

4713-1-01

Definitions.

- (A) The term "board" means the Ohio state cosmetology and barber board.
- (B) The term "board member" means those members appointed by the governor of the state in accordance with Chapter 4713. of the Revised Code who are vested with both statutory and discretionary authority.
- (C) "Active bleach" means an unexpired, environmental protection agency (EPA)-registered product containing at least 5.25 per cent sodium hypochlorite.
- (D) An "applicant" is an individual who is applying for admission to a school or who is applying to take an examination for a board license or who is applying for a permit from the board.
- (E) "Appropriate disinfectant" is defined as follows:
- (1) For objects that come in contact with intact skin, the appropriate disinfectant would be an EPA-registered, hospital disinfectant or sterilant that is bactericidal, virucidal, and fungicidal and is mixed and used according to the manufacturer's directions, or active bleach, mixed in a solution of one part bleach to nine parts cool or cold water. If using a bleach solution, the contact time shall be at least ten minutes.
 - (2) For objects that come in contact with bodily fluids or blood, an appropriate disinfectant would include a disinfectant or sterilant, as described in paragraph (E)(1) of this rule, that is also registered as effective against mycobacterium tuberculosis, human HIV-1, and hepatitis B virus, or active bleach, mixed in a solution of one part bleach to nine parts cool or cold water. If using a bleach solution, the contact time shall be at least ten minutes.
- (F) "Biometrics" means the identification of humans by certain traits or characteristics.
- (G) A "candidate" is an individual who has applied to take an examination offered by the board.
- (H) "Client" means the recipient of cosmetology or barbering services; or the services of a tanning facility. A client may include a person, group or community. The words "patron," "client," "consumer," and "customer" may be used interchangeably.
- (I) "Chemical treatment" means any product or procedure, including the preparation and/or application of the product that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. Chemical treatments may

include, but are not limited to the following:

- (1) Permanent waving and soft permanent waving;
- (2) Chemical straightening;
- (3) Hair coloring and bleaching (semi-permanent and permanent);
- (4) Applying chemical skin peel products;
- (5) Applying depilatory products; and
- (6) Applying lash and brow tinting products.

- (J) "Common Area" means any lobby or reception areas, restrooms, dispensary or any other area available for general use. This includes shampoo and dryer areas, pedicure, manicure, and other work stations unless individually assigned or an individual is delivering services in that area at the time of the inspection.
- (K) "Corrective action course" means a remedial training used as a tool to improve the service provided by licensees or boutique services registration holders who have violated a board rule or law. A corrective action course is not to be confused with a continuing education course, designed to improve the skills of a licensee or boutique services registration holder.
- (L) "Cosmetology service" means any service provided to a client within the scope of practice of cosmetology or ~~of any a branches~~branch of cosmetology.
- (M) "Device" means, for purposes of this chapter, implements and equipment designed to perform a specific service. The term "instrument" may be interchanged with the term "device."
- (N) An "employee" is an individual who practices cosmetology, a branch of cosmetology, barbering, or who works in a tanning facility in exchange for compensation, and is controlled and directed by an employer.
- (O) An "employer" is a person who controls and directs the services provided by one or more employees. An employer is responsible for withholding tax from the salary or compensation of the employees.

- (P) “Equipment” means tools needed for a particular purpose. Equipment may be a type of machine used to provide a service. Equipment may be mechanical or electrical and, in some instances, may also be considered implements.
- (Q) “Inactive” means a practicing license, advanced practice license, or instructor license so classified for reasons defined in section 4713.61 of the Revised Code.
- (R) An “examiner” means an individual to whom the board has given the authority to administer theoretical and practical examinations for licenses and certifications. An examiner may be an employee [of the board](#) or ~~may be~~ a consultant for the board.
- (S) “Exfoliation” means the sloughing off of non-living (dead) skin cells by very superficial and non-invasive means.
- (T) An “independent contractor” is an individual who is not an employee of a salon or barber shop, but who practices a branch of cosmetology or barbering within the salon or barber shop.
- (U) “Infection control” means to prevent disease and infection by addressing factors related to the spread of infections by cleaning, disinfecting, and sterilization.
- (1) “Disinfecting” means the use of an appropriate disinfectant to kill or irreversibly inactivate most bacteria, fungi, and viruses.
- (2) “Sterilization” means a process that eliminates, removes or kills all forms of microbial life, including transmissible agents such as fungi, bacteria, viruses, spore forms, etc. present on a surface, contained in a fluid or elsewhere, and can be achieved by applying the proper heat or other by using other procedures. Sterilization terminates all possibly dangerous microbial life whereas sanitation and disinfection reduce the numbers of pathogenic organisms to a level a reasonably healthy individual can tolerate. Salon, [barber shops](#), schools, and tanning facilities are not required to sterilize implements or equipment under Ohio law, but salons, [barber shops](#), schools, and tanning facilities may use sterilization as an extra safety/infection control precaution after disinfection.
- (3) “Cleaning” means the use of soap, detergent, or a chemical cleaner, followed by rinsing with clean water, to remove surface or visible dirt or debris.
- (V) “Implement” means a type of instrument, usually specially designed to perform a specific service.

- (W) "Inspector" means an authorized agent of the board who has the authority to enter a salon, barber shop, a school, tanning facility, or any other facility purporting to offer cosmetology, barbering, boutique, or tanning services to make reasonable inspections or investigations. An inspector may inspect or investigate any person who holds a license, boutique services registration, or a permit from the board, provides continuing education training, tanning certification training or who acts as a licensee, boutique services registration holders, or permit holder, but does not hold a license, boutique services registration, or permit from the board.
- (X) "Inspection report" means the written report on forms provided by the board that the inspector shall prepare after inspecting or investigating a licensee, boutique services registration holder, or a person acting as a licensee or boutique services registration holder.
- (Y) "Inspection" means to examine, look into, check over, or view ~~for the purpose of to~~ ascertain a licensee's, permit holder's, or boutique services registration holder's compliance with laws under Chapters 4709. and 4713. of the Revised Code and rules promulgated thereunder.
- (Z) "Instrument" means, for purposes of this chapter, implements and equipment designed to provide a specific service. The term "device" may be interchanged with the term "instrument."
- (AA) "Investigation" means ~~an inspection plus~~ the process of inquiring into, tracking down, searching into or for, examining, observing, or inspecting ~~the licensee, boutique services registration holder, permit holder, or of a person acting as a licensee, boutique services registration holder, or a permit holder~~ an individual or business for possible violations of ~~the law~~ laws ~~or~~ and ~~rule~~ rules governing cosmetology, a branch of cosmetology, barbering, tanning, or boutique services. ~~An investigation is usually started after a person files a complaint with the board.~~
- (BB) "Investigator" means an individual who conducts an investigation or an inspection.
- (CC) "Legal residence" means the residence where a person has a permanent home or principal establishment and to where, whenever a person is absent, that person intends to return; every person is compelled to have one and only one legal residence at a time.
- (DD) "Licensee" means an individual or entity issued a license under Chapters 4709. and/or 4713. of the Revised Code.
- (EE) "Model" means a mannequin head, an artificial hand, or a living individual used ~~for~~

~~the purpose of~~ to demonstrate competency during a practical examination.

(FF) "Non-invasive" means confined to the nonliving cells of the epidermis, specifically the stratum corneum (outer) layer. Living cells must never be altered, cut, or damaged. During services performed by individuals licensed by the board, at no time should the basal layers be compromised.

(GG) "Non-porous" mean a material that does not permit water, air, other fluids, or debris to be absorbed or to pass through. A non-porous item or implement may be cleaned and disinfected for reuse, as set forth in rule 4713-15-03 of the Administrative Code.

(HH) "Operator" means the owner of a salon or barber shop, a non-licensed business manager, or a manager or ~~an~~ individual delegated by the owner to run a salon or barber shop. For purposes of tanning, an operator is an employee of a tanning facility who has ~~successfully~~ completed and passed, with a minimum score of seventy-five per cent, a ~~board-approved~~board-approved training course and who holds a ~~board-approved~~valid, board-approved certificate.

(II) "Owner" means a person who has substantial control and a financial interest over a salon, barber shop, school, or tanning facility.

(JJ) "Person" includes an individual, corporation, business trust, estate, trust, partnership, or association.

(KK) "Porous" means a material that permits fluids, gases, or debris to be absorbed or to pass through. Porous implements may not be cleaned and disinfected for reuse, and shall be discarded after one use, as set forth in rule 4713-15-03 of the Administrative Code.

(LL) "Service animal" means any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or trained to assist a mobility impaired individual.

(MM) "Shaving the face" as used in division (A)(1)(a) of section 4709.01 of the Revised Code, means the removal of hair from the face, area under the chin and jawline, and/or the front of the neck of an individual, using a straight razor.

(NN) "Straight razor" means a razor with a long, unguarded, straight cutting edge.

~~(MM)(OO)~~ "Student" means an individual who is ~~studying in order to obtain sufficient knowledge to be licensed in the practice of cosmetology, a branch of cosmetology,~~

~~or barbering~~ receiving training in a barber or cosmetology school.

~~(NN)~~(PP) "Therapy" means a non-invasive, non-medical, and non-healing service, such as ~~aroma therapy~~ aromatherapy or other relaxation services.

~~(OO)~~(QQ) "Unregulated services" means services that are not regulated under the Ohio Revised Code or Administrative Code or the laws or regulations of any other governmental agency.

~~(PP)~~(RR) "Armed forces" mean:

- (1) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;
- (2) A reserve component of the armed forces in paragraph (OO)(1) of this rule;
- (3) The national guard, including the Ohio national guard or the national guard of any other state;
- (4) The commissioned corps of the United States public health service;
- (5) The merchant marine service during wartime; or
- (6) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

~~(QQ)~~(SS) "Active duty military member" means any person who is serving in the armed forces.

~~(RR)~~(TT) "Veteran" means any person who has completed service in the armed forces; ~~who~~ and has been discharged under honorable conditions or ~~who has been~~ transferred to the reserve with evidence of satisfactory service.