

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Chapter 4713-15

Rule Number(s): 4713-15-01 (Amended), 4713-15-05 (Amended), 4713-15-12 (Rescinded),  
4713-15-13 (Amended), 4713-15-15 (Amended)

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

**Rule Type:**

New

5-Year Review

Amended

Rescinded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.*

**4713-15-01 (Amended)** provides general guidelines about maintaining facilities and equipment in a sanitary condition. The only amendment to this rule is the addition of “or a

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

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

boutique services registration holder performs a boutique service”. This language was added to comply with the provisions of Am. Sub. S.B. 213.

**4713-15-05 (Amended)** requires that licensees must take measures to ensure that patron’s necks do not come into contact with unsanitary items while receiving cosmetology services. The only amendment to this rule is the addition of “or boutique services registration holder”, which was added to comply with the provisions of Am. Sub. S.B. 213.

**4713-15-12 (Rescinded)** is being rescinded since its title was misleading and its provisions fit more appropriately in other Board rules.

**4713-15-13 (Amended)** establishes a process to prevent the spread of infectious or contagious diseases. The phrase “boutique services registration holder” was added in (B), (C), and (D) to comply with the provisions of Am. Sub. S.B. 213. Additionally, the second sentence of (A) was removed, since the first sentence provides a basic directive, and removing this sentence allows individual business to follow this directive without the Agency dictating the process.

**4713-15-15 (Amended)** discusses the proper processes for sanitizing equipment used in a branch of cosmetology. The phrase “boutique services registration holder” was added in (D)(2) to comply with the provisions of Am. Sub. S.B. 213. In addition, (E) was added to this rule. The language in (E) was previously contained in 4713-15-12, which is being rescinded.

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

R.C. 4713.07(A)(3), 4713.08(A)(1), 4713.08(A)(15).

**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 provides standards to ensure the safety of licensees and the public.

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

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

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

Success will be measured through inspections, public response, and any complaints received by the Board on infection control and safety concerns.

### **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?**

One general comment was made regarding all of Chapter 4713-15 about providing clarifying language on what constitutes an appropriate EPA disinfectant. This is not directly applicable to the rules proposed for amendment or rescission, but the Agency is working with the stakeholder and evaluating how to address this concern in the future. A comment was also received on 4713-15-12 requesting that the second sentence be removed. This input was accommodated by rescinding 4713-15-12 and removing the other parts of the rule to more appropriate locations in the Board's rules.

**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 proposed rule set forth general sanitation guidelines based on long-standing industry procedures. No measurable outcomes were used or expected in the drafting of these 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?**

No alternatives were considered. The amendments sought in these rules are directly related to the provisions of Am. Sub. S.B. 213, which must be enacted, and also provide clarity and flexibility to licensees and stakeholders.

**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 proposed rules are largely performance-based. The rules provide general guidelines and directives for businesses and licensees, but allow the stakeholders flexibility in how they achieve compliance.

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

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

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

These rules are specific to the regulation of branches of cosmetology and are 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.**

These rules will be placed on the agency’s website and sent to all licensed schools of cosmetology. Process information, forms, and website will be updated to reflect the new requirements established in these rules.

**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 only cost of compliance for these rules is the purchase of necessary sanitizing products, but this cost cannot be quantified since the businesses have some flexibility in choosing these products.

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

Any adverse impact based on the cost of necessary sanitizing products is justified by the need to protect the licensees and the public from unsanitary conditions and the spread of infectious disease.

**Regulatory Flexibility**

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

The rules do not provide for an alternative for the business community. Small business should not be significantly impacted by the rules.

**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?**

A violation of these rules would not appear to be paperwork violations or “first-time offenses,” as defined under ORC 119.14 (G)(2).

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

The Board will assist schools and business on these requirements by posting the rule on the agency’s website, speaking with educational programs, and updating forms to reflect the changes.