



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Jared Yee, Ohio State Cosmetology and Barber Board

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 8, 2023

RE: CSI Review – Chapter 4713-11 (OAC 4713-11-01, 4713-11-03, 4713-11-04, 4713-11-05, 4713-11-06, 4713-11-09, and 4713-11-11)

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This rule package consists of one amended rule, five no-change rules, and one rescinded rule proposed by the Ohio State Cosmetology and Barber Board (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on October 3, 2023, and the public comment period was held open through October 17, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 3, 2023.

Ohio Administrative Code (OAC) 4713-11 establishes requirements for operating a salon. OAC 4713-11-01 sets forth the process of applying for a beauty salon license. The rule is proposed for rescission, as the Board states it is duplicative of statutory requirements. OAC 4713-11-03 requires salons to manage the water supply and waste disposal of the facility. OAC 4713-11-04 requires salons to comply with all federal, state, and local permitting requirements. OAC 4713-11-05 states that salons must be equipped with at least one restroom and functioning sanitary equipment, with exemptions for salons in locations with accessible public restrooms (such as shopping malls or office buildings). OAC 4713-11-06 requires salons to store chemicals in a safe location that is inaccessible to the public. OAC 4713-11-09 establishes requirements for facilities to maintain commercial exhaust

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fans or air filtration equipment in the service area. The rule is amended to require exhaust fans in all facilities, instead of only salons and barber shops. OAC 4713-11-11 concerns glamour photography services offered in conjunction with cosmetology or barber services, requiring that glamour photography be provided by a person with a current, valid license.

During early stakeholder outreach, the Board notified all licensed entities and persons, as well as cosmetology and barber schools, local associations, and professional organizations. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes licensees offering cosmetology and barber services. The adverse impacts created by the rules include requirements for facilities to maintain exhaust systems, water supply, and waste management. The rules also require compliance with permitting requirements of other departments. The Board states that the adverse impacts are necessary to protect sanitary conditions and the safety of the public.

Recommendations

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

Conclusion

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