

# House Bill 2642

Sponsored by Representatives HOYLE, DOHERTY (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Board of Certified Laser Estheticians within Health Licensing Office. Defines "advanced nonablative esthetics procedure." Requires esthetician to be certified with board to practice advanced nonablative esthetics procedures.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to nonablative procedures; creating new provisions; amending ORS 676.583; and declaring  
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 6 of this 2015 Act:**

6 (1) "Advanced nonablative esthetics procedure" means a procedure that uses a laser or  
7 other device registered with the United States Food and Drug Administration for nonablative  
8 procedures performed on the skin or hair, including:

9 (a) Skin resurfacing, laser peel, laser vaporization and lasabrasion;

10 (b) Photo rejuvenation and skin rejuvenation;

11 (c) Body contouring;

12 (d) Skin needling other than acupuncture;

13 (e) Vein reduction;

14 (f) Pigment lentigo reduction;

15 (g) Acne reduction;

16 (h) Cellulite reduction;

17 (i) Hair removal or reduction; and

18 (j) Tattoo removal.

19 (2) "Certified laser esthetician" means a person certified to practice advanced nonablative  
20 esthetics procedures under sections 1 to 6 of this 2015 Act.

21 (3) "Esthetician" means a person certified to practice esthetics under ORS 690.005 to  
22 690.225.

23 **SECTION 2. (1) An esthetician may not practice advanced nonablative esthetics proce-**  
24 **dures unless the esthetician is certified by the Board of Certified Laser Estheticians under**  
25 **section 3 of this 2015 Act.**

26 (2) Notwithstanding ORS 677.080, a certified laser esthetician may practice advanced  
27 nonablative esthetics procedures.

28 **SECTION 3. (1) Except as provided in subsection (2) of this section, the Board of Certified**  
29 **Laser Estheticians shall issue a certificate to practice advanced nonablative esthetics pro-**  
30 **cedures to an applicant who:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

- 1 (a) Is at least 18 years of age;
- 2 (b) Meets any education requirements established by the board by rule;
- 3 (c) Successfully completes any training requirements established by the board by rule;
- 4 (d) Passes an examination adopted by the board by rule and administered by the Health
- 5 Licensing Office; and
- 6 (e) Pays a fee adopted by the board by rule.

7 (2) The board shall issue a certificate to practice advanced nonablative esthetics proce-  
8 dures to an applicant who:

9 (a) Is certified to practice advanced nonablative esthetics procedures in a state where the  
10 requirements to practice advanced nonablative esthetics procedures are substantially similar  
11 to the requirements to practice advanced nonablative esthetics procedures in this state;

12 (b) Is in good standing to practice advanced nonablative esthetics procedures in the state  
13 where the applicant is certified to practice advanced nonablative esthetics procedures; and

14 (c) Pays a fee adopted by the board by rule.

15 **SECTION 4.** (1) A certificate issued under section 3 of this 2015 Act must be renewed  
16 biennially. To renew a certificate under this section, a certified laser esthetician must submit  
17 to the Board of Certified Laser Estheticians:

18 (a) An application that includes:

19 (A) Proof that the certified laser esthetician has completed any continuing education  
20 requirements established by the board by rule; and

21 (B) Any change in the certified laser esthetician's address or other contact information;  
22 and

23 (b) A renewal fee adopted by the board by rule.

24 (2) Failure to renew a certificate under this section results in forfeiture of the certif-  
25 icate. A certified laser esthetician may restore a forfeited license by meeting the require-  
26 ments of subsection (1) of this section and paying a restoration fee adopted by the board by  
27 rule no later than 30 days after the date on which the certificate was forfeited. Failure to  
28 restore a forfeited certificate under this section results in termination of the certificate.

29 **SECTION 5.** (1) There is established the Board of Certified Laser Estheticians within the  
30 Health Licensing Office, consisting of:

31 (a) Five members appointed by the Director of the Health Licensing Office; and

32 (b) The director or the director's designee.

33 (2) The five appointed members of the board must be residents of this state who are  
34 estheticians and who have at least three years' experience practicing advanced nonablative  
35 esthetics procedures.

36 (3) The director or the director's designee is a nonvoting ex officio member of the board.

37 (4) The term of office of each appointed member is four years, but a member serves at  
38 the pleasure of the director. Before the expiration of the term of a member, the director  
39 shall appoint a successor whose term begins on January 1 next following. A member is eli-  
40 gible for reappointment. If there is a vacancy for any cause, the director shall make an ap-  
41 pointment to become immediately effective for the unexpired term.

42 (5) The voting members of the board shall select one of the voting members as chair-  
43 person and another voting member as vice chairperson. The board shall establish the terms  
44 of service for the chairperson and the vice chairperson and the duties and powers of the  
45 chairperson and the vice chairperson.

1 (6) A majority of the voting members of the board constitutes a quorum for the trans-  
2 action of business.

3 (7) Official action by the board requires the approval of a majority of the voting members  
4 of the board.

5 (8) The board shall meet at least once each month at a place, day and hour determined  
6 by the board. The board also may meet at other times and places specified by the call of the  
7 chairperson or of a majority of the voting members of the board.

8 (9) In addition to the powers granted to the board by sections 1 to 6 of this 2015 Act, the  
9 board shall have the power to:

10 (a) Adopt rules and take actions necessary to carry out the duties of the board under  
11 sections 1 to 6 of this 2015 Act.

12 (b) Adopt rules establishing sanitation and safety requirements for advanced nonablative  
13 esthetics procedures.

14 (c) Adopt rules establishing a professional code of conduct for certified laser estheticians.

15 (d) Adopt any other rule necessary to regulate certified laser estheticians.

16 (e) Pursuant to ORS 676.612 and sections 3, 4 and 6 of this 2015 Act, direct the office to  
17 suspend, revoke, limit or refuse to issue a license.

18 (f) Provide and publish on a website maintained by the office, or in a widely disseminated  
19 print publication, the final disciplinary actions taken against certified laser estheticians.

20 (g) Provide advice to the office on issues related to advanced nonablative esthetics pro-  
21 cedures.

22 (h) Compile information related to advanced nonablative esthetics procedures and direct  
23 the office to disseminate the information to certified laser estheticians.

24 **SECTION 6.** In the manner provided by ORS chapter 183 for contested cases, and after  
25 consultation with the Board of Certified Laser Estheticians, the Health Licensing Office may  
26 impose a form of discipline described in ORS 676.612 against any person certified under sec-  
27 tion 3 of this 2015 Act for a violation of the provisions of sections 1 to 6 of this 2015 Act or  
28 a rule adopted under sections 1 to 6 of this 2015 Act.

29 **SECTION 7.** Notwithstanding the term of office specified by section 5 of this 2015 Act,  
30 of the members first appointed to the Board of Certified Laser Estheticians:

31 (1) One shall serve for a term ending December 31, 2016.

32 (2) One shall serve for a term ending December 31, 2017.

33 (3) One shall serve for a term ending December 31, 2018.

34 (4) Two shall serve for terms ending December 31, 2019.

35 **SECTION 8.** ORS 676.583 is amended to read:

36 676.583. Pursuant to ORS 676.586, the Health Licensing Office shall provide administrative and  
37 regulatory oversight and centralized service for the following boards and councils:

38 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

39 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

40 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

41 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

42 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in  
43 ORS 688.800 to 688.840;

44 (6) Environmental Health Registration Board, as provided in ORS chapter 700;

45 (7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.410;

1 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

2 (9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;

3 (10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; *[and]*

4 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485[.]; **and**

5 **(12) Board of Certified Laser Estheticians, as provided in sections 1 to 6 of this 2015 Act.**

6 **SECTION 9. (1) Sections 1 to 7 of this 2015 Act and the amendments to ORS 676.583 by**  
7 **section 8 of this 2015 Act become operative on January 1, 2016.**

8 **(2) The Health Licensing Office may take any action before the operative date specified**  
9 **in subsection (1) of this section that is necessary to enable the office to exercise, on or after**  
10 **the operative date specified in subsection (1) of this section, all the duties, functions and**  
11 **powers conferred on the office by sections 1 to 7 of this 2015 Act and the amendments to**  
12 **ORS 676.583 by section 8 of this 2015 Act.**

13 **SECTION 10. This 2015 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
15 **on its passage.**

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