

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-11 COS/BRB Revision

Rule Number(s): 4713-11-03, 4713-11-04, 4713-11-05, 4713-11-08, 4713-11-10, and 4713-11-14

Date: \_\_\_\_\_

**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Rescinded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.

*Please include the key provisions of the regulation as well as any proposed amendments.*

**4713-11-03 Water supply; waste disposal.** This rule addresses water supply and waste disposal requirements for salons. The rule is being amended to add reference to barber shops. Additional amendments are for clarification.

**4713-11-04 Permits.** This rule stipulates that all salons shall comply with state, local, and federal requirements and permits. The rule is being amended to add reference to barber shops and other board-licensed facilities (tanning facilities).

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**4713-11-05 Restrooms.** This rule addresses restroom requirements for licensed facilities. The rule is being amended to add reference to barber shops and to remove outdated and/or unnecessary language.

**4713-11-08 Residential salons.** The rule addresses the requirements of persons that establish salon businesses within a residential structure. The rule addresses the facility requirements, including separation of residential living quarters and separate restroom facilities. The rule establishes the application filing requirements and documentation needed to consider the license. The rule and rule title are being amended to add reference to barber shops.

**4713-11-10 Services that may be provided in a salon.** This rule addresses non-cosmetology services that may be provided in a salon and the requirements for those services. The rule and rule title are being amended to add reference to barber shops including the addition of specific barber shop requirements and independent contractor requirements.

**4713-11-14 Mobile salons.** This rule addresses standards and requirements that must be met to be considered for a salon license in a mobile unit. The rule and rule title are being amended to add reference to barber shops.

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

**4713-11-03 Water supply; waste disposal.** Sections 4709.05(E)(1), 4709.05(E)(6), 4713.08(A)(1), and 4713.08(A)(15) of the Revised Code.

**4713-11-04 Permits.** Sections 4709.05(E)(1), 4709.05(E)(6), 4713.08 (A)(1), and 4713.08 (A)(20) of the Revised Code.

**4713-11-05 Restrooms.** Sections 4709.05(E)(1), 4709.05(E)(6), 4713.08(A)(1), 4713.08(A)(15), and 4713.08(A)(2) of the Revised Code.

**4713-11-08 Residential salons.** Sections 4709.05(E)(1), 4709.05(E)(6), 4713.08(A)(1), 4713.08(A)(15), and 4713.08(A)(20) of the Revised Code.

**4713-11-10 Services that may be provided in a salon.** 4709.05(E)(6), 4713.08(A)(11), and 4713.08(A)(20).

**4713-11-14 Mobile salons.** 4709.05(E)(1), 4709.05(E)(6), 4713.08(A)(1), 4713.08(A)(12), 4713.08 (A)(15), and 4713.08(A)(20).

**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?**

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*If yes, please briefly explain the source and substance of the federal requirement.*

**No, unless a salon or barbershop is required under proposed rule 4713-11-04 to obtain a federal permit to open or operate the business.**

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

**Not applicable.**

- 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)?**

**Chapter 4713-11 of the Administrative Code addresses the standards and requirements for persons opening and operating a salon or barbershop in a safe and sanitary manner. Without stipulated requirements and/or conditions in which the business can operate and effectively and safely provide customer service, the consumer will face inconsistent and potentially dangerous or unsafe conditions.**

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

**The Board reviews compliance with these rules through the inspection process.**

### **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 Board placed these rules on its website, requesting input and comments from all interested parties. Additionally, these notification of these rules be posted, along with a response email addresses, was provided to all entities and person currently on our interested parties list.**

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

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**The Board did not receive any input from stakeholders for the rules in this package.**

- 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?**

**The Board did not employ scientific data to develop these rules. The rules amended in this group are related to the streamlining of regulations between existing Chapter 4709 and Chapter 4713 rules in an effort to reduce unnecessary or redundant rules and combine similar rules or provisions of rules.**

- 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?**

**The rules in this set are being modified to address the inclusion of barber services. Rules created have been previously reviewed and updated to reflect current standards. Alternatives were not deemed necessary as the standards can be universally applied. Additional rules, such as the mobile shop rule, may offer an alternative to the traditional brick and mortar facilities used by a barber shop.**

- 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.***

**No, not in the instance of these proposed rules.**

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

**The rules proposed are authorized under Chapters 4709 and 4713 of the Revised Code and do not duplicate any other existing rules. The rules proposed do not appear in any other part of the Ohio Revised Code or Ohio Administrative Code.**

- 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.**

**These rules will be posted on the Board's website and notification with detail will be sent to all regulated persons and businesses that may be impacted.**

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### **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 intent of proposing these rules is to streamline the regulatory requirements for businesses licensed under Chapters 4709 and 4713 of the Revised Code. In some instances, the existing rules represent duplicate standards or requirements contained in current rules under these chapters. In other instances, the rules represent new requirements for barber shops, but not salons. For example, while water supply and waste disposal may be very similar in both codes, the rule on mobile salons and mobile barber shops are different than the current rules in each relevant chapter. In most cases, these rules will not represent any adverse impact for business, because the standards for salons and barber shop are currently the same or very similar. In the case of the mobile salon and mobile barber shop, the cost is extremely variable and voluntary. Those that choose to consider a mobile salon or barber shop will know the standards and the choice of mobile vehicle, scale of the services, etc. will likely dictate the significance of the adverse impact.**

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

**These rules combine the standards and requirements to operate a cosmetology salon or barber shop into a single Chapter of the Administrative Code. In so doing, the standards are uniform and compliance expectations for all is equivalent. In addition, it should be noted that the addition of barber shops to the mobile salon rule significantly expands opportunities for barbers in operating a mobile business.**

### **Regulatory Flexibility**

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

**No, the rules in this packet do not differentiate among business and the regulations would apply equally. Most of the salons and barber shop licensed by the Board are small businesses. The minimal standards for opening and operating these businesses is necessary to protect the public who use them.**

**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?**

**The Board uses a violation guidance document that is approved by the Board, taking into consideration the criticality and severity of a violation as it may relate to licensing or public safety. This guidance matrix, which is applied equally to all licensees, provides for warning notices for a number of first-time violations, including paperwork violations.**

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

**There are no special resources required to comply with these rules.**