-16, 4713-15-17, and 4713-15-18)**

On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

Analysis

This rule package consists of two no-change, one rescinded, and six amended rules proposed by the Ohio State Cosmetology and Barber Board (Board). This rule package was submitted to the CSI Office on January 5, 2022, and the public comment period was held open through January 12, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 5, 2022.

Ohio Administrative Code (OAC) 4713-15-01 requires licensees or registrants regulated by the Board to maintain their facilities in accordance with infection control procedures, including cleaning and disinfecting used equipment and storing dirty equipment separately from clean items. OAC 4713-15-03 specifies cleaning and disinfecting procedures for salons and barber shops and has been amended to specify that a straight razor that has been stropped must be cleaned and disinfected prior to use and to incorporate barbershops into the rule. OAC 4713-15-05 prohibits capes from being placed directly against a patron without a neck band or cloth in use to prevent the cape from coming into direct contact with the patron. The rule also prohibits the use of towels more than once without proper laundering. OAC 4713-15-10 requires licensees to maintain walls, floors, ceilings, and fixtures in safe condition and reasonably free of hair, dirt and debris, specifies that floor coverings must be

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nonabsorbent, and that single-use disposable footwear must be used if a client does not wear his or her own footwear. The rule is amended to incorporate barbering. OAC 4713-15-13 prohibits licensees from performing services on a client who has certain medical conditions without written permission from a physician and specifies that all areas that encounter an individual with such a type of condition must be disinfected. The rule is amended to incorporate barbering.

OAC 4713-15-15 specifies that salons and barber shops must maintain a copy of the manufacturer's owner manual for equipment and comply with the manufacturer's recommendations for cleaning. The rule also specifies cleaning requirements for pedicure units, electrically heated equipment, tools or implements used to clean electrical equipment, and other electrical equipment. The rule is amended to incorporate barbering. OAC 4713-15-16 requires salons and barber shops to comply with local health board requirements and has been amended to include barber shops. OAC 4713-15-17 requires individuals who provide cosmetic therapy, massage therapy, or other professional services in a salon or barber shop to comply with infection control standards of those individuals' licensing agencies. The rule has been amended to incorporate barber shops. Finally, the Board proposes to rescind 4713-15-18 as the contents of that rule have been incorporated into 4713-15-03.

During early stakeholder outreach, the Board sent the proposed rules to all persons and entities licensed by the Board by email, as well as to schools, associations, and societies representing the professions regulated by the Board. No comments were received in response to the request for early stakeholder feedback or during the CSI public comment period.

The business community impacted by the rules includes salons and barber shops in Ohio, as well as certain other businesses that provide related services regulated by the Board (such as hair stylists and boutique service providers). The adverse impact to business involves the administrative costs and expenses associated with complying with the rules' requirements for infection control standards, as well as potential disciplinary action for noncompliance. The Board states that the adverse impact to business is justified to ensure the safety of the general public and to prevent the spread of infection with licensed facilities.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio State Cosmetology and Barber Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.