

**As Reported by the Senate General Government and Agency Review  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 673**

**Representative Roemer**

**Cosponsors: Representatives Wiggam, Crossman, Galonski, Hambley, Rogers,  
Seitz**

**Senators Schuring, Sykes**

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**A BILL**

To amend sections 4709.02, 4709.05, 4709.07, 1  
4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 2  
4713.61, 4729.41, 4731.512, and 4928.66 and to 3  
enact sections 4709.071, 4713.351, and 4729.42 4  
of the Revised Code and to amend Section 30 of 5  
H.B. 197 of the 133rd General Assembly regarding 6  
the operation of businesses, practice of certain 7  
professions, completion of education as it 8  
relates to COVID-19, public health, and 9  
membership of the State Cosmetology and Barber 10  
Board, to modify the electric utility law 11  
regarding energy efficiency programs, and to 12  
declare an emergency. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4709.02, 4709.05, 4709.07, 14  
4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 4713.61, 4729.41, 15  
4731.512, and 4928.66 be amended and sections 4709.071, 16

4713.351, and 4729.42 of the Revised Code be enacted to read as 17  
follows: 18

**Sec. 4709.02.** Except as provided in this chapter, no 19  
person shall do any of the following: 20

(A) Engage in or attempt to engage in the practice of 21  
barbering, hold themselves out as a practicing barber, or 22  
advertise in a manner that indicates they are a barber, without 23  
a barber license or a temporary pre-examination work permit 24  
issued pursuant to this chapter; 25

(B) Operate or attempt to operate a barber shop without a 26  
barber shop license issued pursuant to this chapter; 27

(C) Engage in or attempt to engage in the teaching of or 28  
assist in the teaching of the practice of barbering without a 29  
barber teacher or assistant barber teacher license issued 30  
pursuant to this chapter; 31

(D) Advertise barbering services unless the establishment 32  
and personnel employed therein are licensed or hold a permit 33  
pursuant to this chapter; 34

(E) Use or display a barber pole for the purpose of 35  
offering barber services to the consuming public without a 36  
barber shop license issued pursuant to this chapter; 37

(F) Operate or attempt to operate a barber school without 38  
a barber school license issued pursuant to this chapter; 39

(G) Teach or attempt to teach any phase of barbering for 40  
pay, free, or otherwise without approval from the state 41  
cosmetology and barber board; 42

(H) Being a barber, knowingly continue the practice of 43  
barbering, or being a student, knowingly continue as a student 44

in any barber school, while such person has an infectious, 45  
contagious, or communicable disease; 46

(I) Obtain or attempt to obtain a license or permit by 47  
fraudulent misrepresentation for money, other than the required 48  
fee, or any other thing of value; 49

(J) Practice or attempt to practice barbering by 50  
fraudulent misrepresentation; 51

(K) ~~Employ~~Perform, or employ another person to perform ~~or~~ 52  
~~himself perform,~~ the practice of barbering in a licensed barber 53  
shop unless that person ~~is licensed as a barber holds a license~~ 54  
or permit to practice barbering under this chapter; 55

(L) ~~Use any room or place for barbering which is also used~~ 56  
~~for residential or other business purposes, unless it is~~ 57  
~~separated by a substantial ceiling high partition. This does not~~ 58  
~~exclude hair care products used and sold in barber shops or the~~ 59  
~~sale of clothing and related accessories as authorized by~~ 60  
~~division (F) of section 4709.09 of the Revised Code.~~ 61

~~(M)~~ Violate any rule adopted by the board or department of 62  
health for barber shops or barber schools. 63

**Sec. 4709.05.** In addition to any other duty imposed on the 64  
state cosmetology and barber board under this chapter or Chapter 65  
4713. of the Revised Code, the board shall do all of the 66  
following: 67

(A) Hold regular meetings, at the times and places as it 68  
determines for the purpose of conducting the examinations 69  
required under this chapter, and hold additional meetings for 70  
the transaction of necessary business; 71

(B) Maintain a record of its proceedings and a register of 72

persons licensed as barbers. The register shall include each 73  
licensee's name, place of business, residence, and licensure 74  
date and number, and a record of all licenses issued, refused, 75  
renewed, suspended, or revoked. The records are open to public 76  
inspection at all reasonable times. 77

(C) Ensure that the practice of barbering is conducted 78  
only in a licensed barber shop, except when the practice of 79  
barbering is performed on a person whose physical or mental 80  
disability prevents that person from going to a licensed barber 81  
shop; 82

(D) Conduct or have conducted the examination for 83  
applicants to practice as licensed barbers at least four times 84  
per year at the times and places the board determines; 85

(E) Adopt rules, in accordance with Chapter 119. of the 86  
Revised Code, to administer and enforce this chapter and which 87  
cover all of the following: 88

(1) Sanitary standards for the operation of barber shops 89  
and barber schools that conform to guidelines established by the 90  
department of health; 91

(2) The content of the examination required of an 92  
applicant for a barber license. The examination shall include a 93  
practical demonstration and a written test, shall relate only to 94  
the practice of barbering, and shall require the applicant to 95  
demonstrate that the applicant has a thorough knowledge of and 96  
competence in the proper techniques in the safe use of chemicals 97  
used in the practice of barbering. 98

(3) Continuing education requirements for persons licensed 99  
pursuant to this chapter. The board may impose continuing 100  
education requirements upon a licensee for a violation of this 101

chapter or the rules adopted pursuant thereto or if the board 102  
determines that the requirements are necessary to preserve the 103  
health, safety, or welfare of the public. 104

(4) Requirements for the licensure of barber schools, 105  
barber teachers, and assistant barber teachers; 106

(5) Requirements for students of barber schools; 107

(6) Any other area the board determines appropriate to 108  
administer or enforce this chapter; 109

(7) Conditions an individual must satisfy to qualify for a 110  
temporary pre-examination work permit under section 4709.071 of 111  
the Revised Code and the conditions and method of renewing a 112  
temporary pre-examination work permit under that section. The 113  
board may establish additional conditions for a temporary pre- 114  
examination work permit under section 4709.071 of the Revised 115  
Code that is applicable to individuals who are licensed to 116  
practice barbering in another state or country. 117

(F) Prior to adopting any rule under this chapter, 118  
indicate at a formal hearing the reasons why the rule is 119  
necessary as a protection of the persons who use barber services 120  
or as an improvement of the professional standing of barbers in 121  
this state; 122

(G) Furnish each owner or manager of a barber shop and 123  
barber school with a copy of all sanitary rules adopted pursuant 124  
to division (E) of this section; 125

(H) Conduct such investigations and inspections of persons 126  
and establishments licensed or unlicensed pursuant to this 127  
chapter and for that purpose, any member of the board or any of 128  
its authorized agents may enter and inspect any place of 129  
business of a licensee or a person suspected of violating this 130

chapter or the rules adopted pursuant thereto, during normal 131  
business hours; 132

(I) Upon the written request of an applicant and the 133  
payment of the appropriate fee, provide to the applicant 134  
licensure information concerning the applicant; 135

(J) Do all things necessary for the proper administration 136  
and enforcement of this chapter. 137

**Sec. 4709.07.** (A) Each person who desires to obtain an 138  
initial license to practice barbering shall apply to the state 139  
cosmetology and barber board, on forms provided by the board. 140  
The application form shall include the name of the person 141  
applying for the license and evidence that the applicant meets 142  
all of the requirements of division (B) of this section. The 143  
application shall be accompanied by two signed current 144  
photographs of the applicant, in the size determined by the 145  
board, that show only the head and shoulders of the applicant, 146  
and the examination application fee. 147

(B) In order to take the required barber examination and 148  
to qualify for licensure as a barber, an applicant must 149  
demonstrate that the applicant meets all of the following: 150

(1) Is of good moral character; 151

(2) Is at least eighteen years of age; 152

(3) Has an eighth grade education or an equivalent 153  
education as determined by the state board of education in the 154  
state where the applicant resides; 155

(4) Has graduated with at least one thousand eight hundred 156  
hours of training from a board-approved barber school or has 157  
graduated with at least one thousand hours of training from a 158

board-approved barber school in this state and has a current 159  
cosmetology or hair designer license issued pursuant to Chapter 160  
4713. of the Revised Code. No hours of instruction earned by an 161  
applicant five or more years prior to the examination apply to 162  
the hours of study required by this division. 163

~~(C) Any applicant who meets all of the requirements of~~ 164  
~~divisions (A) and (B) of this section may take the barber~~ 165  
~~examination at the time and place specified by the board. If the~~ 166  
~~an applicant fails to attain at least a seventy five per cent~~ 167  
~~pass rate on each any part of the examination, the applicant is~~ 168  
ineligible for licensure; however, the applicant may reapply for 169  
examination ~~within ninety days after the date of the release of~~ 170  
~~the examination scores by paying and pay the required~~ 171  
reexamination fee. An applicant is only required to take that 172  
part or parts of the examination ~~on which that~~ the applicant did 173  
not ~~receive a score of seventy five per cent or higher~~ pass. If 174  
~~the applicant fails to reapply for examination within ninety~~ 175  
~~days or fails the second examination, in order to reapply for~~ 176  
~~examination for licensure the applicant shall complete an~~ 177  
~~additional course of study of not less than two hundred hours,~~ 178  
~~in a board approved barber school.~~ The board shall provide to an 179  
applicant, upon request, a report which explains the reasons for 180  
the applicant's failure to pass the examination. 181

(D) The board shall issue a license to practice barbering 182  
to any applicant who, to the satisfaction of the board, meets 183  
the requirements of divisions (A) and (B) of this section, who 184  
passes the required examination, and pays the initial licensure 185  
fee. Every licensed barber shall display the certificate of 186  
licensure in a conspicuous place adjacent to or near the 187  
licensed barber's work chair, along with a signed current 188  
photograph, in the size determined by the board, showing head 189

and shoulders only. 190

Sec. 4709.071. (A) The state cosmetology and barber board 191  
shall issue a temporary pre-examination work permit to practice 192  
barbering to an individual who applies for and is eligible to 193  
take an examination conducted under section 4709.07 of the 194  
Revised Code, if the individual satisfies all of the following 195  
conditions: 196

(1) The individual has not previously failed an 197  
examination conducted under section 4709.07 of the Revised Code. 198

(2) The individual pays to the board the applicable fee. 199

(3) The individual satisfies all other conditions 200  
established by rules adopted under section 4709.05 of the 201  
Revised Code. 202

(B) An individual issued a temporary pre-examination work 203  
permit under this section may practice until the date the 204  
individual is scheduled to take an examination under section 205  
4709.07 of the Revised Code. The individual shall practice under 206  
the supervision of an individual holding a current, valid barber 207  
license. 208

(C) A temporary pre-examination work permit is renewable 209  
in accordance with rules adopted under section 4709.05 of the 210  
Revised Code. 211

**Sec. 4709.10. (A)** Each person who desires to obtain a 212  
license to operate a barber school shall apply to the state 213  
cosmetology and barber board, on forms provided by the board. 214  
The board shall issue a barber school license to a person if the 215  
board determines that the person meets and will comply with all 216  
of the requirements of division (B) of this section and pays the 217  
required licensure and inspection fees. 218



(B) In order for a person to qualify for a license to 219  
operate a barber school, the barber school to be operated by the 220  
person must meet all of the following requirements: 221

(1) Have a training facility sufficient to meet the 222  
required educational curriculum established by the board, 223  
including enough space to accommodate all the facilities and 224  
equipment required by rule by the board; 225

(2) Provide sufficient licensed teaching personnel to meet 226  
the minimum pupil-teacher ratio established by rule of the 227  
board; 228

(3) Have established and provide to the board proof that 229  
it has met all of the board requirements to operate a barber 230  
school, as adopted by rule of the board; 231

(4) File with the board a program of its curriculum, 232  
accounting for not less than one thousand eight hundred hours of 233  
instruction in the courses of theory and practical demonstration 234  
required by rule of the board; 235

(5) File with the board a surety bond in the amount of ten 236  
thousand dollars issued by a bonding company licensed to do 237  
business in this state. The bond shall be in the form prescribed 238  
by the board and conditioned upon the barber school's continued 239  
instruction in the theory and practice of barbering. The bond 240  
shall continue in effect until notice of its termination is 241  
provided to the board. In no event, however, shall the bond be 242  
terminated while the barber school is in operation. Any student 243  
who is injured or damaged by reason of a barber school's failure 244  
to continue instruction in the theory and practice of barbering 245  
may maintain an action on the bond against the barber school or 246  
the surety, or both, for the recovery of any money or tuition 247

paid in advance for instruction in the theory and practice of 248  
barbering which was not received. The aggregate liability of the 249  
surety to all students shall not exceed the sum of the bond. 250

(6) Maintain adequate record keeping to ensure that it has 251  
met the requirements for records of student progress as required 252  
by board rule; 253

(7) Establish minimum standards for acceptance of student 254  
applicants for admission to the barber school. The barber school 255  
may establish entrance requirements which are more stringent 256  
than those prescribed by the board, but the requirements must at 257  
a minimum require the applicant to meet all of the following: 258

(a) Be at least seventeen years of age; 259

(b) Be of good moral character; 260

(c) Have an eighth grade education, or an equivalent 261  
education as determined by the state board of education; 262

(d) Submit two signed current photographs of the 263  
applicant, in the size determined by the board. 264

(8) Have a procedure to submit every student applicant's 265  
admission application to the board for the board's review and 266  
approval prior to the applicant's admission to the barber 267  
school; 268

(9) Operate in a manner which reflects credit upon the 269  
barbering profession; 270

(10) Offer a curriculum of study which covers all aspects 271  
of the scientific fundamentals of barbering as specified by rule 272  
of the board; 273

(11) Employ no more than two licensed assistant barber 274

teachers for each licensed barber teacher employed or fewer than 275  
two licensed teachers or one licensed teacher and one licensed 276  
assistant teacher at each facility. 277

(C) Each person who desires to obtain a barber teacher or 278  
assistant barber teacher license shall apply to the board, on 279  
forms provided by the board. The board shall only issue a barber 280  
teacher license to a person who meets all of the following 281  
requirements: 282

(1) Holds a current barber license issued pursuant to this 283  
chapter and has at least eighteen months of work experience in a 284  
licensed barber shop or has been employed as an assistant barber 285  
teacher under the supervision of a licensed barber teacher for 286  
at least one year, unless, for good cause, the board waives this 287  
requirement; 288

(2) Meets such other requirements as adopted by rule by 289  
the board; 290

(3) Passes the required examination; and 291

(4) Pays the required fees. ~~If an applicant fails to pass~~ 292  
~~the examination, the applicant may reapply for the examination~~ 293  
~~and licensure no earlier than one year after the failure to pass~~ 294  
~~and provided that during that period, the applicant remains~~ 295  
~~employed as an assistant barber teacher.~~ 296

The board shall only issue an assistant barber teacher 297  
license to a person who holds a current barber license issued 298  
pursuant to this chapter and pays the required fees. 299

(D) Any person who meets the qualifications of an 300  
assistant teacher pursuant to division (C) of this section, may 301  
be employed as an assistant teacher, provided that within five 302  
days after the commencement of the employment the barber school 303

submits to the board, on forms provided by the board, the 304  
applicant's qualifications. 305

**Sec. 4709.12.** (A) The state cosmetology and barber board 306  
shall charge and collect the following fees: 307

(1) For the application to take the barber examination, 308  
ninety dollars; 309

(2) For an application to retake any part of the barber 310  
examination, forty-five dollars; 311

(3) For the initial issuance of a license to practice as a 312  
barber, thirty dollars; 313

(4) For the biennial renewal of the license to practice as 314  
a barber, one hundred ten dollars; 315

(5) For the restoration of an expired barber license, one 316  
hundred dollars, and seventy-five dollars for each lapsed year, 317  
provided that the total fee shall not exceed six hundred ninety 318  
dollars; 319

(6) For the issuance of a duplicate barber or shop 320  
license, forty-five dollars; 321

(7) For the inspection of a new barber shop, change of 322  
ownership, or reopening of premises or facilities formerly 323  
operated as a barber shop, and issuance of a shop license, one 324  
hundred ten dollars; 325

(8) For the biennial renewal of a barber shop license, 326  
seventy-five dollars; 327

(9) For the restoration of a barber shop license, one 328  
hundred ten dollars; 329

(10) For each inspection of premises for location of a new 330

barber school, or each inspection of premises for relocation of 331  
a currently licensed barber school, seven hundred fifty dollars; 332

(11) For the initial barber school license, one thousand 333  
dollars, and one thousand dollars for the renewal of the 334  
license; 335

(12) For the restoration of a barber school license, one 336  
thousand dollars; 337

(13) For the issuance of a student registration, forty 338  
dollars; 339

(14) For the examination and issuance of a biennial 340  
teacher license, one hundred eighty-five dollars; 341

(15) For the renewal of a biennial teacher license, one 342  
hundred fifty dollars; 343

(16) For the restoration of an expired teacher license, 344  
two hundred twenty-five dollars, and sixty dollars for each 345  
lapsed year, provided that the total fee shall not exceed four 346  
hundred fifty dollars; 347

(17) For the issuance of a barber license by reciprocity 348  
pursuant to section 4709.08 of the Revised Code, three hundred 349  
dollars; 350

(18) For providing licensure information concerning an 351  
applicant, upon written request of the applicant, forty dollars; 352

(19) For a temporary pre-examination work permit 353  
under section 4709.071 of the Revised Code, not more than 354  
fifteen dollars. 355

(B) The board, subject to the approval of the controlling 356  
board, may establish fees in excess of the amounts provided in 357

this section, provided that the fees do not exceed the amounts 358  
permitted by this section by more than fifty per cent. 359

(C) In addition to any other fee charged and collected 360  
under this section, the board shall ask each person renewing a 361  
license to practice as a barber whether the person wishes to 362  
make a two-dollar voluntary contribution to the Ed Jeffers 363  
barber museum. The board shall transmit any contributions to the 364  
treasurer of state for deposit into the occupational licensing 365  
fund. 366

**Sec. 4709.13.** (A) The state cosmetology and barber board 367  
may refuse to issue or renew or may suspend or revoke or impose 368  
conditions upon any license or permit issued pursuant to this 369  
chapter for any one or more of the following causes: 370

(1) Advertising by means of knowingly false or deceptive 371  
statements; 372

(2) Habitual drunkenness or possession of or addiction to 373  
the use of any controlled drug prohibited by state or federal 374  
law; 375

(3) Immoral or unprofessional conduct; 376

(4) Continuing to be employed in a barber shop wherein 377  
rules of the board or department of health are violated; 378

(5) Employing any person who does not have a current Ohio 379  
license or permit to perform the practice of barbering; 380

(6) Owning, managing, operating, or controlling any barber 381  
school or portion thereof, wherein the practice of barbering is 382  
carried on, whether in the same building or not, without 383  
displaying a sign at all entrances to the places where the 384  
barbering is carried on, indicating that the work therein is 385

done by students exclusively; 386

(7) Owning, managing, operating, or controlling any barber 387  
shop, unless it displays a recognizable sign or barber pole 388  
indicating that it is a barber shop, and the sign or pole is 389  
clearly visible at the main entrance to the shop; 390

(8) Violating any sanitary rules approved by the 391  
department of health or the board; 392

(9) Employing another person to perform or personally 393  
perform the practice of barbering in a licensed barber shop 394  
unless that person is licensed ~~as a barber~~ or holds a permit to  
practice barbering under this chapter; 395  
396

(10) Gross incompetence. 397

(B) (1) The board may refuse to renew or may suspend or 398  
revoke or impose conditions upon any license or permit issued 399  
pursuant to this chapter for conviction of or plea of guilty to 400  
a felony committed after the person has been issued a license or 401  
permit under this chapter, shown by a certified copy of the 402  
record of the court in which the person was convicted or pleaded 403  
guilty. 404

(2) A conviction or plea of guilty to a felony committed 405  
prior to being issued a license or permit under this chapter 406  
shall not disqualify a person from being issued an initial 407  
license under this chapter. 408

(C) Prior to taking any action under division (A) or (B) 409  
of this section, the board shall provide the person with a 410  
statement of the charges against the person and notice of the 411  
time and place of a hearing on the charges. The board shall 412  
conduct the hearing according to Chapter 119. of the Revised 413  
Code. Any person dissatisfied with a decision of the board may 414

appeal the board's decision to the court of common pleas in 415  
Franklin county. 416

(D) The board may adopt rules in accordance with Chapter 417  
119. of the Revised Code, specifying additional grounds upon 418  
which the board may take action under division (A) of this 419  
section. 420

**Sec. 4713.02.** (A) There is hereby created the state 421  
cosmetology and barber board, consisting of all of the following 422  
members appointed by the governor, with the advice and consent 423  
of the senate: 424

(1) One individual holding a current, valid cosmetologist 425  
or cosmetology instructor license at the time of appointment; 426

(2) Two individuals holding current, valid cosmetologist 427  
licenses and actively engaged in managing beauty salons for a 428  
period of not less than five years at the time of appointment; 429

(3) One individual who holds a current, valid independent 430  
contractor license at the time of appointment and practices a 431  
branch of cosmetology; 432

(4) One individual who represents individuals who teach 433  
the theory and practice of a branch of cosmetology at a 434  
vocational or career-technical school; 435

(5) One owner or executive actively engaged in the daily 436  
operations of a licensed school of cosmetology; 437

(6) One owner of at least five licensed salons; 438

(7) One individual who is either a certified nurse 439  
practitioner or clinical nurse specialist holding a current, 440  
valid license to practice nursing as an advanced practice 441  
registered nurse issued under Chapter 4723. of the Revised Code 442



or a physician authorized under Chapter 4731. of the Revised 443  
Code to practice medicine and surgery or osteopathic medicine 444  
and surgery; 445

(8) One individual representing the general public; 446

(9) One individual who holds a current, valid tanning 447  
permit and who has owned or managed a tanning facility for at 448  
least five years immediately preceding the individual's 449  
appointment; 450

(10) One individual who holds a current, valid esthetician 451  
license and who has been actively practicing esthetics for a 452  
period of not less than five years immediately preceding the 453  
individual's appointment; 454

(11) Two barbers, ~~one of whom is an employer barber and~~ 455  
~~one of whom is employed as a barber, both of whom~~ who have been 456  
licensed as barbers in this state for at least five years 457  
immediately preceding their appointment. 458

(B) The superintendent of public instruction shall 459  
nominate three individuals for the governor to choose from when 460  
making an appointment under division (A) (4) of this section. 461

(C) All members shall be at least twenty-five years of 462  
age, residents of the state, and citizens of the United States. 463  
No more than two members, at any time, shall be graduates of the 464  
same school of cosmetology. Not more than one member shall have 465  
a common financial connection with any school of cosmetology, 466  
salon, barber school, or barber shop. 467

Terms of office are for five years. Terms shall commence 468  
on the first day of November and end on the thirty-first day of 469  
October. Each member shall hold office from the date of 470  
appointment until the end of the term for which appointed. In 471

case of a vacancy occurring on the board, the governor shall, in 472  
the same manner prescribed for the regular appointment to the 473  
board, fill the vacancy by appointing a member. Any member 474  
appointed to fill a vacancy occurring prior to the expiration of 475  
the term for which the member's predecessor was appointed shall 476  
hold office for the remainder of such term. Any member shall 477  
continue in office subsequent to the expiration date of the 478  
member's term until the member's successor takes office, or 479  
until a period of sixty days has elapsed, whichever occurs 480  
first. Before entering upon the discharge of the duties of the 481  
office of member, each member shall take, and file with the 482  
secretary of state, the oath of office required by Section 7 of 483  
Article XV, Ohio Constitution. 484

The members of the board shall receive an amount fixed 485  
pursuant to Chapter 124. of the Revised Code per diem for every 486  
meeting of the board which they attend, together with their 487  
necessary expenses, and mileage for each mile necessarily 488  
traveled. 489

The members of the board shall annually elect, from among 490  
their number, a chairperson and a vice-chairperson. The 491  
executive director appointed pursuant to section 4713.06 of the 492  
Revised Code shall serve as the board's secretary. 493

(D) The board shall prescribe the duties of its officers 494  
and establish an office within Franklin county. The board shall 495  
keep all records and files at the office and have the records 496  
and files at all reasonable hours open to public inspection in 497  
accordance with section 149.43 of the Revised Code and any rules 498  
adopted by the board in compliance with this state's record 499  
retention policy. The board also shall adopt a seal for the 500  
authentication of its orders, communications, and records. 501

(E) The governor may remove any member for cause prior to 502  
the expiration of the member's term of office. 503

(F) Whenever the term "state board of cosmetology" is 504  
used, referred to, or designated in statute, rule, contract, 505  
grant, or other document, the use, reference, or designation 506  
shall be deemed to mean the "state cosmetology and barber board" 507  
or the executive director of the state cosmetology and barber 508  
board, whichever is appropriate in context. Whenever the term 509  
"barber board" is used, referred to, or designated in statute, 510  
rule, contract, grant, or other document, the use, reference, or 511  
designation shall be deemed to mean the "state cosmetology and 512  
barber board" or the executive director of the state cosmetology 513  
and barber board, whichever is appropriate in context. 514

**Sec. 4713.08.** (A) The state cosmetology and barber board 515  
shall adopt rules in accordance with Chapter 119. of the Revised 516  
Code as necessary to implement this chapter. The rules shall do 517  
all of the following: 518

(1) Govern the practice of the branches of cosmetology; 519

(2) Specify conditions an individual must satisfy to 520  
qualify for a temporary pre-examination work permit under 521  
section 4713.22 of the Revised Code and the conditions and 522  
method of renewing a temporary pre-examination work permit under 523  
that section; 524

(3) Provide for the conduct of examinations under section 525  
4713.24 of the Revised Code; 526

(4) Specify conditions under which the board will take 527  
into account, under section 4713.32 of the Revised Code, 528  
instruction an applicant for a license under section 4713.28, 529  
4713.30, or 4713.31 of the Revised Code received more than five 530

years before the date of application for the license; 531

(5) Provide for the granting of waivers under section 532  
4713.29 of the Revised Code; 533

(6) Specify conditions an applicant must satisfy for the 534  
board to issue the applicant a license under section 4713.34 of 535  
the Revised Code without the applicant taking an examination 536  
conducted under section 4713.24 of the Revised Code; 537

(7) Specify locations in which glamour photography 538  
services in which a branch of cosmetology is practiced may be 539  
provided; 540

(8) Establish conditions and the fee for a temporary 541  
special occasion work permit under section 4713.37 of the 542  
Revised Code and specify the amount of time such a permit is 543  
valid; 544

(9) Specify conditions an applicant must satisfy for the 545  
board to issue the applicant an independent contractor license 546  
under section 4713.39 of the Revised Code and the fee for 547  
issuance and renewal of the license; 548

(10) Establish conditions under which food may be sold at 549  
a salon; 550

(11) Specify which professions regulated by a professional 551  
regulatory board of this state may be practiced in a salon under 552  
section 4713.42 of the Revised Code; 553

(12) Establish standards for the provision of cosmetic 554  
therapy, massage therapy, or other professional service in a 555  
salon pursuant to section 4713.42 of the Revised Code; 556

(13) Establish standards for board approval of, and the 557  
granting of credits for, training in branches of cosmetology at 558

schools of cosmetology licensed in this state; 559

(14) Establish the manner in which a school of cosmetology 560  
licensed under section 4713.44 of the Revised Code may offer 561  
post-secondary and advanced practice programs; 562

(15) Establish sanitary standards for the practice of the 563  
branches of cosmetology, salons, and schools of cosmetology; 564

(16) Establish the application process for obtaining a 565  
tanning facility permit under section 4713.48 of the Revised 566  
Code, including the amount of the fee for an initial or renewed 567  
permit; 568

(17) Establish standards for installing and operating a 569  
tanning facility in a manner that ensures the health and safety 570  
of consumers, including standards that do all of the following: 571

(a) Establish a maximum safe time of exposure to radiation 572  
and a maximum safe temperature at which sun lamps may be 573  
operated; 574

(b) Require consumers to wear protective eyeglasses; 575

(c) Require consumers to be supervised as to the length of 576  
time consumers use the facility's sun lamps; 577

(d) Require the operator to prohibit consumers from 578  
standing too close to sun lamps and to post signs warning 579  
consumers of the potential effects of radiation on individuals 580  
taking certain medications and of the possible relationship of 581  
the radiation to skin cancer; 582

(e) Require the installation of protective shielding for 583  
sun lamps and handrails for consumers; 584

(f) Require floors to be dry during operation of lamps; 585

(g) Establish procedures an operator must follow in making 586  
reasonable efforts in compliance with section 4713.50 of the 587  
Revised Code to determine the age of an individual seeking to 588  
use sun lamp tanning services. 589

(18)~~(a)~~ If the board, under section 4713.61 of the Revised 590  
Code, develops a procedure for classifying licenses inactive, do 591  
both of the following: 592

~~(i)~~ (a) Establish a fee for having a license classified 593  
inactive that reflects the cost to the board of providing the 594  
inactive license service. If one or more renewal periods have 595  
elapsed since the license was valid, the fee shall not include 596  
lapsed renewal fees for more than three of those renewal 597  
periods; 598

~~(ii)~~ (b) Specify the continuing education that an 599  
individual whose license has been classified inactive must 600  
complete to have the license restored. The continuing education 601  
shall be sufficient to ensure the minimum competency in the use 602  
or administration of a new procedure or product required by a 603  
licensee necessary to protect public health and safety. The 604  
requirement shall not exceed the cumulative number of hours of 605  
continuing education that the individual would have been 606  
required to complete had the individual retained an active 607  
license. 608

~~(b) In addition, the board may specify the conditions and 609  
method for granting a temporary work permit to practice a branch 610  
of cosmetology to an individual whose license has been 611  
classified inactive. 612~~

(19) Establish a fee for approval of a continuing 613  
education program under section 4713.62 of the Revised Code that 614

is adequate to cover any expense the board incurs in the 615  
approval process; 616

(20) Anything else necessary to implement this chapter. 617

(B) ~~(1)~~ The rules adopted under division (A) (2) of this 618  
section may establish additional conditions for a temporary pre- 619  
examination work permit under section 4713.22 of the Revised 620  
Code that are applicable to individuals who practice a branch of 621  
cosmetology in another state or country. 622

~~(2) The rules adopted under division (A) (18) (b) of this 623  
section may establish additional conditions for a temporary work- 624  
permit that are applicable to individuals who practice a branch- 625  
of cosmetology in another state. 626~~

(C) The conditions specified in rules adopted under 627  
division (A) (6) of this section may include that an applicant is 628  
applying for a license to practice a branch of cosmetology for 629  
which the board determines an examination is unnecessary. 630

(D) The rules adopted under division (A) (11) of this 631  
section shall not include a profession if practice of the 632  
profession in a salon is a violation of a statute or rule 633  
governing the profession. 634

(E) The sanitary standards established under division (A) 635  
(15) of this section shall focus in particular on precautions to 636  
be employed to prevent infectious or contagious diseases being 637  
created or spread. The board shall consult with the Ohio 638  
department of health when establishing the sanitary standards. 639

(F) The fee established by rules adopted under division 640  
(A) (16) of this section shall cover the cost the board incurs in 641  
inspecting tanning facilities and enforcing the board's rules 642  
but may not exceed one hundred dollars per location of such 643

facilities. 644

(G) The board may establish the conditions and method for 645  
granting a temporary work permit to practice a branch of 646  
cosmetology in this state to an individual who practices a 647  
branch of cosmetology in another state. 648

**Sec. 4713.351.** (A) For purposes of this section, a 649  
"limited event" includes, but is not limited to, the following: 650

(1) A charity event; 651

(2) On-location wedding or event preparation; 652

(3) A bridal or hair show; 653

(4) An on-location spa event; 654

(5) An on-location event at a location such as a nursing 655  
home, hospital, or other care facility that lacks an on-site 656  
salon or barber shop; 657

(6) An on-location event at the private residence of an 658  
individual who is unable to visit a fixed location salon or 659  
barber shop. 660

(B) Notwithstanding any provision of this chapter or 661  
Chapter 4709. of the Revised Code, or the rules adopted under 662  
either chapter, to the contrary, an individual who is licensed 663  
to provide services under Chapter 4709. or 4713. of the Revised 664  
Code may provide those services on premises other than a salon 665  
or a barber shop licensed under Chapter 4709., as applicable, 666  
for limited events only if the services provided are incidental 667  
to the licensee's practice in a salon or barber shop. 668

(C) The state cosmetology and barber board shall not 669  
require an individual who provides incidental services as 670



described in this section to obtain an additional license or  
permit to provide those services.

**Sec. 4713.61.** (A) If the state cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until ~~the later of the following:~~

~~(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;~~

~~(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.~~

~~(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.~~

**Sec. 4729.41.** (A) (1) A pharmacist licensed under this

chapter who meets the requirements of division (B) of this 700  
section, and a pharmacy intern licensed under this chapter who 701  
meets the requirements of division (B) of this section and is 702  
working under the direct supervision of a pharmacist who meets 703  
the requirements of that division, may do any of the following: 704

(a) Administer immunizations for influenza to individuals 705  
who are seven years of age or older; 706

(b) Only pursuant to a prescription, administer to 707  
individuals who are seven years of age or older but not more 708  
than thirteen years of age any of the immunizations included in 709  
division (A) (2) of this section; 710

(c) Administer to individuals who are thirteen years of 711  
age or older any of the immunizations included in division (A) 712  
(2) of this section; 713

(d) Administer immunizations for COVID-19 to individuals 714  
who are seven years of age or older. 715

(2) A pharmacist or pharmacy intern may administer in 716  
accordance with divisions (A) (1) (b) and (c) of this section 717  
~~either any~~ of the following: 718

(a) Any immunization that ~~on March 19, 2015,~~ is included 719  
in either of the following immunization schedules recommended by 720  
the advisory committee on immunization practices of the centers 721  
for disease control and prevention in the United States 722  
department of health and human services: 723

(i) The recommended immunization schedule for ~~persons~~ 724  
individuals aged zero through eighteen years; 725

(ii) The recommended adult immunization schedule. 726

(b) In the case of an adult individual, any immunization 727

that is authorized or approved for use in adults but not yet 728  
included in the recommended adult immunization schedule 729  
described in division (A) (2) (a) (ii) of this section; 730

(c) Any other immunization specified in rules adopted 731  
under division (E) (1) (d) of this section. 732

(3) As part of engaging in the administration of 733  
immunizations or supervising a pharmacy intern's administration 734  
of immunizations, a pharmacist may administer epinephrine or 735  
diphenhydramine, or both, to individuals in emergency situations 736  
resulting from adverse reactions to the immunizations 737  
administered by the pharmacist or pharmacy intern. 738

(B) For a pharmacist or pharmacy intern to be authorized 739  
to engage in the administration of immunizations pursuant to 740  
division (A) of this section, the pharmacist or pharmacy intern 741  
shall do all of the following: 742

(1) Successfully complete a course in the administration 743  
of immunizations that meets the requirements established in 744  
rules adopted under this section for such courses; 745

(2) Receive and maintain certification to perform basic 746  
life-support procedures by successfully completing a basic life- 747  
support training course that is certified by the American red 748  
cross or American heart association or approved by the state 749  
board of pharmacy; 750

(3) Practice in accordance with a protocol that meets the 751  
requirements of division (C) of this section. 752

(C) All of the following apply with respect to the 753  
protocol required by division (B) (3) of this section: 754

(1) The protocol shall be established by a physician 755

authorized under Chapter 4731. of the Revised Code to practice 756  
medicine and surgery or osteopathic medicine and surgery. 757

(2) The protocol shall specify a definitive set of 758  
treatment guidelines and the locations at which a pharmacist or 759  
pharmacy intern may engage in the administration of 760  
immunizations. 761

(3) The protocol shall satisfy the requirements 762  
established in rules adopted under this section for protocols. 763

(4) The protocol shall include provisions for 764  
implementation of the following requirements: 765

(a) The pharmacist or pharmacy intern who administers an 766  
immunization shall observe the individual who receives the 767  
immunization to determine whether the individual has an adverse 768  
reaction to the immunization. The length of time and location of 769  
the observation shall comply with the rules adopted under this 770  
section establishing requirements for protocols. The protocol 771  
shall specify procedures to be followed by a pharmacist when 772  
administering epinephrine, diphenhydramine, or both, to an 773  
individual who has an adverse reaction to an immunization 774  
administered by the pharmacist or a pharmacy intern. 775

(b) For each immunization administered to an individual by 776  
a pharmacist or pharmacy intern, other than an immunization for 777  
influenza administered to an individual eighteen years of age or 778  
older, the pharmacist or pharmacy intern shall notify the 779  
individual's family physician or, if the individual has no 780  
family physician, the board of health of the health district in 781  
which the individual resides or the authority having the duties 782  
of a board of health for that district under section 3709.05 of 783  
the Revised Code. The notice shall be given not later than 784

thirty days after the immunization is administered. 785

(c) For each immunization administered by a pharmacist or 786  
pharmacy intern to an individual younger than eighteen years of 787  
age pursuant to division (A)(1) of this section, the pharmacist 788  
or a pharmacy intern shall obtain permission from the 789  
individual's parent or legal guardian in accordance with the 790  
procedures specified in rules adopted under this section. 791

(D)(1) No pharmacist shall do either of the following: 792

(a) Engage in the administration of immunizations unless 793  
the requirements of division (B) of this section have been met; 794

(b) Delegate to any person the pharmacist's authority to 795  
engage in or supervise the administration of immunizations. 796

(2) No pharmacy intern shall engage in the administration 797  
of immunizations unless the requirements of division (B) of this 798  
section have been met. 799

(E)(1) The state board of pharmacy shall adopt rules to 800  
implement this section. The rules shall be adopted in accordance 801  
with Chapter 119. of the Revised Code and shall include the 802  
following: 803

(a) Requirements for courses in administration of 804  
immunizations, including requirements that are consistent with 805  
any standards established for such courses by the centers for 806  
disease control and prevention; 807

(b) Requirements for protocols to be followed by 808  
pharmacists and pharmacy interns in engaging in the 809  
administration of immunizations; 810

(c) Procedures to be followed by pharmacists and pharmacy 811  
interns in obtaining from the individual's parent or legal 812

guardian permission to administer immunizations to an individual 813  
younger than eighteen years of age pursuant to division (A) (1) 814  
of this section; 815

(d) Provisions specifying any immunizations that may be 816  
administered under division ~~(A) (2) (b)~~ (A) (2) (c) of this section. 817

(2) Prior to adopting rules regarding requirements for 818  
protocols to be followed by pharmacists and pharmacy interns in 819  
engaging in the administration of immunizations, the state board 820  
of pharmacy shall consult with the state medical board and the 821  
board of nursing. 822

(3) Prior to adopting rules specifying any immunizations 823  
that may be administered under division ~~(A) (2) (b)~~ (A) (2) (c) of 824  
this section, the state board of pharmacy shall consult with the 825  
state medical board. 826

(F) In addition to the rules it adopts under division (E) 827  
of this section, the state board of pharmacy may adopt rules 828  
that change the immunizations authorized by division (A) (2) (a) 829  
of this section to reflect changes in the recommendations of the 830  
advisory committee on immunization practices. The rules shall be 831  
adopted in accordance with Chapter 119. of the Revised Code. 832

**Sec. 4729.42. A pharmacist may order and administer** 833  
**diagnostic tests for COVID-19 and tests for COVID-19 antibodies.** 834

Both of the following may, under the direct supervision of 835  
a pharmacist, administer diagnostic tests for COVID-19 and tests 836  
for COVID-19 antibodies: 837

(A) A pharmacy intern; 838

(B) A certified pharmacy technician. 839

**Sec. 4731.512. A podiatrist may administer influenza** 840

vaccinations for both of the following to individuals who are 841  
seven years of age or older: 842

(A) Influenza; 843

(B) COVID-19. 844

**Sec. 4928.66.** (A) (1) (a) Beginning in 2009, an electric 845  
distribution utility shall implement energy efficiency programs 846  
that achieve energy savings equivalent to at least three-tenths 847  
of one per cent of the total, annual average, and normalized 848  
kilowatt-hour sales of the electric distribution utility during 849  
the preceding three calendar years to customers in this state. 850  
An energy efficiency program may include a combined heat and 851  
power system placed into service or retrofitted on or after the 852  
effective date of the amendment of this section by S.B. 315 of 853  
the 129th general assembly, September 10, 2012, or a waste 854  
energy recovery system placed into service or retrofitted on or 855  
after September 10, 2012, except that a waste energy recovery 856  
system described in division (A) (38) (b) of section 4928.01 of 857  
the Revised Code may be included only if it was placed into 858  
service between January 1, 2002, and December 31, 2004. For a 859  
waste energy recovery or combined heat and power system, the 860  
savings shall be as estimated by the public utilities 861  
commission. The savings requirement, using such a three-year 862  
average, shall increase to an additional five-tenths of one per 863  
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 864  
of one per cent in 2012, nine-tenths of one per cent in 2013, 865  
and one per cent in 2014. In 2015 and 2016, an electric 866  
distribution utility shall achieve energy savings equal to the 867  
result of subtracting the cumulative energy savings achieved 868  
since 2009 from the product of multiplying the baseline for 869  
energy savings, described in division (A) (2) (a) of this section, 870

by four and two-tenths of one per cent. If the result is zero or 871  
less for the year for which the calculation is being made, the 872  
utility shall not be required to achieve additional energy 873  
savings for that year, but may achieve additional energy savings 874  
for that year. The annual savings requirements shall be, for 875  
years 2017, 2018, 2019, and 2020, an additional one per cent of 876  
the baseline. For purposes of a waste energy recovery or 877  
combined heat and power system, an electric distribution utility 878  
shall not apply more than the total annual percentage of the 879  
electric distribution utility's industrial-customer load, 880  
relative to the electric distribution utility's total load, to 881  
the annual energy savings requirement. 882

(b) Beginning in 2009, an electric distribution utility 883  
shall implement peak demand reduction programs designed to 884  
achieve a one per cent reduction in peak demand in 2009 and an 885  
additional seventy-five hundredths of one per cent reduction 886  
each year through 2014. In 2015 and 2016, an electric 887  
distribution utility shall achieve a reduction in peak demand 888  
equal to the result of subtracting the cumulative peak demand 889  
reductions achieved since 2009 from the product of multiplying 890  
the baseline for peak demand reduction, described in division 891  
(A) (2) (a) of this section, by four and seventy-five hundredths 892  
of one per cent. If the result is zero or less for the year for 893  
which the calculation is being made, the utility shall not be 894  
required to achieve an additional reduction in peak demand for 895  
that year, but may achieve an additional reduction in peak 896  
demand for that year. In 2017 and each year thereafter through 897  
2020, the utility shall achieve an additional seventy-five 898  
hundredths of one per cent reduction in peak demand. 899

(2) For the purposes of divisions (A) (1) (a) and (b) of 900  
this section: 901



(a) The baseline for energy savings under division (A) (1) 902  
(a) of this section shall be the average of the total kilowatt 903  
hours the electric distribution utility sold in the preceding 904  
three calendar years. The baseline for a peak demand reduction 905  
under division (A) (1) (b) of this section shall be the average 906  
peak demand on the utility in the preceding three calendar 907  
years, except that the commission may reduce either baseline to 908  
adjust for new economic growth in the utility's certified 909  
territory. Neither baseline shall include the load and usage of 910  
any of the following customers: 911

(i) Beginning January 1, 2017, a customer for which a 912  
reasonable arrangement has been approved under section 4905.31 913  
of the Revised Code; 914

(ii) A customer that has opted out of the utility's 915  
portfolio plan under section 4928.6611 of the Revised Code; 916

(iii) A customer that has opted out of the utility's 917  
portfolio plan under Section 8 of S.B. 310 of the 130th general 918  
assembly. 919

(b) The commission may amend the benchmarks set forth in 920  
division (A) (1) (a) or (b) of this section if, after application 921  
by the electric distribution utility, the commission determines 922  
that the amendment is necessary because the utility cannot 923  
reasonably achieve the benchmarks due to regulatory, economic, 924  
or technological reasons beyond its reasonable control. 925

(c) Compliance with divisions (A) (1) (a) and (b) of this 926  
section shall be measured by including the effects of all 927  
demand-response programs for mercantile customers of the subject 928  
electric distribution utility, all waste energy recovery systems 929  
and all combined heat and power systems, and all such mercantile 930

customer-sited energy efficiency, including waste energy 931  
recovery and combined heat and power, and peak demand reduction 932  
programs, adjusted upward by the appropriate loss factors. Any 933  
mechanism designed to recover the cost of energy efficiency, 934  
including waste energy recovery and combined heat and power, and 935  
peak demand reduction programs under divisions (A)(1)(a) and (b) 936  
of this section may exempt mercantile customers that commit 937  
their demand-response or other customer-sited capabilities, 938  
whether existing or new, for integration into the electric 939  
distribution utility's demand-response, energy efficiency, 940  
including waste energy recovery and combined heat and power, or 941  
peak demand reduction programs, if the commission determines 942  
that that exemption reasonably encourages such customers to 943  
commit those capabilities to those programs. If a mercantile 944  
customer makes such existing or new demand-response, energy 945  
efficiency, including waste energy recovery and combined heat 946  
and power, or peak demand reduction capability available to an 947  
electric distribution utility pursuant to division (A)(2)(c) of 948  
this section, the electric utility's baseline under division (A) 949  
(2)(a) of this section shall be adjusted to exclude the effects 950  
of all such demand-response, energy efficiency, including waste 951  
energy recovery and combined heat and power, or peak demand 952  
reduction programs that may have existed during the period used 953  
to establish the baseline. The baseline also shall be normalized 954  
for changes in numbers of customers, sales, weather, peak 955  
demand, and other appropriate factors so that the compliance 956  
measurement is not unduly influenced by factors outside the 957  
control of the electric distribution utility. 958

(d)(i) Programs implemented by a utility may include the 959  
following: 960

(I) Demand-response programs; 961

(II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial; 962  
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(III) Customer-sited programs, including waste energy recovery and combined heat and power systems; 964  
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(IV) Transmission and distribution infrastructure improvements that reduce line losses; 966  
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(V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures. 968  
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(ii) No energy efficiency or peak demand reduction achieved under divisions (A) (2) (d) (i) (IV) and (V) of this section shall qualify for shared savings. 975  
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(iii) Division (A) (2) (c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code. 978  
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(e) No programs or improvements described in division (A) (2) (d) of this section shall conflict with any statewide building code adopted by the board of building standards. 986  
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(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission 989  
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an annual report containing the results of its verification of 991  
the annual levels of energy efficiency and of peak demand 992  
reductions achieved by each electric distribution utility 993  
pursuant to division (A) of this section. A copy of the report 994  
shall be provided to the consumers' counsel. 995

(C) If the commission determines, after notice and 996  
opportunity for hearing and based upon its report under division 997  
(B) of this section, that an electric distribution utility has 998  
failed to comply with an energy efficiency or peak demand 999  
reduction requirement of division (A) of this section, the 1000  
commission shall assess a forfeiture on the utility as provided 1001  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 1002  
Code, either in the amount, per day per undercompliance or 1003  
noncompliance, relative to the period of the report, equal to 1004  
that prescribed for noncompliances under section 4905.54 of the 1005  
Revised Code, or in an amount equal to the then existing market 1006  
value of one renewable energy credit per megawatt hour of 1007  
undercompliance or noncompliance. Revenue from any forfeiture 1008  
assessed under this division shall be deposited to the credit of 1009  
the advanced energy fund created under section 4928.61 of the 1010  
Revised Code. 1011

(D) The commission may establish rules regarding the 1012  
content of an application by an electric distribution utility 1013  
for commission approval of a revenue decoupling mechanism under 1014  
this division. Such an application shall not be considered an 1015  
application to increase rates and may be included as part of a 1016  
proposal to establish, continue, or expand energy efficiency or 1017  
conservation programs. The commission by order may approve an 1018  
application under this division if it determines both that the 1019  
revenue decoupling mechanism provides for the recovery of 1020  
revenue that otherwise may be forgone by the utility as a result 1021

of or in connection with the implementation by the electric 1022  
distribution utility of any energy efficiency or energy 1023  
conservation programs and reasonably aligns the interests of the 1024  
utility and of its customers in favor of those programs. 1025

(E) The commission additionally shall adopt rules that 1026  
require an electric distribution utility to provide a customer 1027  
upon request with two years' consumption data in an accessible 1028  
form. 1029

(F) (1) As used in divisions (F) (2), (3), and (4) of this 1030  
section, "portfolio plan" has the same meaning as in division 1031  
(C) (1) of section 4928.6610 of the Revised Code. 1032

(2) (a) If an electric distribution utility has a portfolio 1033  
plan in effect as of ~~the effective date of the amendments to~~ 1034  
~~this section by H.B. 6 of the 133rd general assembly October 22,~~ 1035  
~~2019,~~ and that plan expires before December 31, 2020, the 1036  
commission shall extend the plan through that date. ~~All Except~~ 1037  
as provided in division (F) (2) (b) of this section, all portfolio 1038  
plans shall terminate on that date. 1039

(b) All programs in portfolio plans that benefit, and are 1040  
limited to, low-income customers with an annual income at or 1041  
below two hundred per cent of the federal poverty level shall 1042  
terminate on September 27, 2021. 1043

(3) If a portfolio plan is extended beyond its commission 1044  
approved term by division (F) (2) of this section, the existing 1045  
plan's budget shall be increased for the extended term to 1046  
include an amount equal to the annual average of the approved 1047  
budget for all years of the portfolio plan in effect as of ~~the~~ 1048  
~~effective date of the amendments to this section by H.B. 6 of~~ 1049  
~~the 133rd general assembly~~October 22, 2019. 1050

(4) All other terms and conditions of a portfolio plan 1051  
extended beyond its commission-approved term by division (F) (2) 1052  
of this section shall remain the same unless changes are 1053  
authorized by the commission. 1054

(G) (1) Not later than February 1, 2021, the commission 1055  
shall determine the cumulative energy savings collectively 1056  
achieved, since 2009, by all electric distribution utilities in 1057  
this state as of December 31, 2020. In determining that 1058  
cumulative total, the commission shall do both of the following: 1059

(a) Include energy savings that were estimated by the 1060  
commission to be achieved as of December 31, 2020, and banked 1061  
under division (G) of section 4928.662 of the Revised Code; 1062

(b) Use an energy savings baseline that is the average of 1063  
the total kilowatt hours sold by all electric distribution 1064  
utilities in this state in the calendar years 2018, 2019, and 1065  
2020. The baseline shall exclude the load and usage described in 1066  
division (A) (2) (a) (i), (ii), and (iii) of this section. That 1067  
baseline may also be reduced for new economic growth in the 1068  
utility's certified territory as provided in division (A) (2) (a) 1069  
of this section and adjusted and normalized as provided in 1070  
division (A) (2) (c) of this section. 1071

(2) (a) If the cumulative energy savings collectively 1072  
achieved as determined by the commission under division (G) (1) 1073  
of this section is at least seventeen and one-half per cent of 1074  
the baseline described in division (G) (1) (b) of this section, 1075  
then full compliance with division (A) (1) (a) of this section 1076  
shall be deemed to have been achieved notwithstanding any 1077  
provision of this section to the contrary. 1078

(b) If the cumulative energy savings collectively achieved 1079

as determined by the commission under division (G) (1) of this 1080  
section is less than seventeen and one-half per cent of the 1081  
baseline described in division (G) (1) (b) of this section, then 1082  
both of the following shall apply: 1083

(i) The commission shall determine the manner in which 1084  
further implementation of energy efficiency programs shall occur 1085  
as may be reasonably necessary for collective achievement of 1086  
cumulative energy savings equal to seventeen and one-half 1087  
~~percent~~per cent, and not more, of the baseline described in 1088  
division (G) (1) (b) of this section. 1089

(ii) Full compliance with division (A) (1) (a) of this 1090  
section shall be deemed to be achieved as of a date certain 1091  
established by the commission notwithstanding any provision of 1092  
this section to the contrary. 1093

(3) Upon the date that full compliance with division (A) 1094  
(1) (a) of this section is deemed achieved under division (G) (2) 1095  
(a) or (b) of this section, any electric distribution utility 1096  
cost recovery mechanisms for portfolio plans described in 1097  
division (F) (2) of this section and authorized by the commission 1098  
for compliance with this section shall terminate except as may 1099  
be necessary to reconcile the difference between revenue 1100  
collected and the allowable cost of compliance associated with 1101  
compliance efforts occurring ~~prior to the date upon which full~~ 1102  
~~compliance with division (A) (1) (a) of this section is deemed~~ 1103  
~~achieved~~up to two hundred seventy days after the termination of 1104  
an electric distribution utility cost recovery mechanism or when 1105  
collected revenues have been expended, whichever occurs sooner. 1106  
No such cost recovery mechanism shall be authorized by the 1107  
commission beyond the period of time required to complete ~~this~~ 1108  
the final reconciliation. 1109

**Section 2.** That existing sections 4709.02, 4709.05, 1110  
4709.07, 4709.10, 4709.12, 4709.13, 4713.02, 4713.08, 4713.61, 1111  
4729.41, 4731.512, and 4928.66 of the Revised Code are hereby 1112  
repealed. 1113

**Section 3.** That Section 30 of H.B. 197 of the 133rd 1114  
General Assembly be amended to read as follows: 1115

**Sec. 30.** (A) During the period ~~of beginning on the date~~ 1116  
that the emergency declared by Executive Order 2020-01D, was 1117  
issued on, March 9, 2020, and ending on July 1, 2021, the 1118  
requirement of division (A) (2) (a) of section 4723.09 of the 1119  
Revised Code is suspended. Accordingly, during such period, the 1120  
Board of Nursing shall grant to an applicant described in 1121  
division (A) of section 4723.09 of the Revised Code a temporary 1122  
license to practice nursing as a registered nurse or as a 1123  
licensed practical nurse if the conditions of divisions (A) (1) 1124  
and (A) (2) (b) to (d) of section 4723.09 of the Revised Code have 1125  
been met. 1126

For each nurse practicing under a temporary license as 1127  
authorized by this division, the State Board of Nursing shall 1128  
recognize any hours the nurse works under the temporary license 1129  
and count those hours towards any outstanding clinical 1130  
experience that must be completed before the nurse is eligible 1131  
to take the examination that is required when division (A) (2) (a) 1132  
of section 4723.09 of the Revised Code is no longer suspended. 1133

(B) A temporary license issued under this section ~~shall be~~ 1134  
is valid until whichever of the following dates occurs first: 1135

~~(1) The date that is ninety days after December 1, 2020;~~ 1136  
~~(2) The date that is ninety days after the duration of the~~ 1137  
~~period of the emergency described in division (A) of this~~ 1138



section July 1, 2021. 1139

(C) (1) An individual is not eligible for a temporary 1140  
license issued under this section if any of the following apply: 1141

(a) The individual has previously taken and failed the 1142  
examination for licensure to practice as a registered nurse or 1143  
as a licensed practical nurse; 1144

(b) A criminal records check conducted in accordance with 1145  
section 4723.091 of the Revised Code indicates that the 1146  
individual has been convicted of, pleaded guilty to, or had a 1147  
judicial finding of guilt for, any felony; 1148

(c) The individual has taken a drug test and failed that 1149  
test, as determined by the Board. 1150

(2) If, while holding a temporary license issued under 1151  
this section, any of the following occur, the licensee's 1152  
temporary license is void and has no effect immediately 1153  
beginning on the date of the occurrence: 1154

(a) The licensee fails the examination for licensure to 1155  
practice as a registered nurse or as a licensed practical nurse; 1156

(b) A criminal records check conducted in accordance with 1157  
section 4723.091 of the Revised Code indicates that the licensee 1158  
has been convicted of, pleaded guilty to, or had a judicial 1159  
finding of guilt for, any felony; 1160

(c) The licensee fails a drug test, as determined by the 1161  
Board. 1162

**Section 4.** That existing Section 30 of H.B. 197 of the 1163  
133rd General Assembly is hereby repealed. 1164

**Section 5.** Notwithstanding any provision of law to the 1165

contrary, each educator preparation program approved under 1166  
section 3333.048 of the Revised Code shall develop and implement 1167  
a plan to provide its students with alternative experiences, 1168  
assignments, or instruction in the 2021-2022 academic year to 1169  
make up any hours or weeks of clinical experiences, including 1170  
field experiences, student teaching, and internship placements, 1171  
that the students miss due to the Director of Health's order 1172  
under section 3701.13 of the Revised Code "In re: Order the 1173  
Closure of All K-12 Schools in the State of Ohio" issued on 1174  
March 14, 2020, or any local board of health order, and any 1175  
extension of any order, based on the implications of COVID-19 or 1176  
due to any other closure of schools or implementation of limited 1177  
hours based on the implications of COVID-19. The alternative 1178  
experiences, assignments, or instruction shall allow students to 1179  
demonstrate mastery of the expected outcomes of clinical 1180  
experiences. The alternative experiences, assignments, or 1181  
instruction may include virtual learning, designing lessons and 1182  
units of instruction, selecting and implementing instructional 1183  
strategies, teaching lessons and content, assessing learning to 1184  
evaluate student progress and inform instructional decisions, 1185  
creating a supportive learning environment, managing the 1186  
classroom effectively, and other appropriate activities. The 1187  
Department of Higher Education and the Department of Education 1188  
shall consider a student who successfully completes make up 1189  
hours or weeks in the 2021-2022 academic year using alternative 1190  
experiences, assignments, or instruction eligible for licensure 1191  
and endorsement recommendations in the same manner as a student 1192  
who completes clinical experiences. This section shall not apply 1193  
to a barber school licensed under Chapter 4709. of the Revised 1194  
Code or a school of cosmetology licensed under Chapter 4713. of 1195  
the Revised Code. 1196

<b>Section 6.</b> (A) As used in this section:	1197
(1) (a) "Occupational license" means any license,	1198
certificate, permit, or other authorization issued by a state	1199
agency that allows the holder to practice a job or profession.	1200
(b) "Occupational license" does not include a license	1201
issued pursuant to rules prescribed under Section 5 of Article	1202
IV, Ohio Constitution.	1203
(2) "State agency" has the same meaning as in section 1.60	1204
of the Revised Code.	1205
(3) "Distance education" means continuing education	1206
courses in which instruction is accomplished through the use of	1207
interactive, electronic media and where the teacher and student	1208
are separated by distance or time, or both.	1209
(B) (1) Except as provided in division (B) (2) of this	1210
section and notwithstanding any provision of law to the	1211
contrary, beginning on the effective date of this section and	1212
ending on July 1, 2021, any requirement that a person must	1213
complete continuing education to maintain or renew an	1214
occupational license is suspended.	1215
(2) Division (B) (1) of this section does not apply if the	1216
laws governing the applicable occupational license allow a	1217
person to complete continuing education through distance	1218
education.	1219
<b>Section 7.</b> Section 4713.02 of the Revised Code, as amended	1220
by this act, does not affect the terms of members of the State	1221
Cosmetology and Barber Board serving on the Board on the	1222
effective date of this section.	1223
<b>Section 8.</b> Section 4729.41 of the Revised Code is	1224

presented in this act as a composite of the section as amended 1225  
by both H.B. 101 and H.B. 541 of the 132nd General Assembly. The 1226  
General Assembly, applying the principle stated in division (B) 1227  
of section 1.52 of the Revised Code that amendments are to be 1228  
harmonized if reasonably capable of simultaneous operation, 1229  
finds that the composite is the resulting version of the section 1230  
in effect prior to the effective date of the section as 1231  
presented in this act. 1232

**Section 9.** This act is hereby declared to be an emergency 1233  
measure necessary for the immediate preservation of the public 1234  
peace, health, and safety. The reason for such necessity is to 1235  
respond to the declared pandemic and global health emergency 1236  
related to COVID-19 and to allow low-income customers to benefit 1237  
from, and electric distribution utilities to reconcile costs 1238  
related to, energy efficiency programs set to terminate. 1239  
Therefore, this act shall go into immediate effect. 1240