

HOUSE AMENDMENTS TO HOUSE BILL 3409

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

April 17

- 1 On page 1 of the printed bill, delete lines 5 through 28 and delete page 2.
- 2 On page 3, delete lines 1 through 12 and insert:
- 3 **“SECTION 1.** ORS 690.005 is amended to read:
- 4 “690.005. As used in ORS 690.005 to 690.235:
- 5 “(1) ‘Barbering’ means any of the following practices, when done upon the human body for cos-
- 6 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:
- 7 “(a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.
- 8 “(b) Applying hair tonics, dressings and rinses.
- 9 “(c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
- 10 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such
- 11 appliances shall not be galvanic or faradic.
- 12 “(d) Shaving, trimming or cutting of the beard or mustache.
- 13 “(2) ‘Board’ means the Board of Cosmetology, created within the Oregon Health Licensing
- 14 Agency.
- 15 “(3) ‘Certificate’ means a written authorization for the holder to perform in one or more fields
- 16 of practice.
- 17 “(4) ‘Cosmetology’ means the art or science of beautifying and improving the skin, nails and hair
- 18 and the study of cosmetics and their application.
- 19 “(5) ‘Demonstration permit’ means a written authorization for a person to practice, demonstrate
- 20 and teach one or more fields of practice on a temporary basis.
- 21 “(6) ‘Esthetics’ means any of the following skin care practices performed on the human body for
- 22 the purpose of keeping the skin healthy and attractive and not for medical diagnosis or treatment
- 23 of disease or physical or mental ailments:
- 24 “(a) The use of the hands or mechanical or electrical apparatuses or appliances for cleansing,
- 25 stimulating, manipulating, exfoliating or applying lotions or creams.
- 26 “(b) Temporary removal of hair.
- 27 “(c) Makeup artistry.
- 28 “(d) Facial and body wrapping.
- 29 “(e) Facial and body waxing.
- 30 “(7) ‘Facility’ means an establishment operated on a regular or irregular basis for the purpose
- 31 of providing services in one or more fields of practice.
- 32 “(8) ‘Field of practice’ means the following cosmetology disciplines:
- 33 “(a) Barbering.
- 34 “(b) Esthetics.
- 35 “(c) Hair design.

1 “(d) Nail technology.

2 “(e) **Natural hair care.**

3 “(9) ‘Freelance authorization’ means a written authorization that allows a practitioner to prac-
4 tice outside or away from a licensed facility.

5 “(10) ‘Hair design’ means any of the following practices, when done upon the human body for
6 cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
7 ailments:

8 “(a) Shaving, trimming or cutting of the beard or mustache.

9 “(b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing,
10 conditioning, applying hair products or similar work upon the hair of an individual.

11 “(c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
12 (a) or (b) of this subsection.

13 “(11) ‘Independent contractor’ means a practitioner who qualifies as an independent contractor
14 under ORS 670.600 and who is not under the control and direction of a facility license holder.

15 “(12) ‘License’ means a written authorization issued under ORS 690.055 to a person to operate
16 a facility for providing services related to one or more fields of practice to the public.

17 “(13) ‘Nail technology’ means any of the following manicuring or pedicuring practices performed
18 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
19 ailments:

20 “(a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of
21 the hands or feet.

22 “(b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
23 below the knee.

24 “(c) Applying, sculpturing or removing artificial nails of the hands or feet.

25 “(14)(a) **‘Natural hair care’ means:**

26 **“(A) The braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or**
27 **wrapping of human hair, natural fibers, synthetic fibers or hair extensions through the use**
28 **of hands or simple devices such as clips, combs, hairpins or needle and thread;**

29 **“(B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave ex-**
30 **tensions as is necessary to perform the activities described in this paragraph; or**

31 **“(C) The making of customized wigs from natural hair, natural fibers, synthetic fibers**
32 **or hair extensions.**

33 **“(b) ‘Natural hair care’ does not include the use of scissors, except as provided in para-**
34 **graph (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring**
35 **agents, chemical hair straightening agents, chemical hair joining agents, permanent wave**
36 **styles or chemical hair bleaching agents.**

37 “[14] (15) ‘Practitioner’ means a person certified to perform services included within a field of
38 practice.

39 “[15] (16) ‘Registration’ means a written authorization issued to an independent contractor to
40 hold forth to the public as a business entity providing services in a field of practice.

41 “[16] (17) ‘School’ means an educational establishment that has a license issued by the De-
42 partment of Education and is operated for the purpose of teaching one or more fields of practice.
43 **For purposes of this subsection, ‘field of practice’ does not include natural hair care.**

44 “[17] (18) ‘Temporary facility permit’ means a written authorization issued under ORS 690.055
45 to provide services on a temporary basis in one or more fields of practice.”.

1 On page 4, delete lines 20 through 30 and insert:
2 “**SECTION 4.** ORS 690.046 is amended to read:
3 “690.046. (1) To qualify for certification as a practitioner of hair design, barbering, esthetics
4 [or], nail technology **or natural hair care**, an applicant shall:
5 “[1] (a) **If the applicant is applying for certification to practice hair design, barbering,**
6 **esthetics or nail technology**, successfully complete all courses required by rule of the State Board
7 of Education for graduation from a school teaching one or more fields of practice.
8 “[2] (b) Successfully pass the certification examination approved, administered or recognized
9 by the Board of Cosmetology for the field of practice in which certification is sought.
10 “[3] (c) Pay all appropriate fees.
11 “[4] (d) Meet any additional requirements the Board of Cosmetology may impose by rule for
12 certification in a particular field of practice.
13 “(2) **A person who is certified to practice hair design or barbering under this section is**
14 **authorized to practice natural hair care.”.**
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