

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-19 COS/BRB Revision

Rule Number(s): 4713-19-09

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Rescinded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.*

**4713-19-09** Maintaining records for sunlamp product services. This rule addresses the record keeping requirement for tanning facilities offering sunlamp services. The rule is being amended to update the Board name and to remove outdated or unnecessary language.

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

Section 4713.08(A)(17) of the Revised Code.

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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 Board must promulgate rules to ensure the health and safety of consumers. This rule ensures that customers are informed of risks regarding sunlamp tanning, and that the Board will be able to monitor tanning records to protect consumers.

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

Compliance with provisions that can be monitored are accomplished through inspection.

### **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 on this rule.**

- 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 the proposed amendments to the rule. The rule is simply being updated and streamlined.**

- 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?**

**This rule addresses specific requirements concerning the use of tanning services. The Board was simply updating the rule to reflect the Board's name change, and to streamline the rule language.**

- 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.***

**The regulation is performance-based. It specifies the type and, in some places, the form of the records to be kept, but does not mandate a specific method of record storage or recordkeeping. In addition, one of the proposed amendments removes a specific process requirement.**

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

**These rules are required by law and do not duplicate existing law. The Board is the only agency authorized to regulate the tanning services industry in the state of Ohio.**

- 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 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.*

**This rule amendment does not implement a new standard or requirement that is not already in place. There are costs associated with compliance, but this proposed rule amendment actually reduces the cost of compliance by removing a requirement.**

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

**The proposed version of the rule reduces the cost of compliance from the current version of the rule. The costs of compliance with the rule are necessary to protect the public.**

### **Regulatory Flexibility**

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

**This rule does not differentiate among businesses and the regulations would apply equally.**

**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**

**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.**

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

**There are no special resources required to comply with this rule as this is an existing rule.**