

STATE OF OHIO

# LAW

## Covering the Practice of Barbering in Ohio



Issued by

**OHIO STATE BARBER BOARD**  
**77 South High Street, 16th Floor**  
**Columbus, OH 43266-0304**



**Revised May 14, 1992**

## **CHAPTER 4709**

### **BARBERS**

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# New Fees Effective 10-1-03

BARBER ISSUANCE APPLICATION.....	\$120.00
BARBER RENEWAL.....	\$110.00
BARBER RESTORATIONS.....	\$150.00
LAPSED YEAR.....	\$75.00
RECIPROCITY.....	\$300.00
DUPLICATE LICENSE BARBER/SHOP.....	\$45.00
EXAMINATION RETAKE.....	\$45.00
BARBERSHOPS, NEW, REOPEN, CHANGE OF OWNER.....	\$110.00
SHOP RENEWAL.....	\$75.00
SHOP RESTORATION.....	\$110.00
NEW TEACHER LICENSE.....	\$185.00
TEACHER RENEWAL.....	\$150.00
TEACHER RESTORATION.....	\$225.00
SCHOOL INSPECTION/ISSUE.....	\$750.00
SCHOOL RENEWAL.....	\$1,000.00
SCHOOL RESTORATION.....	\$1,000.00
STUDENT REGISTRATION.....	\$40.00
LICENSURE INFORMATION.....	\$40.00

## **4709.01 Definitions**

(A) "The Practice of Barbering" means any one or more of the following when performed upon the head, neck, or face for cosmetic purposes and when performed upon the public for pay, free, or otherwise:

- (1) Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;
- (2) Cutting or styling hair;
- (3) Facials, skin care, or scalp massages;
- (4) Shampooing, bleaching, coloring, straightening, or permanent waving hair;
- (5) Cutting, fitting, or forming head caps for wigs or hair pieces;
- (6) Noninvasive hair weaving.

(B) "Sanitary" means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.

(C) "Barber" means any person who engages in or attempts to engage in the practice of barbering.

(D) "Barber School" means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.

(E) "Barber Teacher" means any person who engages in or attempts to engage in the teaching of the practice of barbering.

(F) "Assistant Barber Teacher" means any person who assists a barber teacher in the teaching of the practice of barbering.

(G) "Barber Pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white and blue, which run diagonally along the length of the cylinder or pole.

## **4709.02 Unlawful Practices**

Except as provided in this chapter, no person shall do any of the following:

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(A) Engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued pursuant to this chapter;

(B) Operate or attempt to operate a barber shop without a barber shop license issued pursuant to this chapter;

(C) Engage in or attempt to engage in the teaching of or assist in the teaching of the practice of barbering without a barber teacher or assistant barber teacher license issued pursuant to this chapter;

(D) Advertise barbering services unless the establishment and personnel employed therein are licensed pursuant to this chapter;

(E) Use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop license issued pursuant to this chapter;

(F) Operate or attempt to operate a barber school without a barber school license issued pursuant to this chapter;

(G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the Barber Board;

(H) Being a barber, knowingly continue the practice of barbering, or being a student, knowingly continue as a student in any barber school while such person has an infectious, contagious, or communicable disease;

(I) Obtain or attempt to obtain a license by fraudulent misrepresentation for money, other than the required fee, or any other thing of value;

(J) Practice or attempt to practice barbering by fraudulent misrepresentation;

(K) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

(L) Use any room or place for barbering which is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition. This does not exclude hair care products used and sold in barber shops or the sale of clothing and related accessories as authorized by division (F) of Section 4709.09 of the Revised Code;

(M) Violate any rule adopted by the Board or Department of Health for barbershops or barber schools.

### **4709.03 Persons Exempt from Provisions**

The following persons are exempt from this chapter while in the proper discharge of their professional duties;

(A) Persons licensed by this state to practice medicine and surgery;

(B) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;

(C) Nurses registered under Chapter 4723. of the Revised Code;

(D) Cosmetologists licensed under Chapter 4713. of the Revised Code, insofar as their usual and ordinary vocation and profession is concerned as described in Section 4713.01 of the Revised Code;

(E) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;

### **4709.04 Barber Board**

(A) There is hereby created a barber board consisting of three members to be appointed by the Governor with the advice and consent of the Senate as follows: two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed in this state for at least five years

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immediately preceding their appointment; and one person who represents the general public and who has no connection to the practice of barbering except as a consumer of barbering services. Each member of the Board shall have received a high school diploma or a certificate of high school equivalence issued by the state Board of Education. No more than two members of the Board shall be of the same political party. No member of the Board shall be financially interested in, or have any financial connection with, any barber school or wholesale cosmetic, barber supply, or equipment business, nor shall any member teach barbering for monetary consideration. Terms of office are for three years, commencing on the twenty-seventh day of September and ending on the twenty-sixth day of September. Each member shall serve on the Board from the date of his appointment until the end of the term for which he was appointed except that if a successor member has not been appointed by the end of the term, the member shall continue until the appointment or until a period of sixty days has elapsed, whichever occurs first. In the case of vacancies occurring on the Board, the Governor shall, in the same manner prescribed for regular appointment to the Board fill the position by appointing a member to serve for the remainder of the term.

(B) A majority of the members of the Board constitutes a quorum to transact and vote on the business of the Board. Each member shall receive an amount fixed pursuant to division (J) of Section 124.15 of the Revised Code for each day actually employed in the discharge of his official duties. In addition, each member shall receive his actual and his necessary expenses incurred in the performance of his official duties.

(C) The Governor may remove any member for cause prior to the expiration of the member's term of office.

### **4709.05 Duties of the Barber Board**

In addition to any other duty imposed on the Barber Board under this chapter, the Board shall do all of the following:

(A) Organize by electing a chairman from its members to serve a one-year term;

(B) Hold regular meetings at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business;

(C) Provide for suitable quarters, in the city of Columbus, for the conduct of its business and the maintenance of its records;

(D) Adopt a common seal for the authentication of its orders, communications, and records;

(E) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times.

(F) Annually, on or before the first day of January, make a report to the Governor of all of its official acts during the preceding year, its receipts and disbursements, such recommendations as it determines appropriate, and an evaluation of Board activities intended to aid or protect consumers of barber services;

(G) Employ an executive director who shall do all things requested by the Board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as he determines necessary;

(H) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of

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barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop;

(I) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the Board determines;

(J) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following:

- (1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the Department of Health;
- (2) The content of the examination required of an applicant for a barber license. The examination shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that he has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering;
- (3) Continuing education requirements for persons licensed pursuant to this chapter. The Board may impose continuing education requirements upon a licensee for a violation of this chapter or the rules adopted pursuant thereto or if the Board determines that the requirements are necessary to preserve the health, safety, or welfare of the public;
- (4) Requirements for the licensure of barber schools, barber teachers, and assistant barber teachers;
- (5) Requirements for students of barber schools;
- (6) Any other area the Board determines appropriate to administer or enforce this chapter.

(K) Prior to adopting any rule under this chapter, indicate at a formal hearing the reasons why the rule is necessary as a protection of the persons who use barber services or as an improvement of the professional standing of barbers in this state;

(L) Furnish each owner or manager of a barber shop and barber school with a copy of all sanitary rules adopted pursuant to division (J) of this section;

(M) Conduct such investigations and inspections of persons and establishments licensed or unlicensed pursuant to this chapter and for that purpose, any member of the Board or any of its authorized agents may enter and inspect any place of business or a licensee or a person suspected of violating this chapter or the rules adopted pursuant thereto, during normal business hours;

(N) Do all things necessary for the proper administration and enforcement of this chapter.

#### **4709.06 Duties of the Executive Director**

(A) Before entering upon the discharge of the duties of his office, the executive director of the Barber Board shall give a bond to the state, to be approved by the Governor, conditioned for the faithful performance of the duties of his office.

The Department of Administrative Services shall include the executive director, if he requests, in the public employees blanket fidelity bond.

(B) The executive director shall deposit all:

- (1) Receipts of the Board from registration, licensing, and examination fees in the state treasury to the credit of the general revenue fund;
- (2) Receipts of the Board from sources other than those described in division (B)(1) of this section, in the Barber Board special fund, which is hereby created in the state treasury. The Board

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shall use the moneys in the fund only to finance investigations under this chapter.

(C) The Board chairman or executive director, or both, as authorized by the Board, shall sign all vouchers of the Board.

#### **4709.07 Requirement for Licensing**

(A) Each person who desires to obtain an initial license to practice barbering shall apply to the Barber Board, on forms provided by the Board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the Board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that he meets all of the following:

- (1) Is of good moral character;
- (2) Is at least eighteen years of age;
- (3) Has an eighth grade education or an equivalent education as determined by the state Board of Education in the state where the applicant resides;
- (4) Has graduated with at least eighteen hundred hours of training from a Board-approved barber school or has graduated with at least one thousand hours of training from a Board-approved barber school in this state and has a current cosmetology license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or

more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of division (A) and (B) of this section may take the barber examination at the time and place specified by the Board. If the applicant fails to attain at least a seventy-five percent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying the required re-examination fee. An applicant is only required to take that part or parts of the examination on which he did not receive a score of seventy-five percent or higher. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure, he shall complete an additional course of study of not less than two hundred hours, in a Board-approved barber school. The Board shall provide to an applicant upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The Board shall issue a license to practice barbering to any applicant who, to the satisfaction of the Board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display his certificate of licensure in a conspicuous place adjacent to or near his work chair, along with a signed current photograph, in the size determined by the Board, showing head and shoulders only.

#### **4709.08 Reciprocity**

Any person who holds a current license or registration to practice as a barber in any other state or district of the United States or country whose requirements for licensure or registration of barbers are substantially equivalent to the

requirements of this chapter and rules adopted under it, and that extends similar reciprocity to persons licensed as barbers in this state may apply to the Barber Board for a barber license. The Board shall, without examination, unless the Board determines to require an examination, issue a license to practice as a licensed barber in this state if the person meets the requirements of this section, is at least eighteen years of age and of good moral character, and pays the required fees. The Board may waive any of the requirements of this section.

#### **4709.09 Requirements for Barber Shops**

(A) Each person who desires to obtain a barber shop license shall apply to the Barber Board, on forms provided by the Board. The Board shall issue a barber shop license to a person if the Board determines that the person meets all of the requirements of division (B) of this section and pays the required license and inspection fees.

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:

- (1) Be in the charge and under the immediate supervision of a licensed barber;
- (2) Be equipped to provide running hot and cold water and proper drainage;
- (3) Sanitize and maintain in a sanitary condition, all instruments and supplies;
- (4) Keep towels and linens clean and sanitary and in a dry, dust-proof container;
- (5) Display the shop license and a copy of the Board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or

manager of the barber shop is considered to be engaged in the operation of a separate and distinct barbershop and shall obtain a license to operate a barber shop pursuant to this section.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the Board within ten days of the cessation of services.

(E) (1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2) Tanning facilities licensed pursuant to Section 4713.25 of the Revised Code may be operated in a barber shop.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.

#### **4709.10 Requirements for Barber Schools**

(A) Each person who desires to obtain a license to operate a barber school shall apply to the Barber Board on forms provided by the Board. The Board shall issue a barber school license to a person if the Board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the require licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the Board, including enough space to accommodate all the facilities and equipment required by rule of the Board;

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- (2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the Board;
  - (3) Have established and provide to the Board proof that it has met all of the Board requirements to operate a barber school, as adopted by rule of the Board;
  - (4) File with the Board a program of its curriculum, accounting for not less than eighteen hundred hours of instruction in the courses of theory and practical demonstration required by rule of the Board;
  - (5) File with the Board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the Board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the Board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.
  - (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by Board rule;

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- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the Board, but the requirements must at a minimum require the applicant to meet all of the following:
    - (a) Be at least seventeen years of age;
    - (b) Be of good moral character;
    - (c) Have an eighth grade education, or an equivalent education as determined by the state Board of Education;
    - (d) Submit two signed current photographs of himself/herself, in the size determined by the Board;
  - (8) Have a procedure to submit every student applicant's admission application to the Board for the Board's review and approval prior to the applicant's admission to the barber school;
  - (9) Operate in a manner which reflects credit upon the barbering profession;
  - (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the Board;
  - (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the Barber Board, on forms provided by the Barber Board. The Board shall only issue a barber teacher license to a person who meets all of the following requirements:

- (1) Holds a current barber license issued pursuant

to this chapter and has at least eighteen months of work experience in a licensed barber shop, or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the Board waives this requirement;

- (2) Meets such other requirements as adopted by rule of the Board;
- (3) Passes the required examination; and
- (4) Pays the required fee. If an applicant fails to pass the examination, he may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, he remains employed as an assistant barber teacher.

The Board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment, the barber school submits to the Board, on forms provided by the Board, the applicant's qualifications.

#### **4709.11 License Renewal**

Every license issued pursuant to this chapter expires on the thirty-first day of August of each even-numbered year. Each licensee desiring to do so shall, on or before the first day of September of each even-numbered year, renew his license pursuant to the standard renewal procedure of Chapter 4745. of the Revised Code. Any holder of an expired license shall restore his license before continuing the practice of barbering or the activity for which he is licensed under this chapter and pay the appropriate

restoration fee. If the person fails to restore his license within three years, he shall pay any required restoration fee and take any examination required for the license under this chapter.

#### **4709.12 Fees**

(A) The Barber Board shall charge and collect the following fees:

- (1) For the application to take the barber examination, forty dollars;
- (2) For an application to retake any part of the barber examination, twenty dollars;
- (3) For the initial issuance of a license to practice as a barber, ten dollars;
- (4) For the biennial renewal of the license to practice as a barber, fifty dollars;
- (5) For the restoration of an expired barber license, fifty dollars, and twenty dollars for each lapsed year, provided that the total fee shall not exceed two hundred dollars;
- (6) For the issuance of a duplicate barber or shop license, twenty dollars;
- (7) For the inspection of a new barber shop, change of ownership, or re-opening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, fifty dollars;
- (8) For the biennial renewal of a barber shop license, twenty dollars;
- (9) For the restoration of a barber shop license, thirty dollars;
- (10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, four hundred dollars;
- (11) For the initial barber school license, five hundred

- dollars, and two hundred fifty dollars for the renewal of the license;
- (12) For the restoration of a barber school license, six hundred dollars;
  - (13) For the issuance of a student registration, ten dollars;
  - (14) For the examination and issuance of a biennial teacher or assistance teacher license, ninety dollars;
  - (15) For the renewal of a biennial teacher or assistant teacher license, eighty dollars;
  - (16) For the restoration of an expired teacher or assistant teacher license, one hundred dollars, and forty dollars for each lapsed year, provided that the total fee shall not exceed three hundred dollars;
  - (17) For the issuance of a barber license by reciprocity pursuant to Section 4709.08 of the Revised Code, one hundred fifty dollars.

(B) The Board, subject to the approval of the controlling Board, may established fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty percent.

### **4709.13 Refusal, Suspension or Revocation of License**

(A) The Barber Board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

- (1) Conviction of a felony shown by a certified copy of the record of the court of conviction;
- (2) Advertising by means of knowingly false or deceptive statements;
- (3) Habitual drunkenness or possession of or addic-

tion to the use of any controlled drug prohibited by state or federal law;

- (4) Immoral or unprofessional conduct;
- (5) Continuing to be employed in a barber shop wherein rules of the Board or Department of Health are violated;
- (6) Employing any person who does not have a current Ohio license to perform the practice of barbering;
- (7) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;
- (8) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;
- (9) Violating any sanitary rules approved by the Department of Health or the Board;
- (10) Employing another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;
- (11) Gross incompetence.

(B) Prior to taking any action under division (A) of this section, the Board shall provide the person with a statement of the charges against him and notice of the time and place of a hearing on the charges. The Board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the Board may appeal the Board's decision to the Court of Common Pleas in Franklin County.

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(C) The Board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the Board may take action under division (A) of this section.

#### **4709.14 Hearings**

(A) If the Barber Board determines that any person is violating or threatening to violate any provision of this chapter or the rules adopted pursuant thereto and such violation or threatened violation is a threat to the health or safety of persons who use barber services, the Board may apply to a court of competent jurisdiction in the county in which the violation or threatened violation occurred or will occur, for injunctive relief and such other relief to prevent further violations. The Attorney General shall, at the Board's request, represent the Board in any such action.

(B) If the Board determines, after a hearing conducted in accordance with Chapter 119. of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the Board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.

#### **4709.99**

Whoever violates this chapter or any rule adopted pursuant thereto shall be fined not less than one hundred nor more than five hundred dollars for a first offense; for each subsequent violation of the same provision, the person shall be fined not less than five hundred nor more than one thousand dollars.