

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Licenses must be conspicuously displayed

Rule Number(s): 4713-13-04 (rescind)

Date: 4/22/2016

Rule Type:

- New
 Amended

- 5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

4713-13-04 of the Ohio Administrative Code reiterates the policy of the state of Ohio found in Section 4713.56 and other by inference, such hiring only licensed persons to perform cosmetology services. The rule states that an individual practice license must be conspicuously displayed and the license must be displayed with a picture that is no more than five years old. Additionally, the rule states that salons owners shall only hire licensed individuals to provide cosmetology services and that all persons providing cosmetology

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

services or branches of cosmetology shall maintain an active license appropriate for the branch of service services are rendered.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 4713.08 (A)(20) and ORC Section 4713.56

3. 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.

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

N/A.

5. 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)?

The rule reiterates the policy of the state of Ohio found in Section 4713.56, such as licenses must be conspicuously displayed. Additional aspects of the rule add requirements not found in the Ohio Revised Code, such as requiring a picture < five years old. Also, the rule iterates the general inference of 4713 of the Revised Code, meaning only licensed individuals may provide cosmetology services and that all persons providing cosmetology services or branches of cosmetology shall maintain an active license appropriate for the branch of service services are rendered.

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

The proposed change would rescind this rule. The Board has determined that the rule is not needed, because it reiterates language found in the Ohio Revised Code or iterates concepts contained in the Ohio Revised Code, such a people providing cosmetology service must be licensed or salons must only hire licensed persons to provide services to provide services that require licensure.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

Development of the Regulation

- 7. 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 the branches of Cosmetology regulated by the Board.

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

The Board did not receive any comments or input into this rule proposal.

- 9. 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?**

Not applicable.

- 10. 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?**

Not applicable.

- 11. 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.

Not applicable.

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

This rule is specific to the practice of cosmetology and branches of cosmetology and it is not duplicated in other rules/regulations.

13. 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 is being rescinded.

Adverse Impact to Business

14. 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;**
- b. Identify the nature of the adverse impact (e.g., license 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.

The Board believes the amendment will create a better regulation by removing unnecessary barriers to providing services to persons that cannot travel to salons. The rule requires a provider to obtain a temporary special event permit, but the agency does not charge a fee for the permit.

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

The agency has not identified any adverse impact associated with this rule proposal to regulated persons that seek to provide services outside a licensed salon.

Regulatory Flexibility

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

The Ohio Revised Code itself provides for the alternative in this instance. The rule was determined to be redundant of language already found in the Revised Code and therefore unnecessary.

17. 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?

Not applicable.

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

Small businesses will be notified of the changes through normal communications and website communiques.