



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2016-05K

The Emergency Amendment of Rules 4713-5-03 and 4713-5-24 and
the Emergency Adoption of Rules 4713-7-13 and 4713-8-11 of the Ohio Administrative Code
by the Ohio State Board of Cosmetology

WHEREAS, the Ohio State Board of Cosmetology (“the Board”) regulates the practice of cosmetology and all of its branches within the state of Ohio; and

WHEREAS, Am. Sub. S.B. 213 (“the legislation”) made a number of changes to the duties and responsibilities of the Board, as well as to the practice of cosmetology in the state of Ohio that are set to take effect on September 13, 2016; and

WHEREAS, the legislation changes the managing licenses currently available within different cosmetology disciplines, and renames them as advanced licenses; and

WHEREAS, individuals currently licensed as managers will automatically have their license changed to an advanced license upon the effective date of the legislation; and

WHEREAS, those individuals who have recently completed the educational requirements established for a managing license or are currently enrolled in educational opportunities to receive a managing license will, absent a rule change, lose the benefit of the work they have completed upon the change from a managing license to an advanced license; and

WHEREAS, in order to achieve a seamless transition to the new licensing structure and requirements, the Board needs to adopt rules that allow those individuals who are currently pursuing or have recently completed the managing license requirements to switch to the advanced license; and

WHEREAS, additional changes in the legislation changed the process and requirement for receiving a temporary special event permit; and

WHEREAS, to ensure salon services can continue to be provided for special events at locations other than the fixed location for which the salon has a license, a new temporary event salon license must be created; and

WHEREAS, Sections 4713.07 and 4713.08 of the Ohio Revised Code authorize the Board to promulgate rules for the regulation of the practice of cosmetology and all of its branches; and

WHEREAS, Division (G) of Section 119.03 of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, board, or commission, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or recession of such rules, and when such a determination is made, the agency, board, or commission may immediately adopt, amend or rescind such rules, but the rules are valid only for 120 days; and

WHEREAS, the Board has requested a determination whether an emergency exists that requires the amendment of Rules 4713-5-03 and 4713-5-24 and the adoption of Rules 4713-7-13 and 4713-8-11 of the Ohio Administrative Code (“OAC”) and that would, therefore, permit the Board, pursuant to Sections 119.03(G) and 4713.07 of the Ohio Revised Code, to amend and adopt these rules on an emergency basis to ensure the rule changes become effective on September 13, 2016, such that there is no gap between the effective date of new statutes and the rules.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Board, that an emergency exists requiring the amendment of Rules 4713-5-03 and 4713-5-24 and the adoption of Rules 4713-7-13 and 4713-8-11 of the OAC in a manner that allows the rules to be effective immediately on September 13, 2016.

Furthermore, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment and adoption of the specified rules be suspended and that the Board be permitted to amend Rules 4713-5-03 and 4713-5-24 and adopt Rules 4713-7-13 and 4713-8-11 of the OAC with an effective date of September 13, 2016, by filing them electronically with the Secretary of State, the Director of Legislative Service Commission, and the Joint Committee on Agency Rule Review (“JCARR”).

Furthermore, I hereby order that this Executive Order be filed in electronic form with the Ohio State Board of Cosmetology, the Secretary of State, The Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on September 12, 2016, in Columbus, Ohio, and it will expire one hundred twenty (120) days from the effective date of the emergency rule, or upon the amendment of that rule through the normal JCARR process, whichever is sooner.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State