

House Bill 2380

Sponsored by Representative LEVY B, Senator SMITH DB; Representatives OSBORNE, SCHARF, WRIGHT, Senator NASH (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**. 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. Directs the board to adopt rules for the Health Licensing Office to issue a provisional certificate.

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

A BILL FOR AN ACT

1
2 Relating to cosmetology provisional certificates; creating new provisions; amending ORS 676.562,
3 690.005 and 690.035; and prescribing an effective date.

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. The**
10 **rules adopted under this subsection must establish:**

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

14 **(b) A process to enable a practitioner to supervise the holder of a provisional certificate.**

15 **(2) A provisional certificate issued under this section may not be renewed. The holder**
16 **of a provisional certificate may perform only in the field of practice for which the provisional**
17 **certificate is issued, and may hold provisional certificates in more than one field of practice.**

18 **(3) The number of hours of supervised experience completed by the holder of a provi-**
19 **sional certificate shall be credited in an equal number toward the total number of educa-**
20 **tional hours required for issuance of a certificate under ORS 690.046. The board may**
21 **establish by rule a limit on the number of hours of supervised experience that may be cred-**
22 **ited under this subsection.**

23 **(4) A practitioner described in subsection (1) of this section may not be required to pay**
24 **a fee in order to supervise the holder of a provisional certificate.**

25 **(5) The board may adopt other rules as necessary to carry out this section, including**
26 **rules to establish the amount of time for which a provisional certificate issued under this**
27 **section is valid.**

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 **SECTION 3.** ORS 676.562 is amended to read:

2 676.562. As used in ORS 676.560 to 676.625:

3 (1) “Active authorization” means an authorization that is current and not suspended.

4 (2) “Authorization” means a certificate, **provisional certificate**, license, permit or registration
5 issued by the Health Licensing Office that allows a person to [*practice*]:

6 (a) **Practice** one of the occupations or professions [*or*] **subject to the authority of the boards,**
7 **councils and programs listed in ORS 676.565;**

8 (b) Maintain a facility subject to the authority of the boards, councils and programs listed in
9 ORS 676.565; or

10 [*(b)*] (c) **Practice** a profession or occupation subject to direct oversight by the office.

11 (3) “Expired authorization” means an authorization that has been not current for more than
12 three years.

13 (4) “Inactive authorization” means an authorization that has been not current for three years
14 or less.

15 **SECTION 4.** ORS 690.005 is amended to read:

16 690.005. As used in ORS 690.005 to 690.225:

17 (1) “Authorization” has the meaning given that term in ORS 676.562.

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

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

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

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

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

26 (3) “Certificate” means a written authorization for the holder to perform in one or more fields
27 of practice.

28 (4) “Cosmetology” means the art or science of beautifying and improving the skin, nails and hair
29 and the study of cosmetics and their application.

30 (5) “Demonstration permit” means a written authorization for a person to practice, demonstrate
31 and teach one or more fields of practice on a temporary basis.

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

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

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

39 (c) Makeup artistry.

40 (d) Eyebrow and eyelash services.

41 (e) Facial and body treatments.

42 (7) “Facility” means an establishment operated on a regular or irregular basis for the purpose
43 of providing services in one or more fields of practice.

44 (8) “Field of practice” means the following cosmetology disciplines:

45 (a) Barbering.

1 (b) Esthetics.

2 (c) Hair design.

3 (d) Nail technology.

4 (e) Natural hair care.

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

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

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

11 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
12 ditioning, applying hair products or similar work upon the hair of an individual.

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

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

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

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

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

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

29 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
30 hands or feet.

31 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
32 below the knee.

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

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

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

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

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

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

43 (b) "Natural hair care" does not include the use of scissors, except as provided in paragraph
44 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
45 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical

1 hair bleaching agents.

2 (16) “Practitioner” means a person certified to perform services included within a field of prac-
3 tice.

4 (17) **“Provisional certificate” means a written authorization for the holder to perform in**
5 **one field of practice under the supervision of a practitioner who holds a certificate in the**
6 **same field of practice.**

7 [(17)] (18) “Registration” means a written authorization issued to an independent contractor to
8 hold forth to the public as a business entity providing services in a field of practice.

9 [(18)] (19) “School” means an educational establishment that offers a program of study in one
10 or more fields of practice other than natural hair care, including, but not limited to, a career school
11 licensed under ORS 345.010 to 345.340 including a proficiency-based career school, a community
12 college or an educational establishment operated by a school district.

13 [(19)] (20) “Temporary facility permit” means a written authorization issued under ORS 690.055
14 to provide services on a temporary basis in one or more fields of practice.

15 **SECTION 5.** ORS 690.035 is amended to read:

16 690.035. [A *person desiring*] **In order** to obtain a certificate, **provisional certificate** or demon-
17 stration permit, **a person** shall apply in writing to the Health Licensing Office on a form approved
18 by the office. [Each] **The** application [shall] **must** contain:

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

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

23 **SECTION 6.** (1) **Section 2 of this 2025 Act and the amendments to ORS 676.562, 690.005**
24 **and 690.035 by sections 3 to 5 of this 2025 Act become operative on January 1, 2026.**

25 (2) **The Board of Cosmetology and the Health Licensing Office may take any action before**
26 **the operative date specified in subsection (1) of this section that is necessary to enable the**
27 **board and the office to exercise, on and after the operative date specified in subsection (1)**
28 **of this section, all of the duties, functions and powers conferred on the board and the office**
29 **by section 2 of this 2025 Act and the amendments to ORS 676.562, 690.005 and 690.035 by**
30 **sections 3 to 5 of this 2025 Act.**

31 **SECTION 7.** **This 2025 Act takes effect on the 91st day after the date on which the 2025**
32 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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