

March 18, 2021

Rep. Rachel Prusak, Chair of House Health Care Committee
Reps. Cedric Hayden & Andrea Salinas, Vice Chairs
Members of the House Health Care Committee

As an esthetician and certified advanced esthetician, there is more to HB 2970 than meets the eye. HB 2970 proposes to fix the ORS 676.630(a) definition of "FDA approved devices" to exempt certain modalities that have and should continue to be performed by basic estheticians. Advanced estheticians will not stand in the way of a fix, but it has to be the right fix, and not cause more problems than it solves.

The beauty industry has undergone dramatic changes in the last 15 years as consumers' desire for effective anti-aging treatments has led to the development of newer technology for skin rejuvenation, hair removal, wrinkle reduction, pigmentation and age spot removal, and non-invasive body contouring. Some of these technologies have the potential to cause harmful effects to the consumer, including burns and scarring, if the user is not properly educated and trained.

In 2013, 140 consumer complaints about Forever Young, a Beaverton basic esthetics group operating without proper licensure, resulted in the Board of Cosmetology making a recommendation for a 180 day temporary cosmetic laser ban for basic estheticians during a meeting on October 14, 2013. After public testimony about the impact this ban would have on the industry and the consumer, the Board voted to delay any ruling until additional information could be gathered for their meeting on January 27, 2014. After acknowledging that it lacked statutory authority and the qualifications to regulate this area, the Board of Cosmetology refused to take further action and the BCAE was created.

Since its creation, the BCAE has successfully and efficiently promoted consumer safety by regulating advanced esthetician's user of laser and impulse light technology. Whereas consumer complaints to the Board of Cosmetology related to these devices averaged 200 complaints per biennium, since inception of BCAE only 1 consumer complaint related to devices was recorded in the last biennium. A true testament to the public welfare enforced by the BCAE since this body voted for its inception in 2015.

BCAE's high standards, mandatory laser education, and advanced training certification is the appropriate route for the state to take to ensure the long-term solution for the non-exempt FDA approved cosmetic device industry in Oregon. That has been proven repeatedly with the thousands of treatments done daily in medical spas and clinics all over the state. We support consumers, estheticians and advanced estheticians right to life, liberty and the pursuit of happiness (and beauty!). It would be wrong to undermine the progress and enhanced consumer safety by allowing a lesser qualified board to regulate an advanced board.

We support all Oregon estheticians and beauty consumers. We advocate true fixes rather than dismantling, changing or gutting the BCAE under the guise of a "definitions" change.

Sincerely,

Nicholas Miller