

A-Engrossed
House Bill 2380

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representative LEVY B, Senator SMITH DB, Representative PHAM H; Representatives OSBORNE, SCHARF, WRIGHT, Senator NASH (Pre-session 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells the BOC to make rules to let a person who has a provisional certificate do supervised work. (Flesch Readability Score: 63.8).

Directs the Board of Cosmetology to adopt rules to allow the holder of a provisional certificate to perform in a cosmetology field of practice under the supervision of a practitioner in the same field of practice **under certain circumstances. Establishes requirements for a practitioner to act as a supervisor.** Directs the board to adopt rules for the Health Licensing Office to issue a provisional certificate. **Provides that, upon application for certification, a provisional certificate holder may submit evidence of supervised practice in order to meet the educational requirements.**

Becomes operative on January 1, 2027.

[Takes effect on the 91st day following adjournment sine die.]

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to cosmetology provisional certificates; creating new provisions; amending ORS 690.005,
3 690.035 and 690.046; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 690.005 to**
6 **690.225.**

7 **SECTION 2. (1) The Board of Cosmetology shall adopt rules to allow an individual who**
8 **holds a provisional certificate issued under this section to perform in a field of practice un-**
9 **der the supervision of a practitioner who holds a certificate in the same field of practice and**
10 **meets the requirements established under paragraph (c) of this subsection. The rules adopted**
11 **under this subsection must establish:**

12 (a) **A process for the Health Licensing Office to issue a provisional certificate, including**
13 **eligibility requirements specifying that the holder of a provisional certificate shall be actively**
14 **working toward holding a certificate;**

15 (b) **A process to enable a practitioner to supervise the holder of a provisional certificate;**
16 **and**

17 (c) **Requirements for a practitioner to supervise the holder of a provisional certificate**
18 **that must include, but are not limited to, requirements that a practitioner:**

19 (A) **Shall have held, for at least five years, an active certificate in a field of practice in**
20 **which the practitioner intends to offer supervision; and**

21 (B) **May not be subject to any current or pending disciplinary action.**

22 (2)(a) **An applicant for a provisional certificate shall pay a fee established under ORS**

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 **676.576.**

2 (b) The office may issue a provisional certificate to perform in a field of practice only if
3 no school that offers a program of study in the field of practice is located within 50 miles
4 of the applicant's residential address.

5 (3) A provisional certificate issued under this section may be renewed pursuant to rules
6 adopted by the board. The holder of a provisional certificate may perform only in the field
7 of practice for which the provisional certificate is issued and may hold provisional certif-
8 icates in more than one field of practice.

9 (4) The number of hours of supervised experience completed by the holder of a provi-
10 sional certificate shall be credited in an equal number toward the total number of educa-
11 tional hours required for issuance of a certificate under ORS 690.046.

12 (5) A practitioner described in subsection (1) of this section may not be required to pay
13 a fee in order to supervise the holder of a provisional certificate.

14 (6) The board may adopt other rules as necessary to carry out this section, including
15 rules to establish the amount of time for which a provisional certificate issued under this
16 section is valid.

17 **SECTION 3.** ORS 690.005 is amended to read:

18 690.005. As used in ORS 690.005 to 690.225:

19 (1) "Authorization" has the meaning given that term in ORS 676.562.

20 (2) "Barbering" means any of the following practices, when done upon the human body for cos-
21 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

23 (b) Applying hair tonics, dressings and rinses.

24 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
25 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that
26 the mechanical appliances may not be galvanic or faradic.

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

28 (3) "Certificate" means a written authorization for the holder to perform in one or more fields
29 of practice.

30 (4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair
31 and the study of cosmetics and their application.

32 (5) "Demonstration permit" means a written authorization for a person to practice, demonstrate
33 and teach one or more fields of practice on a temporary basis.

34 (6) "Esthetics" means any of the following skin care or facial care practices performed on the
35 human body or face for the purpose of keeping the skin of the human body or face healthy and at-
36 tractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

37 (a) The use of the hands or mechanical or electric apparatuses, appliances or devices for
38 cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

39 (b) Temporary removal of hair by using lotion, cream, an appliance, wax, thread, sugar,
40 tweezers, dermaplaning, a depilatory or other means.

41 (c) Makeup artistry.

42 (d) Eyebrow and eyelash services.

43 (e) Facial and body treatments.

44 (7) "Facility" means an establishment operated on a regular or irregular basis for the purpose
45 of providing services in one or more fields of practice.

1 (8) "Field of practice" means the following cosmetology disciplines:

- 2 (a) Barbering.
- 3 (b) Esthetics.
- 4 (c) Hair design.
- 5 (d) Nail technology.
- 6 (e) Natural hair care.

7 (9) "Freelance license" means a written authorization that allows a practitioner to practice
8 outside or away from a licensed facility.

9 (10) "Hair design" means any of the following practices, when done upon the human body for
10 cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
11 ailments:

- 12 (a) Shaving, trimming or cutting of the beard or mustache.
- 13 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
14 ditioning, applying hair products or similar work upon the hair of an individual.
- 15 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
16 (a) or (b) of this subsection.

17 (11) "Independent contractor" means a practitioner who qualifies as an independent contractor
18 under ORS 670.600 and who is not under the control and direction of a facility license holder.

19 (12) "License" means a written authorization issued under ORS 690.055 to a person to operate
20 a facility or freelance business for providing services related to one or more fields of practice to the
21 public.

22 (13)(a) "Mechanical or electrical apparatus, appliance or device" includes, but is not limited to,
23 galvanic current, high-frequency microcurrents, light-emitting diode therapy and microdermabrasion
24 that does not penetrate beyond the epidermis except through natural physiological effects.

25 (b) "Mechanical or electrical apparatus, appliance or device" does not include lasers or intense
26 pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collab-
27 oration with the Board of Certified Advanced Estheticians.

28 (14) "Nail technology" means any of the following manicuring or pedicuring practices performed
29 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
30 ailments:

- 31 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
32 hands or feet.
- 33 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
34 below the knee.
- 35 (c) Applying, sculpturing or removing artificial nails of the hands or feet.

36 (15)(a) "Natural hair care" means:

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

40 (B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave extensions as
41 is necessary to perform the activities described in this paragraph;

42 (C) The making of customized wigs from natural hair, natural fibers, synthetic fibers or hair
43 extensions; or

44 (D) Shampooing or conditioning of the hair of an individual.

45 (b) "Natural hair care" does not include the use of scissors, except as provided in paragraph

1 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
2 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical
3 hair bleaching agents.

4 (16) "Practitioner" means a person certified to perform services included within a field of prac-
5 tice.

6 (17) "**Provisional certificate**" means a written authorization issued under section 2 of this
7 **2025 Act for the holder to perform in one field of practice under the supervision of a practi-**
8 **tioner who holds a certificate in the same field of practice.**

9 [(17)] (18) "Registration" means a written authorization issued to an independent contractor to
10 hold forth to the public as a business entity providing services in a field of practice.

11 [(18)] (19) "School" means an educational establishment that offers a program of study in one
12 or more fields of practice other than natural hair care, including, but not limited to, a career school
13 licensed under ORS 345.010 to 345.340 including a proficiency-based career school, a community
14 college or an educational establishment operated by a school district.

15 [(19)] (20) "Temporary facility permit" means a written authorization issued under ORS 690.055
16 to provide services on a temporary basis in one or more fields of practice.

17 **SECTION 4.** ORS 690.035 is amended to read:

18 690.035. [A person desiring] **In order** to obtain a certificate, **provisional certificate** or demon-
19 stration permit, **a person** shall apply in writing to the Health Licensing Office on a form approved
20 by the office. [Each] **The** application [shall] **must** contain:

21 (1) An affirmation by the applicant that the information contained therein is accurate[. *The ap-*
22 *plication must also include*]; **and**

23 (2) Evidence establishing to the satisfaction of the office that the applicant possesses the nec-
24 essary qualifications.

25 **SECTION 5.** ORS 690.046 is amended to read:

26 690.046. (1) To qualify for certification as a practitioner of hair design, barbering, esthetics, nail
27 technology or natural hair care, an applicant shall:

28 (a) If the applicant is applying for certification to practice hair design, barbering, esthetics or
29 nail technology:

30 (A) Complete the curriculum requirements in the field of practice for which certification is
31 sought that are adopted by the Board of Cosmetology by rule and approved by the Health Licensing
32 Office; and

33 (B) Submit satisfactory evidence from a school **or, if the applicant holds a provisional cer-**
34 **tificate issued under section 2 of this 2025 Act, from the applicant's supervisor,** to the office
35 that demonstrates the applicant has successfully met the requirements described in subparagraph (A)
36 of this paragraph.

37 (b) Successfully pass the certification examination approved, administered or recognized by the
38 board in the field of practice for which certification is sought.

39 (c) Pay the applicable fees established under ORS 676.576.

40 (d) Meet any additional requirements the board may impose by rule in the field of practice for
41 which certification is sought.

42 (2) The office may waive all or part of the requirements described in subsection (1) of this sec-
43 tion and allow an applicant who meets all of the other requirements of subsection (1) of this section
44 to take the certification examination if:

45 (a) For an applicant who holds an active authorization issued in another state or territory of

1 the United States or another country:

2 (A) The office determines that the applicant's education or training, including any education or
3 training obtained in the military, is substantially equivalent to the certification requirements de-
4 scribed in subsection (1) of this section and any rules adopted under subsection (1) of this section;
5 and

6 (B) The applicant's active authorization has not been subject to disciplinary action by the au-
7 thorizing body.

8 (b)(A) For an applicant who has received education or training outside of this state and does
9 not hold an active authorization issued by another jurisdiction, the school that provided to the ap-
10 plicant a skills assessment and practical evaluation:

11 (i) Submits to the office evidence that the applicant passed the skills assessment and practical
12 evaluation; and

13 (ii) Attests, on a form prescribed by the office, to having verified the applicant's prior training
14 or education.

15 (B) An applicant described in this paragraph shall obtain a skills evaluation and practical as-
16 sessment from a school.

17 (3) A person who is certified to practice hair design or barbering under this section is author-
18 ized to practice natural hair care.

19 **SECTION 6. (1) Section 2 of this 2025 Act and the amendments to ORS 690.005, 690.035**
20 **and 690.046 by sections 3 to 5 of this 2025 Act become operative on January 1, 2027.**

21 **(2) The Board of Cosmetology and the Health Licensing Office may take any action before**
22 **the operative date specified in subsection (1) of this section that is necessary to enable the**
23 **board and the office to exercise, on and after the operative date specified in subsection (1)**
24 **of this section, all of the duties, functions and powers conferred on the board and the office**
25 **by section 2 of this 2025 Act and the amendments to ORS 690.005, 690.035 and 690.046 by**
26 **sections 3 to 5 of this 2025 Act.**

27 **SECTION 7. This 2025 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
29 **on its passage.**

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