

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Chapter-1 11-2015

Rule Number(s): 4713-1-01

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Rescinded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.

This rule contains definitions of terms used in rules adopted under ORC 4713.08.

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

ORC 4713.08.

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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)?**

This rule defines terms and words used in rules adopted under ORC 4714.08. The ability of the agency to define words and terms used throughout the rules promulgated by the Board will permit users to understand and interpret the rule. Whenever the Board writes a rule and uses a word or term that requires additional clarification to improve interpretation, agency expectation of compliance, or process/procedures used by the agency, a definition will be and must be written.

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

Success is usually determined by stakeholders that provided input into the rule and after final filing by persons affected by the rule. If the Board determines a word or term is not clearly defined, the agency must consider amending the rule.

### **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.

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

The Board received one comment concerning paragraph (R) of proposed rule 4713-1-01. The agency did not adopt the recommendation of the stakeholder, because the recommendation asked the Board to define the term “inactive” rather than reference the law. In this case, the agency determined the law narrowly applied the term “inactive” and best defined the purposes for which is used.

**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 rule defines specific terms and words used in OAC 4713. In the amendments being proposed, the Board is required to adopt rules on licenses issued to active duty military, veterans, and spouses of active duty military or veterans. No measurable outcomes were used or expected in the drafting of this rule.

**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 nature of the rule does not lend itself to alternative approaches and none was considered in this case.

**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 rule defines specific terms and words used in OAC 4713. No performance-based regulations are required in this regard.

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

The Ohio State Board of Cosmetology reviewed existing rules and finds no duplication exists in the definitions being added to this rule; however, this rule is required under the revised code 4713.08.

**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 placed on the agency’s website and sent to a list-serve for distribution to all licensees in advance of the effective date. Forms will also be updated to reflect any changes addressed in this regulation.

**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 amendments being proposed in this rule do not have any adverse impact on the regulated community, which includes cosmetology salons and tanning facilities. The amendments sought are definitions of terms or words used in rules promulgated pursuant to the agency’s authority under ORC 4713.08. There is no quantifiable adverse impact associated.

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

The amendments sought are not related to any identifiable adverse impact to the regulated community.

**Regulatory Flexibility**

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

No, not in this rule. This rule addresses definitions only.

**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?**

This rule does not address violation or fines.

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

This rule contains no specific regulatory compliance, because it is a definition rule only.