

**PROPOSED AMENDMENTS TO
HOUSE BILL 3409**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete page
2 2.

3 On page 3, delete lines 1 through 12 and insert:

4 **“SECTION 1.** ORS 690.005 is amended to read:

5 “690.005. As used in ORS 690.005 to 690.235:

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

9 “(a) Shampooing, styling, cutting, singeing and conditioning of the hair
10 of an individual.

11 “(b) Applying hair tonics, dressings and rinses.

12 “(c) Massaging of the scalp, face and neck and applying facial and scalp
13 treatments with creams, lotions, oils and other cosmetic preparations, either
14 by hand or mechanical appliances, but such appliances shall not be galvanic
15 or faradic.

16 “(d) Shaving, trimming or cutting of the beard or mustache.

17 “(2) ‘Board’ means the Board of Cosmetology, created within the Oregon
18 Health Licensing Agency.

19 “(3) ‘Certificate’ means a written authorization for the holder to perform
20 in one or more fields of practice.

21 “(4) ‘Cosmetology’ means the art or science of beautifying and improving
22 the skin, nails and hair and the study of cosmetics and their application.

1 “(5) ‘Demonstration permit’ means a written authorization for a person
2 to practice, demonstrate and teach one or more fields of practice on a tem-
3 porary basis.

4 “(6) ‘Esthetics’ means any of the following skin care practices performed
5 on the human body for the purpose of keeping the skin healthy and attrac-
6 tive and not for medical diagnosis or treatment of disease or physical or
7 mental ailments:

8 “(a) The use of the hands or mechanical or electrical apparatuses or ap-
9 pliances for cleansing, stimulating, manipulating, exfoliating or applying
10 lotions or creams.

11 “(b) Temporary removal of hair.

12 “(c) Makeup artistry.

13 “(d) Facial and body wrapping.

14 “(e) Facial and body waxing.

15 “(7) ‘Facility’ means an establishment operated on a regular or irregular
16 basis for the purpose of providing services in one or more fields of practice.

17 “(8) ‘Field of practice’ means the following cosmetology disciplines:

18 “(a) Barbering.

19 “(b) Esthetics.

20 “(c) Hair design.

21 “(d) Nail technology.

22 “(e) **Natural hair care.**

23 “(9) ‘Freelance authorization’ means a written authorization that allows
24 a practitioner to practice outside or away from a licensed facility.

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

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

29 “(b) Styling, permanent waving, relaxing, cutting, singeing, bleaching,
30 coloring, shampooing, conditioning, applying hair products or similar work

1 upon the hair of an individual.

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

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

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

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

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

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

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

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

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

24 “(B) **The use of scissors to trim synthetic fibers, hair extensions or**
25 **sewn-in weave extensions as is necessary to perform the activities de-**
26 **scribed in this paragraph; or**

27 “(C) **The making of customized wigs from natural hair, natural fi-**
28 **bers, synthetic fibers or hair extensions.**

29 “(b) ‘Natural hair care’ does not include the use of scissors, except
30 as provided in paragraph (a)(B) of this subsection, penetrating chemi-

1 **cal hair treatments, chemical hair coloring agents, chemical hair**
2 **straightening agents, chemical hair joining agents, permanent wave**
3 **styles or chemical hair bleaching agents.**

4 “[~~(14)~~] (15) ‘Practitioner’ means a person certified to perform services in-
5 cluded within a field of practice.

6 “[~~(15)~~] (16) ‘Registration’ means a written authorization issued to an in-
7 dependent contractor to hold forth to the public as a business entity pro-
8 viding services in a field of practice.

9 “[~~(16)~~] (17) ‘School’ means an educational establishment that has a license
10 issued by the Department of Education and is operated for the purpose of
11 teaching one or more fields of practice. **For purposes of this subsection,**
12 **‘field of practice’ does not include natural hair care.**

13 “[~~(17)~~] (18) ‘Temporary facility permit’ means a written authorization is-
14 sued under ORS 690.055 to provide services on a temporary basis in one or
15 more fields of practice.”.

16 On page 4, delete lines 20 through 30 and insert:

17 **“SECTION 4.** ORS 690.046 is amended to read:

18 “690.046. (1) To qualify for certification as a practitioner of hair design,
19 barbering, esthetics [*or*], nail technology **or natural hair care**, an applicant
20 shall:

21 “[~~(1)~~] (a) **If the applicant is applying for certification to practice hair**
22 **design, barbering, esthetics or nail technology**, successfully complete all
23 courses required by rule of the State Board of Education for graduation from
24 a school teaching one or more fields of practice.

25 “[~~(2)~~] (b) Successfully pass the certification examination approved, ad-
26 ministered or recognized by the Board of Cosmetology for the field of prac-
27 tice in which certification is sought.

28 “[~~(3)~~] (c) Pay all appropriate fees.

29 “[~~(4)~~] (d) Meet any additional requirements the Board of Cosmetology
30 may impose by rule for certification in a particular field of practice.

1 **“(2) An applicant who is certified to practice hair design or barber-**
2 **ing under this section is authorized to practice natural hair care.”.**

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